

Cabinet's Response to Scrutiny Review of Use of Agency, Interim and Consultancy Staff

Recommendation	Cabinet Decision <i>(Accepted/ Rejected/ Deferred)</i>	Cabinet Response <i>(detailing proposed action if accepted, rationale for rejection, and why and when issue will be reconsidered if deferred)</i>	Officer Responsible	Action by (Date)
1. That the following definition of agency, interims and consultancy staff is adopted and is applied consistently across the Council. It is suggested that a further report is provided to this sub-group in six month on its implementation. (a) Agency Staff - Individuals employed and paid for through an agency. They may be covering a single specific vacancy or be covering a capacity gap left by a number of vacancies, by specific demand pressure or as a result of a skills gap. They may or may not have decision making authority or staff management responsibilities. (b) Interims - Individuals working day to day 'as though an employee' but not engaged through an agency contract. They may be covering a single specific vacancy or be covering a capacity gap left by a number of vacancies, by specific demand pressure or as a result of a skills gap. They may or may not have decision making authority or staff management responsibilities. (c) Consultancy/Independent Contractor - An individual or a company engaged through a tender/procurement process to carry out a defined piece of specialist work or a project. The company or individual would not be expected to have any decision making authority or staff responsibilities and the work would be expected to culminate in an output e.g. a report. They may work predominantly on or off site depending on the nature of the piece of work.	Accepted	The definition has been adopted across the Council.	Shokat Lal, Assistant Chief Executive	Complete
2. That the above definition is appended to the WMB's terms of reference to ensure that there is a shared and consistent understanding of the criteria. It is further recommended that the Head of Procurement escalates to the Board any issues or concerns arising out of an extension or variation to the tendered contract which takes it significantly beyond the original timeframe or agreed expenditure.	Accepted	The Head of Procurement is now a member of WMB.	Karen Middlebrook, Head of Procurement	Complete

3. That following the development of clear definitions relating to the appointment of agency, interims and consultants, that there are corresponding budget codes developed to ensure that accurate monitoring can be undertaken.	Accepted	Budget codes will be updated accordingly. Details of the codes and descriptions will be communicated through a Manager Briefing.	Paul Stone	September 2018
4. That prior to the appointment of consultants, there should be a clear business case developed aligned to service plans to demonstrate the necessity of the appointment and why external resources are required to complete the task. To avoid 'drift', the business case should outline clear outcomes, timescales and what resources are required; with variations to the business case reported to the WMB by the Head of Procurement.	Accepted	Business case forms have been updated to reflect the changes. Head of Procurement now a member of WMB and will report on any variations.	Shokat Lal, Assistant Chief Executive	Complete
5. Wherever possible and appropriate, there should be a development element in the engagement of consultants in order to develop in-house capacity. The business case should outline how this is to be addressed.	Accepted	Business case forms have been updated to reflect the requested additional information.	Shokat Lal, Assistant Chief Executive	Complete
6. That the transformation plans for ASC are carefully monitored to ensure that agency and consultancy use is delivering value for money and practice improvements.	Accepted	Monitoring to take place through the WMB.	Shokat Lal, Assistant Chief Executive	Ongoing
7. That an audit is undertaken to clarify how many agency staff are in posts for more than 12 months; their length of service; if a business case was developed at the time of appointment and if so, whether this has been reviewed and by whom. On the basis of this information, that plans are drawn up as soon as possible to action permanent recruitment if there is a service requirement for the posts and if this cannot be demonstrated, that agency staff or interims are released.	Accepted	Audit has taken place and action plans developed.	Shokat Lal, Assistant Chief Executive	Complete
8. Following from this, to avoid 'drift', the business case developed to support the appointment of agency staff should outline clear outcomes, timescales and resources and explicit alignment to the service plan; with variations to the business case or extension to contract reported to the WMB.	Accepted	Processes and forms for WMB business cases updated to ensure additional info is considered by the Board	Shokat Lal, Assistant Chief Executive	Complete
9. That further work be undertaken to lessen the requirement for seasonal agency staff. This should include annualising hours or ensuring operatives 'multi-task' and are able to share roles and functions. The review asks that a further report be provided exploring options.	Accepted	Work ongoing and to be reviewed by WMB	Damien Wilson, Strategic Director – Regeneration and Environment	Ongoing – with monthly WMB review

10. That the WMB should have regular discussions with in-house trade unions and staff fora to seek their views if there are alternative options to the appointment of agency staff or consultants; particularly in services where there is the possibility of redundancies.	Accepted	Quarterly reports to be discussed with Trade Unions at JCC.	Shokat Lal, Assistant Chief Executive	Ongoing
11. That the WMB should explore the feasibility with other councils and public sector partners of developing an in-house 'bank' system or employment agency to reduce cost and reliance on external agencies.	Accepted	Deferred until later in 2018/19. Scoping and feasibility work to be deferred until later in 2018/19	Shokat Lal, Assistant Chief Executive	Q3 – Q4 2018/19
12. That OSMB convenes a sub-group bi-annually to review the progress of the WMB in meeting the priority measure and the implementation of accepted recommendations.	Accepted	This is a matter for the Overview and Scrutiny Management Board, but the recommendation is supported.	James McLaughlin, Head of Democratic Services	To be determined by OSMB