

Guildford Borough Council

Report to: Executive

Date: 20 July 2023

Ward(s) affected: All

Report of Director: Transformation & Governance

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Report Status: Open

Temporary Shared Staffing Arrangements

1. Executive Summary

1.1 Whilst the Council considers the development and options relating to further collaborative working with Waverley Borough Council, opportunities are arising that could benefit the Council. This report seeks to provide authority to enable such opportunities, relating to staffing, to be realised on a temporary basis, pending any further, more formal, decisions regarding the collaboration and transformation programme in the future.

2. Recommendation to Executive

That the Executive resolves to:

2.1. Approve the principle of sharing staff between Guildford Borough Council and Waverley Borough Council, on a temporary basis, where appropriate to support the collaboration programme;

- 2.2. Delegate authority to the Joint Chief Executive, to approve, subject to a business case, future temporary staff sharing arrangements between Guildford Borough Council and Waverley Borough Council, to support the collaboration and transformation programme;
- 2.3. Delegate authority to the Joint Executive Head of Legal and Democratic Services to enter into an agreement between Guildford Borough Council and Waverley Borough Council for the sharing of their staff on a temporary basis.

3. Reasons for Recommendation:

- 3.1. To ensure that officers have sufficient agility in operational decision making to embrace opportunities that may arise regarding temporary staffing arrangements, that are likely to be beneficial to both councils in terms of cost, efficiency and skills, whilst retaining flexibility for any future longer-term arrangements brought about through the Transformation and Collaboration Programme.
- 3.2. To ensure that there is a robust governance process around the sharing of staff on an interim basis, including arrangements for the sharing of costs, terminating any such agreements and resolving any disputes in a fair and transparent manner.

4. Exemption from publication

- 4.1. Open

5. Purpose of Report

- 5.1. The purpose of the report is to secure agreement from the Executive to optimise opportunities that arise to share staff between the two Councils on an interim basis where it is clearly in the best interests of both councils to do so.
- 5.2. The report proposes that the Joint Chief Executive be provided with the authority to make temporary staffing arrangements across the two councils, where they support the collaboration and transformation programme, with robust governance arrangements and legal agreement in place.

6. Strategic Priorities

- 6.1. A vision for the partnership between Guildford Borough Council and Waverley Borough Council was supported by both Executives and is due to be considered for formal agreement.
- 6.2. The proposal of sharing staff across the two authorities on a temporary basis is to support the Transformation and Collaboration programme until it reaches the delivery stage.

7. Background

- 7.1. On 6 July 2021, Guildford Borough Council and Waverley Borough Council each agreed to create a single management team and bring forward business cases for future collaboration. An inter authority agreement was entered into in April 2022 to govern the arrangements for such jointly appointed staff.
- 7.2. Whilst the Joint Management Team is exploring longer term possibilities for providing services differently, some opportunities to share staff through informal and interim collaboration have arisen.
- 7.3. Approval is sought for the councils to enter into a further inter authority agreement for such existing informal arrangements to put them on a more secure footing with more robust governance in place.
- 7.4. Approval is further sought from the Executive to support the principle of shared staff arrangements, where they support the transformation and collaboration programme, and for the Joint Chief Executive to be able to approve such arrangements where there is a business case to do so.
- 7.5. It is proposed that a further inter authority agreement is entered into between the two councils to govern arrangements for sharing staff on an interim basis. The principal terms of such an agreement would include
 - The ability to terminate the agreement on 3 months' written notice in the event of a breach;

- The ability to terminate the agreement on 12 months' written notice where there is no breach;
- Disputes to be resolved by negotiation or, if not successful, mediation;
- The sovereignty and identity of each party is to be preserved;
- Accountability for services delivered through the interim shared staffing arrangements remains with the Party with whom the statutory responsibility lies;
- The Corporate Management Board and/or Joint Management Team have the responsibility of overseeing the staffing arrangements;
- Costs associated with the operation and management of the staffing arrangements shall be shared on a 50:50 basis unless the parties agree otherwise;
- The ownership of each Party's property and assets shall continue to be retained by that Party;
- Each party will make its premises available to the other for ad hoc meetings and working space subject to sufficient space being available to the host Party at no charge;
- Each party will retain its own ICT facilities and make them available to officers in shared roles.

8. Consultations

- 8.1. Consultation with both councils' Executives has taken place at a joint informal meeting of the Executives in June 2023.

9. Key Risks

- 9.1. The programme initiation document sets out the risks identified early in the set-up of the Transformation and Collaboration programme.

- 9.2. The risk of not approving temporary staff sharing arrangements is that opportunities that arise and benefit both councils will be lost, there could be a loss of economic and service efficiency and difficulties in recruitment and retention.

10. Financial Implications

- 10.1. Any financial implications will be governed by the inter authority agreement.

11. Legal Implications

- 11.1. Section 113 Local Government Act 1972 provides a local authority with a statutory power to enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services of officers employed by the former, after consulting with such officers.
- 11.2. An inter authority agreement, in accordance with s113 Local Government Act 1972 was executed between the parties of Guildford Borough Council and Waverley Borough Council on 13 September 2022 to govern the provision of a joint senior management team.
- 11.3. The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) require that certain parts of the Council must be responsible for certain decisions. They include the power to make arrangements with other local authorities for the placing of staff at the disposal of those other authorities in accordance with section 113 Local Government Act 1972, as a local choice function. Both the constitutions of Guildford Borough Council and Waverley Borough Council confirm that the local choice function is that such functions are Executive matters.
- 11.4. Authority is therefore sought from each council's Executive to delegate authority to the Joint Chief Executive, to approve proposals for interim staffing arrangements, subject to consideration of a business case.

11.5. Further authority is sought from each Council's Executive to authorise the Joint Executive Head of Legal and Democratic Services to enter into an inter-authority agreement between the two councils to govern the sharing of staff on an interim basis, in accordance with s113 Local Government Act 1972.

12. Human Resource Implications

12.1. Where the Joint Chief Executive agrees a temporary staffing arrangement, consultation will take place with any staff affected, and Unison where appropriate. Temporary changes will be made to their employment contracts as required.

13. Equality and Diversity Implications

13.1. No issues raised.

14. Climate Change/Sustainability Implications

14.1. No issues raised.

15. Background Papers

- Minutes of the Guildford Borough Council meeting 6 July 2021
- Minutes of the Waverley Borough Council meeting 6 July 2021
- Minutes of the Guildford Borough Council meeting 5 April 2022
- Minutes of the Waverley Borough Council meeting 22 April 2023
- Guildford Borough Council Constitution

16. Appendices

None.