

**NEWCASTLE-UNDER-LYME BOROUGH COUNCIL**

**CORPORATE LEADERSHIP TEAM'S  
REPORT TO**

**Cabinet**  
**07 November 2023**

**Report Title:** Revised Agency Framework Proposal

**Submitted by:** Service Director of Sustainable Environment

**Portfolios:** One Council, People and Partnerships; Sustainable Environment

**Ward(s) affected:** All

<p><b><u>Purpose of the Report</u></b></p> <p>Following Cabinet approval in July 2023 to undertake a procurement process for a Temporary Agency Personnel framework for Sustainable Environment, this report seeks to include agency provision across the organisation and to enter into contract with WM Temps (in partnership with West Midlands Employers and Opus), a managed solution which has been through extensive procurement processes regionally.</p>	<p><b>Key Decision YES</b></p>
<p><b><u>Recommendation</u></b></p> <p>That</p> <p><b>1. Cabinet agree to contract with WM Temps for the Temporary Agency Provision.</b></p>	
<p><b><u>Reasons</u></b></p> <p>Previous approval was granted to procure for a service within Sustainable Environment. This solution ensures best value, whilst negating the need for additional procurement and widening the scope across the organisation, thereby achieving a greater central control and consistency of our agency usage.</p>	

**1. Background**

1.1 In July 2023, Cabinet considered a report regarding procurement of temporary agency staff and authorised officers to procure a framework agency provider within sustainable environment.

**2. Issues**

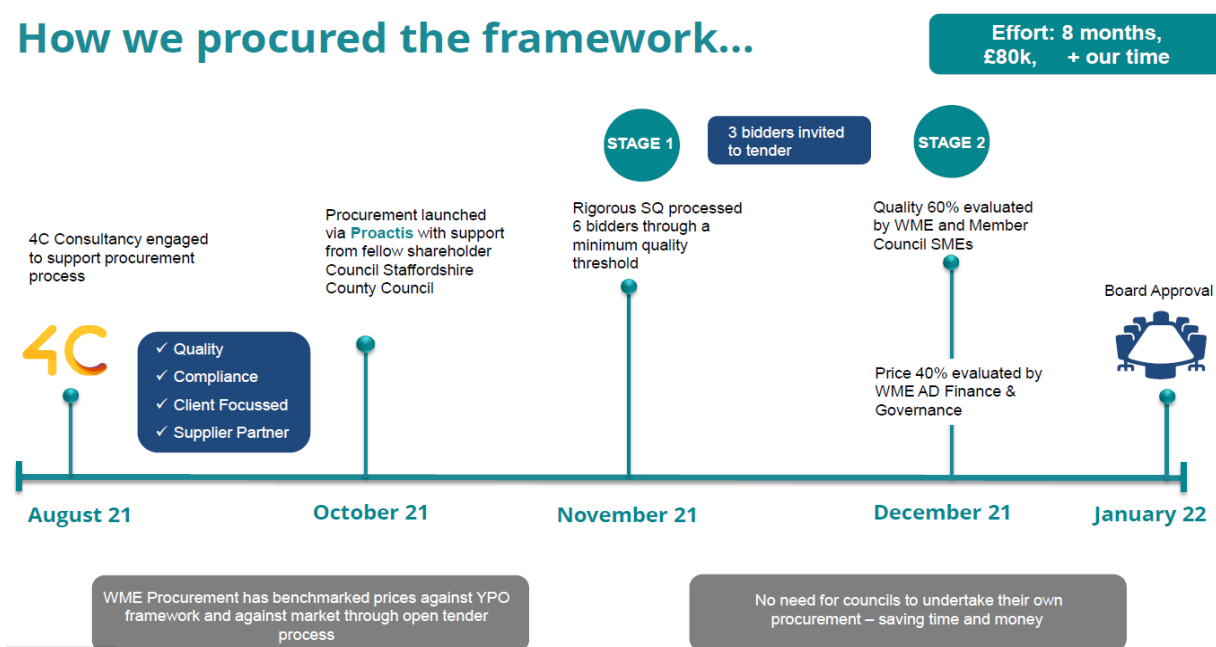
2.1 Since approval of the previous proposal in July 2023, and before commencing procurement, an opportunity was identified to adopt an alternative solution, negating the need for a stand-alone procurement, and enabling a Council wide scope, rather than a scope focused solely

on the Sustainable Environment directorate. This involves using a framework agreement recently procured framework by West Midlands Employers.

2.2 West Midlands Employers is a not-for-profit organisation, funded by several shareholding councils in the West Midlands Region, including NULBC as a founding member. The organisation supports and delivers workforce expertise in local government across the West Midlands, and therefore is uniquely placed in terms of their understanding and appreciation of workforce challenges we face at Newcastle Under Lyme.

2.3 West Midlands Employers have signed a framework agreement for provision of the WM Temps service with Opus People Solutions, which is open for all councils in the West Midlands to access with no need to procure. The process undertaken by WME followed the Green Book approach and has been externally audited. The process followed by WME is summarised in the graphic below.

## How we procured the framework...



2.4 The solution proposed under WM Temps uses their knowledge and understanding of the local government sector to challenge and opportunity to deliver a focussed and tailored solution.

2.5 Utilising framework saves time and valuable resources in appointing agency and fixed term workers in the organisation as already recognised by cabinet. The solution proposed meets our duties around Best Value and also provides NULBC with access to a broad range of agencies and workers. We are now looking to widen the scope across the organisation and to make a direct award through WM Temps to enter into a call off contract for an Agency Framework provision across all services. By widening the scope beyond Sustainable Environment, we extend the previously outlined benefits across all services.

2.6 WM Temps propose to invite local agencies we use frequently to join the framework and therefore the benefits of these agencies' knowledge of the council will not be lost. We will also be able to benefit from their wider pool of regional agencies.

2.7 Given the WME oversight of the model, the service will ensure compliance with our statutory duties around agency workers and additionally enable more in-depth analysis of data around workers, temp to perm contracts, ability and health checks.

2.8 The centrally managed system as is proposed here will reduce management time, failure demand, monitoring and administration around the use of temporary workforce.

### 3. **Proposal**

3.1 That Cabinet agree to contract with WM Temps for the Temporary Agency Provision

### 4. **Reasons for Proposed Solution**

4.1 The proposed model delivers the outcomes sought through the previous Cabinet decision, but without the time and cost requirements of running a procurement exercise. Additionally, this model enables the Council to benefit from the procurement across all services, and not just the Sustainable Environment directorate, which is the heaviest user of agency staff.

### 5. **Options Considered**

5.1 To continue with the original proposal of procuring our own framework, this will take at least 6 months longer than the proposed solution and does not address wider organisational need.

### 6. **Legal and Statutory Implications**

6.1 The proposal meets our duties under Public Contracts Regulations 2015.

6.2 The term of the call of contract is to be determined but we are proposing the call off contract would be for a minimum of 2 years with the option to extend to allow sufficient time for the benefits of the partnership to be realised. Both the framework and the call off agreements are set out to include industry best practice standard terms and conditions, including defined service specification, service level agreements and KPIs, financial arrangements and performance management arrangements. These include escalation and exit arrangements should they be required.

### 7. **Equality Impact Assessment**

7.1 An equality impact assessment will be developed with the successful provider as part of the utilisation of their service delivery and joint recruitment methodologies.

### 8. **Financial and Resource Implications**

8.1 A financial revenue budget is available in both Recycling and Waste, and Streetscene for the supply of temporary staffing to respond to fluctuating needs for staffing to respond to absenteeism, increases in demand and additional services requests.

8.2 Based on historic spend the aggregated value of this contract based on a four-year framework will be in the region of £850,000 (around £212,000 a year) but may fluctuate based on the ongoing need to supply appropriate cover for each of the services.

8.3 The proposal will not require additional budget. There are no charges for implementing the service or accessing the service once it is established – the council will pay a fixed rate margin for hours of temporary resource used.

## 9. **Major Risks**

9.1 The procurement and provision of a compliant framework agreement to procure a solution for temporary staffing minimises possible procurement challenges.

9.2 The timely and controlled processes that will be provided as part of the solution for the supply of temporary staffing is intended to minimise the risks caused to service delivery to residents as a result of any shortfalls in staffing due a range of factors.

9.3 Regularity and Assurance Compliance will jointly be established with the chosen service provider and officers of the Borough Council.

## 10. **UN Sustainable Development Goals (UNSDG)**

10.1 The framework for the provision of ongoing temporary staffing will support the delivery of the following UNSDG:



## 11. **Key Decision Information**

11.1 This is a key decision as expenditure over the life of the contract will exceed £100,000 revenue.

## 12. **Earlier Cabinet/Committee Resolutions**

12.1 Resolution from Cabinet report in July 2023, was

(i) That the process for procurement for the supply and delivery of temporary staffing for both Recycling and Waste, and Streetscene service areas, be approved.

(ii) That Cabinet approve and delegate authority to the Service Director – Sustainable Environment for the award of contract on the completion of the procurement process to be undertaken.

13. **List of Appendices**

13.1 There are no appendices.

14. **Background Papers**

14.1 There are no background papers.