

## OFFICER DECISION RECORD

For staff restructures, please also complete an RA1 form to update the HR Portal. This is attached at Annex 2.

Decision Ref. No: 2122036

### Box 1

**DIRECTORATE:** LOSC

**DATE:** 23-07-21

**Contact Name:** Leanne Hornsby

**Tel. No.:** 01302 734865

**Subject Matter:** Temporary additional staffing extension requirement to manage the response to the pandemic, improvement and inspection programme alongside DLT

### Box 2

#### DECISION TAKEN:

To extend existing arrangements with the 3 interim posts identified below to assist LOSC DLT in managing the response to the pandemic, improvement, inspection programmes and wider key priorities, including operational support for the Libraries and Heritage Service and request funding of £72k from the Social Care Transformation Fund Reserve funding allocated.

### Box 3

#### REASON FOR THE DECISION:

The ongoing impact of the COVID-19 pandemic has necessitated the establishment of a Children's Resilience and Recovery (Improvement) Programme, which in turn has impacted on resources, in particular at leadership level, therefore in order to ensure continuity in key areas of work across portfolios a number of temporary resources are required on a fixed term and interim basis.

The roles identified below will manage the Directorate's business, change and transformation programme work to ensure that key directorate priorities continue to be met. The roles will also support the work of the review programme, including operating models and restoration programme, underway across Libraries and Heritage, Archives and governance reviews.

Due to the above this ODR seeks to extend the term for the interim roles previously established below until 31<sup>st</sup> December 2021:

- Business Change and Transformation lead - (5 days per week).
- Business lead – (4 days per week).
- Inspection Lead – (5 days per week)

The interim roles will continue to be managed under Leanne Hornsby, Assistant Director Education, Skills, Culture and Heritage.

**Box 4****ALTERNATIVE OPTIONS CONSIDERED & REJECTED:**

Do Nothing, resulting in critical pieces of work not being completed within timescales or against external compliance or ceased/paused.

**Box 5****LEGAL IMPLICATIONS:**

S112 of the Local Government Act 1972 allows a local authority to appoint such officers as are necessary for the proper discharge of its functions, on such reasonable terms and conditions as it thinks fit. Salary grade should be determined by job evaluation.

It is advisable to set up a temporary contract for a fixed term. In order for liability in relation to unfair dismissal, to be limited there must be a legitimate reason for a fixed term contract and the employee must be made aware of this reason and of the anticipated length of the contract at the commencement of the contract. After the 4th year of renewal the employee may be entitled to the position on a permanent basis.

When recruiting to these posts consideration should be given to establishing them as temporary contracts for a fixed term and appropriate advice sought from HR and Legal. If the length of the contract exceeds 1 year upon termination the employees may be entitled to be placed on the redeployment register and after 2 years may be entitled to a redundancy payment.

The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 confirm that employees should not be treated less favourably on the ground they are fixed term unless this is objectively justified. Less favourable treatment means, but is not limited to pay and terms and conditions.

Agency posts

There are no legal restrictions on the use of Agency workers for a local authority. There is a legal obligation to consider best value and therefore it is recommended that there be regular reviews of the decision to use agency staff to ensure this obligation is being met. There should be a contract that sets out the terms of assignment in place prior to the renewal of the role.

Reed were appointed as the Council's supplier of temporary staff following a procurement process which was compliant with both EU Procurement Regulations and Contract Procedure Rules. In addition care must be taken to ensure the Agency Worker Regulations and the Council's Policies relating to Agency workers and Recruitment in general are adhered to.

Care should also be taken to manage the risk of an implied employment contract, As a minimum there should be regular assessment of the nature of work that agency workers are engaged to do; focus on using agency workers for specific projects or cover for fixed periods. Incorporate a review of requirements for agency workers into a regular review of staffing levels and needs.

The Council should also note that should the worker become a permanent employee in the future, the time spent as an agency worker may count towards continuous service in order for employment rights to be conferred in terms of qualifying service to be able to bring a claim for unfair dismissal.

An agency worker may also be deemed to be a DMBC employee for the purposes of vicarious liability depending on the amount of day-to-day control DMBC has of their work.

It is important that sight is not lost of the Council's recruitment, retention, and vacancy management policies, which should be followed.

**Name: Neil Concannon Signature: [REDACTED] Date:27/07/2021**

Signature of Assistant Director of Legal and Democratic Services (or representative)

## **Box 6 FINANCIAL IMPLICATIONS:**

The additional cost & funding required for this decision is £177k as detailed in the table below.

The Head of Service Children's Partnership Recovery and Resilience Lead was originally funded for 6 months from the Social Care Transformation Fund Reserve and this extension, costing a further £72k, is also to be funded from that reserve.

The Business Change and transformation lead and Business Lead posts were both originally funded for 6 months from COVID-19 pressures funding, these extensions will cost an additional £106k and are to be funded by the final remaining balance on the LOCYP Transition and Change Programme STF.

<b>Post</b>	<b>Initial Allocation</b>	<b>Costs to date - w/e 11th July</b>	<b>Balance remaining from initial allocation</b>	<b>Forecast costs w/c 12th July to w/e 24th Dec</b>	<b>Additional Funding Required</b>
Head of Service Children's Partnership Recovery and Resilience Lead	66,000	65,152	-848	72,216	<b>71,368</b>
Business Change and transformation lead	71,500	49,543	-21,957	78,216	<b>56,259</b>
Business Lead	45,500	41,943	-3,557	52,973	<b>49,416</b>
	<u>183,000</u>	<u>156,638</u>	<u>-26,362</u>	<u>203,405</u>	<u><b>177,043</b></u>

**Name: David Blakesley Signature: [REDACTED] Date: 26/07/21**

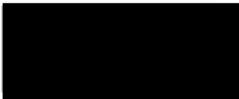
Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

**Box 7**  
**OTHER RELEVANT IMPLICATIONS**

**HR Implications**

Continuation of the interim arrangements already in place to assist in work across the LOSC as outlined above.

In this case, the roles were filled via agency. As such, separate ADR's will/have been completed as well as additional paperwork to enable this to continue.

**Name:** J Carter      **Signature:**       **Date:** 26/07/2021  
Signature of Assistant Director (or representative)

**BOX 8**

**EQUALITY IMPLICATIONS:** (To be completed by the author).

Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic.

The support that these resources provide and developments that continue to support the Council's key priorities will enable improvements to service delivery processes. Improved outcomes will ensure that outcomes will improve for persons of all backgrounds, regardless of their sexual orientation, marital status, disability, gender, pregnancy, religion or belief. The proposed areas for action will increase and strengthen our local offer and support our obligations under the Equality Act 2010.

**BOX 9**

**RISK IMPLICATIONS:** (To be completed by the author)

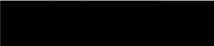
Due to the current pressures in the system, taking no action to respond to the increased demand pressures and changed circumstances would result ultimately in further inconsistencies in the quality of services to support the needs of young people across the Borough.

**BOX 10**  
**CONSULTATION**

Consultation across services in the directorate and cross Council have been undertaken, measured against key priorities identified as part of the work to be undertaken during this period to ensure continuity of service.

**BOX 11**  
**INFORMATION NOT FOR PUBLICATION**

**Signatures only require redaction.**

**Name: Leanne Hornsby Signature:**  **Date: 23-07-21**

Signature of FOI Lead Officer for service area where ODR originates

**BOX 12**  
**BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR

N/A

**BOX 13  
AUTHORISATION**

Name: Riana Nelson      Signature:       Date: 29/07/2021

Director of Learning, Opportunities, Skills and Culture

Does this decision require authorisation by the Chief Financial Officer or other Officer

**NO**

If yes please authorise below:

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Chief Executive/Director/Assistant Director of \_\_\_\_\_

Consultation with Relevant Member(s)

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Designation \_\_\_\_\_

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

Declaration of Interest **NO**

If YES please give details below:

**PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.**

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at [Democratic.Services@doncaster.gov.uk](mailto:Democratic.Services@doncaster.gov.uk) who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.