

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

18 OCTOBER 2022

### REPORT OF THE CHIEF OFFICER - LEGAL AND REGULATORY SERVICES, HR, AND CORPORATE POLICY

#### SUSPENSION OF COUNCIL'S CONTRACT PROCEDURE RULES AND AWARD OF CONTRACT FOR THE SUPPLY OF TEMPORARY WORKERS

##### 1. Purpose of report

- 1.1 The purpose of this report is to seek approval to put interim arrangements in place for the council's contract for the provision of temporary workers and suspend the relevant parts of the Council's Contract Procedure Rules (CPRs) with regards to the requirement to re-tender the contract detailed in this report.

##### 2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:
- **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
  - **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
  - **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

##### 3. Background

- 3.1 Temporary workers provide the council with key skills and experience in a variety of circumstances where it is not possible to recruit on a permanent basis. This may be because of a skill shortage in the market, an urgent need to cover a position on a temporary basis, due to a planned or unplanned absence, seasonal demand, or short-term funding.
- 3.2 Ideally, agency engagement will follow an attempt to recruit direct to the council's workforce, albeit this is not always possible. Temporary workers provide valuable and often essential capacity to the council's workforce.

- 3.3 The current call off contract with Pertemps via the National Procurement Service (NPS) Framework Agreement to Supply of Temporary Workers (NPS-PSU-0088-18), (excluding schools) expires 10 November 2022 and there are no further extension periods available.
- 3.4 This is a Master Vendor Service Provider (MVSP) which sets out to provide no more than 80% of the portfolio of workers from its own resource pool and group companies, and the remaining balance from tier providers.
- 3.5 In cases where Pertemps are unable to meet service requirement, due to lack of required specialist availability, then alternative agency suppliers will be considered, and the relevant service is responsible for managing the contract with the agency provider.

#### **4. Current situation/proposal**

- 4.1 Welsh Government are developing a new NPS framework agreement to meet the needs of local authorities in Wales, acknowledging the recruitment challenges being faced in local government and increasing requirement for agency workers in some areas.
- 4.2 In order to allow time for the new NPS framework agreement to be procured, and for the council to conduct its own exercise, a continuation of the existing contract is required. A period of up to 18 months, subject to review, will also enable the council to explore specific professional frameworks in addition to the NPS framework and take account of any other national developments on the agency worker procurement.
- 4.3 To ensure continuity and knowledge of the existing provider, it is proposed that Cabinet suspends the relevant parts of the Council's CPRs requiring a competitive procurement exercise in accordance with the requirements of the Public Contract Regulations 2015 and agrees to the awarding of the contract to the current provider based on current contractual arrangements until 10 May 2024, with an option for six-monthly reviews to provide maximum flexibility.
- 4.4 Cabinet needs to be aware that in agreeing the proposed extension of the existing contract with the current service provider the Council will be exposed to the risk of potential challenge from other providers of such services. The Council's CPRs ensure that procurement exercises are lawful and carried out in compliance with the Public Contract Regulations 2015 to satisfy principles of transparency, non-discrimination and equal treatment. This report proposes the award of a contract without any competition. This proposal breaches the requirements of the Public Contract Regulations 2015 and requires Cabinet's approval to set aside the requirements of the Council's CPRs.

#### **5. Effect upon policy framework and procedure rules**

- 5.1 This report is requesting a suspension of the Council's CPRs, but no amendment to the CPRs is being sought.

#### **6. Equality Act 2010 implications**

6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services, and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

**7. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 This report contributes to the following goals within the Well-being of Future Generations (Wales) Act 2015:

- A prosperous Wales
- A resilient Wales
- A globally responsive Wales

7.2 The five ways of working have been considered in the preparation of this report and are summarised below

Involvement	Feedback from colleagues in Finance, Procurement, Human Resources and NPS have contributed to this report.
Long term	To improve the council's ability to engage experienced workers to meet service demands, whilst longer term solutions are underway such as international recruitment and grow our own schemes.
Prevention	To ensure there is sufficient workforce capacity, with appropriate qualifications and checks in place across the organisation to support the employed workforce to deliver council well-being objectives.
Integration	To provide agency workers with appropriate induction and on the job training so they can make a meaningful contribution, and in some cases become part of the council's employed workforce.
Collaboration	Collaborating through Welsh Government in the use of the NPS framework

**8. Financial implications**

8.1 Based on the current average monthly cost for agency worker provision via Pertemps, the estimated value of the contract for the 18-month period 11 November 2022 to 10 May 2024 is £2,490,737.

8.2 Separate arrangements have been made with Pertemps, via a tiered supplier, to provide social workers in Children's services, and the cost for the period 11 November 2022 to 31 March 2023, is estimated at £649,000. Options beyond this date are currently being considered.

**9. Recommendations**

9.1 It is recommended that Cabinet:

- approves the continuance of the supply of temporary workers, to allow for a full review and a fully compliant tender process to take place.
- suspend the relevant parts of the Council's CPRs in respect of the requirement as to re-tendering of the proposed contract; and
- authorise the Group Manager Human Resources and Organisational Development to enter a contract for the Supply of Temporary Workers until 10<sup>th</sup> May 2024.

**Kelly Watson**

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October 2022**

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**Backdown documents:** None