

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

<b>Reference Number:</b>	<b>4838</b>
<b>Author:</b>	<b>Paul Ritchie</b>
<b>Department:</b>	<b>Finance and Resources</b>
<b>Contact:</b>	<b>Richard Henderson</b> <b>(Job Title: Director for Human Resources and EDI, Email: richard.henderson@nottinghamcity.gov.uk, Phone: 01158763443)</b>
<b>Subject:</b>	<b>Procurement of a Managed Service Provider for the supply of Agency Workers</b>
<b>Total Value:</b>	<b>up to £650,000.00 (Type: Revenue)</b>
<b>Decision Being Taken:</b>	<b>To approve the increased expenditure for the existing Agency Worker contract.</b>
<b>Reasons for the Decision(s)</b>	<b>There was a decision taken to Commissioning and Procurement Executive Board dated 14th June 2022 requesting £750K to cover projected agency costs from 18th August to mid-November to allow for re-tendering of the contract. with a 'Go Live' date of 19th November. Finance colleagues have advised that due to a sharp rise in agency demand, there remains a further shortfall based on current usage and that a further increase of up to £650,000 is now required to cover the period to the 19th November 2022.</b>
<b>Other Options Considered:</b>	<b>Not to raise the value of the contract was not considered for operational reasons as council services will not be delivered and are dependent on the provision of agency staff.</b>
<b>Background Papers:</b>	<b>None</b>
<b>Published Works:</b>	<b>Commissioning and Procurement Executive Board dated 14th June 2022 agenda item number 14.</b>
<b>Affected Wards:</b>	<b>Citywide</b>

**Colleague / Councillor Interests:**

None

**Consultations:**

Those not consulted are not directly affected by the decision.

**Crime and Disorder Implications:**

<span style="mso-fareast-font-family:Arial;mso-bidi-font-family:Arial;mso-bidi-font-weight:bold">1.1 N/A  
<p class="MsoNormal" style="margin-top:0cm;margin-right:-25.4pt;margin-bottom:0cm;margin-left:7.65pt;margin-bottom:.0001pt">

**Equality:**

EIA not required. Reasons: An EIA is not required as part of gaining approval for the additional expenditure but due regard to equality, diversity and inclusion was considered in the procurement process.

**Social Value Considerations:**

N/A

**Relates to staffing:**

Yes

**Decision Type:**

Portfolio Holder

**Subject to Call In:**

No  
The call-in procedure does not apply to the proposed decision because the delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The Chair of the Overview and Scrutiny Committee (or Vice-Chair) in his/her absence has been consulted and agreed both that the decision proposed is reasonable in all circumstances and that it should be treated as a matter of urgency.

Person Consulted: n/a  
Consultation Date: 24/01/2023  
This is a retrospective decision and will be reported to full Council.

**Advice Sought:**

Legal, Finance, Procurement, Human Resources

**Legal Advice:** This report seeks approval to increase expenditure for the existing Agency Worker contract by £650,000 for the period to 19th November 2022.  
I understand from colleagues that the extension is sought under the auspices of Regulation 72(1)(b) Public Contract Regulations 2015. I'm satisfied on the information I have seen that this financial extension is within the limits prescribed by Regulation 72(1)(b).  
I understand that the contract was entered into using the ESPO framework. The contract provides for variation confirmed in writing; the variation, if effected, needs to be confirmed in writing.  
Anthony Heath, Senior Solicitor, Contracts and Commercial, 1st November 2022, updated 19 January 2023.

**Finance Advice:** This report seeks approval to increase expenditure for the existing Agency Worker contract by £650,000 for the period to 19th November 2022. It affects various budgets across the council and it will be down to budget holders along with support from Finance to establish how the increased spend will be funded.  
  
No objections to the proposal  
  
Advice provided by Nishil Rabheru (Strategic Finance Business Partner) on 08/12/2022.

**Procurement Advice:** Due to an increase in use of agency staff, this DDM seeks approval to increase the expenditure on the existing contract but it does not equate to a value (as per regulation 72) where another procurement exercise needs to be considered.  
  
Therefore, there are no procurement concerns. Advice provided by Louise Dobson (Business Support) on 15/11/2022.

**HR Advice:** Increased costs and use of agency workers has driven a requirement to revise the spend thresholds. Particular spikes in usage have been noted in Homecare and Children's Services. Work is underway to review the drivers for use of agency workers, including retention and pay reviews. Advice provided by Paul Slater (HR Business Lead) on 08/01/2023.

**Signatures**

Toby Neal (Portfolio Holder for Housing and HR)
SIGNED and Dated: 27/01/2023
Mel Barrett (Chief Executive)
SIGNED and Dated: 27/01/2023