



## Officer Decision Record – Key Decision

Key decisions taken by an officer are subject to the 5 day call in period from circulation to Members, and therefore the decision will be released for implementation following the call-in period and no call in being received

### 1. Cabinet date and copy resolution this key decision relates to

Approval is sought to extend the contract to supply temporary agency workers through a managed service provider, in accordance with the Cabinet decision on 10th April 2019.

Cabinet considered a report from the Deputy Leader and Portfolio Holder for Finance, Governance and Resources seeking approval to commence the procurement exercise for the provision of temporary agency workers and undertake all legal formalities in connection with the award.

RESOLVED –

1. Approval to commence procurement exercise
2. To delegate authority to the Director Resources and Governance in consultation with the Portfolio holder for Finance, Governance and resources to deal with all matters to award the contract for the provision of temporary agency workers.
3. That the Chief Legal Officer and Monitoring Officer be authorised to complete and execute all requisite legal documentation in relation to the matters outlined above.

### 2. Subject and details of the matter (to include reasons for the decision)

Following a competitive tender process a provider was awarded the contract to supply and manage the effective provision of temporary agency workers across the

Council and that the provider should be a neutral vendor and will be using a tiered approach (meaning that they will send job adverts to all agencies on their books).

The estimated annual spend at the start of the contract was £1,000,000. The contract duration was for 24months with the option to extend for a further 2 x 12months depending on performance.

Comensura have continued to perform to a good standard against their contract.

The first 12 month extension of the contract will end on the 18th October 2022, a decision to extend the contract for a further 9 months is required to ensure continuity of agency staff currently being utilised across the council, during which time a full review of future options and the necessary procurement exercise will be undertaken.

### 3. Decision being taken

In accordance with the above, delegates authority to the Executive Director of Economy, Environment and Resources in consultation with the Portfolio Holder for Finance, Governance and Assets to extend the contract for a further 9months.

### 4. Is it an Urgent Decision? If yes, specify the reasons for urgency. Urgent decisions will require sign off by the relevant scrutiny chair(s) as not subject to call in.

No

### 5. Anticipated outcome(s)/benefits

Contract with Comensura will be extended for 9 months of the second 12 months option, and there will be no disruption to the Council and the temporary agency workers.

### 6. Details of any alternative options considered and rejected by the officer when making the decision (this should be similar to original cabinet decision)

**Do nothing.**

This option would leave the Council with no contract in place, and non compliant with the requirements of the Public Contract Regulations 2015. We would also risk losing the temporary agency workers we are currently using through Comensura.

**Contract directly with each agency.**

This would be resource intensive with contracts and invoices from many agencies. The Council would have no control over the fees the agency charge or be able to set standard fees across all job categories.

**The council sets up its own recruitment company.**

This option has previously been explored but was not considered to be commercially viable. Agency usage has since increased and the candidate pool has reduced therefore this option will be explored during the 9 months extension.

**7. Background documents considered** (web links to be included and copies of documents provided for publishing)

None

**8. Does the taking of the decision include consideration of Exempt information? If yes, specify the relevant paragraph of Schedule 12A and the reasons**

No

**9. Details of any conflict of interest declared by any Cabinet Member who was consulted by the officer which relates to the decision (in respect of any declared conflict of interest, please provide a note of dispensation granted by the Council's Chief Executive)**

No conflicts of interest were identified.

**10. Monitoring Officer Comments (Monitoring Officer or nominee)**

The extension is contractually permissible. Justification is set out above with a clear need for the contract to remain in place for a further period. Legal Services will be able to support documentary needs.

**11. Section 151 Officer Comments (Deputy S151 Officer or nominee)**

The competitive tendering process helps the Council achieve best value for money from services. Specific decisions are made by respective services as to the use of agency workers and those costs are required to be managed within their respective budget envelopes.

**12. Human Resource Comments (Head of People and Culture or nominee)**

Failure to extend the contract will require HR advice on how to ensure continuation of the agency workers through alternative means, due to a recent increase in agency numbers this could result in disruption and additional costs for the Council.

**13. Risk Assessment (in accordance with the Report Writing Guide)**

Extending the contract will look to manage the following risk;

- a) insufficient numbers of staff in services to cover emergencies
- b) insufficient numbers of staff during periods of high demand where workloads are significantly increase (eg over Christmas period there is short term need for refuse collectors)
- c) Unable to evidence value for money and control over spend

The extended contract will provide us with;

- a) access to a larger pool of workers, inside and outside the local area
- b) assured quality of candidates and workers, suitably qualified and experienced where necessary; and
- c) pre-employment checks completed by the agency and verified by the neural vendor prior to commencing the engagement.

**14. Has the Cabinet Tracker been updated with details of this decision?**

N/A

**15. Decision Maker(s):**

Name: Sharon Wroot

Title: Executive Director, Environment,  
Economy and Resources

Signed: REDACTED

Dated: 1<sup>st</sup> November 2022

Name: Cllr S Harness

**16. Consultation carried out with  
Portfolio Holder(s):**

Title: Portfolio Holder for Finance,  
Resources and Assets

Signed: REDACTED

Dated: 1<sup>st</sup> November 2022