

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4695

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Department:

Finance and Resources

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Subject:

Litigation and Dispute Resolution Team (Disrepair) staffing

Total Value:

£228,404 (Type: Revenue)

Decision Being Taken:

1) To approve funding from the HRA for the acquisition of five new personnel to undertake Disrepair work within the existing Litigation and Dispute Resolution Team. 2) To approve employing in two Solicitors at an I Grade and 3 Litigation Assistants at an E Grade. All five individuals will work on a full time, permanent, basis, which equates to 37 hours per week.3) To approve the use of professional agency workers (i.e. qualified legal professionals) to fill these posts temporarily whilst the permanent recruitment process is undertaken. As a consequence of this, they will be able to begin working immediately upon this decision being approved.

Reasons for the Decision(s)

The rationale for the decision is contained within the attached document entitled - Business Case Disrepair July 22 Final. In summary, the decision is to acquire additional resources for the Litigation and Dispute Resolution Team, so that it can meet the significant demands of the Disrepair work. The decision seeks to address the immediate need for resources, which will allow the Team to robustly defend the position of NCC and to reduce the potential for significant liabilities which could be incurred by NCC, should Disrepair cases enter a court process. The decision seeks recruitment of two Solicitors at an I Grade and 3 Litigation Assistants at an E Grade. All five individuals will work on a full time basis, which equates to 37 hours per week. The total cost of these posts (including on-costs) amounts to £181,784.00. These posts will be permanent. However, due to the challenging Legal market, it is likely that it will take up to 6 months to fill these posts. Due to the immediate need for resources and whilst the permanent recruitment process is undertaken; NCC will use professional agency workers (i.e. qualified legal professionals) to fill these posts temporarily. As a consequence of this, they will be able to begin working immediately upon this decision being approved. The total cost of locums sourced through an agency on a temporary basis for a maximum of six months is £46,620.00 (inclusive agency fees and hourly salary rate). If the permanent recruitment process ran its full course of six months and all five agency workers worked non-stop for six months, the total sums incurred would amount to £228,404.00. This is therefore the maximum cost over a period of twelve months. However, it is likely that there will be a period whereby some of the permanent staff will be able to start work before the end of the six month period and this will mean that a number of the agency workers will not be needed for the full six months, thereby reducing the overall spend. In practice, it is also very unlikely that the agency workers will work full-time for six months without interruption. One would normally expect breaks in the working hours of agency workers, which would be akin to taking leave. This will also reduce the overall spend.

Briefing notes documents:

Business Case - Disrepair July 22 Final.docx

Other Options Considered:

Not to employ the staff - rejected as there is a business need to meet the requirements of the current workloads.

Background Papers:

None.

Published Works:

None.

Affected Wards:

Citywide

Colleague / Councillor Interests:

None.

Consultations:

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

None arising from the decision to be taken.

Equality: EIA not required. Reasons: The decision does not involve new or changing policies.

Relates to staffing: Yes

Decision Type: Portfolio Holder

Subject to Call In: Yes

Call In Expiry date: 23/08/2022

Advice Sought: Legal, Finance, Procurement, Human Resources

Legal Advice:

The proposals in this report raise no significant legal issues are supported. The staff are required to support the demands from disrepair claims in the Litigation and Dispute Resolution Team.

The report details the options for interim and long term permanent resources depending on speed and success of recruitment in order to ensure the work is started as soon as possible and to reduce the risk imposed upon the Council by such claims.

Call-off from frameworks for agency workers in the short term will ensure a compliant route to market and the creation of the new internal permanent posts as per the recommendations must be in accordance with the Council's Constitutional requirements and associated HR policies and procedures.

Advice provided by Dionne Claire Screamon (Solicitor) on 11/08/2022.

Finance Advice:

This decision seeks approval to establish and recruit 2FTE Solicitors (Grade I) and 3 FTE Litigation Assistants (Grade E), all on a permanent basis. The permanent budgetary requirement for these permanent posts is £0.182m per annum which includes on costs and vacancy saving. This decision also seeks approval to recruit to 5 agency workers on a temporary basis whilst the permanent posts are out to recruitment due to the urgency of the work. The total value of the temporary posts expected to be c.£0.047m, taking the total value of this decision to £0.229m. This is the maximum approval sought and is in excess of what will actually be spent as both the permanent posts and temporary posts will not be in post at the same time. Quantifying the exact amount to be incurred is unknown at present and will not be known until the recruitment process has concluded.

The total value of the decision will be funded in full from the Housing Revenue Account (HRA). Evidence to meet HRA funding criteria will need to be provided and maintained throughout the charging period to ensure the activity remains eligible to be charged to the HRA.

Advice provided by Philip Gretton (Finance Analyst) on 05/08/2022.

Procurement Advice:

The proposal involves using a framework to make a number of appointments. The framework has specific call-off terms for awarding contracts. Provided the framework process is followed, the award of contract would be compliant with procurement law and therefore there would be no significant Procurement concerns

Advice provided by Paul Ritchie (Procurement Manager) on 11/08/2022.

HR Advice:

This proposal seeks to establish x 2 permanent FTE Litigation Solicitors (Grade I) and x 3 FTE Litigation Assistants (Grade E) within the Litigation and Dispute Resolution Team, to respond to a significant increase in the number of new and historical Disrepair cases.

The service is ultimately seeking to recruit to permanent positions, funded by the Housing Revenue Account (HRA). It is recognised that there are recruitment challenges within the legal market at present and that it may take up to six months to appoint to positions on a permanent basis. Therefore, given the urgent need for litigation resources, the service plans to recruit professional agency workers to commence immediately, as an interim measure and at additional cost (given the higher fees incurred through this type of engagement).

The NCC policy and procedures on the hiring of Agency staff should be adhered to (in the first instance) through the etips (GRI framework) neutral vendor system, and the national Agency Worker Regulations. The hiring manager should liaise with their Directorate HR team to identify any 'at risk' employees currently on the redeployment register, who may be suitable for these roles.

The service should consider their choice of publications to advertise vacancies to ensure a wide pool of applicants and promote the Council's EDI agenda.

A fair and transparent recruitment process, in line with the Council's recruitment procedure, should be followed to appoint to the new positions. Management should be aware that the selected post holders should commence on a starting salary of Level 1 within the respective Grade, unless the appointed colleague is already in employment at the Council and on Level 2 of the same grade, in which case the employee would be matched over at the rate of pay they currently receive.

Management plan to 'take stock' of their establishment levels after six month to assess if the level of staffing continues to be appropriate and proportionate to the volume of work, or if a reduction in staffing is required at that time. The service propose that any reduction in the establishment can be achieved through natural wastage or assimilation into other work of a similar type/grade. It would be prudent for the service to account for any potential redundancy costs arising from an establishment reduction, should it not be possible to achieve these through the aforementioned methods.

Advice provided by Andrew Morley (Senior HR Consultant) on 09/08/2022.

Signatures

Adele Williams (Portfolio Holder for Finance)
SIGNED and Dated: 16/08/2022
Clive Heaphy (Interim Corporate Director for Finance & Resources)
SIGNED and Dated: 15/08/2022