



## Report of the Director of Resources

Governance & Audit Committee – 9 June 2021

### Employment of Agency Staff Audit Report 2019/20 - 2021 Update

<b>Purpose:</b>	To report on actions arising from the Employment of Agency Staff Audit report.
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<b>For Information</b>	

#### 1. Introduction

- 1.1 As a result of an internal audit on the Employment of Agency Staff carried out in 2019/20, an assurance level of “Moderate” was given.
- 1.2 Actions have been taken to address the issues identified and appropriate implementation steps put in place.
- 1.3 The following action was identified at an Update Meeting in June 2020

*A follow up report be provided no later than June 2021. The follow up report to include areas of non-compliance, the total costs involved and associated costs in relation to lost sickness days.*

#### 2. Actions Undertaken Since June 2020

- 2.1 An email was issued in Spring 2021 to members of the Corporate Management Team reminding Managers to ensure that they comply with the Agency Worker Policy.
- 2.2 Following due consultation, a revised Agency Worker Policy has now been agreed at JCC and will act as a platform for further engagement with Managers on the engagement of Agency Workers in their respective areas.

2.3 HR&OD continue to send regular reminders to Managers to review the engagement of agency workers who have been engaged for over 12 months and Managers are required to confirm that it is still appropriate for the Council to engage an agency worker rather than employ someone in the post.

### 3. Agency Worker Numbers

Total number of Agency Workers engaged through the corporate contracted agencies (Staffline and RSD Social Care) as at 31<sup>st</sup> March 2021 were **166**. Broken down as follows:

<b>Directorate</b>	<b>Number of Agency Workers at March 2020</b>	<b>Number of Agency Workers at March 2021</b>
<b>Place</b>		
Cultural Services	0	1
Corporate Building Services	0	1
Highways & Transportation	18	10
Waste, Parks & Cleansing	138	149
Planning and City Regen	0	1
Housing & Public Health	1	1
Property Services	0	0
<b>Place Total</b>	<b>157</b>	<b>163</b>
Adult Services, Social Services	4	2
Resources	0	1
<b>Council Total</b>	<b>161</b>	<b>166</b>

### 4. Agency Worker Cost

Total spend/cost of Agency Workers for 2020/21 was £4,300,381. This is very similar to Agency spend in 2019/20 which was £4,299,017 (amended figure from last year's report).

The total spend on Agency Workers includes Agencies other than Staffline and RSD, therefore the numbers of Agency Workers will be higher when we take into account Teachers and supply staff which form a large part of the additional spend.

The total spend comprises £4,189,619 'On Contract' (via RSD and Staffline).

There is a £110,762 'Off Contract' spend with suppliers for whom there is no contract or waiver in place during 2020/21, as summarised below;

<b>Supplier Name</b>	<b>Sum of Spend: 2020/2021</b>
Ace Social Work Ltd	£19,780.00
Aled Simons	£10,953.00
Apollo Teaching Services Ltd	£10,000.00
Beverly Goold	£17,035.00
Bloom Procurement Services	£16,111.00
Blue Arrow Ltd	£659.00
Manpower UK Ltd	£26,224.00
Work Wales Ltd	£10,000.00
<b>Grand Total</b>	<b>£110,762.00</b>

The highest spend "off contract" is with Waste Management/Baling Plant and totals £26,224 – all with Manpower.

## **5. Compliance**

Heads of Service were contacted to feedback on the compliance measures indicated in the Audit Report as follows:

- Confirmation of budget provision should be obtained and retained for all agency staff appointments.
- HoS approval should be obtained and retained for all appointments of agency workers by line managers.
- Confirmation of appropriate pre-employment checks should be obtained from the Agency and retained by the line manager.
- Confirmation of further budgetary provision should be obtained and retained when agency workers contracts are extended
- Written requests should be submitted to HoS for re-approval when agency workers contracts are extended. This should be in advance of the contract being extended.
- Agency workers engaged by the Council for more than 12 weeks should be made aware that they are entitled to equal treatment on basic working and employment conditions.

## **6. Social Services Directorate Feedback:**

Adult Services are compliant in all areas and assurance received that Agency workers are not engaged to provide cover for sickness. A Senior Manager has also been identified to lead on all workforce planning activities including the engagement of Agency Workers.

## **7. Place Directorate Feedback;**

### **7.1 Waste, Parks and Cleansing:**

Confirmation has been received that this Service area is compliant in all areas.

The Head of Service has advised that agency workers are engaged to cover permanent roles, which is being phased out through permanent recruitment through Traineeships – 28 recruited in last 2 years, another 18 due to be recruited in June, with the next Traineeship due to complete the filling of all permanent roles within the staff structure. They are also used to cover temporary roles, for example, convoy vehicle drivers and seasonal roles, where seasonal contracts have not proved to be successful, for example, additional garden waste crews in summer. They are also used to cover absences, often at the last minute.

Confirmation of budget provision is obtained and retained for fixed term placements. There is an allocated budget in Waste Management to cover an agency requirement to maintain the staffing structures required to provide the service every day. Budget allocation is gradually moving from the Agency line into the Staffing line year on year as we reduce reliance on agency through traineeships.

HoS approval is obtained and retained for fixed term placements. There is ongoing approval to request agency resources on a daily basis to ensure that the staffing levels meet the requirements to deliver the service on a daily basis. Some of these requirements are not known until 6am on the day, due to last minute 'no shows'. The new draft of the Agency Policy reflects this.

Confirmation of appropriate pre-employment checks is obtained from the Agency and retained by the line manager for fixed term placements. This is not achievable where there is an agency requirement to maintain the staffing structures required to provide the service every day. The new draft of the Agency Policy reflects this.

Confirmation of further budgetary provision is obtained and retained when agency workers contracts are extended for fixed term placements. Agency worker placements are not fixed term where there is an agency requirement to maintain the staffing structures required to provide the service every day.

Written requests are submitted to HoS for re-approval when fixed term placement contracts are extended. Agency worker placements are not fixed term where there is an agency requirement to maintain the staffing structures required to provide the service every day.

Agency workers engaged by the Council for more than 12 weeks are made aware by their Agency that they are entitled to equal treatment on basic working and employment conditions.

### **7.2 Highways & Transportation**

Confirmation has been received that this Service area is compliant in all areas.

The Head of Service has advised the following;

In Highway Maintenance; there is one agency worker currently working under a third party contractor, but required to be employed through the Council to allow Council vehicles to be used. There is a second agency position currently vacant due to Covid.

In Improvements (Project Design); there are four agency workers and two secondees required due to "heavy workload" arising from successful delivery of projects over a number of years. In respect to site resource, these typically have been Agency workers as they have been unable to secure persons for employment when previously advertised due to the lower salaries on offer compared to the private sector.

In the Integrated Transport Unit; there are two Bus Station agency workers in place to cover for permanent staff when on leave or sick. Further discussions will be held with that area to determine if a different employment model is appropriate.

In CTU; there are two agency workers providing permanent cover arrangements and this will be reviewed to determine if a different employment model is appropriate.

In Parking Services; there are two agency workers in place due to high sickness levels and high workload. Business practice and procedures are currently being reviewed and it is anticipated that there will be no agency workers in place by September 2021.

### **7.3 Other Service areas**

Compliant in all areas.

### **7.4 Management of Absence in Place Directorate**

Pilot Groups have been established in Waste, Parks and Cleansing and Highway and Transportation to support Managers in reducing sickness and, in particular, long-term sickness cases (6 months and over) between HR and the Department.

Monthly meetings are held with relevant SMTs/Senior Managers. Advice and guidance is given on each case including application of policy, Fit Notes, welfare/keeping in touch meetings, referrals to OH/SMAC, OH reports, return to work, phased returns/adjusted duties and referral to Final Absence Review Meetings if appropriate.

This has supported the reduction of sickness absence cases in each of the above Service areas as follows;

April 2019 to March 2020											
Department	Service Unit	Section	Sub Section	Tot Emp FTE	Emp Headcnt	Tot No. of Days Sick (APR to MAR) (Cumula)	Tot FTE Sick Days (APR to MAR)	Tot Days Lost to Long Sick (APR to MAR) (Cumula)	Total Long Sick FTE(APR to MAR) (Cumula)	Tot Days Lost to Short Sick (APR to MAR) (Cumula)	Total Short Sick FTE(APR to MAR) (Cumula)
Directorate Place	Total for Service Unit Highways and Transportation			350.03	418	6889	6085.55	5533.5	4873.95	1355.5	1211.6
Directorate Place	Total for Service Unit Waste Parks and Cleansing			398.31	412	7071.5	6997.89	5212.5	5167.8	1859	1830.09
April 2020 to March 2021											
Department	Service Unit	Section	Sub Section	Tot Emp FTE	Emp Headcnt	Tot No. of Days Sick (APR to MAR) (Cumula)	Tot FTE Sick Days (APR to MAR)	Tot Days Lost to Long Sick (APR to MAR) (Cumula)	Total Long Sick FTE(APR to MAR) (Cumula)	Tot Days Lost to Short Sick (APR to MAR) (Cumula)	Total Short Sick FTE(APR to MAR) (Cumula)
Directorate Place	Total for Service Unit Highways and Transportation			349.87	413	4223	3519.84	3497.5	2859.85	725.5	659.99
Directorate Place	Total for Service Unit Waste Parks and Cleansing			425.8	442	6449.5	6363.48	4811.5	4744.04	1638	1619.44

We are in the process of recruiting into a Management of Absence post to make further inroads to reduce sickness absence levels in the pilot and other areas.

## 8. Role of Staffline

Staffline provide the following support to work in partnership with the Council to ensure compliance;

- Provision of a policy booklet to all Agency Workers which provides details on Agency Workers Regulations and their rights.
- Maintaining a record of all start dates of all Agency Workers.
- After 12 weeks, move workers to the enhanced pay rate and enhanced rights.

## 9. Equality and Engagement Implications

9.1 There are no equality and engagement implications associated with this report.

## 10. Financial Implications

10.1 There are no financial implications other than those set out in the body of the report.

## **11. Legal Implications**

11.1 The Agency Workers Regulations Act 2010 provide important rights for agency workers, concerning their basic working and employment conditions, from day one and after a 12-week qualifying period. These rights are reflected in our Policy.

11.2 There are no other legal implications other than those set out in the body of the report.

**Background Papers:** None.

**Appendices:** None.