

Committee: Standards and General Purposes Committee

Date: Sept 2019

Subject: Report on the use of temporary workers and consultants

Lead officer: Liz Hammond, HR Lead

Lead member: Councillor Mark Allison, Deputy Leader and Cabinet Member for Finance

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

Recommendations:

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

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 as at the end of June, September, December and March being reported to this committee.
- 2.3 As at the end of September 2019, the Council employed 140 interim/temporary workers at £30 per hour (or more) compared to 132 in September 18, which is an increase of 8 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 30th 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 known 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 The Council is currently exploring a framework agreement with a designated supplier for the provision of Professional services for project related work. Each project will be evaluated on an individual basis to determine its needs, establish key milestones and deliverables upon which payments will be made on successfully meeting these targets. Adopting this approach to managing projects would generate greater Value for Money and deliver on project objectives. It is recognised that this is a skill set that we do not have sufficient resources of in the organisation because of the technical skills required.
- 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 an 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. Ninety six (96) agency workers have transferred to permanent employment from September 2017 to September 2019. From January 19 to September 19 we have transferred thirty six (36)
- 2.10 Within the services career pathways are being developed through the creation of apprenticeships schemes (where standards are available) and ensuring that that the apprenticeship levy is used to meet the development element.

2.11 The total spend for interim and temporary workers from 2016 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 16/17, 17/18, 18/19 and year to date for interim and temporary workers – Comensura

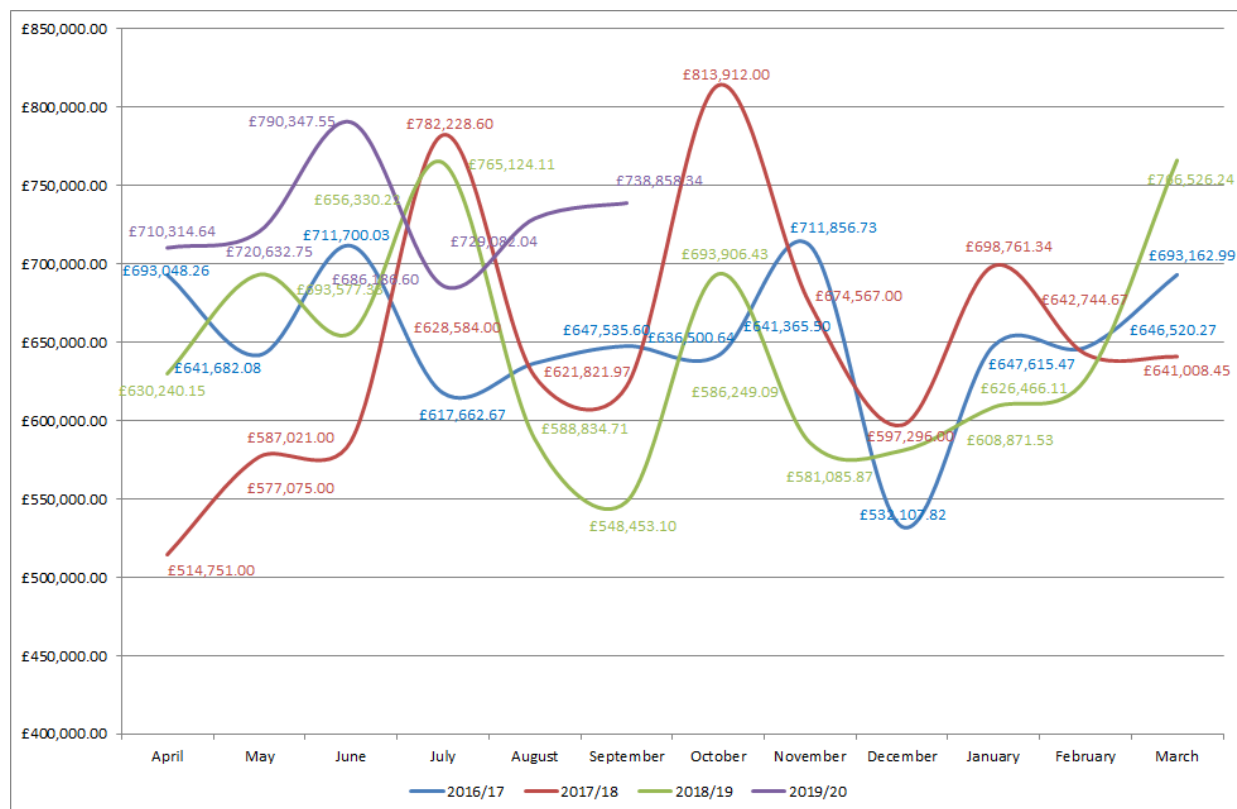


Table 1 - List totals for 16/17, 17/18, 18/19 and year to date for Interim and temporary workers – Comensura

	2016/17	2017/18	2018/19	2019/20
April	£693,048.26	£514,751.00	£630,240.15	£710,314.64
May	£641,682.08	£577,075.00	£693,577.33	£720,632.75
June	£711,700.03	£587,021.00	£656,330.22	£790,347.55
July	£617,662.67	£782,228.60	£765,124.11	£686,186.60
August	£636,500.64	£628,584.00	£588,834.71	£729,082.04
September	£647,535.60	£621,821.97	£548,453.10	£738,858.34
October	£641,365.50	£813,912.00	£693,906.43	
November	£711,856.73	£674,567.00	£586,249.09	
December	£532,107.82	£597,296.00	£581,085.87	
January	£647,615.47	£698,761.34	£608,871.53	
February	£646,520.27	£642,744.67	£626,466.11	
March	£693,162.99	£641,008.45	£766,526.24	
Total	£7,820,758.06	£7,779,771.03	£7,745,664.88	£4,375,421.92

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

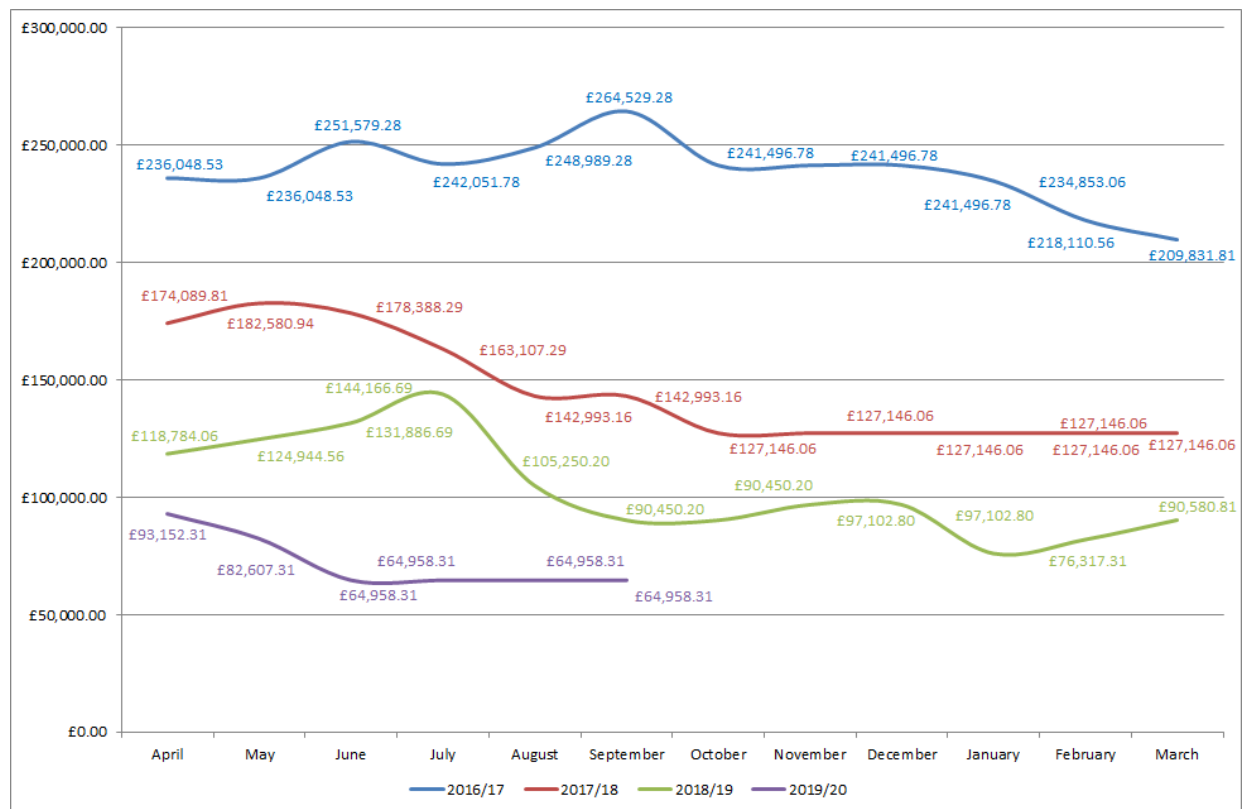


Table 2 - Total of LGRP and Off Contract assignments over £30 for each financial year

2016/17				2017/18			
	LGRP	Off Contract	Total		LGRP	Off Contract	Total
Apr-16	£60,027.88	£176,020.66	£236,048.53	Apr-17	£60,869.63	£113,220.19	£174,089.81
May-16	£60,027.88	£176,020.66	£236,048.53	May-17	£80,368.26	£102,212.69	£182,580.94
Jun-16	£82,551.63	£169,027.66	£251,579.28	Jun-17	£83,205.60	£95,182.69	£178,388.29
Jul-16	£82,551.63	£159,500.16	£242,051.78	Jul-17	£67,924.60	£95,182.69	£163,107.29
Aug-16	£93,559.13	£155,430.16	£248,989.28	Aug-17	£58,170.48	£84,822.69	£142,993.16
Sep-16	£81,349.13	£183,180.16	£264,529.28	Sep-17	£58,170.48	£84,822.69	£142,993.16
Oct-16	£70,526.63	£170,970.16	£241,496.78	Oct-17	£42,323.38	£84,822.69	£127,146.06
Nov-16	£70,526.63	£170,970.16	£241,496.78	Nov-17	£42,323.38	£84,822.69	£127,146.06
Dec-16	£70,526.63	£170,970.16	£241,496.78	Dec-17	£42,323.38	£84,822.69	£127,146.06
Jan-17	£70,526.63	£164,326.44	£234,853.06	Jan-18	£42,323.38	£84,822.69	£127,146.06
Feb-17	£70,526.63	£147,583.94	£218,110.56	Feb-18	£42,323.38	£84,822.69	£127,146.06
Mar-17	£70,526.63	£139,305.19	£209,831.81	Mar-18	£42,323.38	£84,822.69	£127,146.06
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			
Nov-18	£78,602.80	£18,500.00	£97,102.80	Nov-19			
Dec-18	£78,602.80	£18,500.00	£97,102.80	Dec-19			
Jan-19	£67,067.31	£9,250.00	£76,317.31	Jan-20			
Feb-19	£73,005.81	£9,250.00	£82,255.81	Feb-20			
Mar-19	£81,330.81	£9,250.00	£90,580.81	Mar-20			

2.12 From January 19 to September 19 we have increased the number of staff paid £30 per hour and above (Graph 3 / Table 3) by 18, from September 18 to September 19 we have increased year on year by 8

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

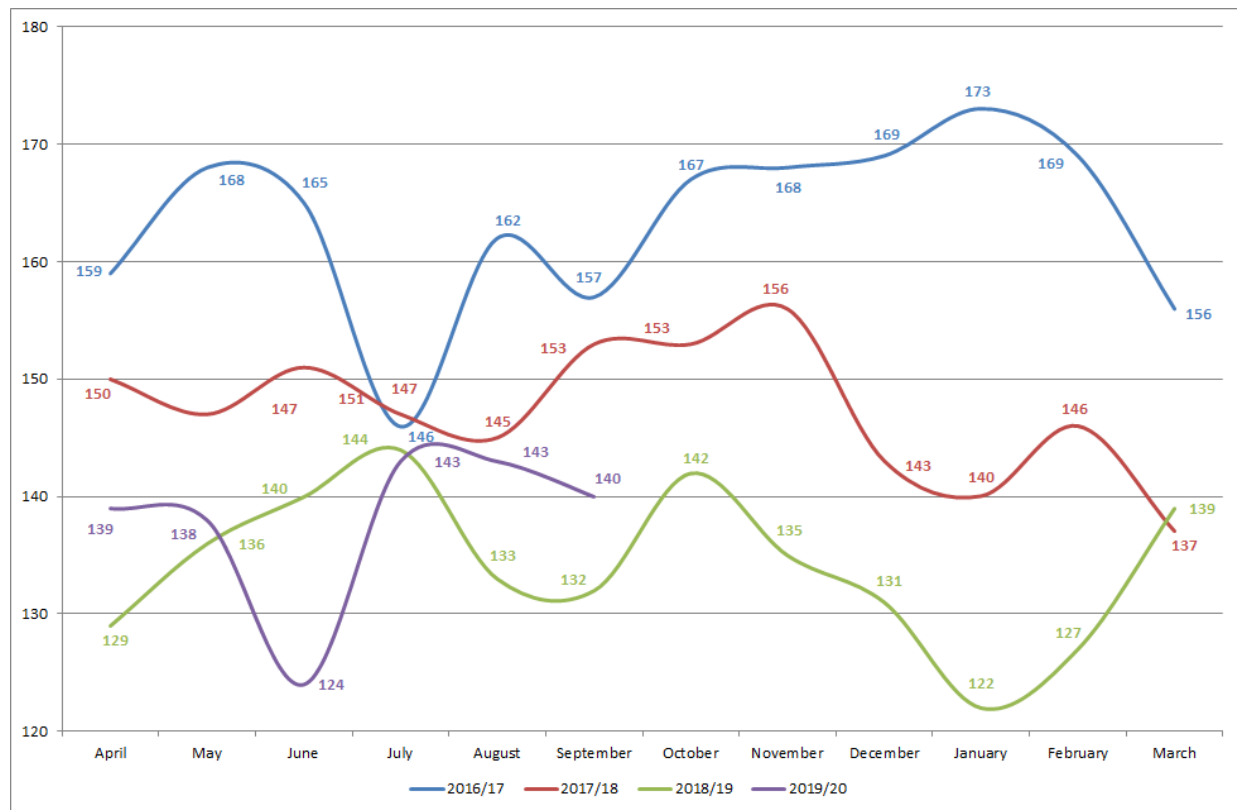


Table 3 - Total no. of interim workers over £30 in each financial year

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-16	125	8	26	159	Apr-17	124	8	18	150
May-16	134	8	26	168	May-17	123	8	16	147
Jun-16	129	8	28	165	Jun-17	128	7	16	151
Jul-16	108	8	30	146	Jul-17	126	5	16	147
Aug-16	124	9	29	162	Aug-17	124	5	16	145
Sep-16	119	9	29	157	Sep-17	131	6	16	153
Oct-16	131	7	29	167	Oct-17	132	5	16	153
Nov-16	132	7	29	168	Nov-17	135	5	16	156
Dec-16	133	7	29	169	Dec-17	122	5	16	143
Jan-17	138	7	28	173	Jan-18	120	4	16	140
Feb-17	135	7	27	169	Feb-18	127	4	15	146
Mar-17	128	7	21	156	Mar-18	118	4	15	137
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				
Nov-18	122	8	5	135	Nov-19				
Dec-18	118	8	5	131	Dec-19				
Jan-19	112	6	4	122	Jan-20				
Feb-19	115	7	5	127	Feb-20				
Mar-19	127	8	4	139	Mar-20				

- 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, which have been here over 24 months and 1 consultant (Direct Payroll)

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 since this time last year.

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. As at 30 September 2019 15.13% of social work posts in CSF were covered by agency workers.

The others 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.

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. A stand at a national social work event, Community Care Live, was hosted by HR colleagues and social workers on 15 and 16 October to promote permanent social worker opportunities in Merton. 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 3 agency workers via Comensura, which have been here over 24 months

Within Community and Housing, use of agency staff is predominantly within adult social care and in specialist, hard to recruit to posts. Targeted recruitment is in progress and this is outlined in detail in the appendix. A principal social worker post is now in post. Her role will focus on recruiting new staff, retention and developing new opportunities for career development

We have reviewed and amended payments for Approved Mental Health Social Workers (AMHPS) to bring it into line with south west London. This is a particularly hard to recruit to statutory function. The aim is to increase the number of permanent AMPHS and reduce the use of agency staff. We are also reviewing access to AMHP training for existing staff.

Social Work posts are difficult to recruit too across London and nationally. The Department of Health & Social Care and Skills for Care have launched a national recruitment campaign for roles across social care.
(<http://www.everydayisdifferent.com/home>)

Corporate Services

CS currently have 12 agency workers via Comensura, which have been here over 24 months.

Of the 12 agency workers, 10 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 and there is one in the pipeline. For one of the other agency workers, the work is demand based on the schools capital programme and for the final one, they are now a permanent member of staff from the 14th October.

Environment and Regeneration

E&R currently have 8 agency workers via Comensura, which have been here over 24 months

Usage is relatively low in E&R and reducing. A number of workers are covering positions, which are subject to a service review in particular the Regulatory Service Partnership where a new management structure came into effect on 1st November 2018. This has temporarily increased the number of agency staff whilst the consultation and reorganisation was concluded. Further work will be undertaken to review the non-management staff over the coming months and this again may temporarily increase agency staff use

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 only been rolled out to the Public sector; the rollout to the private has been scheduled for 1st April 2020.
- 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.

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 Quarterly updates will be provided to this committee. September information (Quarter 2) is being reported to 8th November meeting, with December (Quarter 3) being reported to the 12 March 2020 meeting.

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

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