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# Merton Council

## Standards and General Purposes Committee Agenda

### Membership

#### Councillors:

Peter McCabe (Chair)  
Adam Bush (Vice-Chair)  
Ben Butler  
John Dehaney  
Dickie Wilkinson  
David Williams MBE JP  
Hina Bokhari  
Mary Curtin  
Andrew Howard  
Brenda Fraser  
Nick Draper  
Martin Whelton

#### Independent Persons:

Clive Douglas  
Katy Willison

#### Substitute Members:

Omar Bush  
Nick McLean  
Jenifer Gould  
Edward Foley  
Caroline Cooper-Marbiah  
Edith Macauley MBE

**Date: Tuesday 21 September 2021**

**Time: 7.15 pm**

**Venue: Council Chamber**

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# Standards and General Purposes Committee Agenda

## 21 September 2021

- |    |  |              |
|----|--|--------------|
| 1  | Apologies for Absence  |              |
| 2  | Declarations of Pecuniary Interest   |              |
| 3  | Minutes of the previous meeting  | 1 - 4        |
| 4  | Final Accounts   | To<br>Follow |
| 5  | Update on RIPA authorisations  | 5 - 6        |
| 6  | Recruitment of an Independent Person   | 7 - 8        |
| 7  | Complaints against Members<br><i>A verbal update to be provided at the meeting.</i>  |              |
| 8  | Work Programme   | 9 - 10       |
| 9  | Exclusion of the Public<br>To RESOLVE that the public are excluded from the meeting during consideration of the following reports on the grounds that it is exempt from disclosure for the reasons stated in the report. |              |
| 10 | Temporary and Contract Staff update  | 11 - 28      |

### **Note on declarations of interest**

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. For further advice please speak with the Managing Director, South London Legal Partnership.

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# Agenda Item 3

## STANDARDS AND GENERAL PURPOSES COMMITTEE 22 JULY 2021

(7.15 pm - 8.15 pm)

**PRESENT** Councillor Peter McCabe (in the Chair), Councillor Adam Bush, Councillor Ben Butler, Councillor John Dehaney, Councillor Dickie Wilkinson, Councillor David Williams, Councillor Andrew Howard, Councillor Brenda Fraser, Councillor Nick Draper and Councillor Jenifer Gould

**ALSO PRESENT** Amy Dumitrescu (Interim Democracy Services Manager) and Krishna Chapriban (Democratic Services Officer)

**ATTENDED REMOTELY** Clive Douglas and Katy Willison (Independent Persons)

Suresh Patel, Elizabeth Jackson and Ian Young (Ernst Young)

Louise Round (Monitoring Officer and Managing Director South London Legal Partnership) and Margaret Culleton (Head of Internal Audit)

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies were received from Councillors Mary Curtin, Martin Whelton and Hina Bokhari. Councillor Jenifer Gould attended as substitute

### 2 MINUTES OF THE PREVIOUS MEETINGS (Agenda Item 2)

**RESOLVED:** That the minutes of the meeting held on 28 June 2021 were agreed as a correct record.

### 3 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 3)

There were no declarations of interest

### 4 INTERNAL AUDIT ANNUAL REPORT (Agenda Item 4)

The Head of Internal Audit presented the Internal Audit Report 2021 to provide assurance on the councils-controlled environment. Reasonable assurance was provided based on the work undertaken, noting that 33 assurances were provided, 8 of which were limited assurances detailed in table 3 of the report.

Cybersecurity, DBS and CMS2000 which were issued in May and June have been finalised this year. The number of fraud cases that have been investigated this year were updated.

In response to member questions the Head of Internal Audit confirmed that in relation to prepaid cards and the extent of any losses actions have been taken since reported in Table 3. Further testing on prepaid cards will ensure actions have been implemented included within an update on fraud cases investigated this year.

In response to the member's questions on recovering losses and a demonstration of the monies that exists in prepaid card accounts and when audited assurances will be provided during final approval of the accounts. The Head of Internal Audit confirmed there were no significant financial loss as the prepaid cards with monies had not been activated or used and due to no financial losses it was reported as procedural issue raised on audit.

The Head of Internal Audit would update the members on the reconciliations between the two systems and the assessments made during past audits.

The Head of Internal Audit explained to committee that actions had been implemented with an outstanding query on procedures to be signed off. Further training has been offered to staff during heightened times of cyber security, strengthen of firewall have been implemented and that HR have a list updated monthly made available to management.

Outgoing External Audit partner Suresh Patel presented Partner and Audit Manager Elizabeth Jackson and Ian Young to replace Simon Mathers.

## RESOLVED

The Committee reviewed and commented on the Internal Audit Annual Report 2020/21

## 5 ANNUAL GOVERNANCE STATEMENT (Agenda Item 5)

The Head of Internal Audit introduced the Annual Governance Statement (AGS), the review considered the 7 core principle areas set out in CIPHA guidance. Current arrangements were looked at within the council and that have happened in 2021. This report gives the update for the year and updates on actions from last year, of which 5 of the actions are in progress and have been moved forward to this year.

## RESOLVED

The Committee endorsed the final 2020/21 AGS (as contained in Appendix A) for inclusion within the Council's final Statement of Accounts

## 6 FREEDOM OF THE BOROUGH (Agenda Item 6)

The Monitoring Officer introduced a report from the working group that considered the nominations for the award of Freedom of the Borough. The report set out the findings and recommendations of the working group who agreed that the nomination

for Mr Guy had met the criteria and demonstrated that he made a substantial contribution to the Borough.

RESOLVED:

A. That the Standards and General Purposes Committee recommended to Council that the award of Freedom of the Borough be made to Richard John Guy for his sporting achievements and continuing work within the community

## 7 COMPLAINTS AGAINST MEMBERS (Agenda Item 7)

The Monitoring Officer presented a report that explained the revised process to deal with complaints made against members, who may have breached the code of conduct received after 8 July 2021.

Members proposed, seconded and agreed the suggestion that the sub-committee should be comprised of 7 members.

RESOLVED:

A. It was agreed that the Standards and General Purposes Committee appoint a subcommittee to undertake hearings as and when required to consider complaints against members under the members complaints process, part 5A of the Council's Constitution (Appendix A).

B. The Standards and General Purposes Committee agreed the number of members required to sit on the Sub-Committee would be 7 members and asked the relevant political groups to nominate their representatives for appointment by the Chief Executive using her delegated authority.

C. The Committee noted the verbal update from the Monitoring Officer on complaints against members received since the last ordinary meeting of the Committee in March 2021.

## 8 WORK PROGRAMME (Agenda Item 8)

The Work Programme was noted and agreed.

In response to member comments and questions, the Interim Democracy Services Manager advised that when the annual calendar of meetings for 2022/23 was consulted on in the Autumn, the financial deadline dates and the work programme would be considered when scheduling dates for meetings of the Standards and General Purposes Committee.

## 9 DATE OF NEXT MEETING (Agenda Item 9)

The Committee noted that the date of the next meeting of the Standards and General Purposes Committee (originally scheduled for 9 September 2021) would take place on 21 September 2021.

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**Committee:** Standards & General Purposes Committee

**Date:** 11 March 2021

Wards: All

**Subject:** Regulation of Investigatory Powers Act Authorisations

Lead officer: Louise Round, Managing Director, South London Legal Partnership

Lead member: Councillor Tobin Byers

Contact officer: louise.round@merton.gov.uk

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## **Recommendations:**

A. That members note the purposes for which investigations have been authorised under the Regulation of Investigatory Powers Act (RIPA) 2000.

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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

1.1. To inform members about investigations authorised since July 2020 under RIPA.

## **2 DETAILS**

2.1. The council has a number of statutory functions that involve officers investigating the conduct of others with a view to bringing legal action against them. These functions include investigating anti-social behaviour, fly tipping, noise nuisance control, planning (contraventions), benefit fraud, contraventions of trading standards, licensing and food safety legislation.

2.2. Whilst the majority of investigations are carried out openly, some investigations must be carried out using covert surveillance techniques or involve the acquisition of communications data. Communications data is information about the times of calls or internet use and the location and identity of the callers, but not the content of the calls or details of the websites viewed.

2.3. RIPA regulates the authorisation and monitoring of these investigations to safeguard the public from unwarranted intrusion of privacy.

2.4. With effect from 1 November 2012, the Protection of Freedoms Act 2012 requires local authorities to obtain the approval of a magistrate for the use of covert surveillance.

2.5. In line with the revised Code of Practice, reports detailing the use of RIPA are submitted to Standards and General Purposes Committee on a regular basis.

2.6. Since March 2021, there have been no requests for directed surveillance.

2.7. Since March 2021, there have been no requests for CCTV footage for RIPA investigations.

- 2.8. No RIPA authorisations have been rejected by the Magistrates Court.
- 2.9. Since March 2021, there have been no applications made for the acquisition of communications data.
- 2.10. Since March 2021, there has been one request for non RIPA activity in relation to age restricted sales.

### **3 ALTERNATIVE OPTIONS**

- 3.1. The report is for information only.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. No consultation has been undertaken regarding this report.

### **5 TIMETABLE**

- 5.1. N/A.

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. None.

### **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1. All investigation using covert surveillance techniques or involving the acquisition of communications data is in line with the Regulation of Investigatory Powers Act 2000.

### **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. RIPA was introduced to regulate existing surveillance and investigations in order that they meet the requirements of Article 8 of the Human Rights Act. Article 8 states:

1) Everyone has the right for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

### **9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. RIPA investigations are authorised for the prevention or detection of crime or the prevention of disorder.

### **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. None.

### **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- 11.1. None.

### **12 BACKGROUND PAPERS**

- 12.1. None.

## **Committee: Standards and General Purposes Committee**

**Date: 21 September 2021**

Wards: All

### **Subject: Recruitment of Independent Person**

Lead officer: Louise Round, Monitoring Officer

Lead member: Councillor Peter McCabe, Chair, Standards and General Purposes Committee

Contact officer: Amy Dumitrescu, Democracy Services Manager

#### **Recommendations:**

- 
1. That the Standards and General Purposes Committee agrees that an interview panel comprising one councillor from each political group should be appointed to interview and to recommend to Council the appointment of one Independent Person to serve for a period of three years.
- 

## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. The Localism Act 2011 requires the Council to appoint at least one Independent Person. The now defunct Standards Committee previously put arrangements in place for the recruitment of two Independent Persons.
- 1.2. The term of office of one of the Independent Persons, Clive Douglas, ends on 7 February 2022.
- 1.3. This report therefore seeks approval to commence the recruitment of a new Independent Person and to appoint an interview panel, comprising one councillor from each political group to interview all candidates and recommend to Council the appointment of the successful applicant.

## **2 DETAILS**

- 2.1. The Localism Act 2011 requires the Council to appoint at least one Independent Person. The functions of the Independent Person, set out in the Council's constitution, are:
  - The Independent Person must be consulted and views taken into account before the authority takes a decision on any allegation it has decided to investigate
  - The Independent Person may be consulted by the authority in circumstances where the authority is not taking a decision whether to investigate the allegation
  - The Independent Person may be consulted by a member of the authority against whom an allegation has been made
- 2.2. The Council currently has two Independent Persons. Clive Douglas was appointed in February 2019 and Katy Willison was appointed in February 2020. Clive Douglas' term of office expires on 7 February 2022.
- 2.3. Independent Persons are appointed for a term of three years and are able to sit for a maximum of two terms. It is noted that the recommendation from

Government is that “the Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once”, however this has not yet been enacted.

### **3 ALTERNATIVE OPTIONS**

3.1. The Council must appoint at least one Independent Person

3.2. The composition of the interview panel is discretionary

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. None

### **5 TIMETABLE**

5.1. Officers will commence the recruitment of a new Independent Person as soon as possible, subject to the agreement of this Committee.

5.2. It is anticipated that an advert will be placed on the Council’s website and distributed through other organisations during late September with a closing date of mid-October and interviews towards the end of October. The outcome will be reported to Standards and General Purposes at its meeting on 4 November 2021. If agreed, the committee would at this meeting recommend the appointment of an independent person to be taken to the Council meeting on 17 November 2021.

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1. Independent Persons are invited to attend meetings of Standards and General Purposes Committee and are paid £100 per meeting. They are also paid £100 per each consultation meeting with the Council’s Monitoring Officer.

6.2. The recommendations in this report will not lead to any increase in the overall budget for allowances.

### **7 LEGAL AND STATUTORY IMPLICATIONS**

7.1. See body of report.

### **8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1. None specific to this report.

### **9 CRIME AND DISORDER IMPLICATIONS**

9.1. None specific to this report.

### **10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1. None specific to this report.

### **11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- None

### **12 BACKGROUND PAPERS**

12.1. None

## **Standards and General Purposes Committee Forward work plan**

### November

- External Audit Annual Letter
- Internal Audit progress report on annual audit plan
- Annual Gifts and Hospitality report (members)
- Annual Gifts and Hospitality report (officers)
- Annual Complaints report
- Risk management
- Review of Covid-19 measures for attending meetings
- Appointment of Independent Person
- Complaints against Members
- Work programme

### March

- External Audit Certification of Claims report
- External Audit progress report
- External Audit Plans for Council and Pension Fund accounts
- Internal Audit Plan
- Internal Audit progress report
- Update on RIPA authorisations (March and September)
- Temporary and Contract Staff update
- Complaints against Members
- Work programme

### **Add as required:**

- Polling Places
- Constitutional amendments
- Review of members' interests
- Independent / co-opted members
- Reports on dispensations issued by Monitoring Officer
- Report on payment exceeding £1000 as a result of maladministration as directed by the LGO.

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## **Committee: Standards and General Purposes Committee**

**Date: September 2021 (data to June 2021)**

**Subject: Report on the use of temporary workers and consultants**

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Lead officer: Liz Hammond, HR Lead

Lead member: Councillor Tobin Byers and Cabinet Member for Finance

Contact officer: Liz Hammond, HR Lead, 0208 545 3152

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### **Recommendations:**

- A. To note progress made to monitor and control the use of temporary workers and consultants
- 

## **1. Purpose of report and executive summary**

- 1.1. The Committee has received regular progress reports in relation to the number of interim appointments in the council and the mechanisms in place to monitor the use of such workers. The data in this report takes up to the end of Quarter 1 – June 2021.

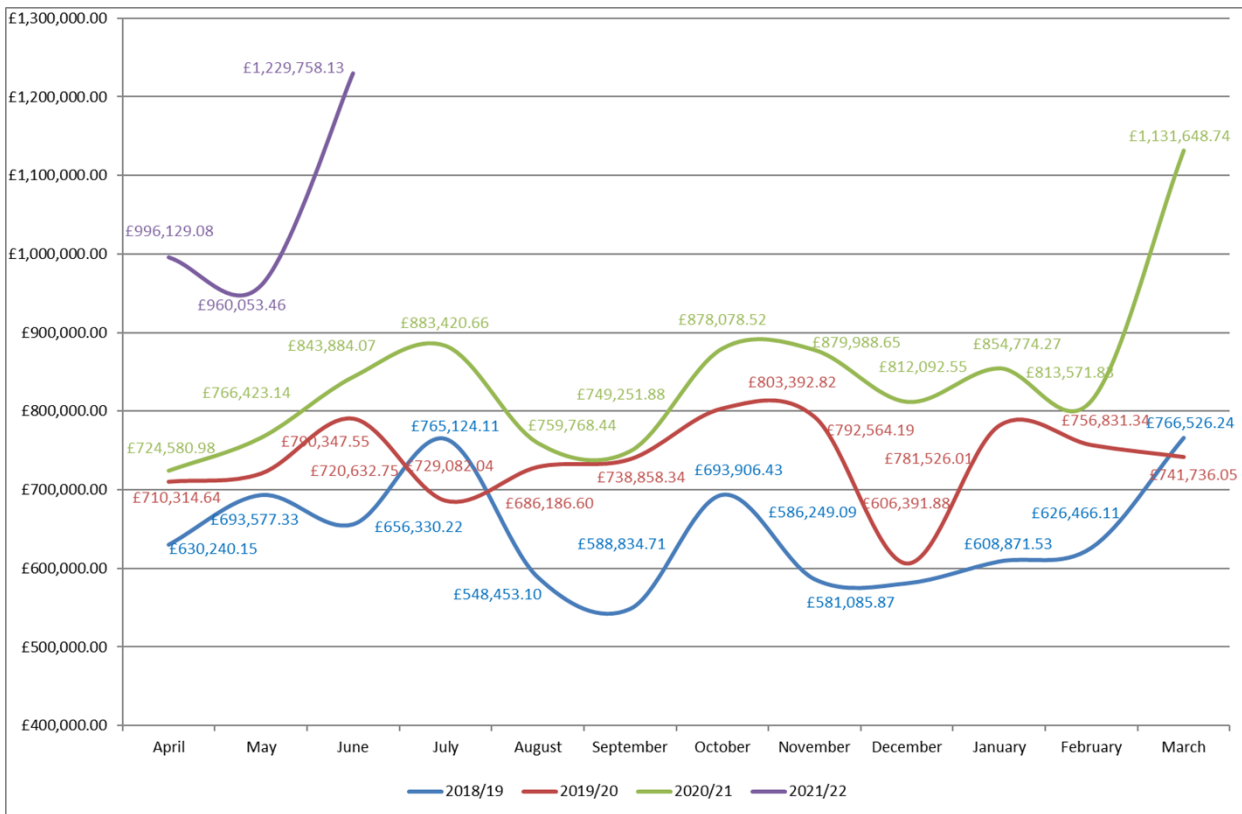
## **2. Details**

- 2.1 The central monitoring database consists of all types of interim/temporary placement (over £30 pounds per hour).
- 2.2 The database is updated on a monthly basis and double-checked with departmental management teams (DMTs) for accuracy, with quarterly reports being reported to this committee.
- 2.3 As at the end of June 2021, the Council employed 208 interim/temporary workers at £30 per hour (or more) compared to 196 in December 20, which is an increase of 12 workers. Appendix 1 refers to the detail and composition of the interim workforce. Where possible, corporate contracts are used as they provide better value for the Council.
- 2.4 The committee on 30<sup>th</sup> July 2018 requested additional information for interims/temporary worker placements (as defined in para 2.1):
- the costs and numbers over a three year period
  - the number of temporary workers who have converted to permanent roles with the Council also know as ‘temp to perm’.

- 2.5 The engaging of most interim workers is via Comensura or the LGRP, which is a London wide contract for interim appointments. Even within the aforesaid existing contracts the Council has sought to get the best 'price' and in doing so have attracted high quality interims at 10% of the mark-up price. There have been instances due to market supply issues, although very few, when the Council has not used either of these contracts and has had to go 'off contract'. There are robust processes in place to manage this process, which requires a business case and financial checks to ensure there is a budget to pay for the assignment, as well as sign off by the Director of Corporate Services.
- 2.6 After a successful tender process was completed, we have awarded the new agency worker contract to our current incumbent supplier Comensura, new processes will be introduced to allow the contract to run smoothly and offer savings such as statement of works, the new contract starts on the 13<sup>th</sup> December 2021.
- 2.7 The previously reported situation continues with by far the largest group of temporary workers being "on contract" agency and temporary staff appointed through the Council's corporate contract with Comensura for the supply of agency staff. Whilst there is an increase in the costs of interims via Comensura this represents a reduction in appointments, which are off contract or through LGRP. Interims are engaged with the involvement and oversight of the HR function by way of a database that supplies monthly spend and usage reports to Council managers, DMTs and the Corporate Management Team.
- 2.8 The Council has different delivery models to ensure services are able to realise efficiencies, become more resilient and effective by sharing services with other London Boroughs. In October 2016, the Legal shared services expanded to include Wandsworth and a year later Regulatory Services followed. As a result of the expansions a number of interims with pay rates over £30 per hour transferred to Merton – the costs of these appointments are shared across the service and rechargeable to partner boroughs.
- 2.9 The Council introduced a temp to perm procedure to reduce the reliance on agency workers and allowed conversions from agency to permanent staff when certain conditions were met. One hundred and forty nine (149) agency workers have transferred to permanent employment from September 2017 to June 2021. From January 2021 to June 2021 we have transferred 15.
- 2.10 Within the services career pathways are being developed through the creation of apprenticeships schemes (where standards are available) and ensuring that the apprenticeship levy is used to meet the development element.
- 2.11 The total spend for interim and temporary workers from 2017 to date are listed below: interims via Comensura Graph 1 and Table 1, LGRP and off contract Graph 2 and Table 2



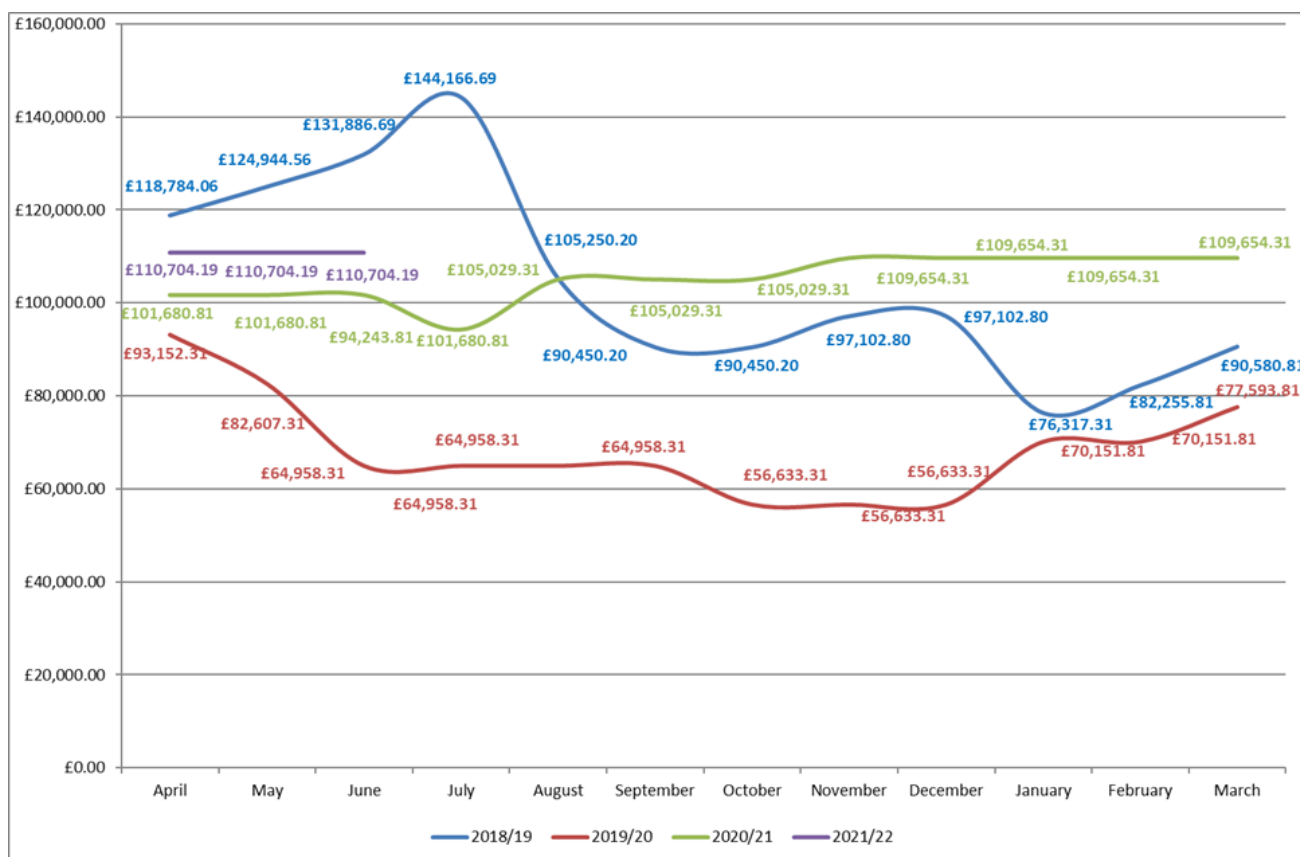
**Graph 1 – List totals for 17/18, 18/19, 19/20, 20/21 for interim and temporary workers – Comensura**



**Table 1 - List totals for 17/18, 18/19, 19/20 and 20/21 for Interim and temporary workers – Comensura**

	2018/19	2019/20	2020/21	2021/22
April	£630,240.15	£710,314.64	£724,580.98	£996,129.08
May	£693,577.33	£720,632.75	£766,423.14	£960,053.46
June	£656,330.22	£790,347.55	£843,884.07	£1,229,758.13
July	£765,124.11	£686,186.60	£883,420.66	
August	£588,834.71	£729,082.04	£759,768.44	
September	£548,453.10	£738,858.34	£749,251.88	
October	£693,906.43	£803,392.82	£879,988.65	
November	£586,249.09	£792,564.19	£878,078.52	
December	£581,085.87	£606,391.88	£812,092.55	
January	£608,871.53	£781,526.01	£854,774.27	
February	£626,466.11	£756,831.34	£813,571.83	
March	£766,526.24	£741,736.05	£1,131,648.74	
<b>Total</b>	<b>£7,745,664.88</b>	<b>£8,857,864.21</b>	<b>£10,097,483.73</b>	<b>£3,185,940.67</b>

**Graph 2 - Total of LGRP and Off Contract assignments over £30 for each financial year**

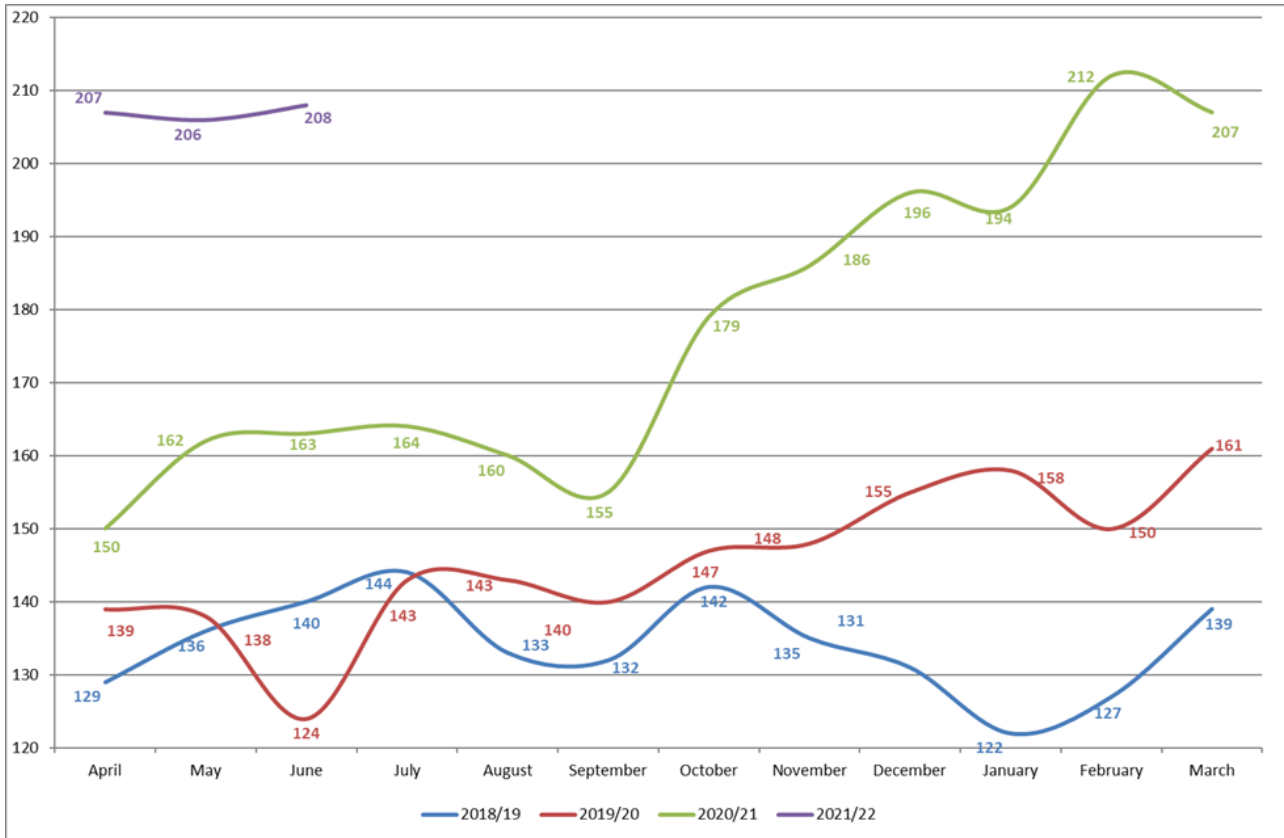


**Table 2 - Total of LGRP and Off Contract assignments over £30 for each financial year**

2018/19				2019/20			
	LGRP	Off Contract	Total		LGRP	Off Contract	Total
Apr-18	£33,961.38	£84,822.69	£118,784.06	Apr-19	£83,902.31	£9,250.00	£93,152.31
May-18	£49,371.88	£75,572.69	£124,944.56	May-19	£75,577.31	£7,030.00	£82,607.31
Jun-18	£56,314.00	£75,572.69	£131,886.69	Jun-19	£57,928.31	£7,030.00	£64,958.31
Jul-18	£72,594.00	£75,572.69	£144,166.69	Jul-19	£57,928.31	£7,030.00	£64,958.31
Aug-18	£71,950.20	£33,300.00	£105,250.20	Aug-19	£57,928.31	£7,030.00	£64,958.31
Sep-18	£71,950.20	£18,500.00	£90,450.20	Sep-19	£57,928.31	£7,030.00	£64,958.31
Oct-18	£71,950.20	£18,500.00	£90,450.20	Oct-19	£49,603.31	£7,030.00	£56,633.31
Nov-18	£78,602.80	£18,500.00	£97,102.80	Nov-19	£49,603.31	£7,030.00	£56,633.31
Dec-18	£78,602.80	£18,500.00	£97,102.80	Dec-19	£49,603.31	£7,030.00	£56,633.31
Jan-19	£67,067.31	£9,250.00	£76,317.31	Jan-20	£63,121.81	£7,030.00	£70,151.81
Feb-19	£73,005.81	£9,250.00	£82,255.81	Feb-20	£63,121.81	£7,030.00	£70,151.81
Mar-19	£81,330.81	£9,250.00	£90,580.81	Mar-20	£70,563.81	£7,030.00	£77,593.81
2020/21				2021/22			
	LGRP	Off Contract	Total		LGRP	Off Contract	Total
Apr-20	£94,650.81	£7,030.00	£101,680.81	Apr-21	£103,674.19	£7,030.00	£110,704.19
May-20	£94,650.81	£7,030.00	£101,680.81	May-21	£103,674.19	£7,030.00	£110,704.19
Jun-20	£94,650.81	£7,030.00	£101,680.81	Jun-21	£103,674.19	£7,030.00	£110,704.19
Jul-20	£87,213.81	£7,030.00	£94,243.81	Jul-21			
Aug-20	£97,999.31	£7,030.00	£105,029.31	Aug-21			
Sep-20	£97,999.31	£7,030.00	£105,029.31	Sep-21			
Oct-20	£97,999.31	£7,030.00	£105,029.31	Oct-21			
Nov-20	£102,624.31	£7,030.00	£109,654.31	Nov-21			
Dec-20	£102,624.31	£7,030.00	£109,654.31	Dec-21			
Jan-21	£102,624.31	£7,030.00	£109,654.31	Jan-22			
Feb-21	£102,624.31	£7,030.00	£109,654.31	Feb-22			
Mar-21	£102,624.31	£7,030.00	£109,654.31	Mar-22			

2.12 From May 2020 to June 2021 we have increased the number of staff paid £30 per hour and above (Graph 3 / Table 3) by 46, however zero increase via the LGRP contract and off contract. Merton are still keeping the costs as low as possible by using Comensura and the interim category. Due to covid-19 we saw an increase from April to December as Merton Council begin to implement Recovery Projects to be able to get the workforce back to work

**Graph 3 - Total no. of interim workers over £30 in each financial year**



**Table 3 - Total no. of interim workers over £30 in each financial year**

No. of workers over £30/hr					No. of workers over £30/hr				
Month	Comensura	LGRP	Off Contract	Total	Month	Comensura	LGRP	Off Contract	Total
Apr-18	112	2	15	129	Apr-19	127	7	5	139
May-18	119	3	14	136	May-19	128	7	3	138
Jun-18	122	4	14	140	Jun-19	118	5	1	124
Jul-18	129	5	10	144	Jul-19	137	5	1	143
Aug-18	117	7	9	133	Aug-19	137	5	1	143
Sep-18	120	7	5	132	Sep-19	134	5	1	140
Oct-18	130	7	5	142	Oct-19	141	5	1	147
Nov-18	122	8	5	135	Nov-19	142	5	1	148
Dec-18	118	8	5	131	Dec-19	149	5	1	155
Jan-19	112	6	4	122	Jan-20	149	8	1	158
Feb-19	115	7	5	127	Feb-20	141	8	1	150
Mar-19	127	8	4	139	Mar-20	151	9	1	161

No. of workers over £30/hr					No. of workers over £30/hr				
Month	Comensura	LGRP	Off Contract	Total	Month	Comensura	LGRP	Off Contract	Total
Apr-20	140	9	1	150	Apr-21	199	7	1	207
May-20	152	9	1	162	May-21	198	7	1	206
Jun-20	153	9	1	163	Jun-21	200	7	1	208
Jul-20	155	8	1	164	Jul-21				
Aug-20	150	9	1	160	Aug-21				
Sep-20	145	9	1	155	Sep-21				
Oct-20	169	9	1	179	Oct-21				
Nov-20	175	10	1	186	Nov-21				
Dec-20	185	10	1	196	Dec-21				
Jan-21	183	10	1	194	Jan-22				
Feb-21	201	10	1	212	Feb-22				
Mar-21	196	10	1	207	Mar-22				

2.13 Directors have been invited to provide short overall summary comments on agency/consultant usage and action being taken in their area and these are:

### **Children, Schools and Families**

CSF currently have 2 agency workers via Comensura and 1 direct payroll, which have been here over 24 months

Positive action continues to be taken to reduce the CSF reliance on agency workers and agency costs continue to be relatively low for this service. CSF actively recruits to permanent roles, reducing the use and duration of agency workers. In particular, the use of consultants has decreased significantly.

In all but a few exceptions, the CSF agency workers and consultant are covering management and frontline posts discharging statutory functions which require a qualified social worker. To safely and effectively discharge the Council's statutory duties social worker's must have appropriate management supervision and manageable caseloads. This requires interim agency social worker cover for vacancies pending permanent recruitment.

Some additional temporary posts have been created to deal with the increased workload working with children in need and at risk. Because of the restrictions in place due to COVID 19, the work to support and discharge from support has been slowed significantly resulting in higher workloads. The impact of repeated lockdowns is also increasing the demand for this type of support.

The other agency workers are for specialist posts such as speech and language therapy which is also a statutory requirement as part of children's Education, Health and Care Plans. Because of growth funding applied to this area in the 2020/21 budget, we anticipate more permanent recruitment in this area, which should assist in reducing the reliance on agency workers in SEND services.

HR works closely with the social care leadership team to review vacancies and use of agency social workers. This financial year, we have been successful in transferring agency social workers and senior social work managers onto permanent contracts. Our involvement in regional programmes to offer student and newly qualified social workers training placements has continued providing a pipeline of newly qualified social workers seeking permanent contracts with Merton.

A contract with the national Guardian online for recruitment advertising is now in place to raise Merton's profile and awareness of social work opportunities. Retention packages continue as part of the recruitment strategy, to retain existing permanent social workers and to provide continuity of service to some of our most vulnerable clients.

### **Community and Housing**

C&H currently have 7 agency workers via Comensura, which have been here over 24 months

Due to the additional significant demands of responding to the pandemic, the department has had to take on additional temporary staff. These have been to ensure that vacant posts are filled so we are at full capacity as well as additional short term capacity to meet the significantly higher workload. The posts are mostly in Public Health and Adult Social Care. Where appropriate posts are funded front various COVID 19 grants.

C&H currently have 7 agency workers via Comensura, which have been here over 24 months. A number of initiatives have been implemented to focus on recruiting and retaining staff. We have implemented an apprenticeship scheme and offered enhanced training and development opportunities to attract and retain staff. We are working with the Teaching Partnership to get Assessed and supported year in employment (ASYE) social work applicants who can convert to permanent staff. We expect to significantly reduce our reliance on agency

staff by October 2020. Two of the posts are in mental health which is a highly competitive labour market.

### **Corporate Services**

CS currently have 13 agency workers via Comensura, which have been here over 24 months

Of the 13 agency workers, 11 are lawyers in the Shared Legal Service (SLLP) paid for by the five participatory boroughs; mainly in the property and procurement team where we compete with the private sector. We have an ongoing recruitment campaign but still have limited success in attracting permanent staff. We are looking at further temp to perm within SLLP but there has also been an increase in short term demand within SLLP as there has been an increase in Children's social care cases and the Courts are not open to progress cases. For the FM Comensura agency worker, the work is demand based on the schools capital programme and the Business Systems Manager, the assignment is coming to an end shortly. For the LGRP interim, there have been difficulties in recruiting to vacant post but we have now been successful and this assignment should also be coming to an end shortly.

There are two posts in HR who will be recruited to once a decision has been taken on the future HR Operating Model to be adopted and the structure review of the senior posts in Corporate Services. The HR Operating Model forms part of the Recovery and Modernising Merton programme.

### **Environment and Regeneration**

E&R currently have 10 agency workers via Comensura, which have been here over 24 months and 1 consultant

Numbers have not reduced as much as anticipated because of the impact of Covid 19. This reflects Government advice and support for staff on interim / agency contracts. We shall be reviewing all positions as we move out of Lockdown and into recovery

Others are providing specialist skills or are covering [often short term] externally funded roles including capital schemes. There are a number of professional areas where there is an extremely competitive market in which all London boroughs are struggling to recruit and retain permanent staff. This includes Traffic engineers, Planning officers and Building control surveyors where the emergence of a strong interim market as well as private sector competition [in building control particularly] has changed employment patterns and our ability to recruit and retain staff.

E&R DMT reviews this matter on a regular basis in order to manage risk including the financial impact.

- 2.14 There has been a reduction in the use of off contract appointments due to monitoring and the introduction of IR35 tax legislation in April 2017. IR35 is tax legislation designed to combat tax avoidance by workers supplying their services to clients via an intermediary, such as a limited company, but who would be an employee if the intermediary was not used.
- 2.15 The purpose of IR35 is to prevent contractors, consultants and freelancers from trading via their own limited company in order to pay less tax and national insurance contributions (NIC) than if they were employed directly by their end client or agency. This has now been rolled out into the Private Sector.
- 2.16 HR monitors suppliers and contractors to ensure they are IR35 compliant and the IR35 process for off payroll workers was recently audited and received a substantial assurance.
- 2.17 At the last Standards and General Purposes Committee meeting where the temporary workforce was discussed the Committee requested information on our ability to attract and select BAME staff. The statistics for the last 3 quarters of last financial year and the first 2 quarters of this financial year are provided at **Appendix 1**. There continues to be an improving picture of attracting BAME candidates with the majority of candidates applying for our roles identifying as BAME. This becomes more of a mixed picture at shortlist stage, with some quarters showing a majority of BAME candidates yet others show a majority identifying as white. The mixed picture continues at offer stage, while some quarters show slight majority of BAME candidates being offered, others are more evenly split and one quarter with a majority of white candidates. Roles at grade MGA and above (jobs with salaries of £50k plus) continue to have a slight majority of candidates who identify as white at all stages of the recruitment process.
- 2.18 For senior appointments we engage specialist head hunters through the LGRP framework who have a strong track record of being able to attract a diverse pool of candidates to senior roles. For Director and CEO appointments the choice of head hunter will be made by the Appointments Committee. In any year Merton normally benefit from a very stable senior workforce but the retirement of the CEO in July 2021 has had a knock on effect of raising senior management opportunities at the senior level. 8 appointments, either permanent or interim have been made since January. 7 of the 8 have gone to internal candidates which is very positive news from a succession planning perspective as it demonstrates a good track record of being able to grow our own senior level staff. 50% of these have also gone to females. The one successful external candidate for the AD of Social Care & Youth Inclusion role is a BAME male who will be joining us on the 1<sup>st</sup> November. Please see **Appendix 2** below for full details of the ethnic breakdown of applicants.



### **3 Timetable**

- 3.1 Regular monthly reports of all interim/temporary placements are sent to departments and suitable “challenge” meetings are held with DMTs on a monthly basis. Agency spend and number of agency staff forming part of the workforce are reported to CMT on a monthly basis as part of the HR Metrics.
- 3.2 We will endeavour to give the most up to date information we have available.

### **4 Financial, resource and property implications**

- 4.1 The aim is to challenge hiring managers’ interim/temporary placements and reduce overall costs associated with interim workers where possible, noting that in many cases the Council has to cover statutory functions.

### **5 Legal and statutory implications**

- 5.1 There are no specific legal implications arising from the report

### **6 Human rights, equalities and community cohesion implications**

- 6.1 The amendments that have been made to the Council’s HR policies and processes will improve confidence in the Council’s HR recruitment procedure and the maintenance of the interim position database to provide the means to ensure compliance with Members’ requirements.

### **7 Crime and Disorder implications**

- 7.1 None

### **8 Risk management and health and safety implications**

- 8.1 These are detailed in the Ernst and Young report of 12 March 2014 and subsequent reports.

### **9 Appendices – the following documents are to be published with this report and form part of the report**

- 9.1 None

### **10 Background papers**

- 10.1 None

## Appendix 1

April to June 2020

### Applications received

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
CSF	61%	34%	5%
C&H	57%	40%	3%
CS	71%	29%	0%
E&R	28%	62%	10%

### Posts at MGA and above

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
	22%	61%	17%

### Shortlisted

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
CSF	50%	49%	1%
C&H	58%	42%	0%
CS	57%	43%	0%
E&R	29%	65%	6%

### Posts at MGA and above

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
	38%	62%	0%

### Appointed

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
CSF	47%	50%	3%
C&H	68%	32%	0%
CS	71%	29%	0%
E&R	60%	40%	0%

### Posts at MGA and above

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
	33%	67%	0%

**July to September 2020**

**Applications received**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
CSF	56%	40%	4%
C&H	61%	34%	5%
CS	48%	49%	3%
E&R	37%	60%	3%

**Posts at MGA and above**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
	55%	40%	5%

**Shortlisted**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
CSF	36%	57%	7%
C&H	46%	46%	8%
CS	40%	56%	4%
E&R	15%	85%	0%

**Posts at MGA and above**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
	56%	38%	6%

**Appointed**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
CSF	33%	62%	5%
C&H	0%	100%	0%
CS	15%	85%	0%
E&R	0%	100%	0%

**Posts at MGA and above**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
	50%	50%	0%

**October to December 2020**

**Applications received**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
CSF	57%	40%	3%
C&H	63%	36%	1%
CS	47%	47%	6%
E&R	29%	71%	0%

**Posts at MGA and above**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
	39%	61%	0%

**Shortlisted**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
CSF	54%	45%	1%
C&H	36%	64%	0%
CS	25%	70%	5%
E&R	22%	78%	0%

**Posts at MGA and above**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
	57%	43%	0%

**Appointed**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
CSF	60%	20%	20%
C&H	50%	50%	0%
CS	40%	60%	0%
E&R	50%	50%	0%

**Posts at MGA and above**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
	50%	50%	0%

## January to March 2021

### Applications received

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
CSF	56%	43%	1%
C&H	60%	36%	4%
CS	60%	35%	5%
E&R	51%	49%	0%

### Posts at MGA and above

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
	32%	66%	2%

### Shortlisted

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
CSF	38%	62%	0%
C&H	47%	47%	6%
CS	63%	32%	5%
E&R	33%	67%	0%

### Posts at MGA and above

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
	28%	72%	0%

### Appointed

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
CSF	17%	83%	0%
C&H	50%	50%	0%

CS	40%	60%	0%
E&R	50%	50%	0%

**Posts at MGA and above**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
	13%	87%	0%

**April to June 2021**

**Applications received**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
CSF	65%	28%	7%
C&H	62%	35%	3%
CS	66%	31%	3%
E&R	40%	58%	2%

**Posts at MGA and above**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
	38%	55%	7%

**Shortlisted**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
CSF	61%	34%	5%
C&H	56%	44%	0%
CS	62%	34%	4%
E&R	19%	81%	0%

**Posts at MGA and above**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
	20%	73%	7%

**Appointed**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
CSF	50%	38%	12%
C&H	60%	40%	0%
CS	57%	29%	14%
E&R	0%	100%	0%

**Posts at MGA and above**

	<b>BAME</b>	<b>White background</b>	<b>Prefer not to say</b>
	20%	60%	20%

## Appendix 2

We have made 8 senior appointments recently, the details of which are as follows:-

It is usual practice to work with an executive head hunting agency through the LGRP on senior roles, and the brief always includes a focus on attracting a diverse pool of candidates.

<b>Assistant Director Public Protection</b>		
Applications - 15	Shortlisted - 4	Offered - 1
33% BAME	50% BAME	100% White Female – internal interim candidate
67% White	50% White	
<b>Director Children, Schools &amp; Families</b>		
Applications - 17	Shortlisted - 6	Offered - 1
18% BAME	17% BAME	100% White Female – internal candidate
71% White	83% White	
12% Prefer no say		
<b>Assistant Director Education &amp; Early Help</b>		
Applications - 13	Shortlisted - 4	Offered – 1
38% BAME	25% BAME	100% White Female – internal candidate
62% White	75% White	
<b>Assistant Director Social Care &amp; Youth Inclusion</b>		
Applications - 11	Shortlisted - 4	Offered - 1
55% BAME	50% BAME	100% BAME – Male – external candidate
45% White	50% White	
<b>Chief Executive</b>		
Applications - 13	Shortlisted – 3 (although 1 withdrew before interview)	Offered - 1
46% BAME	33% BAME	100% White Female – internal candidate
54% White	67% White	
<b>Assistant Director Adult Social Care - Secondment</b>		
Applications - 1	Shortlisted - 1	Offered - 1
100% White	100% White	100% White Male - internal
<b>Assistant Director C&amp;H Commissioning - Secondment</b>		
Applications - 1	Shortlisted - 1	Offered - 1
100% White	100% White	100% White Male - internal
<b>Interim Director C&amp;H – Acting Up</b>		
Applications - 1	Shortlisted - 1	Offered - 1
100% White	100% White	100% White Male - internal