

Overview & Scrutiny Committee 3

IMPROVEMENT, PERFORMANCE
& FINANCE



Cost of Consultants

TASK AND FINISH GROUP

May 2010



NORTHAMPTON
BOROUGH COUNCIL

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Foreword

The objective of this Task and Finish Group was: -

- To investigate the reasons for the use of consultants at Northampton Borough Council
- To investigate the reasons for the use of agency labour at Northampton Borough Council
- To consider the alternatives to using consultants
- To consider the alternatives to using agency labour
- To assess the risks involved in implementing these alternatives
- To evaluate the effectiveness of the work undertaken by consultants within the authority and determine the impact on the existing staff base
- To consider the costs involved by the Council in using consultants and to compare these costs to other similar local authorities, department by department, for the years 2005/06 and 2007/08
- To consider the costs involved by the Council in using agency labour and to compare these costs to other similar local authorities, department by department, for the years 2005/06 and 2007/08
- To examine the procurement arrangements associated with consultants department by department, for the years 2005/06 and 2007/08
- To examine the procurement arrangements associated with agency labour department by department, for the years 2005/06 and 2007/08
- To examine the procedure for the procurement arrangements associated with consultants and how this is budgeted for and financed
- To examine whether the use of consultants is a skilling or de-skilling process

The Task and Finish Group was made up from members of the Overview and Scrutiny Committee for Improvement, Performance and Finance: - Councillors Matthew Golby, Jamie Lane, together with other non-Executive Councillors Joy Capstick, Jenny Conroy and myself.

A previous Overview and Scrutiny Review into Historic Buildings and Regeneration was undertaken which noted the engagement of consultants in Planning Services. When Overview and Scrutiny Committee finalised its work programme, the issue of the employment of consultants by the Authority was raised and it was requested that a Review of this issue be included onto the Work Programme. This request was agreed and the timescale for the Review set.

The London Centre of Excellence produced a Commissioning Toolkit for the procurement of consultancy and professional services. The toolkit was used within the scope of the Review to provide a comparison to Northampton's policy for engaging consultants as well as being considered by the Task and Finish Group as guidance material.

Desktop research was undertaken with a number of other Local Authorities regarding their usage of Consultants and Agency staff for the periods of time being investigated by the Task and Finish Group. The Task and Finish Group held interviews with the Portfolio Holder, Senior Staff at Northampton Borough Council and Trade Union Representatives. r.

Following the collation of the evidence, the Task and Finish Group draw various conclusion and recommendations that are contained in the report.

The Review took place between June 2009 and May 2010.

I would like to thank everyone who took part in this piece of work.



Councillor Tony Clarke
Chair, Cost of Consultants Task and Finish Group

Acknowledgements to all those who took part in the Review: -

- Councillors Joy Capstick, Jenny Conroy, Matthew Golby and Jamie Lane who sat with me on this Review
- Councillor David Perkins, Portfolio Holder (Finance) for providing a response to the Task and Finish Group's core questions
- Councillor Tim Hadland, Portfolio Holder (Finance) (2005/06) and Councillor Malcolm Mildren, Portfolio Holder (Finance) 2007/08 or providing a response to the Task and Finish Group's core questions
- A number of Councillors for completing the Task and Finish Group's short questionnaire regarding the engagement of consultants and agency staff
- Catherine Wilson, Head of Human Resources, for her support to this Review
- Lorraine Avery, Gordon Kimberly and Dave Labrum, representing the Trade Unions ,for providing evidence to inform this Review
- Garry Pyne, Head of Procurement, for providing a response to the Task and Finish Group's questions which informed this Review
- Julie Seddon, Director of Environment and Culture, for providing expert evidence to inform this Review
- John Capper, Relationship Manager, Comensura, for providing expert evidence to inform this Review

EXECUTIVE SUMMARY

The purpose of the Task and Finish Group was:-

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A previous Overview and Scrutiny Review into Historic Buildings and Regeneration was undertaken which noted the engagement of consultants in Planning Services. When Overview and Scrutiny Committee finalised its work programme, the issue of the employment of consultants by the Authority was raised and it was requested that a Review of this issue be included onto the Work Programme. This request was agreed and the timescale for the Review set.

A Councillor Task and Finish Group was established comprising Councillor Tony Clarke (Chair); Councillors Joy Capstick, Jenny Conroy, Matthew Golby and Jamie Lane.

The Task and Finish Group agreed that the following needed to be investigated and linked to the realisation of the Council's corporate priorities:

- Detailed information for all Northampton Borough Council departments regarding spend in relation to consultants and Agency employees for the periods 2005/06 and 2007/08

- Data from other (best practice) Local Authorities for the same periods, in particular a large district council. For comparison purposes the data will be altered to reflect population in respect of spend per population
- Local Government Association (LGA) or similar guidance on the use of consultants and Agency workers
- Evidence from NBC Directors (or Heads of Services)
- Evidence from the Portfolio Holders (Finance) and (Performance and Improvement)
- Evidence from the Portfolio Holders (Finance) and (Performance and Improvement) for the years 2005/06 and 2007/08
- Evidence from members of the Council for the period 2005/06 and 2007/08 (current Members)

CONCLUSIONS AND KEY FINDINGS

A significant amount of evidence was heard, details of which are contained in the report. After gathering evidence the Task and Finish Group established that: -

- 6.1 After all of the evidence was collated the following conclusions were drawn:
- 6.1.1 In considering Transforming *the procurement of temporary, agency and interim staff: your toolkit for success*, which was commissioned by the London Centre of Excellence (LCE), the Task and Finish Group felt that there are alternatives to the employment of Agency Staff such as the engagement of different types of trainee posts such as undergraduate student placements, graduate placements, future jobs fund, and apprenticeships from The University of Northampton and Northampton College with generic skills. A central base of between one and four postgraduate students could be created. The Task and Finish Group further felt that it would be beneficial for there to be a 'floating workforce' that could be pooled by all departments.
- 6.1.2 The Task and Finish Group highlights the fact that during the period of 2005/2006 central Government had provided financial assistance to the Authority for the engagement of consultants. Bearing this in mind the figures for this period may appear high.
- 6.1.3 There is a need to know how the Council has received value from money from a consultant both during their skills of engagement with the Council and whether these skills have been maintained. The engagement of consultants should be according to service need or specialist positions and be time limited. It is crucial that there is a clear understanding about the difference between locum and consultant. The Task and Finish Group welcomed the definitions of such staff that were provided by the Head of Human Resources. The Task and Finish Group further realised that, as the engagement of consultants should be time limited there was a need for an independent check around the time scale of to be implemented.

- 6.1.4 It was noted that over the periods that the Task and Finish Group investigated the Council has a Policy to reduce the spend on Agency Staff, in particular as part of the budget savings in 2009/10 it had been agreed that the Authority would reduce its spend on agency staff by £200,000. This would be undertaken by applying this approach to agency staff. The Task and Finish Group was surprised to see this saving was for white collar Agency Staff only, and that blue collar Agency Staff were used more to generate savings. It appeared that the higher the cost of a Post the more of a saving by reducing consultants.
- 6.1.5 During the period of time of the Task and Finish Group brokers were changed, the Task and Finish Group recognised the need for changed but felt that there was a need for the Policy to be further developed and expanded
- 6.1.6 The Task and Finish Group noted that part of the way that business is carried out in Neighbourhood Environment involves using Agency staff and it was realised that this is the most value for money way in delivering the service also providing a lot of flexibility. Grounds and street maintenance do not need the cover as much as the refuse lorries. Agency staff is now only brought in to cover sickness absence on the refuse lorries not for street and grounds maintenance. In future, in-house staff may be asked to provide cover for sickness absence on the refuse lorries.
- 6.1.7 The Task and Finish Group highlighted the recruitment process within Neighbourhood Environment in particular when a permanent FTE left the service they would not be replaced with a full time employee but with Agency Staff. It was noted that the turnover of staff has not been huge, mainly due to the recession. It was also noted that this method of recruitment is set to continue as it makes NBC more competitive in terms of costs. Bearing this in mind, the Task and Finish Group felt that there is a need for the Council to have a Policy stating, for example that no more than 30% Agency Staff be employed. Should the service go out to competitive dialogue with a Company that has say for example, 80% Agency staff and just 20% full time employees this would not meet the Council's Policy. It was emphasised that there does need to be a balance between quality and cost. The Task and Finish Group suggested that a Policy could be produced which stated that the Council managed the workforce and maintained the standard. It was emphasised that there would be clear legal implications regarding a stated Policy on the employment of Agency Staff. As a major employer the Council needs to be seen to helping the economy. It is accepted that there is a need for Agency Staff but an appropriate level must be met in normal circumstances.

RECOMMENDATIONS

The above overall findings have formed the basis for the following recommendations. The Task and Finish Group therefore recommends to Cabinet that: -

- 7.1.1 A procedure based on the document "*Transforming the procurement of temporary, agency and interim staff: your toolkit for success*" is produced and used by each Service Area when engaging temporary, Agency and Interim staff.
- 7.1.2 Cabinet considers the engagement of students from University of Northampton and Northampton college as well as apprenticeships and future job fund opportunities with generic skills, for the filling of temporary vacancies that are currently filled by Agency Staff. A central base of between one and four postgraduate students could be created.
- 7.1.3 Consideration is given to the introduction of a floating workforce that could be pooled by all departments.
- 7.1.4 Build into the Consultant engagement process an independent review after a set time period by the Head of Human Resources to ensure the engagement is still appropriate.
- 7.1.5 The Policy regarding the employment of Agency Staff be expanded and reviewed including: -
 - Setting a maximum percentage target for each directorate of Agency staff.
 - Confirm the definitions within the policy based on the definitions as set out in this report

Northampton Borough Council

Overview and Scrutiny

Report of the Cost of Consultants Task and Finish Group

1. Purpose

1.1 The purpose of the Task and Finish Group was: -

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1.2 A copy of the Scope of the Review is attached at Appendix A.

2. Context and Background

2.1 A previous Overview and Scrutiny Review into Historic Buildings and Regeneration was undertaken which noted the engagement of consultants in Planning Services. When Overview and Scrutiny Committee finalised its work programme, the issue of the employment of consultants by the Authority was

raised and it was requested that a Review of this issue be included onto the Work Programme. This request was agreed and the timescale for the Review set.

- 2.2 A Councillor Task and Finish Group was established comprising Councillor Tony Clarke (Chair); Councillors Joy Capstick, Jenny Conroy, Matthew Golby and Jamie Lane.
- 2.3 The Task and Finish Group agreed that the following needed to be investigated and linked to the realisation of the Council's corporate priorities:
- Detailed information for all Northampton Borough Council departments regarding spend in relation to consultants and Agency employees for the periods 2005/06 and 2007/08
 - Data from other (best practice) Local Authorities for the same periods, in particular a large district council. For comparison purposes the data will be altered to reflect population in respect of spend per population
 - Local Government Association (LGA) or similar guidance on the use of consultants and Agency workers
 - Evidence from NBC Directors (or Heads of Services)
 - Evidence from the Portfolio Holders (Finance) and (Performance and Improvement)
 - Evidence from the Portfolio Holders (Finance) and (Performance and Improvement) for the years 2005/06 and 2007/08
 - Evidence from members of the Council for the period 2005/06 and 2007/08 (current Members)
- 2.5 This Review links to the Council's corporate priorities as it demonstrates the Task and Finish Group investigating the efficiencies of the engagement of consultants and agency staff. Corporate priority 4 (we will be a well managed organisation that puts our customers at the heart of what we do) refers.

3. Evidence Collection

3.1 In scoping this Review it was decided that evidence would be collected from a variety of sources:

3.2 The Head of Human Resources

3.2.1 The Head of Human Resources provided baseline data.

3.2.2 Key points:-

3.2.3 The Council's definitions of:-

3.2.4 Consultant

3.2.4.1 Individual/company that is providing a contract for services and is commissioned to undertake work for the Authority on a specific project. This is not part of the establishment. The payment would be through the invoice system.

Agency Staff

- 3.2.5 Engaged to undertake a substantive post on the establishment. They are
- 3.2.5.1 employed by a third party, not Northampton Borough Council (NBC).

Temporary Staff

- 3.2.6 Undertaking a substantive post on the establishment, Provided with a
- 3.2.6.1 temporary contract of employment with Northampton Borough Council. Temporary staff are paid through Northampton Borough Council's payroll.

The Recruitment / Procurement process

3.2.7

Temporary staff

- 3.2.8 To recruit to a temporary staff member, the post must already have been
- 3.2.8.1 created on the establishment. An Authority to recruit (ATR) form needs to be completed for each post, stating the reasons for the recruitment, how the post is funded, the impact of not recruiting and signed-off by Finance Department and the Service Director confirming the budget.

Agency staff

- 3.2.9 The majority of agency staff are procured through a vendor-neutral managed
- 3.2.9.1 service run by a broker, which means that they do not provide agency workers themselves, but act as a single point of contact between NBC and other agencies to reduce costs and meet the diverse needs of the Council. An ATR form needs to be completed for each agency worker before any orders are placed with a broker.

- 3.2.9.2 Agency staff at Neighbourhood Environment operates slightly differently [waste operations] due to the immediacy of this service, the ATR process is open ended and the management goes direct to the Agency each morning to obtain staff, a broker's system is completed retrospectively.

- 3.2.9.3 If a broker is unable to find an agency worker with the appropriate skills and experience required, there is an exemption clause in the agreement, which enables NBC to go to a specialist agency direct. This is also utilised where the agency role is of a senior nature and from experience it is acknowledged that a broker contract will not provide these skills. In both instances this has to be approved by the Director for Finance and Support.

Consultants

- 3.2.10 The procurement of consultants varies dependent on the reason and type of
- 3.2.11 project that needs to be undertaken.

Reasons for utilising these approaches

3.2.12

Reasons to engage a temporary member of staff

3.2.12.1

- Limited funded role
- Maternity cover
- Secondment cover
- Newly funded post awaiting permanent recruitment

Purpose of engaging an agency member of staff

3.2.12.2

Agency staff are engaged to provide cover for substantive posts on the establishment. This cover is provided:

3.2.12.3

- To cover absence – for specific reasons; statutory requirement, income generating, vulnerable people at risk or risk to Health and Safety of public/customers/employees
- To cover role whilst recruitment is considered / undertaken
- Workforce plan reason if there are fluctuations in demand for services, business strategy to have core workforce and flexible staff structure (agency staff) to cope with these fluctuations.
- If service is undergoing change that may alter the needs of the service in the short term the decision may be made to recruit agency rather than permanent staff to mitigate against any potential redundancies of permanent staff already employed.

All agency posts are reviewed after 13 weeks.

3.2.12.4

As part of the budget savings in 2009/10 it was agreed that the Authority would reduce its spend on agency staff by £200, 000. This would be undertaken by applying the above approach to agency staff.

3.2.12.5

Reasons for engaging Consultants

3.2.12.6

Engagement of consultants is considered dependent on the following criteria:

3.2.12.7

- Project
- Skills Required
- Timescale of Project
- Capacity within the organisation

3.2.12.8

The benefits of engaging consultants are the level of skill and expertise that company / individual can bring to the organisation with the ability to focus on delivery for a specified period. Dependent on the project these skills can also be transferred to NBC staff as part of the project.

Alternative approaches

3.2.13

Temporary Staff:

3.2.14

This is dependent on the purpose of recruiting temporary staff. For example:

3.2.14.1

Filling a substantive post – if there is limited funding for a post, it cannot be filled on a permanent basis due to the short-term

nature of the post and implications for the employee. There is no suitable alternative to this.

Maternity cover/secondment cover – as there is already someone in post, it can only be covered on a temporary basis and we need the confidence of a fixed-term contract to ensure continuity of cover.

Newly funded post – the cover would be short-term and potentially for more than 13 weeks.

Agency staff:

3.2.15

This would be dependent on the reasons for using agency staff in the first instances. For example:

3.2.15.1

Sickness Cover – The only reason agency staff should be utilised in this instance is where the service is required to provide the function e.g. statutory service, vulnerable people at risk or risk to Health & Safety of public/customers/other employees. This cover is normally required immediately.

Alternative

3.2.15.2

There is very little alternative to this service, given the size of the Authority and economics of scale. Alternative for a significantly bigger authority would be to have an in-house agency or recruit over establishment for some of these services.

3.2.15.3

3.2.15.4

Recruitment Cover – Agency staff are utilised in the instance whilst a post is vacant and the manager is undertaking the recruitment process. The main benefit to this is the speed of response from agency. Agencies have already pre-checked staff (References, CRB etc) and staff can start within a very quick period. This is only utilised where for following apply:

- Statutory requirement
- Income generating
- Vulnerable people at risk or risk to health & Safety of public / customers/ other employees)
- Other options have been considered for providing this cover and deemed inappropriate

Alternatives:

3.2.15.5

- Reduce timeline of recruitment process – work on this area has already been started
- Bank staff – undertake work to pre recruit staff in preparation for vacancies, so that they are ready to be employed immediately once a vacancy arises. Given the size of the organisation and breadth of type of roles, this would not be viable.

- Outsource recruitment services to agency to undertake our recruitment based on the above approach. An agency may be able to provide this service due to undertaking work with other organisations. Negative to this is we would not be recruiting based on our values and priorities.

Fluctuations in demand for service – In these areas have core workforce and then when work peaks we use agency staff to cover these peaks.

Alternative – In house agency. Negatives – size of organisation would not provide the economies of scale in this area.

Changes to service – In this instance employing agency staff whilst changes to service are undertaken that may mean this role may no longer be required. The benefit of utilising agency staff is that there is potential mitigation against redundancy for permanent employees.

No suitable alternative.

Consultants:

3.2.15.6

3.2.15.6.1

The purpose of recruiting consultants is to bring skills and capacity to the organisation that the Council currently does not have or because of the timescales of the project. Alternative options such as recruiting staff permanently, temporary or through agency would be considered prior to consultants being utilised.

Analysis of Agency Staff Costs from January 2008 to November 2009

3.3

3.3.1

The following data is from the beginning of a broker's contract, January 2008 to November 2009. Attached at Appendix B is a breakdown of this data.

3.3.2

A broker contract first came into operation. These reductions are particularly high across Customer Services and ICT, Housing Needs and Support, Landlord Services, Neighbourhood Environmental Services and Revenue and Benefits.

Borough Solicitors Division (Chief Executive Directorate)

3.4

3.4.1

There had been a number of Solicitors and Senior Solicitors posts vacant. The gap this produced was filled with the supply of Solicitors through a broker contract to ensure various statutory obligations were met.

3.4.2

This financial year there has been a recruitment campaign to permanently recruitment to several of the vacant posts. Nevertheless there is still the need for additional expertise and an Employment Solicitor is currently assigned through a broker to work on several tribunal cases.

3.4.3

Other posts covered through a broker's contracts were Meeting Services Officer, Administration Assistant, Legal Support Assistant and several

Electoral Services Administrative Assistants.

Customer Services and ICT Division (Finance and Asset Directorate)

3.5.

3.5.1

The majority of the Agency Staff procured through a broker across all three periods for Customer Services relates to front line staff, mainly Customer Information Officers. These staff were recruited to cover peaks, service continuity during training, sickness absence and vacant posts, in addition there was a need to cover the telephonist roles on a temporary basis prior to the new voice recognition system being implemented.

3.5.2

The ICT spend on a broker mainly relates to Helpdesk Assistants and Business Analyst for specific project work.

3.5.2

The Head of Customer Services and ICT confirmed that she has looked at all of these lines detailing costs for Agency Staff and with the exception of the customer contact centre, where agency staff was employed for a fixed amount of time prior to introduction of the VR system, because permanent staff who used to man the switchboard had successfully secured alternative employment within NBC, the agency staff were all used to fill vacancies whilst recruitment was taking place.

3.5.3

The Head of Customer Services and ICT confirmed that these are all key front line services where calls need to be answered, staff needed to deal with face to face customers, with security of buildings and the cleaning and maintaining of the buildings the service cannot carry vacant posts. There is also the need to provide cover where there is sickness absence, in particular long-term sickness. The timescale for recruitment can take up to three months – the process involves advertising, shortlisting, interview/assessment day and then period of notice for the successful applicant. The Service has an ongoing requirement for temporary staff whilst this recruitment is progressing. The cost of the temporary staff is met from the revenue budget as obviously the Service is not incurring spend against this budget whilst the posts are vacant. The exception to this is cover during staff sickness where the Service area would have to make savings elsewhere to pay for the temporary cover but as these are front line essential services we have no choice or service to customers would be severely affected.

Finance and Assets Division (Finance and Asset Directorate)

3.6

3.6.1

The ongoing implementation of more Agresso system modules has required specialist skills and knowledge which has been met through a broker contract and equates to almost half the spend in this area.

3.6.2

The spend against Asset Management covers the posts of Valuation and Estates Manager, Building Surveyor, Senior Maintenance Planner and Accommodation Officer due to new posts being identified in the proposed restructure, cover for a Career Break and the Accommodation Review.

Housing Needs and Support Division (Housing Directorate)

3.7

- 3.7.1 The majority of the spend in this area relates to the Housing Options Team, Housing Solutions and Sheltered Housing.
- 3.7.2 The Housing Options and Housing Solutions Teams have changed systems, introduced a Choice Based Lettings solution and have under gone a restructure. Additional resources were required to review the Housing Register and re-register all applicants under the Choice Based Lettings Policy.
- 3.7.3 Housing Option Officers, Housing Options Team Leader as well as a Housing Needs Manager was required during the restructure and pending filling posts.
- 3.7.4 Agency staff had been used in Sheltered Housing to cover Maternity Leave, vacant posts and absences due to Long Term Sickness primarily relating to the Sheltered Housing Coordinators.
- 3.7.5 The Head of Housing Needs and Support confirmed that there are two areas specifically where interim managers have been used - Housing Solutions and Independent Living.
- 3.7.6 Given the challenges in Homelessness and Allocations an experienced manager was needed to take the service forward, build capacity within the workforce and deliver some key outcomes e.g. Introduction of Choice based Lettings, reduction in numbers of households in Temporary accommodation.
- 3.7.7 There were no staff in the organisation with this skills set and an interim manager was recruited. This manager has now become the permanent Housing Solutions manager and has saved the council significant sums of money by driving down both the numbers in temporary accommodation and the costs of that accommodation and leading on developing the range of homelessness prevention services e.g. Mortgage Rescue. The Housing Options Team Leader post has been kept vacant in order to offset the costs of the interim arrangements.
- 3.7.8 The Council has unsuccessfully attempted to recruit to the post of Independent Living manager on three separate occasions in the past 18 months. Given the challenges in Sheltered Housing and Call Care services, it was felt to be important to bring in a skilled manager to support the team leaders and move the service forward particularly given the challenges in regard to Supporting people funding and delivery of the Quality Assessment framework. Over the past year there have been significant improvements in this service not least the accreditation to the Telecare services association (TSA) and the awarding of a level "B" by supporting people for the Sheltered Housing service.
- 3.7.9 It was highlighted that the proposed restructure of the Housing directorate will address the historic difficulties in recruiting to this post and it is not intended to continue with these interim arrangements once the structure has been agreed and any vacant posts recruited to. However, there may be specific pieces of work that require a range of skills that we do not currently have in the workforce. A good example would be the work on the PFI, which would not be manageable without external support. Given our Housing inspection later this year and our ambition to be a 3 star Housing service, such support is

occasionally necessary and presents value for money.

3.7.10 **Housing Strategy, Investment and Performance Division (Housing Directorate)**

3.7.11 Major Works have covered specific Projects and Vacant posts following the restructure through the use of Agency workers. The posts covered are Project Manager, Clerk of Works, Project Officer, Technical Clerk (Data) and Data Officer.

3.8 **Housing Landlord Services Division (Housing Directorate)**

3.8.1 Agency workers are used to cover holiday cover, workload peaks and seasonal variation in the requirement for Trade Operatives across all trades. Other areas of spend have related to Housing Officer post cover due to vacancies following the restructure.

3.8.2 Further details were supplied by the Head of Landlord Services regarding Agency staff usage over this period:-

3.8.3 The Agency staff costs have been examined.

3.8.4 Costs in property maintenance, including the electrical team are front line posts delivering repairs to tenants. They were used to cover vacant posts, and at a time of restructure whilst the permanent establishment was being put together.

3.8.5 Costs for housing needs were vacant posts and also buying in expertise that did not exist within the organisation for implementing choice based lettings.

3.8.6 Other posts were vacant front line posts and cover for maternity leave.

3.8.7 Overall costs were within budget, including the costs of Agency Staff.

3.9 **Neighbourhood Environmental Services Division (Environment and Culture Directorate)**

3.9.1 Domestic Waste, Recycling and Street Cleaning require Agency workers to ensure all rounds can be fully covered. Due to the nature of the service Agency workers are recruited on the same day they are required, this way of working ensures budget savings and service continuity during the Strategic Business Review.

3.10 **Planning Division (Planning and Regeneration Directorate)**

3.10.1 Agency workers were used during 2008/2009 to deliver improvements required in Planning under the Corporate Performance Assessment and service inspections. An Interim Development Control and Building Control Manager was procured through A broker initially for a four-month period as well as a support officer.

Revenue and Benefits Division (Finance and Asset Directorate)

- 3.10.2 The Revenue and Benefits service was one of the Council's Improvement
- 3.10.3 Priorities. Several vacant posts across the service for Benefit Assessors and Team Leaders has meant that Agency workers have been used to ensure key positions are filled, during 2008/2009 there were approximately 17,000 customers reliant upon Housing and Council Tax Benefit, many of whom are our most vulnerable members of the community.
- 3.10.4 Agency workers have continued to be used more in terms of sustaining current performance achieved at top quartile and not allowing the capacity issues created by the recession impacting on that performance.
- 3.10.5 Recruitment for Benefit Assessors has taken place to meet some of the gaps.
- 3.11 **Town Centre Management Division (Environment and Culture Directorate)**
- 3.11.1 Agency workers are used for day and night Bus Station cleaners. These workers cover sickness and other absences and are a cost effective way to cover these gaps.
- 3.11.2 Another post covered by an agency worker is Operations Assistant in Parking.
- 3.12 **A broker's criteria to engage Agencies**
- 3.12.1 Agents are required to sign up to:-
- A broker Supplier Agreement – Northampton Borough Council
 - Supplier Enrolment Registration Form
 - Supplier Rate Agreement
- 3.12.3 The contract with this particular broker ran from January 2007 until April 2010.
- 3.12.4 **A broker's Supplier Agreement**
- 3.12.5 A broker's Supplier Agreement includes information of the Supplier's obligations and Broker's Obligations as detailed below: -
- 3.12.6 **The Supplier's Obligations**
- 3.12.7 The Supplier has to comply with, and require the Temporary Workers to comply with, all reasonable instructions of a broker or the Customer in relation to access to the Customer's premises at all times during the Assignments including the Council's security requirements as detailed in the Agreement and such other security measures as are from time to time introduced by the Council at any Premises.
- 3.12.8 The Supplier is asked to at all times take all such precautions as are necessary to protect the health and safety of the Temporary and shall comply with the requirements of the Health and Safety at Work etc. Act 1974 and any other Acts, Regulations or Orders pertaining to Health and Safety at Work.

- 3.12.9 The Supplier is requested to provide to each Temporary Worker a copy of the Customer's Statement of Health and Safety at Work Policy and appropriate Codes of Practice and the Customer's Compliance Manual (including any amendments in force from time to time) copies of which will be made available on request. Whilst on the Customer's premises the Supplier shall require Temporary Workers to comply with the same.
- 3.12.10 The Suppliers are requested to immediately inform a broker where it becomes aware of any accident which has occurred during an Assignment involving any of the Temporary Workers and shall ensure that an accident report for the same, in such form as the Customer may from time to time require, is completed promptly in respect of each such accident.
- 3.12.11 The Suppliers performs all interviews, curricula vitae verification, and testing and/or background checks as specified in the Agreement and Schedules in respect of each Temporary Worker proposed to be assigned to the Customer.
- 3.12.12 The obligations further state that at any time, upon the reasonable request of a broker or the Customer, the Supplier shall remove any Temporary Worker assigned to the Customer and, upon the request of a broker the Supplier shall arrange for the provision of a replacement Temporary Worker at no extra cost. The Supplier shall indemnify a broker and the Customer for any claims, loss or damages made by the Temporary Worker as a result of such removal. Where A broker or the Customer requests the removal of a Temporary Worker within four (4) hours of commencement of an Assignment A broker will not be charged for four (4) hours of that Assignment.
- 3.12.13 The Supplier is asked to ensure all Temporary Workers assigned to the Customer are eligible to work legally in the Relevant Jurisdiction. In the event that a Temporary Worker is found to be ineligible to work in a Relevant Jurisdiction, then upon the Supplier becoming aware of such ineligibility, the Supplier shall cause the immediate termination of such Temporary Worker and shall where necessary arrange for the provision of a replacement Temporary Worker within a reasonable time thereafter. The Supplier shall indemnify a broker and the Customer for any claims, loss or damages made by the Temporary Worker as a result of such termination.
- 3.12.14 The Supplier must provide a broker with the reports and information reasonably requested by a broker or as set out in the Agreement.
- 3.12.15 The Supplier shall supply to each Temporary Worker any information disclosed by a broker to the Supplier under its obligations.
- 3.12.16 The Supplier is required to ensure that: -
- each of its Temporary Workers wear suitable clothing and safety footwear when on duty and for such clothing to be at all times smart and clean;
 - on termination of any Assignment, on the date of such termination security passes, instruction manuals, information and any other property of the Customer supplied by or on behalf of the Customer to

each Temporary Worker are returned to the Customer.

- 3.12.17 The Supplier must comply with the provisions of the Human Rights Act 1998.
- 3.12.18 The Supplier should be able to demonstrate that it has in place policies and procedures to comply with all equal opportunities legislation including:
- demonstrating if requested effective implementation of equal opportunities policies and diversity in the workforce policies in relation to recruitment practices including at least evidence of open recruitment methods such as use of the Job Centre or press advertisements;
 - regularly review the full range of equality policies and procedures and take specific action to make any necessary changes; and
 - regularly monitor the ethnic composition of its workforce.
- 3.12.19 The Supplier is requested to observe as far as possible the Commission for Racial Equality's Code of Practice in Employment as approved by Parliament in 1983.
- 3.12.20 The Supplier shall in all matters arising in the performance of the Services comply with all Acts of Parliament and with all Orders Regulations Statutory Instruments and Bye-laws made with statutory Council by Government Departments or by local or other authorities that shall be applicable to the Agreement and shall indemnify and keep indemnified A broker and the Council against the consequence of any breach of its obligations under this clause.
- 3.12.21 The Supplier's staff and Temporary Workers are asked to observe any rules applicable to the Premises including but not limited to the Council's ban on smoking in the workplace. The Supplier shall not in the performance of the Agreement in any manner knowingly endanger the safety or unlawfully interfere with the convenience of the public.
- 3.12.22 The Supplier must comply, and require the Temporary Workers comply, with the Council's security requirements and such other security measures as are from time to time introduced by the Council at any Premises as notified to it or them by A broker or the Customer.
- 3.12.23 The Supplier must at all times take all such precautions as are necessary to protect the health and safety of the Supplier's staff, the Temporary Workers, the Council's employees and members of the public and shall comply with the requirements of the Health and Safety at Work etc. Act 1974 and any other Acts, Regulations or Orders pertaining to Health and Safety at Work.
- 3.12.24 Whilst on the premises the Supplier shall require the Supplier's staff and Temporary Workers to comply with the Council's Statement of Health and Safety at Work Policy and appropriate Codes of Practice.
- The Supplier must allow a broker access to all information in any format at any time, which relates to the Services including financial records and temporary

worker personnel records in order to audit the Supplier as necessary. The Supplier shall ensure that any permission to do this are procured from the temporary workers and third parties.

A broker's Obligations

3.12.25

Where available a broker shall provide the Supplier with a copy of the

3.12.26

Customer's rules of conduct and its rules for health and safety (including any amendments in force from time to time).

3.12.27

A broker shall designate the individuals with whom the Supplier and/or the Temporary Workers should communicate (as necessary in each Order) with respect to the Supplier's performance of the Services and with respect to the Temporary Workers' performance of the Assignments.

3.12.28

Where provided with the same by the Customer, A broker shall give the Suppliers full details of:

- the intended duties of the Temporary Worker;
- any special skills which it requires the Temporary Worker to have including any experience, training, qualifications or authorisations including those required by a professional body or by law;
- any risks to health and safety known to the Customer and any steps that may have been taken to prevent or control such risks;
- any specific health and safety information, which the Customer wishes to be passed on to the Temporary Worker.

3.12.29

A broker warrants it has secured written confirmation from the Customer that the Customer shall provide on behalf of the Supplier sufficient supervision, direction and control over the Temporary Worker throughout the Assignment and that it will discharge responsibility for the health and safety of each Temporary Worker from the start of any Assignment.

3.12.30

The Service Level Agreement (Schedule 1) sets out the required standards that shall be delivered by the Supplier

3.12.31

Supplier Enrolment Registration Form

3.12.32

The Supplier Enrolment Registration Form allows for a broker to 'screen' Agents applying to join the service. A broker asks the prospective Agents to provide detailed information about the company, which includes asking the Agent to sign up to the self-billing agreement.

3.12.33

Supplier Rate Agreement

The Supplier Rate Agreement sets out four main conditions as detailed below:-

- All transactions will take place via a broker's website;

- The Supplier's charges will be made up of temporary worker's pay + a mark up over pay. A broker express „mark-up“ as a mark-up over the basic rate of pay + NI + WTR + agency margin in the case of PAYE temporary workers, and basic rate of pay + agency margin only in the case of self-employed temporary workers. All mark-up figures quoted will be consistent with this approach;
- The Supplier will be required to meet the obligations, and undertake to abide by the contractual terms, set out in the Supplier Agreement, which will be provided to you by a broker. The Supplier understands and acknowledges that failure to agree to the same may result in the Supplier being unable to continue to supply; and
- The Supplier agrees and acknowledges that neither A broker nor the Client shall be under any obligation to pay invoices in respect of any timesheets or expenses submitted at any time following the expiry of a six week period from the date of the assignment.

3.12.34 Supplier's performance will be reviewed within the first three (3) months of the go live date in accordance with a broker-balanced scorecard. Once this review is complete, Suppliers will be organised into tiers and orders cascaded accordingly

3.12.35 A new contract with a different broker was entered into in April 2010. The broker is not vendor neutral but is a managed service contract. The Council is required to sign up to a Framework Agreement relating to the managed service for temporary workers.

3.12.36 The section relating to the service provided by the broker states:-

3.12.37 **“The Services**

3.12.38 *The Contractor shall provide the Services under any Contract made in connection with this Agreement in accordance with the Council's requirements as set out in the Specification and the relevant Access Agreement in consideration of the payment of the Price, and on the terms of this Agreement and the Contract. If the end date for any Services extends beyond the expiry of the Term, then the terms of this Agreement shall be deemed to apply to such Services until the relevant end date.*

The Contractor will be responsible for providing all Temporary Workers ordered from the Contractor by the Council.

The Contractor will offer a Managed Solution for the provision of Temporary Workers through a centralised management agent to the Council. The Contractor is permitted to use associated companies or subsidiary companies including sister/parent companies as a source of supply provided that the Contractor ensures that the following conditions are met:

In sending out requests for Temporary Workers, associated subsidiary and

sister/parent companies of the Contractor do not receive favourable treatment

All quotes returned to the Contractor are treated equally

The Services shall include a guarantee by Contractor that the Equipment shall maintain such standards and specifications as to compatibility with other systems and equipment as described in the Specification. The Council and the Participating Authorities shall have the power to inspect and examine the performance of the Services at the Council's Premises at any reasonable time or, provided that the Council gives reasonable notice to the Contractor, at any other premises where any part of the Services is being performed.

The Contractor shall at all times deliver the Services in accordance with the Law.

In the event that the Council notifies the Contractor of the Council's reasonably held opinion that any part of the Services do not meet the requirements of the Contract or differ in any way from those requirements, and this is other than as a result of default or negligence on the part of the Council, the Contractor shall at its own expense re-schedule and perform the Services correctly within such reasonable time as may be specified by the Council.

The Contractor shall use reasonable endeavours to provide the Services in a timely way, including in relation to commencing the provision of the Services within the time agreed or on a specified date.

Without prejudice to any other rights and remedies the Council may have pursuant to the Contract, the Contractor shall reimburse the Council for all reasonable costs incurred by the Council which have arisen as a direct consequence of the Contractor's delay in the performance of the Contract which the Contractor has failed to remedy after being given reasonable notice from the Council. "

The specific section regarding the engagement of Agency Staff details:-

3.12.39

"Temporary Workers

3.12.40

In providing the Services the Contractor shall take appropriate steps to ensure that its vendors are aware they must supply only persons who are appropriately qualified, experienced and trained in the appropriate accountabilities.

The Authorised Representative, acting fairly and reasonably, shall be entitled on request, which, if given orally shall subsequently confirmed in writing, to require the Contractor, at no cost to the Council or the Participating authorities to facilitate the remove of any Temporary Worker provided by a vendor from the provision of the Services and, if required, provide a replacement, where a replacement is available. Such removal shall only be required after the vendor has been given the opportunity to make representations to the Contractor. If a Temporary Worker is rejected within the first four hours there will be no charge to the Council.

The Contractor shall take all reasonable steps to ensure that when on Council or the Participating Authorities premises, Temporary Workers carry identification as and when specified by the Council or the Participating Authorities and produce this identification when requested to do so by any member of the Council or the Participating Authorities' staff or by any service user.

The Contractor shall take all reasonable steps to ensure that Temporary Workers are aware they must:

Perform their duties in a competent, orderly and efficient manner and as quietly as may reasonably be practicable having regard to the nature of the duties being performed by them; and

Adhere to the Council or the Participating Authorities' policies and procedures as communicated to the Contractor by the Authorised Representative;

Do not smoke on Council or the Participating Authorities premises other than in designated areas, if any

Are properly attired in any necessary protective clothing and presentable,

While on the Council or Participating Authorities' premises or otherwise in the course of their Assignment do not engage in behaviour or activities, which are contrary to the Council or the Participating Authorities' interests,

Do not accept or solicit any gratuity, tip, or other benefit or reward.

The Contractor recognises that performance of the Contract may require Temporary Workers to work on duties involving access to children, vulnerable adults, or other members of the public towards whom the Council or the Participating Authorities owes a special duty of care, or have access to information of a sensitive or confidential nature. In such instances, the Contractor will be responsible for ensuring by specifying the requirement in the contract with vendors and undertaking regular audits to determine compliance, that the vendor carries out the necessary recruitment vetting checks as specified by the Council or the Participating Authorities. The Contractor shall ensure by specifying the requirement in the contract with vendors that Temporary Workers have given their written permission for such a check to be made and that they are aware that any spent convictions will be disclosed on such a check.

Any person whom the Authorised Representative deems to be unsuitable, either as result of the checks or by virtue of a lack of co-operation in facilitating the check, shall immediately be removed and replaced in accordance with the relevant sub-clause. The Authorised Representative shall not exercise the right contained within this sub-clause arbitrarily, vexatiously or capriciously.

Save to the extent that any removal in accordance with the relevant clauses is unlawful or unreasonable, the Council shall not in any circumstances be liable to either the Contractor or the Temporary Worker in respect of any liability, loss or damage occasioned by such removal and the Contractor shall fully

indemnify the Council against any such claim.”

3.13 **Desktop Research**

- 3.13.1 The London Centre of Excellence produced a Commissioning Toolkit for the procurement of consultancy and professional services. The toolkit was used within the scope of the Review to provide a comparison to Northampton’s policy for engaging consultants as well as being considered by the Task and Finish Group as guidance material.
- 3.13.2 The London Centre of Excellence (LCE) gave grant funding to the London Borough of Havering in 2005/06 to analyse the use of agency staff, and to find ways of achieving cashable and non-cashable savings in the procurement of this element of the workforce.
- 3.13.3 The project had three main objectives:
- To undertake an in-depth analysis of a typical London Local Authority with unmanaged agency staff expenditure;
 - To undertake an analysis of the London-wide position with regard to the use of agency staff.
 - To develop a step-by-step guide for authorities to use in order to achieve efficiency savings in the procurement of agency staff.
- 3.13.4 The Review found that around £500 million was spent on agency staff across London during 2004-05, and agency and temporary workers accounted for up to 25% of the total workforce. Few Local Authorities had readily available management information about their agency and temporary workforce, commission, rates of pay, and quality of service from agencies was dissimilar.
- 3.13.5 The Toolkit uses four basic models for the provision of temporary workers through a managed service have been identified, namely Vendor Neural; Master Vendor; Internal and Partially Outsourced Human Resources. The guidance was written by local government HR, finance and procurement professionals and sets out the different approaches to attracting and engaging temporary workers supplied to the public sector through the large number of temporary staffing agencies. It also offers guidance on how to select the approach best suited to an organisation's needs, the latest legal and HR advice and number of best practice case studies.
- 3.13.6 No ideal solution emerged from these market studies and there are pros and cons associated with each model, but all four models of managed service offer the potential of significant savings and other management benefits to the client compared with an unco-ordinated and uncontrolled environment.
- 3.13.7 The Toolkit highlights potential risks where procurement of agency and temporary workers is not managed, illustrates options available for taking control and provides information on best practice in implementing a managed service from the experience of local and district authorities both within and outside of London.
- 3.13.8

The Toolkit lists the possible reasons for using agency staff: -

- . Flexibility
- . Covering sickness
- . Inability to recruit permanent staff
- . Time to recruit
- . Seasonal
- . Business process
- . Cost

3.13.9

The Task and Finish Group considered possible benefits of alternatives to the employment of Agency Staff such as the engagement of postgraduate students with processing skills and a 'floating workforce' that could be pooled.

3.13.10

Research with Other Local Authorities regarding spend on Agency Staff and Consultants

3.13.11

Desktop research was undertaken with other Local Authorities regarding their usage of Consultants and Agency staff for the periods of time being investigated by the Task and Finish Group.

3.13.12

Some of the information provided by other Local Authorities is confidential and some of the Authorities contacted have asked not to be named in this report. The Local Authorities are therefore referred to as Authority A, Authority B, Authority C etc. Local Authorities in Northamptonshire, district Authorities with a similar population to that of Northampton and Unitary Councils in England with a similar population were contacted.

3..13.13

The following questions were put to the Local Authorities: -

- The costs involved by the Council in using consultants, department by department, for the years 2005/06 and 2007/08
- The costs involved by the Council in using agency labour, department by department, for the years 2005/06 and 2007/08
- Number of full time equivalent employees
- Type of Authority such as Unitary/District etc. Details of which are provided in paragraph 1.3 of this briefing note
- Which Services such as Housing, Leisure or Waste are in house
- The Council's current rating score.

3.13.14

Some Local Authorities were not able to answer all of the questions. Some were able to just group the figures by year, rather than department by department.

3.13.15

Summary – District Councils

Authority A's spend on consultancy costs for the two periods were the highest of the five district councils at £7.47 and £25.12 respectively. The same applies to s costs for Agency staff at £15.40 and £17.37. However, the Authority A stressed that external funding from Grants (Growth Area Funding and Planning Delivery Grant) matched Authority A's expenditure and did not form part of the cost to be met from Council Tax Payers.

3.6.7

3.6.8 Authority B's spend on consultancy costs per head of population for the two periods was £1.73 and £2.93 respectively and was the lowest. However, Authority B's Agency staff spend per head of population for these periods was the second highest from the five Councils that responded.

3.6.9 Authority C's Agency staff costs for the two periods was the lowest of the five district councils that responded.

3.6.10 Data published in December 2009 details that all of the district councils that had supplied consultancy and agency usage data have a CAA score of 2 for use of resources.

3.6.11 The reasons for consultancy and agency use by the Local Authorities was not collected.

Summary – Unitary Authorities

3.6.12

It is reiterated that the reasons for consultancy and agency use by the Local Authorities was not collated. In addition, Unitary Authorities may include costs for consultants and agency staff for services that are delivered at a county council level such as social services and education; FTE figures will also include staff for such areas.

3.6.13

Based on the costs per head of population for the period 2005/06 for consultants, Authority D's costs were lower than Authority E's by £6.97 per head. The same information for both Councils was not available for the period 2007/08.

3.6.14

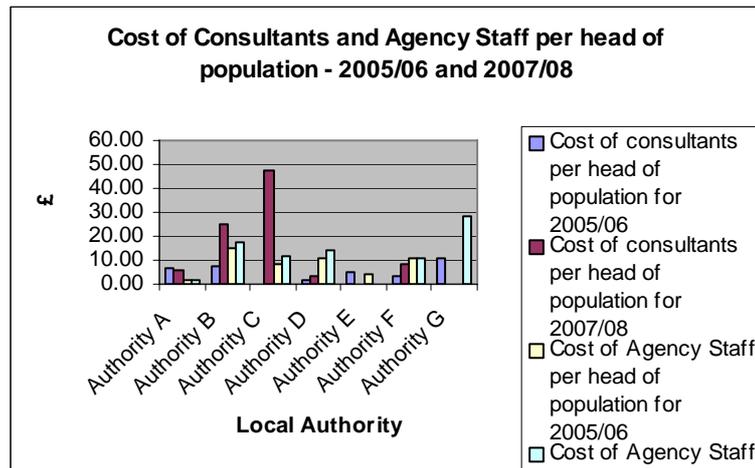
Agency staff costs for the two periods for Authority D had remained very similar at £2,090,298 and £2,063,800 respectively. However, Agency spend for Authority E over the two periods had risen by around 171.34% to £5,453,555.63.

3.6.15

Data published in December 2009 confirms that Authority DI has a CAA score of 2 for use of resources and Authority E a score of 4.

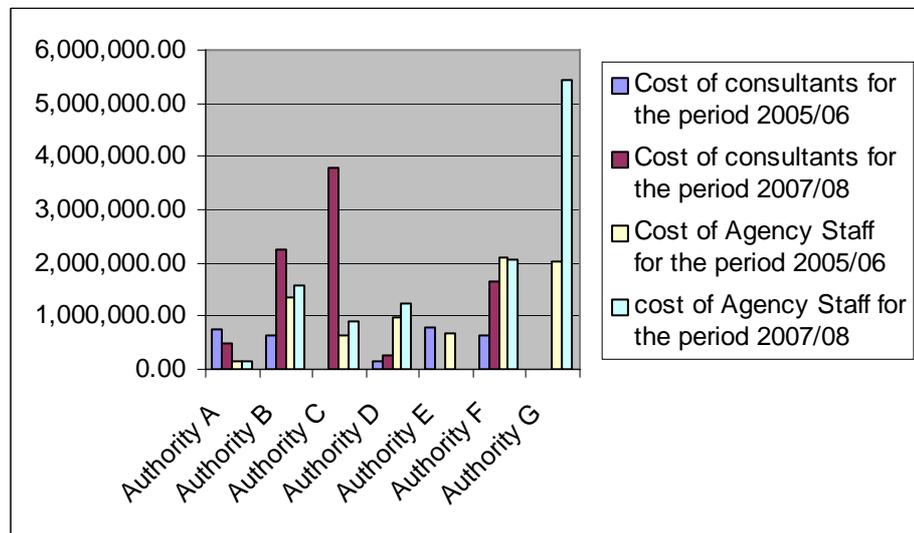
3.6.16

The graph below shows a comparison of the seven Local Authorities of the consultant costs and Agency costs per head of population for the periods 2005/06 and 2007/08. It is noted that where the line shows £0 this is because the Authority provided no cost data for that year.



3.6.17

The graph below details a comparison of the total costs of consultant use and agency staff for the periods 2005/06 and 2007/08.



4

4.1 Witness Evidence

4.2 A list of core questions were devised and put to the Portfolio for Finance for the periods 2005/2006, 2007/2008 and the current Portfolio Holder for Finance:

4.2.1 Portfolio Holder (Finance) for the period 2005/06

Key points:

- The Portfolio Holder for Finance 2005/06's personal definition of a consultant was to provide a service that was not available internally, more specialists that you would expect to find within the organisation. The role of a consultant should be time limited. Consultants can be seen to be a pricey way of arriving a solution. Consultants come from a self-generating industry where a need or requirement is identified and the solution comes from a fairly limited pool. A locum is an individual covering an absence or short term skill of what would usually be provided in-house, for example doctor locum – short term. An individual covering a vacant post in his opinion would be temporary staff; a consultant should bring something extra to the organisation.

- During 2005/06 central Government was keen that the Council had external help and central Government provided funding for this. A high proportion of the costs of consultants during this time did not infringe upon the taxpayer. There was a fairly constant aura of reorganisation at the time, for instance generalist Directors and generalist managers. The next tiers down did not get completely going as the Chief Executive at time left the Authority.
- Consultants are brought in for specific Reviews and Projects and that this work has been externalised, is the case because the organisation is looking for a broader solution. Previously the view was to keep all work in house, there is now a need to look wider, and it is unlikely that an Authority will have all knowledge in house. There is also a need for objectivity.
- We don't always find what we need in-house. By their very nature consultants are likely to have a broader knowledge of running services, if consultants come in they can bring in broader knowledge, they should be able to bring objectivity to it which carries greater weight than the department saying we are great.
- It is for higher-level managers to manage and produce results. The Portfolio Holder for Finance 2005/06 would expect to see how they are moving towards results but would not expect to be involved in recruitment.
- During 2005/06 there was a pro consultant management culture, partly due to comfort and partly due to all the changes that were being implemented. During this period consultants brought a broader view of how services should be run.
- The role of Councillors in the Portfolio Holder for Finance for 2005/06's opinion is to decide the direction of the Authority, how much it will spend, monitoring process and what it is going to charge its tax payers.
- There is a need to have the brief prior to engaging a consultant, for example a consultant being required in housing in respect of tenant transfers, the consultant would need to be an expert in consulting with tenants. Politicians need to decide on the end target and it is up to the consultant to get you there.
- Consultants are based on their reputation if they are known to be steered on working on management advice and not their expertise, they would find it difficult to obtain contracts.

4.4

4.4.1

Portfolio Holder (Finance) for the period 2007/2008

Key point: -

- A top-level consultant would be expected to provide expert advice and have professional expertise in the project. The gross turnover of the

Authority, including rent collections, which equates to around £200 million, plus capital projects must be taken into account in respect of the engagement of consultants.

- External regional funding has been provided for some projects. Consultants may be engaged for such projects. In the main most consultants incur in house expenditure.
- A consultant was engaged for a long time in Revenues and Benefits. `Interim' staff were also employed.
- The Portfolio Holder for Finance would be involved if the engagement of consultants was at Management Board level.
- Any Consultancy company with any merit would provide a letter of understanding together with its daily rates; estimated time to complete the work etc and the project would be managed in accordance to this. If the project identifies further work, the consultant's contact is often extended.
- Some consultants that were engaged during this timescale have now left and posts have been filled by permanent employees. An organisation of this size will very rarely be without the engagement of consultants of some kind, but this needs to be managed.
- All funding is public money and external funding is required to be dealt with as sensibly and tightly as if it was Council money.

4.5

Current Portfolio Holder (Finance)

4.5.1

Key points: -

- The Portfolio Holder for Finance confirmed that he was not surprised that the Council engaged Agency, temporary and Consultancy staff but felt the extent of usage to be interesting.
- It would not be expected for an organisation to rely on such staff for long periods unless it was going through a period of change, during which time it would be expected for the usage to increase. Once the period of change had ended and any problems rectified it would be expected that usage of Agency, temporary and consultancy staff would diminish. This Authority has gone through a significant period of change over the last six years, therefore the usage of Agency, temporary and Consultancy staff would be expected to reduce as the Authority settles down.
- The Portfolio Holder for Finance would expect that usage of temporary and Agency staff would be ongoing to cover, for example, maternity leave, sick leave and seasonality in workload. Such staff could be used whilst the Pay and Grading Review is being undertaken as it may be difficult to recruit when there could be uncertainty regarding the level of pay.
- There needs to be a good, valid reason to recruit Agency and temporary staff. Consultants are more expensive and visible and their usage is expected to diminish. Consultants are engaged where there is a need for an area of expertise, for example in regeneration. Consultants are usually engaged for `one off projects.' Another layer of consultants is in respect of change management, which in the Portfolio Holder for Finance's opinion usage of which within the Authority would now begin to diminish.
- There are signs of consultant usage within the Authority diminishing; for

example, a consultant has finished its work within Revenues and Benefits. A consultant had also been engaged on the bank reconciliation project. This project has now been completed, NBC staff has been trained and the organisation has improved as a result.

- Many consultants, particularly in the area of Regeneration, are engaged due to technicalities and diversity of the issues and projects. The Portfolio Holder for Finance confirmed that he would expect this to be ongoing.
- Some consultants are engaged for change management where they can act as a catalyst for change, for example the Pay and Grading Review and in Housing.
- Regarding Locum Solicitors being categorised as a consultant or Agency staff, the Portfolio Holder for Finance confirmed that he would look at all the facts as to what job they did and its purpose. If this was exceptional, such as working on a project they would be classed a consultant. However, it would be dependant upon all the facts of the case and not the means by which they were engaged.
- Over the past six years there has been exceptional usage of Agency staff and consultants. During this period there were significant periods of change. The Portfolio Holder for Finance would expect a decline in the engagement of consultants as changes are implemented. There has been a lot of Agency staff engaged in direct labour this could be due to the Pay and Grading Review. There have clearly been significant usage of consultants in Revenues and Benefits and Housing but it is expected that this will come to a close around Christmas 2009. There might be the need for consultants in respect of the PFI bid to provide legal and accountancy advice.
- The decision regarding the engagement of consultants is made at director and chief executive level. It depends of the type of consultant required, for example if a consultant is required for a specific project the decision is taken by the relevant director. If a change management consultant is required, the decision is taken in consultation with the Chief Executive.
- One of the areas of change that has been identified regarding the need to improve is Human Resources computerised records and systems so that it becomes routine and not an onerous task to obtain such requested data. There is a need to ensure consistency of coding of consultancy and Agency Staff, which is part of on-going change and training.
- There are historic inconsistencies of data coding.
- Procurement and finance for consultants would be built into the budget. Requirements for specific projects would be identified, for example, within Regeneration; this is built into the budget for big tasks/projects. Next year's budget is also informed by last year's expenditure. When putting together the budget, accountants would look both backwards and forwards.

4.6

Councillors

4.6.1

Councillors for the years 2005/06 and 2007/08 were contacted and asked to provide a response to a list of core questions. The questions that were put to

there Councillors were: -

- What is the set criterion that defines a consultant
- What is the range of consultants used by the Authority, for example, previous employees to the Council that have now retired to the use of Consultancy Agencies?
- Who makes the decision regarding the employment of Consultants?
- How is the budget for consultants procured/financed?
- Any additional comments that in respect of the use of consultants during your term of office

4.6.2

Four responses were received as detailed below: -

4.6.3

In summary the four Councillors were not aware of the criterion that defines a consultant but one Councillor suggested that he would define a consultant as someone who is contracted by the Council, but not directly employed, to give specialist advice or someone with specific knowledge or expertise that is employed or contracted for specific time to complete or advise on a specific course of action. For example an outside person employed to provide training for Councillors.

4.6.4

The perceived range of consultants used by the Authority varied: -

- Agency Staff to support tenants
- Solicitors
- Agency Staff to carry out consultations, e.g., stock transfer
- Experts in the field of planning and regeneration

4.6.5

The Councillors that responded to the questionnaire felt, in the main, that the decision regarding the employment of a consultant was made politically but could depend upon the size and nature of the contract as defined in the council's contract and procurement procedures

4.6.6

The four Councillors were not aware of how the budget for consultants was procured/financed but commented that budgets exist for which it may be decided that the best way to achieve the desired outcome from that budget is through the use of consultants. Budgets for consultants can also be procured in different ways at different times. For example during the period when the council was being monitored externally The Department for Communities and Local Government (DCLG) provide finance for and I believe appointed many of the outside "helpers"

4.6.7

Additional comments included on the completed questionnaires: -

- In regeneration consultants have been used for a number of purposes. In particular for the specialist advice relating to the signing of the Grosvenor/Greyfriars development agreement. It would not have been possible to have confidence that the agreement was the best possible one for the council without that specialist advice.
- In planning, specialist advice has been sought on retail development, in particular on specialist retail in the town centre,

and the impact of out of town retail development.

- The Council has sought specialist advice for the market square project, in its design and layout, particularly in relation to the gateway area (including the fountain) and specialist advice on lighting.
- External advisors have also been contracted to assist the council in the development of its car parking strategy.
- In all cases these cases I believe these consultants have offered us specialist advice, which the council could not expect to retain in house as, employed staff.

4.7

Trade Union Representatives

4.7.1

Key points: -

- A discussion took place around six years ago regarding the introduction of a Council Policy for the employment of Agency Staff – this had been supported by the Trade Unions. However, the current Management Board has not as yet discussed this issue.
- Trade Unions can see the need for the employment of Agency staff especially where there are peaks and troughs in workloads and in restructure situations where there could be the potential for redundancies. In the past, the employment of Agency staff had been along these lines.
- Agency Staff are often employed as manual and craft Agency employees, for example within Property Maintenance. There are often peaks and troughs in workload within this area.
- The Trade Unions have concerns regarding the extended use of Agency staff in areas such as Street Scene. For example, if the service is running at an average of ten per cent sickness, there would be a need for Agency Staff to cover this, i.e. there is a need for the refuse area to be fully staffed.
- Within last year's budget (2009/2010), savings from Street Scene were aimed to be achieved by replacing twenty-seven permanent staff with Agency staff. The Trade Unions had concerns regarding the terms and conditions of Agency staff, for example some Agency staff arrive at 7am and are informed that there is no work available for that day. Agency staff is a cheaper way to provide the labour but creates a two-tier workforce.
- The Trade Unions has concerns regarding the amount that is spent on the employment of Consultants. The Trade Unions did however understand the need for consultants when the Council was in the process of recruiting its Management Board.
- The Trade Unions felt that the level of expertise bought in (consultants) did not appear to be delivering the outcomes, in their opinion there has been a number of failings.
- The Trade Unions were not fully aware of the sum being spent on consultants by the Council, but felt that this sum should be used to support full time, permanent posts.
- It is the Trade Unions belief that Agency Staff provided by a broker are employed on a 13-week rolling contract, which in their opinion denies them to have any employment rights.

- In respect of multi skilling and tasking the Trade Unions felt that there is a wooliness and degree of flexibility. In their opinion there is reluctance for people to work flexible because of the Review that is currently going on in respect of Waste Management.
- The Trade Unions felt that Agency Staff and permanent employees work well together. There have been issues in the past. In the Trade Unions opinion Agency Staff are reluctant to take holidays because they can be easily be replaced.
- Regarding multi skilling/multi tasking, the Trade Unions felt that staff cross over to a degree. In the winter the Trade Unions believed that the gardeners could litter pick. .
- In the Trade Unions' opinion there has been an increase strategically. Contracts with Consultants need to be monitored to prevent abuse. The Trade Unions realised that there is a need for Consultants but its concerns are that in the past, they have appeared to have taken holidays during crucial times when deadlines were required to have been met.
- The Trade Unions are not aware of an increase in the engagement of consultants; however, they are not as involved in the process as they were previously.

4.8

Head of Procurement

4.8.1

The Head of Procurement attended the meeting of the Task and Finish Group on 13 January 2010. Key points of evidence: -

- Regarding temporary staff contracts, Northampton Borough Council (NBC) currently uses the contract with a broker, which was tendered by Northamptonshire County Council in 2006. NBC has been using this contract since January 2008. The contract is for a managed service, in the industry it is known as a “neutral vendor arrangement”.
- A broker provides the Council with a managed service for the sourcing, ordering and provision of agency staff in the majority of job roles. Orders for the Council's requirements are submitted electronically. A broker sends details of the Council's requirement along with a pre-agreed job description and pay rate to the Employment Agencies assigned to NBC. Suitable candidate details are returned by the Agency via a broker to NBC for short listing, interview and selection along with details of the margin charged by the agent for that candidate.
- Margins are pre-negotiated for most roles by the broker using their purchasing leverage in the industry. The job role pay rate is agreed with NBC beforehand. The agent or a broker, without NBC authorisation, cannot change the pay rate.
- The business benefits of this arrangement were reported:
 - Lower margins than NBC could achieve alone
 - More agencies to choose candidates from and potentially provides better candidates
 - Provides quicker process to hire temporary staff
 - Provides useful management information on our temporary staff establishment
- An Agent provides a member of its staff to organise assignments for

Environmental Care (based at Westbridge depot) at the start of the shifts to ensure the process is as smooth as possible in such a fast moving environment. NBC does not charge office space costs, nor is the Council charged for this service. This is a mutually agreed agreement.

- The Head of Procurement does not hold wage details for individual Agency Staff, however, pay rises for those being paid the minimum wage would follow the dates of increase under the Legislation. A broker would flag up this issue with NBC. Those being paid marginally above the minimum wage would be reviewed at the same time in case any adjustments are required to ensure staff retention.
- A number of Agencies are included for each assignment; a specific Agent would win assignments based on the quality of their candidates and their margin. NBC is solely responsible for agreeing the pay rates. Candidates are free to sign up to whichever Agency they so wish unless there is a specific term in the contract that states otherwise.
- NBC is responsible for providing Personal Protective Equipment where it is necessary for the undertaken of an assignment whether or not they employee is temporary.
- Should Agency Staff be paid the minimum wage, the Council would pay the agreed rate on top of this.
- If the Council upped its rate it would notify A broker who would notify the Agent who would then pass on the rate.
- There are a number of pre-determined jobs with pre-determined rates when the contract was set up.
- Manual workers have bonuses, which are a fixed payment, included in their wages.
- There are peaks and troughs in the engagement of Agency Staff; however there is some degree of static in Neighbourhood Environment..

4.9

4.9.1

Director of Environment and Culture

The Director of Environment and Culture attended the meeting of the Task and Finish Group on 13 January 2010. Key points of evidence: -

- Part of the way that business is carried out in Neighbourhood Environment involves using Agency staff. The Director of Environment and Culture confirmed that his is undoubtedly the most value for money way in delivering the service, which also provides a lot of flexibility. A refuse lorry cannot leave the depot without a full crew. The public rate the emptying of their bins extremely highly.
- Neighbourhood Environment has a history of high sickness levels. It is very hard work, for example. a Loader on the Refuse Lorry covers on average, 13 miles a day; heavy lifting is also part of the role.
- Cover is provided for the high sickness levels to ensure that the service can be delivered. Some changes have been made recently. Grounds and street maintenance do not need the cover as much as the refuse lorries. Agency staff are now only brought in to cover sickness absence on the refuse lorries not for street and grounds maintenance. In future, in-house staff may be asked to provide cover for sickness absence on the refuse lorries.
- When a permanent FTE leaves the service they will not be replaced with a full time employee but with Agency Staff. However, the turnover of

staff has not been huge, mainly due to the recession. This method of recruitment is set to continue as it makes NBC more competitive in terms of costs.

- Some Agency Staff come in the morning and may be turned away if they are not required. Seasons do change the requirement. Details of those on long term sick leave is known and cover would be planned in advance.
- Plans are being looked at for multi skilling staff, which would reduce the number of Agency Staff used. The target is for around 7-9 days per year.
- There are 'regular' Agency Staff, such as individuals that have worked in the area before a few times but also new Agency Staff who will receive the induction training. It is possible to estimate, on a day to basis, the approximate number of Agency staff required. The first requirement is to get the refuse lorry out.
- Agency Staff come from reputable Agencies and both the Agent and the Council complies with its legal responsibilities. Risk assessments are also undertaken.
- In terms of cost, if a permanent employee left and was replaced with Agency staff there would be a cost reduction to the Council but if a FTE was off sick and cover provided by Agency staff, additional cost incurred would be incurred.
- It would not be practical for there to be no permanent FTE staff and just Agency employees, the service would deteriorate. When a refuse lorry is sent out it comprise a mix of skills and would not leave the depot with just Agency Staff. If mix became too many Agency employees and not enough FTE the service would deteriorate. .
- A broker carries out audit checks to ensure that Agency staff meets the Authority's requirements.
- Around 30 Agencies are used which comprises multi-national Agencies to local Agencies. An Agency can apply to join the broker and sign up to the agreement. There are a number of Agencies that the Council uses on a daily basis but some are used as 'specialist Agencies'.

5 Equality Impact Assessment – Screening

5.1 Following the scoping of the Review, an Equality Impact Assessment (EIA) – Screening was undertaken.

5.2 This exercise identified: -

5.2.1 The Review itself has limited potential for adverse impact or unlawful discrimination, but there is a risk that any recommendations generated by the Review could have an impact.

5.2.2 This activity was generated because there it was felt that there was a need to investigate the use of consultants and agency staff at the Council. This could have a potential adverse impact on permanent staff, currently employed agency staff and consultants, local residents (such as local jobs for local people), Small to Medium Enterprises (SME) and Black and Minority Enterprises.

- 5.2.3 The London Centre of Excellence (LCE) gave grant funding to the London Borough of Havering in 2005/06 to produce guidance: *Transforming the procurement of temporary, agency and interim staff: your toolkit for success* asks the Local Authority to consider, amongst other questions:-
- 5.2.4 *How important is the issue of supporting Small to Medium Enterprises (SMEs) and Black and Minority Enterprises in your authority?* It is recognised in the Toolkit that many Employment Agencies could be SMEs or Black and Minority Enterprises and any changes to the employment of consultants and agency staff could have an impact on these.
- 5.2.5 Equality and diversity – The Toolkit stresses that it is important that Agencies use policies that treat candidates and workers fairly. The database can track diversity issues and also compare that to the candidates not selected for posts to ascertain whether there are any trends.
- 5.2.6 It is possible that those people, with multiple characteristics, that have been employed as an agency worker or consultant outside the period of time being investigated may feel disadvantaged. The Task and Finish Group suggested the actual time periods so that they sampled periods of time from two separate Administrations. This was the period of time that the Overview and Scrutiny Review therefore concentrated upon. It is hoped that the report will provide data to inform Cabinet and follow any recommendations that may arise
- 5.2.7 The Action Plan included in the Equality Impact Assessment (Screening) included the following details: -
1. The data gathered would be reviewed and appropriate recommendations made.
 2. If it is found that it is difficult to obtain evidence due to a lack of data, it may be necessary to consider monitoring to improve data intelligence. If required this will be undertaken using the principles set out in the EIA Toolkit.
 3. It is possible that a recommendation contained in the final report could be that further work be undertaken at a later date. If this were the case a recommendation would be made to the Overview and Scrutiny Management Committee in this respect.
 4. There is a slight possibility that some groups, for example SMEs and Black Minority Enterprises, may be disadvantaged from some of the recommendations contained in the final report.

6. Conclusions and Key Findings

- 6.1 After all of the evidence was collated the following conclusions were drawn:
- 6.1.1 In considering Transforming *the procurement of temporary, agency and interim staff: your toolkit for success*, which was commissioned by the London Centre of Excellence (LCE), the Task and Finish Group felt that there are alternatives to the employment of Agency Staff such as the engagement of different types of trainee posts such as undergraduate student placements, graduate placements, future jobs fund, and apprenticeships from The University of Northampton and Northampton College with generic skills. A central base of between one and four postgraduate students could be created. The Task and Finish Group further felt that it would be beneficial for there to be a 'floating workforce' that could be pooled by all departments.
- 6.1.2 The Task and Finish Group highlights the fact that during the period of 2005/2006 central Government had provided financial assistance to the Authority for the engagement of consultants. Bearing this in mind the figures for this period may appear high.
- 6.1.3 There is a need to know how the Council has received value from money from a consultant both during their skills of engagement with the Council and whether these skills have been maintained. The engagement of consultants should be according to service need or specialist positions and be time limited. It is crucial that there is a clear understanding about the difference between locum and consultant. The Task and Finish Group welcomed the definitions of such staff that were provided by the Head of Human Resources. The Task and Finish Group further realised that, as the engagement of consultants should be time limited there was a need for an independent check around the time scale of to be implemented.
- 6.1.4 It was noted that over the periods that the Task and Finish Group investigated the Council has a Policy to reduce the spend on Agency Staff, in particular as part of the budget savings in 2009/10 it had been agreed that the Authority would reduce its spend on agency staff by £200,000. This would be undertaken by applying this approach to agency staff. The Task and Finish Group was surprised to see this saving was for white collar Agency Staff only, and that blue collar Agency Staff were used more to generate savings. It appeared that the higher the cost of a Post the more of a saving by reducing consultants.
- 6.1.5 During the period of time of the Task and Finish Group brokers were changed, the Task and Finish Group recognised the need for changed but felt that there was a need for the Policy to be further developed and expanded
- 6.1.6 The Task and Finish Group noted that part of the way that business is

carried out in Neighbourhood Environment involves using Agency staff and it was realised that this is the most value for money way in delivering the service also providing a lot of flexibility. Grounds and street maintenance do not need the cover as much as the refuse lorries. Agency staff is now only brought in to cover sickness absence on the refuse lorries not for street and grounds maintenance. In future, in-house staff may be asked to provide cover for sickness absence on the refuse lorries.

6.1.7

The Task and Finish Group highlighted the recruitment process within Neighbourhood Environment in particular when a permanent FTE left the service they would not be replaced with a full time employee but with Agency Staff. It was noted that the turnover of staff has not been huge, mainly due to the recession. It was also noted that this method of recruitment is set to continue as it makes NBC more competitive in terms of costs. Bearing this in mind, the Task and Finish Group felt that there is a need for the Council to have a Policy stating, for example that no more than 30% Agency Staff be employed. Should the service go out to competitive dialogue with a Company that has say for example, 80% Agency staff and just 20% full time employees this would not meet the Council's Policy. It was emphasised that there does need to be a balance between quality and cost. The Task and Finish Group suggested that a Policy could be produced which stated that the Council managed the workforce and maintained the standard. It was emphasised that there would be clear legal implications regarding a stated Policy on the employment of Agency Staff. As a major employer the Council needs to be seen to helping the economy. It is accepted that there is a need for Agency Staff but an appropriate level must be met in normal circumstances.

7.

Recommendations

- 7.1 The Task and Finish Group therefore recommends to Cabinet that:
- 7.1.1 A procedure based on the document “*Transforming the procurement of temporary, agency and interim staff: your toolkit for success*” is produced and used by each Service Area when engaging temporary, Agency and Interim staff.
- 7.1.2 Cabinet considers the engagement of students from University of Northampton and Northampton College as well as apprenticeships and future job fund opportunities with generic skills, for the filling of temporary vacancies that are currently filled by Agency Staff. A central base of between one and four postgraduate students could be created.
- 7.1.3 Consideration is given to the introduction of a floating workforce that could be pooled by all departments.
- 7.1.4 Build into the Consultant engagement process an independent review after a set time period by the Head of Human Resources to ensure the engagement is still appropriate.
- 7.1.5 The Policy regarding the employment of Agency Staff be expanded and reviewed including: -
- Setting a maximum percentage target for each directorate of Agency staff.
 - Confirm the definitions within the policy based on the definitions as set out in this report

Appendices



OVERVIEW AND SCRUTINY

COST OF CONSULTANTS TASK AND FINISH GROUP

1. Purpose/Objectives of the Review

- To investigate the reasons for the use of consultants at Northampton Borough Council
- To investigate the reasons for the use of agency labour at Northampton Borough Council
- To consider the alternatives to using consultants
- To consider the alternatives to using agency labour
- To assess the risks involved in implementing these alternatives
- To evaluate the effectiveness of the work undertaken by consultants within the authority and determine the impact on the existing staff base
- To consider the costs involved by the Council in using consultants and to compare these costs to other similar local authorities, department by department, for the years 2005/06 and 2007/08
- To consider the costs involved by the Council in using agency labour and to compare these costs to other similar local authorities, department by department, for the years 2005/06 and 2007/08
- To examine the procurement arrangements associated with consultants department by department, for the years 2005/06 and 2007/08
- To examine the procurement arrangements associated with agency labour department by department, for the years 2005/06 and 2007/08
- To examine the procedure for the procurement arrangements associated with consultants and how this is budgeted for and financed
- To examine whether the use of consultants is a skilling or de-skilling process

2. Outcomes Required

- .To establish the cost of consultants to the Authority and whether value for money is provided.
- To make recommendations for improvement, as appropriate

3. Information Required

- Detailed information for all NBC departments regarding spend in relation to consultants and Agency employees for the periods 2005/06 and 2007/08
- Data from other (best practice) Local Authorities for the same periods, in particular a large district council. For comparison purposes the data will be altered to reflect population in respect of spend per population
- Local Government Association (LGA) or similar guidance on the use of consultants and Agency workers
- Evidence from NBC Directors (or Heads of Services)
- Evidence from the Portfolio Holders (Finance) and (Performance and Improvement)
- Evidence from the Portfolio Holders (Finance) and (Performance and Improvement) for the years 2005/06 and 2007/08
- Evidence from members of the Council for the period 2005/06 and 2007/08 (current Members)

4. Format of Information

- Officer reports/presentations
- Baseline data
- Published guidance for the employment of Consultants and Agency employees
- Best practice evidence external to Northampton
- Witness interviews/evidence
- Portfolio Holder evidence
- Portfolio Holder (2005/06) and (2007/08) evidence f

5. Methods Used to Gather Information

- Minutes of the meetings
- Desktop research
- Officer reports
- Examples of best practice
- Witness Interviews/evidence: -
Directors/Heads of Services
Members of the Council for the period 2005/06 and 2007/08(current members)
Portfolio Holder (Performance)

6. Co-Options to the Review

- None suggested for this Review. The Chair will contact all non Executive Councillors asking if Councillors are keen to be involved in this Review.

7 Equality Impact Screening Assessment

- An Equality Impact Screening Assessment to be undertaken on the scope of the Review.

8 Evidence gathering Timetable

June to March 2010

18 June 2009 Scoping Meeting

- 12 August 2009 Evidence gathering
- 10 September Evidence gathering
- 5 November Evidence gathering
- 13 January 2010 Evidence gathering

- 17 March Finalise Chair's report

Meetings to commence at 5.15pm

7. Responsible Officers

Lead Officer Rebecca Smith, Assistant Head of Finance
Co-ordinator Tracy Tiff

8. Resources and Budgets

Rebecca Smith, Assistant Head of Finance and Ann Davies, Finance Manager, to provide internal advice.

10 Final report presented by:

Completed by 17 March 2010. Presented by the Chair of the Task and Finish Group to Overview and Scrutiny Committee 1 and 3 and then to Cabinet.

11 Monitoring procedure:

Review the impact of the report after six months (October/November 2010)

Analysis of Agency Staff Costs from January 2008 to November 2009 - Breakdown of data

Appendix B

Sum of AMOUNT	Period			
DIVISION	2008-01-01 to 2008-03-31	2008/2009 full year	2009-04-01 to 2009-11-20	Grand Total
Chief Executives	1,304.80	114,310.51	155,246.29	270,861.60
Finance and Assets	250,839.12	1,090,443.84	513,844.49	1,855,127.45
Housing	341,388.17	1,757,748.34	779,538.61	2,878,675.12
Environment and Culture	186,139.49	997,547.78	594,429.25	1,778,116.52
Planning and Regeneration	40,916.25	138,726.50	2,585.16	182,227.91
Grand Total	820,587.83	4,098,777	2,045,644	6,965,009