

CABINET

26 October 2021

AGENCY AND INTERIM WORKERS PROCUREMENT

Report of the Portfolio Holder for Policy, Strategy and Partnerships, Economy and Infrastructure

Strategic Aim:	All	
Key Decision: No	Forward Plan Reference: N/A	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr O Hemsley, Leader of the Council and Portfolio Holder for Policy, Strategy and Partnerships, Economy and Infrastructure Cllr K Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation	
Contact Officer(s):	Marie Rosenthal, Deputy Director for Corporate Governance	mrosenthal@rutland.gov.uk
	Carol Snell, Head of Human Resources	01572 720969 csnell@rutland.gov.uk
Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That Cabinet:

- 1) Approves a temporary exemption to the Contract Procedure Rules when securing Agency or Interim workers.
- 2) Approves the recommended variation as outlined in this paper, for the period up until 25 October 2022.

1 PURPOSE OF THE REPORT

- 1.1 To seek approval for a variation to the current Contract Procedure Rules framework when securing Agency and Interim Workers. This arrangement is sought for a 12 month period until 25 October 2022 when the Council will have adopted a new framework with a Managed Service Provider through a joint procurement with Lincolnshire County Council.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Council has previously had a framework agreement in place with a Managed Service Provider to source Agency and Interim workers where they are considered essential and necessary for the continuity of service. Our current framework agreement with Matrix ended in September 2021 – it was not possible to extend this contract under current procurement rules and regulations.
- 2.2 The Council’s experience of the framework provider over the 4 year term of the contract was not considered to be providing an effective service – specifically due to being unable to secure appropriate agencies (in quality and number) on the framework that could fulfil our needs; this resulted in the Council securing services off framework and with other providers. The Council has progressed discussions with Lincolnshire Council to undertake a joint procurement but given their current contract terms, this cannot take place until September 2022. Being part of a procurement exercise with a larger organisation brings benefits of a more attractive contract for providers, ability to negotiate better terms, improved contract management and relationship, wider access to more quality agency providers.
- 2.3 It would not be productive for the Council to attempt a one year procurement with a Managed Service Provider – this would be an unattractive prospective for framework providers; the procurement exercise itself would be disproportionate to whether we could in fact secure a provider.
- 2.4 Given Lincolnshire’s timescales, we have a year’s gap where we will be operating independently and working directly with Agencies. We have put in place and reminded Managers of the Contract Procedure rules in securing an agency worker:

Estimated value of spend between £5,000 and £24,999	Able to source from one agency
Estimated value of spend between £25,000 and £49,999	Either: - Quote from at least 3 agencies; appoint based on most competitive terms Or: - Place the order with at least 3 agencies.
Estimated value over £50,000	Open tender process.

- 2.5 Whilst we have put in place a rigorous process when considering the use of agency and interim workers (see para 2.6), we recognise that at times this is necessary to enable us to continue to deliver our services and manage the pressures on existing staff. Undertaking a full open tender process where the costs exceed £50,000 presents a timeline that would inhibit our ability to act quickly and therefore present a risk where we have an urgent and pressing need to secure resources.
- 2.6 We implemented a revised Policy in May 2021 regarding the use of Agency and Interim workers in the context of:
- 2.6.1 Ensuring a high level of scrutiny and rigour over the use of Agency/interim workers – any requests must have full financial oversight and be within budget. All requests

are considered by the Senior Management Team.

2.6.2 Different arrangements following ending of the contract with Matrix

2.6.3 Providing clarity of the process for this interim period until 25 October 2022.

2.6.4 Setting out a framework of other considerations and options eg. Internal redeployment.

3 RECOMMENDATION

3.1 Whilst we have robust processes in place prior to securing an Agency/Interim worker, we recognise the genuine nature and urgency of such roles in enabling us to continue to deliver essential services. We need to be mindful of the potential risks on the health and vulnerability of the community through leaving key roles vacant e.g. where substantive staff may leave, or needing to respond to sudden absences, peak workload, new pressures and demands. Some of these needs are shorter to medium term pressures rather than needing addressing through recruitment.

3.2 To help mitigate the risk of these service pressures which would be heightened due to the length of tender processes, it is recommended that we apply a variation to the current CPRs as follows – this will enable Hiring Managers to act promptly to fill essential gaps and not undertake a full tender process for estimated expenditure over £50,000:

Estimated value of spend between £5,000 and £24,999	Able to source from one agency
Estimated value of spend over £25,000	Either: <ul style="list-style-type: none">- Quote from at least 3 agencies; appoint based on most competitive terms Or: <ul style="list-style-type: none">- Place the order with at least 3 agencies.

4 CONSULTATION

4.1 There are no further consultation requirements as part of this paper.

5 ALTERNATIVE OPTIONS

5.1 To continue with the current Contract Procedure Rules. However, for estimated expenditure beyond £50,000 requiring a tender process would result in extended management time and the time taken to secure an agency worker. This time lapse could leave an essential service pressure and need unsupported which may, for example, have a detrimental impact on the health and safeguarding of vulnerable members of the community.

6 FINANCIAL IMPLICATIONS

6.1 Our existing policy enables us to manage the financial impact of the use of Agency workers.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

- 7.1 The recommendation is a variation to existing governance arrangements through the Contract Procedure Rules. Cabinet are able to approve this recommendation as it falls within the scope of Executive decision making.

8 DATA PROTECTION IMPLICATIONS

- 8.1 There are no Data Protection implications.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 There are no Data protection implications.

10 COMMUNITY SAFETY IMPLICATIONS

- 10.1 There are no Community Safety implications.

11 HEALTH AND WELLBEING IMPLICATIONS

- 11.1 There are no Health and Wellbeing implications.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 Approval is requested to vary the Contract Procedure Rules as outlined paragraph 3 to enable managers to promptly secure agency or interim staff without following a tender process.

13 BACKGROUND PAPERS

- 13.1 There are no additional background papers.

14 APPENDICES

- 14.1 No appendices.

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