

**CABINET**  
**2 FEBRUARY 2017****SCRUTINY REPORT: COMMISSIONING: STAFF TERMS AND  
CONDITIONS REPORT**

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**Relevant Cabinet Member**

Mr A C Roberts

**Relevant Officer**

Director of Commercial and Change

**Recommendation**

1. **The Leader of the Council and Cabinet Member with Responsibility for Transformation and Commissioning recommend that the Cabinet:**
  - (a) **receives the Scrutiny Report on Commissioning: Staff Terms and Conditions, together with the response from the Leader of the Council and Cabinet Member with Responsibility for Transformation and Commissioning; and**
  - (b) **notes the Scrutiny Report's findings and recommendation and adopts the response of the Cabinet Member with Responsibility as the way forward.**

**Background**

2. The aim of the scrutiny was to examine what influence the Council has to ensure that those it commissions from are fair employers.
3. In June 2015, the Overview and Scrutiny Performance Board agreed to scrutinise the way the Council commissions services and what influence it has on terms and conditions of staff employed by external providers.
4. The scrutiny was initially prompted by concerns raised about the terms and conditions of some staff employed by the Council's contractors, in particular relating to the minimum wage, travel time, zero hours contracts and access to union representation.
5. It was agreed that the exercise would be led by the Scrutiny Board Member with responsibility for commissioning processes, Councillor Kit Taylor.

**Terms of Reference**

6. The Terms of Reference for the scrutiny exercise were to examine and make recommendations on:

- What powers or duties the Council has when commissioning providers in relation to staff terms and conditions
- Whether and how the Council monitors contractors' employment conditions
- How the Council evaluates tenders and what account is taken of employee conditions
- How the Council monitors the quality of services provided by contractors which may be affected by staffing quality or turnover
- How the Council ensures that there is a provider market.

### **Overview and Scrutiny Performance Board (OSPB)**

7. The OSPB is considering the Scrutiny Report on 26 January 2017 and if agreed will be despatched following this meeting.

### **Response of the Cabinet Member**

8. The scrutiny process provides for the relevant Cabinet Member with Responsibility to submit to the Cabinet a response to the Scrutiny Report's findings and recommendation to be considered alongside the Scrutiny Report.

9. The response of the Leader of the Council and the Cabinet Member with Responsibility for Transformation and Commissioning on behalf of the Cabinet will be circulated following the meeting of the OSPB.

### **Supporting Information**

- Appendix 1- Scrutiny Report – Commissioning: Staff Terms and Conditions (to follow)
- Appendix 2 - Response from the Leader of the Council and the Cabinet Member with Responsibility for Transformation and Commissioning on behalf of the Cabinet (to follow)

### **Contact Points**

#### County Council Contact Points

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#### Specific Contact Points for this report

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### **Background Papers**

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda and minutes of the OSPB meetings on 8 June 2015, 21 April 2016, 25 May 2016 and 3 June 2016

[All agendas and minutes are available on the Council's website here.](#)