

CABINET
23 OCTOBER 2018
RECRUITMENT FREEZE

Portfolio Holder: Councillor Alan Jarrett, Leader

Report from: Neil Davies, Chief Executive

Author: Carrie McKenzie, Assistant Director, Transformation

Summary

This report brings forward 3 posts to be considered for approval.

1. Budget and Policy Framework

1.1 It is the responsibility of Cabinet to manage income and expenditure to remain within the budget approved by Council.

2. Background

2.1 At Cabinet on 7 January 2003 Members agreed a process by which directors could request approval to fill posts that are not on the list of exempted posts agreed by Cabinet on 10 December 2002. This process was introduced at a time of high concern about overspending as one measure to assist budgetary control. Members have indicated they wish to retain this direct detailed control of recruitment decisions while budgets remain difficult to manage.

2.2 The posts requiring approval to fill are being presented to this Cabinet with the following information: -

- Details of the post including directorate and section, post title, grade and location.
- Length of time post has been vacant.
- Impact on service if the post is not filled with particular reference to services to the public.
- Numbers of posts of this type within the function.
- Realisable savings including any proposals to provide the service in alternative ways, which could also lead to savings.
- Comments from the relevant portfolio holder.

3. Details of the post requiring approval

- 3.1 The following posts are coming forward for approval, the details of which are shown at Appendix 1: -

Business Support Department

Lawyer, Employment and Contracts, Place Team, Legal Services (locum)
Lawyer, Employment and Contracts, Place Team, Legal Services (permanent)

Regeneration, Culture, Environment and Transformation

LGF Programme Co-ordinator

- 3.2 The forms attached are email copies and the signed copy, job profile and structure chart is held in HR Services.

4. Risk Management

- 4.1 In order to assess the potential impact of posts upon the council's ability to achieve its strategic objectives, the attached forms include details of the likely impact on the service should the posts not be filled.

5. Financial and legal implications

- 5.1 The recruitment freeze was instigated to support the realisation of savings against the background of a forecast of a significant overspending. It remains important to ensure that where possible the drive to pursue savings continues. It is important that no cover is taken on to fill any posts which have not been identified as exceptions or been given Cabinet approval to be filled.
- 5.2 There are no legal implications arising from this report at this stage.
- 5.3 The posts will be filled in accordance with the Council's recruitment policies.

6. Recommendation

- 6.1 The Cabinet is asked to agree to unfreeze the posts as set out in Appendix 1 to enable officers to commence the recruitment process.

7. Suggested reason for decision

- 7.1 The posts presented to Cabinet will support the efficient running of the Council.

Lead officer contact

Carrie McKenzie, Assistant Director, Transformation, Gun Wharf, Dock Road,
Chatham Telephone: (01634) 332261 Email: carrie.mckenzie@medway.gov.uk

Background papers:

Cabinet report 10 December 2002

<http://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=1834&Ver=4>

Cabinet report 7 January 2003

<http://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=1835&Ver=4>

Appendices:

Appendix 1 Recruitment Freeze Forms

CABINET APPROVAL FOR RECRUITMENT TO VACANCIES

Please complete this form, with all required signatures, and return to the Organisational Change Team, HR Services, 3rd Floor, Gun Wharf. You will also need to forward an electronic word version to resourcing@medway.gov.uk, so that the approval form can be inserted into the cabinet report. This form is not required for those posts covered by the exemptions list shown overleaf.

DIRECTORATE	Business Support	
SECTION	Legal Services	
POST TITLE	Lawyer, Employment and Contracts, Place Team, Legal Services	
GRADE AND SALARY RANGE	Grade 6 – Salary £35430 - £40741pa plus on costs (estimated at 27% of salary costs)	
POST NUMBER	3602	
LOCATION	Gun Wharf, 2nd Floor	
DATE POST BECAME VACANT	10 November 2018	
MANAGER POST REPORTS TO	Vicky Nutley	
*IS THIS REQUEST TO COVER PERMANENT RECRUITMENT	No	
*IS THIS REQUEST TO APPLY TO AN EXTERNAL AGENCY	Yes	
*IS THIS REQUEST TO COVER TEMPORARY RECRUITMENT FROM AGENCY POOL	No	
IF TEMPORARY PLEASE SPECIFY DATES FROM AND TO:	01/11/2018-28/02/2019	
IF TEMPORARY PLEASE GIVE NAME OF EMPLOYEE COVERING VACANCY (if applicable)		
WHICH PHASE OF BETTER FOR LESS DOES THIS POST RELATE TO? Phase Two		
ARE THERE IMPLICATIONS FOR NOT FILLING THE POST PRIOR TO THE RELEVANT PHASE OF BETTER FOR LESS – IF SO PLEASE INDICATE BELOW		
N/A		
NAME OF RECRUITING MANAGER: Perry Holmes, Chief Legal Officer		

(* please delete as appropriate)

Impact on Service – please include:-

1. Information on the structure within this function indicating numbers of posts of the same type and how many corresponding vacancies – eg 20 care workers 2 posts vacant.
2. Impact on the service if this post is not filled, with particular reference to services to the public.

<p>This request is for a Locum, full time Lawyer in the Place Team in Legal Services. This is to cover recruitment to an existing post which will become vacant on the 10th November 2018. Approval is sought ahead of the current post holder leaving to try and minimise the gap between the lawyer leaving and a replacement starting which is particularly pressing given the nature of the work undertaken by the current post holder. They are currently the only employment lawyer within the team and none of</p>
--

the current lawyers have the experience or extra capacity to take on this work. Any recruitment is likely to take several months before a new post holder can take up the post and approval is therefore sought to obtain the services of a locum lawyer in the interim period to minimise the effect on client departments.

Presently the post holder is dealing with a number of highly contentious cases caused by the recent restructures within Children and Adults services including a number of cases being heard by the employment tribunal. They have already had a number of interim hearings which have been covered in-house by the postholder. One of those cases is listed for an 8 day hearing at the Employment tribunal in the coming months and it is imperative that the team has an employment lawyer in place to be able to deal with these matters.

In addition to running a significant employment caseload the present post-holder has been assisting the contracts team and carrying a number of high level contract matters, that team is already working well over capacity and any loss in their numbers will have a severe impact on their ability to deliver the service.

If this lawyer is not replaced it will have a significant impact on the Council's ability to successfully defend these employment cases and will lead to a significant increase in spend on Counsel and external solicitors as the team will no longer be in a position to undertake employment matters in house.

Budget Issues

Please indicate:

1. the realisable savings if this post remained vacant until the 31st March 2019.
2. If any savings could be achieved by alternative ways of providing the service.

If we are unable to cover the work in house it will need to be outsourced to external firms

Employment of external solicitors or counsel to undertake work of this type would be much more expensive than a permanent post, with hourly charge-out rates of between £250 - £400. This would also incur Counsel's fees to cover any tribunal hearings which would incur further spend.

Please specify the funding source for this post:

This is an existing post and is therefore currently provided for in the Legal Services department budget. The Place Team Litigation Lawyer post is range 6, with a salary of £35 430 - £40 741pa plus on costs (estimated at 27% of salary costs).

Comments from Portfolio Holder

Signed:
Portfolio Holder

Dated:

Signed:
Councillor Alan Jarrett

Dated:

Signed:
Director

Dated:

CABINET APPROVAL FOR RECRUITMENT TO VACANCIES

Please complete this form, with all required signatures, and return to the Organisational Change Team, HR Services, 3rd Floor, Gun Wharf. You will also need to forward an electronic word version to resourcing@medway.gov.uk, so that the approval form can be inserted into the cabinet report. This form is not required for those posts covered by the exemptions list shown overleaf.

DIRECTORATE	Business Support	
SECTION	Legal Services	
POST TITLE	Lawyer, Employment and Contracts , Place Team, Legal Services	
GRADE AND SALARY RANGE	Grade 6 – Salary £35430 - £40741pa plus on costs (estimated at 27% of salary costs)	
POST NUMBER	3602	
LOCATION	Gun Wharf, 2nd Floor	
DATE POST BECAME VACANT	10th November 2018	
MANAGER POST REPORTS TO	Vicky Nutley	
*IS THIS REQUEST TO COVER PERMANENT RECRUITMENT	Yes	
*IS THIS REQUEST TO APPLY TO AN EXTERNAL AGENCY	No	
*IS THIS REQUEST TO COVER TEMPORARY RECRUITMENT FROM AGENCY POOL	No	
IF TEMPORARY PLEASE SPECIFY DATES FROM AND TO:		
IF TEMPORARY PLEASE GIVE NAME OF EMPLOYEE COVERING VACANCY (if applicable)		
WHICH PHASE OF BETTER FOR LESS DOES THIS POST RELATE TO? Phase Two		
ARE THERE IMPLICATIONS FOR NOT FILLING THE POST PRIOR TO THE RELEVANT PHASE OF BETTER FOR LESS – IF SO PLEASE INDICATE BELOW N/A		
NAME OF RECRUITING MANAGER: Perry Holmes, Chief Legal Officer		

(* please delete as appropriate)

Impact on Service – please include:-

3. Information on the structure within this function indicating numbers of posts of the same type and how many corresponding vacancies – eg 20 care workers 2 posts vacant.
4. Impact on the service if this post is not filled, with particular reference to services to the public.

This request is for a permanent, full time Lawyer in the Place Team in Legal Services. This is an existing post which will become vacant on the 10th November 2018 The lawyer who is to vacate this post is responsible for Employment and contracts law and is the only Employment practitioner within the team.

Agreement is sought to recruit to this post immediately despite the ongoing

moratorium to reduce the gap between the lawyer leaving and a replacement starting.

This position is the only Employment lawyer post for the Place Team and any gap is likely to have a detrimental effect on the team and its ability to react to the needs of the client departments. Presently the post holder is dealing with a number of highly contentious cases caused by the recent restructures within Children and Adults services including a number of cases being heard by the employment tribunal. They have already had a number of interim hearings which have been covered in-house by the postholder .One of those cases is listed for an 8 day hearing at the Employment tribunal in the coming months and it is imperative that the team has an employment lawyer in place to be able to deal with these matters.

In addition to running a significant employment caseload the present post-holder has been assisting the contracts team and carrying a number of high level contract matters, that team is already working well over capacity and any loss in their numbers will have a severe impact on their ability to deliver the service.

If this lawyer is not replaced it will have a significant impact on the Council's ability to successfully defend these employment cases and will lead to a significant increase in spend on Counsel and external solicitors as the team will no longer be in a position to undertake employment matters in house.

Budget Issues

Please indicate:

3. the realisable savings if this post remained vacant until the 31st March 2019.
4. If any savings could be achieved by alternative ways of providing the service.

Locum lawyers with experience in this type of work tend to command high hourly rates. Recent experience has shown that the hourly rate is often £40 - £46, so a 37 hour week would cost up to £1702. Using a locum would therefore be significantly more expensive than recruiting a permanent employee, where the annual salary would be in the region of £41,873 (which divided by 52 gives a weekly figure of £803).

Employment of external solicitors or counsel to undertake work of this type would be much more expensive than a permanent post, with hourly charge-out rates of between £250 - £400.

Please specify the funding source for this post:

This is an existing post and is therefore currently provided for in the Legal Services department budget. The Place Team Litigation Lawyer post is range 6, with a salary of £35 430 - £40 741pa plus on costs (estimated at 27% of salary costs).

Comments from Portfolio Holder

Signed:
Portfolio Holder

Dated:

Signed:
Councillor Alan Jarrett

Dated:

Signed:
Director

Dated:

CABINET APPROVAL FOR RECRUITMENT TO VACANCIES

Please complete this form, with all required signatures, and return to the Organisational Change Team, HR Services, 3rd Floor, Gun Wharf. You will also need to send an electronic word version to resourcing@medway.gov.uk, so that the approval form can be inserted into the cabinet report. This form is not required for those posts covered by the exemptions list shown below.

DIRECTORATE	RCET	
SECTION	Physical and Cultural Regeneration	
POST TITLE	LGF Programme Co-ordinator	
GRADE AND SALARY RANGE	Range 6	
POST NUMBER	12117	
LOCATION	Gun Wharf	
DATE POST BECAME VACANT	26 October 2018	
MANAGER POST REPORTS TO	Strategy, Economic Development and Local Growth Fund Programme Manager	
*IS THIS REQUEST TO COVER PERMANENT RECRUITMENT	No	
*IS THIS REQUEST TO APPLY TO AN EXTERNAL AGENCY	No	
*IS THIS REQUEST TO COVER TEMPORARY RECRUITMENT FROM AGENCY POOL	No	
IF TEMPORARY PLEASE SPECIFY DATES FROM AND TO:	One year fixed-term	
IF TEMPORARY PLEASE GIVE NAME OF EMPLOYEE COVERING VACANCY (if applicable)	-	
NAME OF RECRUITING MANAGER: Joanne Cable		

(* please delete as appropriate)

Impact on Service – please include:-

1. Information on the structure within this function indicating numbers of posts of the same type and how many corresponding vacancies – eg 20 care workers 2 posts vacant.
2. Impact on the service if this post is not filled, with particular reference to services to the public.

This post is **fully-funded by the Local Growth Fund (LGF)**. It is the only post of its type within the Regeneration Delivery team.

The current postholder has been successful in securing a one-year secondment to the South East Local Enterprise Partnership (SELEP).

If the post is not backfilled, we will struggle to fulfil the LGF programme management function which has to date stood us in excellent stead with this major funding partner. Effective programme management has helped ensure project funds are drawn down and spent appropriately (i.e. has minimised the risk of lost funds, and of funds having to be returned to SELEP), and has greatly assisted with the submission of Business Cases – vital in obtaining SELEP funds. The postholder also ensures timely financial and progress reporting to both SELEP and KMEP (the Kent and Medway Enterprise Partnership) and is responsible for the preparation of briefings for members, and of reports for Officer and Member Project Board. These are all vital components of a

strong working relationship with the SELEP.

We propose the post is advertised as a one-year fixed term contract with the potential for extension to the end of the LGF funding period. This will cover the eventuality of the current postholder choosing to remain with the SELEP team (SELEP intend to make the secondment post permanent, subject to the outcome of the government review of Local Enterprise Partnerships).

Budget Issues

Please indicate:

5. the realisable savings if this post remained vacant until the 31st March 2019.
6. If any savings could be achieved by alternative ways of providing the service.

This post is **fully-funded by the Local Growth Fund (LGF)**. Therefore, there are no cost savings to the revenue budget if the post remains vacant. Similarly, it is not possible to make savings by providing the service in an alternative way.

Please specify the funding source for this post: Local Growth Fund.

Comments from Portfolio Holder

Signed:
Portfolio Holder

Dated:

Signed:
Councillor Alan Jarrett

Dated:

Signed:
Director

Dated: