



Officer Decision Record – Key Decision

Open Report. Appendix **NOT FOR PUBLICATION**

Exempt information within paragraphs 3 and 4 of Schedule 12A to the Local Government Act 1972 (as amended)

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

Cabinet 14 June 2023

DN.13 – Supply of Temporary Agency Workers

RESOLVED:

1. That a direct award of a 12 month contract with the current provider of the Managed Service Provider for the Supply of Temporary Agency Workers as set out in the report be approved.
2. That the Executive Director Place and Resources, in consultation with the Portfolio Holder for Finance, Resources and Assets, be authorised to implement.
3. That the Executive Director Place and Resources, in consultation with the Portfolio Holder for Finance, Resources and Assets, be authorised to commence a procurement exercise for the replacement arrangement(s) for the supply of Temporary Agency Workers.
4. That the Executive Director, Place and Resources in consultation with the Portfolio Holder for Finance, Resources and Assets be delegated authority to deal with all ancillary matters reasonably arising and leading to and including the award of the contracts for Temporary Agency Workers.

5. That the Assistant Director Law and Governance (Monitoring Officer) be authorised to complete and execute all legal documentation arising from the above recommendations.

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

- The Councils current provider of temporary agency workers, Comensura was procured in 2019 via a further competition through the ESPO MSTAR3 framework. Following the Cabinet meeting of 14 June 2023, a further 12-month extension was made with the provider through the newest ESPO MSTAR4 framework to ensure a consistent supply to service and commence a procurement exercise for the replacement arrangement(s).
- As part of the project management process, discovery and define exploration phases were undertaken, in order to gather insight into the procurement options. This work concluded that a neutral vendor (who has no affiliation with any one provider) remained the most appropriate solution to meet the Councils requirements. Analysis of the various procurement routes was undertaken and direct award via the ESPO MSTAR4 Framework Lot 1a Neutral was identified as the value for money option.
- The maximum length of the contract is 48 months.
- Following application of the direct award process stipulated in the framework Comensura were identified as the most economically advantageous, and so approval is sought to award the contract for the Supply of Temporary Agency Workers to Comensura.

3. Decision being taken

That the Executive Director Place and Resources in consultation with the Portfolio Holder for Finance, Resources and Assets awards the contract to Comensura (as detailed in the attached (CLOSED) appendix).

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.

This is not an urgent decision.

5. Anticipated outcome(s)/benefits

This contract will allow the Council to maintain provision of, and running of Council services when demand is high, and the existing staff resources cannot meet the

demand. The Council will be able to efficiently and promptly engage short term agency workers to meet this demand. This is often a critical requirement identified in services that cannot be delayed by following the full recruitment process and provides a temporary solution while a more permanent one is explored.

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

The “to do nothing option” was considered. However, this option would leave the Council with no contract in place and non-compliant with the requirements of the Public Contracts Regulations 2015.

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

Cabinet Report of [14 June 2023](#).

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

The original Cabinet report of 14 June 2023 was open and did not contain exempt information.

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)

Not applicable.

10. Monitoring Officer Comments (Monitoring Officer or nominee)

The decision is consistent with the will and expectation of Cabinet. Legal colleagues will support as appropriate.

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

As outlined in section 2, the proposal will help the Council achieve best value for money through the contract arrangement.

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

Making a direct award ensures the continued engagement of agency staff and ensures that the Council is achieving best value for money through the contract arrangements.

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

The risk of the Council having inappropriate, or no contract in place, would cause significant financial and service risk and may result in some services not being able to be delivered effectively.

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

The Assistant Director People and Organisational Development will be requested to update the Cabinet Tracker.

15. Decision Maker(s):

Name: Sharon Wroot

Title: Executive Director Place
and Resources

Signed: REDACTED

Dated: 29/05/2024

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

Name: Cllr Harness

Title: Portfolio Holder –
Finance, Resources and
Assets

Signed: REDACTED

Dated: 28th May 2024

Key Decisions are defined in the Constitution as:

A decision (whether taken collectively or individually by members) which is likely:

- (i) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards.

A decision will be considered financially significant if:

- (i) in the case of revenue expenditure, it results in the incurring of expenditure or making savings of £350,000 or greater;
- (ii) in the case of capital expenditure, the capital expenditure/savings are in excess of £350,000 or 20% of the total project cost, whichever is the greater

In determining whether a decision is significant in terms of its effect on an area comprising two or more wards, consideration shall be given to:

- (i) the number of residents/service users that will be affected in the wards concerned;
- (ii) the likely views of those affected (i.e. is the decision likely to result in substantial public interest)
- (iii) whether the decision may incur a significant social, economic or environmental risk.