

# Bath & North East Somerset Council

## Resources Policy Development & Scrutiny Panel

MEETING  
DATE:

16<sup>th</sup> March 2015

TITLE:

**Impact and progress made on the use of Consultants and agency staff within B&NES**

WARD:

All

### AN OPEN PUBLIC ITEM

#### List of attachments to this report:

1. A review of the Council's use of consultants 2012 ( Historical report)

## 1 THE ISSUE

The Resources Panel have requested an update at the Panel meeting on the (16<sup>th</sup> March 2015) on the use of Consultants since the Panel undertook a task & finish group review on the use of consultants 2012 –( see appendix 1). The report is an update on the progress on these issues and also a measure of the impact the scrutiny process has made.

## 2 RECOMMENDATION

The Panel is asked to consider the update report and make any further comments on current and future progress.

## 3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

No resource implications

## 4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

All arrangements regarding the use of agency staff and consultants must comply with the Council's Contracts Standing Orders and the Public Contract Regulations 2015.

The use of agency workers is also governed by the Agency Worker Regulations 2010.

## **5 THE REPORT**

This report follows up the Resources Policy Development and Scrutiny Task and Finish Group (TFG) Report - "A Review of the Council's Use of Consultants" produced in 2012 and provides the Panel with further information about what progress has been made on these issues and what impact they have had on the Council.

The review was based on the National Audit Office (NAO) - "Central Government's Use of Consultants and Interims" (2010).

### **5.1 Some of the historical issues**

The report highlighted a number of issues where panel members felt the Council needed to strengthen its policies, processes and procedures. These included:-

- The need to strengthen transparency and accountability
- The need to revised Contract Standing Orders (CSO's) including the introduction of a proportionate risk assessment as part of planning an engagement process for the appointment of consultants identifying appropriate routes to market.
- Developing and rolling out processes to staff
- Sharing of successful good practice examples.
- The use of corporate contracts to reduce costs and ensure higher levels of control and transparency.
- Collaboration with other local authorities/public or use existing national or regional framework for specific skills sets that the Council does not possess nor has the capacity to deliver in-house.

### **5.2 How have things now changed**

The Council has strengthened the Council's Corporate Procurement Team. The Team has concentrated on ensuring that there are good governance processes in place to ensure transparency of the process. Since the TFG issued its report the Council has changed its Procurement Strategy by introducing the "Think Local" Strategy. This has been supported by staff training and increased engagement with suppliers. This does change the emphasis in provision in that it moves the Council away from traditional nationally or regionally based frameworks.

The arrangements around Comensura and NEPRO have taken the TFG report into account. They have been developed to help the Council meet its requirements around skill shortages, project work etc. as well as where required to source (locally where possible) experts to help the Council challenge service delivery. The Team has developed two key contracts to manage the provision of agency workers and consultancy services.

## **Comensura**

The Council has a neutral vendor arrangement for the appointment of agency workers. This provides one electronic portal for the appointment of agency workers from a wide variety of agencies. This can be a relatively high cost option due to market forces and agency on costs but allows for short term needs to be met. The Corporate Procurement Team receives regular reports on usage which are shared with our Human Resources colleagues and senior management. The Corporate Procurement Team has delivered an extensive training programme supported by Comensura to maximise the benefits of the arrangement.

Benefits include:-

- Clear governance arrangements
- Good management information
- Agency Worker Regulation compliance
- Terms and conditions in the favour of the Council
- Greater use of local agencies (Think Local)

The Corporate Procurement Team manage risk from off contract spend by reviewing any contracts with non Comensura agencies and where possible encouraging them to sign up with Comensura. There are still occasions where this occurs but they are becoming less frequent.

## **NEPRO**

NEPRO is a Specialist Professional Services framework that simplifies the arrangement for the appointment of professionals with a wide range of skills. It is mainly used for specific projects (Project Management, QS work, Planning Advice, Specialist Financial Evaluation) rather than traditional management consultancy.

Clear guidance notes on the use of NEPRO have been provided to managers supported by comprehensive training on the use of the framework.

Benefits include:-

- It encourages output based specifications (i.e. fixed cost) with the supplier taking an element of risk regarding delivery of the work.
- The system is now fully online and has governance built in.
- It is “Think Local” and SME friendly

## **Other Contractual Arrangements**

Outside of the arrangements highlighted above the Corporate Procurement Team encourages services to use the best routes to market, in line with Council's Procurement & Commissioning Framework, and tools such as the Council's E Procurement System (Pro-Contract) and specialist spend analysis tools.

### 5.3 What impact have these changes had on the Council?

The TFG report has helped the Council to focus attention on ensuring there has been improved transparency and governance around the appointment of agency staff and the use of consultants. The Corporate Procurement Team is currently reviewing the impact of the changes in more detail.

### 5.4 Moving forward (Future plans and potential impact)

Contract Standing Orders have not been revised since the publication of the Working Groups Report. They are currently being updated in the light of the Public Contract Regulations 2015. Following consultation with the Corporate Audit Committee it is expected that revised CSO's will be adopted by the Council in July 2015. The Working Groups recommendations will be considered as part of the review.

## 6 EQUALITIES

6.1 An EqIA has not been completed as the report relates primarily to factual Information / past events.

## 7. CONSULTATION

7.1 None, as the report is a statement of facts.

## 8. RISK MANAGEMENT

No risk assessment has been undertaken as it is not applicable.

## 9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the Opportunity to input to this report and have cleared it for publication.

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