

## HARINGEY COUNCIL

### POLICY FOR USE OF CONSULTANTS / INTERIMS

#### Introduction

The Council recognises that the use of consultants can enable the smooth running of Council Services by providing an element of flexibility within the workforce. It is, however, Council policy to ensure non-permanent workers are used within corporate frameworks, which reflect the Council's values and at those times when service delivery would be adversely affected without the additional cover and resource they can provide. The Council policy is also for hiring managers to ensure the transferral of skills/knowledge from consultants to Haringey employees in order to reduce future requirements.

#### CONSULTANTS / INTERIMS

##### Definition

**Consultants** - For the purpose of this document the term 'consultant' relates to those people who are either freelance / self employed or supplied by a consultancy to work on a temporary basis for the Council providing support to finite work such as projects, usually paid on a daily rate or a set amount for the package of services and engaged under a contract for services. Such consultants normally charge their services at a daily rate or a set fee for an entire project.

**Interims** - individuals providing services usually to cover a vacant job, these will be monitored and reported separately and should be treated on a similar basis as Agency staff. They will typically be engaged under a contract for services either as a freelance or via a recruitment company. Such consultants will normally be required to provide senior and/or specialist positions and cost in excess of £250 per day.

##### *Exclusions;*

*The consultant process described below will not be applicable to the following:*

- Consultants engaged following procurement exercises e.g. Logica, or the Council or Office of Government Commerce (OGC) frameworks
- Agency temps – any worker provided via an agency or consultancy listed on the Resource Centre's supply chain. These workers can only be engaged and paid via the Resource Centre. *Please refer to the policy for use of Temporary Agency workers. If you wish to add an agency to the supply chain then please contact the Resource Centre who will endeavour to engage them.*

#### ENGAGING CONSULTANTS / INTERIMS

There are three Options to select from to engage a consultant/ interim:

- Option 1 - Contracted Partners - use this option to engage consultant/ interim via one of our recruitment partners (Gatenby Sanderson, Hays, Odgers, Penna)
- Option 2 - Onboarding via Contracted Partners - use this option to Onboard an existing consultant/ interim via one of our recruitment partners (Gatenby Sanderson, Hays, Odgers or Penna) for a charge of 3-5%
- Option 3 - Open - use this option to engage a consultant directly or via a non recruitment partner agency. The processes outlined below relate to the way in which a consultant / interim can be engaged following the council's normal procurement processes.

Note – If engaging a consultant/ interim directly under option 3 the manager must use the HMRC Employment Status Indicator tool - <http://www.hmrc.gov.uk/calcs/esi.htm> - to establish whether the worker is self employed or should be subject to PAYE. If the HMRC Employment Status Indicator tool confirms that the worker is not self employed the manager must contact HR for advice.

## PROCUREMENT PROCESS - MANAGER RESPONSIBILITIES

It is the responsibility of managers to:

- Complete the HMRC Employment Status Indicator tool – see above
- work within corporate frameworks. Managers should only go outside a framework to recruit a consultant where those consultancies on the framework are unable to meet their requirements
- ensure a Consultant business case form is completed.
- ensure that the appropriate authorisation documentation is completed and signed off by the Director. (see authorisation levels below)
- ensure that a contract is put in place outlining the Consultants responsibilities, targets and monitoring.
- ensure that the contract is recorded on the Corporate Contract Management System ([http://harinet.haringey.gov.uk/contract\\_loading\\_template.doc](http://harinet.haringey.gov.uk/contract_loading_template.doc))
- to raise a purchase order on SAP for each Consultant using the 'self employed' revenue GL code or capital GL code.
- ensure that information about current Consultants is correctly recorded on the Consultant e-form on Harinet at the beginning of each engagement.
- ensure that all consultants are provided with suitable induction
- provide additional information on the use of consultants as and when required for monitoring purposes
- retain a copy of any authorised Business Case forms for monitoring purposes
- keep the use of consultants under regular review

Note – the Procurement team will not authorise payment of consultant invoices unless all the relevant paperwork is completed.

- Only authorised budget holders can complete the consultant business case form to seek approval for spends on Consultants
- The budget holder is responsible for ensuring that sufficient funds are available to cover expenditure and that accurate records on use and payment are maintained.
- In the event of an existing consultant requiring an extension, the Director must approve the extension **before** the end of the current contract.

## AUTHORISATION LEVELS

Dependant on the level of spend a report must be submitted to the appropriate personnel/body. *(Please seek advice from your Directorate's contract officers to assist with this process.)*

***Under contract standing orders (CSO) the following rules apply (see CONSTITUTION PART FOUR – RULES OF PROCEDURE Section J– Contract Procedure Rules paragraphs 8 & 9 as at May 2012)***

**Procedure for Contracts valued below £100,000**

- Where a contract has an estimated value of less than £5,000 (five thousand), the relevant Director should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.
- Where a contract has an estimated value of more than £5,000 (five thousand), but less than £100,000 (one hundred thousand), at least three competitive quotations should be obtained from chosen contractors without the need for an advertisement or the tender procedure followed.
- The quotation procedure shall replicate contract standing orders with regard to receipt and opening of bids and will be managed by the:
  - relevant Director where the estimated value of the contract is more than £5,000 (five thousand) but less than £50,000 (fifty thousand).
  - Head of Procurement where the estimated value of the contract is more than £50,000 (fifty thousand) but less than £100,000 (one hundred thousand).
- Where a pre-qualified Framework arrangement (including approved lists) exists in respect of the subject matter and prices have yet to be determined then a mini-competition shall be held in which tenders shall be invited from all members of the framework agreement which are capable of carrying out the requirements of the specific contract.
- The Head of Procurement may decide that these processes are not appropriate in order to secure value for money for the Council and to ensure general EU procurement law principles are complied with. If that is the case, he/she may determine another process of selecting a contractor which will meet best value criteria. The decision and process must be properly documented.

Contracts with an estimated value of £100,000 (one hundred thousand) or more must be let following an appropriate advertisement and tender process as outlined in contract standing orders.

A Director may award, assign, or novate contracts valued at £250,000 (two hundred and fifty thousand) or less.

Contracts valued over £250,000 (two hundred and fifty thousand) at the time of award may only be awarded, assigned, or novated by the Cabinet.

## USE OF CONSULTANTS/ INTERIMS

Consultants or Interims should be engaged for a finite period e.g. 6 – 12 months. If a longer period is required it must be authorised by the Director.

Use of Consultants should represent value for money.

Interims should only be used in circumstances where:

- (a) the need for the work is expected to be temporary e.g. meeting peak workloads, seasonal requirements, where the duration of the work is limited by finance available, where redundancies / re-organisations are pending or where there is a particular skills gap; or
- (b) the need for a particular individual to do the job is temporary e.g. covering for sickness, maternity, acting up, secondment etc or while a vacancy is being filled; **and**

there is no possibility of

- covering the workload using existing employees
- appointing a redeployee
- arranging for an existing worker to 'act up'

### **Induction and Performance Management**

Managers using consultants are responsible for the performance of service delivery by the consultants, including an appropriate level of induction to the council processes, systems and procedures.

Where the consultant does not perform to the required standard, the manager should terminate the contract with appropriate notice.

### **MONITORING**

The Council's Human Resources service will monitor the use of consultants & interims and report on a regular basis to Corporate Committee.

### **ADDITIONAL INFORMATION**

Hiring Managers must take into account the following additional information when recruiting consultants or interims.

- Equality and Diversity including the Equal Opportunities Statement
- Ensuring necessary criminal checks are made using the Disclosure & Barring Service. (formerly the Criminal Records Bureau/ Independent Safeguarding Authority)
- Records management, Data Protection and confidentiality
- Monitoring and Audits of consultancy/ agency usage
- Council values and ways of working