

Appendix 4 - Call-In - Mayor in Cabinet Decision on Temporary Workers Staffing Contract

Considered by Scrutiny & Overview Committee on 11 October 2022

REC No.	SCRUTINY RECOMMENDATION	DEPARTMENT AND CABINET MEMBER RESPONDING	ACCEPTED / PARTIALLY ACCEPTED / REJECTED (inc. reasons for rejection)	IDENTIFIED OFFICER	ANY FINANCIAL IMPLICATIONS	TIMETABLE FOR IMPLEMENTATION OF RECOMMENDATIONS IF ACCEPTED (ie Action Plan)	DATE OF SCRUTINY MEETING TO REPORT BACK
1.	<p>That the Monitoring Officer be asked to</p> <p>a. review the Council position on the disclosure of information to ensure that there is a presumption toward publication, unless doing so would present an obvious legal risk, and</p> <p>b) provide clear, practical guidance on what information should be provided in Part A & B reports to provide clarity for both report authors and Members.</p>	Councillor Jason Cummings, Cabinet Member for Finance	<p>This recommendation is accepted. The Monitoring Officer has undertaken the review. The issue raised is adequately dealt with in the Council's Constitution. The Access to Information Protocol provides:</p> <p>“4. Applying the principle of openness when writing reports</p> <p>4.1 Reports to Committees and the Cabinet will only be marked as exempt when this cannot reasonably be avoided in order to protect the interests of the Council and/or third parties in accordance with the statutory rules on exempt reports.</p> <p>4.2 When Officers are preparing a report that contains information about terms proposed in the course of negotiations for a contract they will separate the exempt from the non-exempt information so the latter can be freely circulated. Sometimes information in reports can be made anonymous without the effectiveness of the report being reduced. This is one way of ensuring that as many reports, and as much information, are made accessible as possible. This applies in all cases and not just where category 3 of Appendix 1 of Part 4B of the Access to Information Procedure Rules is relied on. There will still inevitably be a number of reports which are marked exempt.</p> <p>The Access to Information Procedure Rules further sets out information that should be exempt and contained in a Part B report. They include information (in accordance with Part 1 of</p>	Stephen Lawrence-Orumwense, Director of Legal Services & Monitoring Officer	None	December 2022	TBC

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			<p>Schedule 12A of the Local Government Act 1972) relating to:</p> <ul style="list-style-type: none"> • An individual (including information that reveals the identity of an individual). • Financial and business affairs of people or companies (including the authority holding the information). • Legal professional privilege. • Information that reveals that an authority proposes to either give a notice imposing requirements on an individual, or to make an order under any enactment. • Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. <p>Information will only be exempt "if and so long" as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>Qualifications The lists of information that will be considered exempt is subject to a number of qualifications, as well as the public interest requirement.</p> <p>Further guidance to be provided jointly with the Head of Strategic Procurement & Governance on information that should be contained in Part B report on procurement and contract related matters.</p>				
2.	<p>That the Monitoring Officer be asked to review the provision of legal guidance contained in reports to ensure: -</p> <p>a. The potential risks and their mitigations of a decision are clearly explained and avoid ambiguity, and</p>	<p>Councillor Jason Cummings, Cabinet Member for Finance</p>	<p>This recommendation is accepted. The Council's committee report writing guidance includes requirement for potential risk to be identified and explained including any mitigation. The grounds on which parts of a report is deemed confidential or exempt should also be explained.</p>	<p>Stephen Lawrence-Orumwense, Director of Legal Services & Monitoring Officer</p>	<p>None</p>	<p>December 2022</p>	<p>TBC</p>

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	b) Where a confidential report is required, there needs to be a clear explanation of the grounds for this in the public part of the agenda.						
3.	That all Members are offered training on what information should be available in Parts A and B of a meeting and why.	Councillor Jason Cummings, Cabinet Member for Finance	This recommendation is accepted. The Statutory Scrutiny Officer to liaise with the Monitoring Officer to take this forward.	Stephen Lawrence-Orumwense, Director of Legal Services & Monitoring Officer	None	January 2022	TBC
4.	That any contracts awarded by the Council need to have a qualitative framework in place to ensure that an evaluation can be made on the success of the contract beyond the purely financial, and that staff from a variety of levels are included in this process	Councillor Jason Cummings, Cabinet Member for Finance	Accepted. This is already in place within the Councils Tender and Contracts regulations which can be found online here: https://www.croydon.gov.uk/sites/default/files/2022-06/Tenders-and-Contracts-Regulations_2022.pdf To note that these regulations are due to be updated	Scott Funnell, Head of Strategic Procurement & Governance	None	Complete	TBC
5.	That officers are asked to proactively track data on how many times individual staff contracts are re-extended to be able to better evaluate the service.	Councillor Jason Cummings, Cabinet Member for Finance	Accepted Adecco has confirmed they will produce at the start of the new contract, which will ensure that all extensions will be monitored, including repeat extensions for the same agency worker placement. Management information on extension will therefore be readily available. Adecco has agreed to meet with all directorate DMTs on a regular basis to receive feedback and to ensure a thorough evaluation of the service.	Dean Shoemsmith, Chief People Officer			

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6.	That officers are asked to engage with organisations including the Greater London Employment Forum when preparing the People Strategy.	Councillor Jason Cummings, Cabinet Member for Finance	Accepted The draft People Strategy is currently under development, and when completed it will be sent to London Council's for their professional overview and input to provide external perspective	Dean Shoesmith, Chief People Officer			
7.	That the Chair of Scrutiny is given the opportunity to input into the latest constitutional review, where appropriate.	Councillor Jason Cummings, Cabinet Member for Finance	This recommendation is accepted. The Chair of the General Purposes Committee (responsible for amendments to the Constitution) to be advised of this request. The opportunity to input may be more appropriate on proposed changes relating to the scrutiny function. The Statutory Scrutiny Officer to liaise with the Monitoring Officer to take this forward.	Stephen Lawrence-Orumwense, Director of Legal Services & Monitoring Officer	None	January 2023	TBC