



**Portsmouth**  
**CITY COUNCIL**

## **Scrutiny Management Panel**

### **REVIEW INTO PORTSMOUTH CITY COUNCIL'S** **USE OF CONSULTANTS**

**Date published: 16 December 2010**

**Under the terms of the Council's Constitution, reports prepared by a scrutiny panel should be considered formally by the Cabinet or the relevant Cabinet Member within a period of eight weeks, as required by Rule 11 (a) of the Scrutiny Procedure Rules**

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## SCRUTINY MANAGEMENT PANEL – USE OF CONSULTANTS REVIEW

### **Preface**

The Finance & Resources (F&R) Scrutiny Panel set out to gain a better understanding of the real cost to Portsmouth City Council (PCC) of engaging consultants to carry out work on behalf of the City Council. This excellent work was carried on by Scrutiny Management Panel (SMP) from May 2010 when F&R was subsumed by SMP.

The main aim of the review was to understand the complexities of engaging consultants and whether there was capacity or capability issues within the organisation, which led to the use of consultants. The panel wanted to test the robustness of the procurement process when engaging consultants and determine the level of engagement with elected members in this process.

The review commenced in May 2009 and initially heard from representatives from Legal Services, Audit & Performance, Democratic & Community Engagement (*now known as Customer, Community & Democratic Services*), Asset Management, Transport & Street Management, Local Authority Housing and Corporate Communications. During this period the panel examined consultants costs for financial years 2006/07, 2007/8 and 2008/9 across four service areas. Following expansion of the review in May 2010, the panel heard representations from all service areas within the council in respect of their use of consultants, temporary and agency staff and examined the most up to date financial data which included financial year 2009/10.

I would like to convey, on behalf of both panels that have worked on this review, my sincere thanks to all those who contributed to making this review a success. The panel recognise the urgent need to respond to this report in a timely manner to ensure that; PCC identifies ways of retaining experienced, adaptable staff with the right skills and attitude, that PCC uses and develops the skills of their workforce in a financially viable manner and that the panel is concerned about the potential loss of skilled personnel.

The SMP welcome the opportunity of working together to implement, embed and monitor the recommendations of this review.

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Councillor Cheryl Buggy

Chair, Scrutiny Management Panel

Date: 16 December 2010

### Executive Summary

The apparently rising cost implications of engaging, consultants, agency and temporary staff, year on year, led the Finance & Resources Scrutiny Panel to prioritise this topic for scrutiny. The panel wanted to understand the rationale and benefits of using consultants and the impact this can have on the professional development of staff. It was felt by the panel that the costs were high and they wanted to determine what the underlying causes were in relation to these high costs and seek ways of reducing the burden to Portsmouth City Council of engaging consultants, agency and temporary staff.

The review was initially undertaken by the Finance & Resources Scrutiny Panel. This panel was subsequently subsumed by the Scrutiny Management Panel who completed the review in December 2010. Due to the volume and complexity of the information being submitted to the panel during the early stages of the review, it was decided to concentrate on four service areas. The panel wanted to determine what the rationale was for engaging consultants, such as; predictability, frequency, impact, effect, legality, cost and ability to recover costs. They also wanted to understand the difference between consultants and temporary staff.

The panel expanded the review in July 2010 and sought input from all Heads of Service across the organisation, to enable them to fully understand the impact of engaging consultants across the whole organisation.

The evidence that the panel received demonstrated that whilst Portsmouth City Council spends up to £5m per year on consultants, temporary and agency staff, this is legitimately incurred expenditure from within the cash limits of each service, as well as being information that is shared with elected members. The examples that the panel received of consultant spending included, amongst others; childcare cases where the local authority cannot legally represent itself due to being the Corporate Parent in looked after children cases as well as major capital projects, such as Spinnaker Tower or Copnor Road Bridge. The panel heard that as well as being impractical, it would not represent value for money to attempt to retain these specialist services in-house. In addition to the legal duties that the authority must comply with, the panel learnt that there are statutory responsibilities, including the provision of Revenues & Benefits advice and administration of Housing and Council Tax Benefit, as well as registered residential care and assessment of care needs, that must be complied with.

Improvements in accounting practices and coding of information have made it easier to extract financial data and consequently monitor spending, and this has proved useful when recovering consultant's costs through external and internal funding streams. Conversely, the inconsistent approach to identifying what constitutes a

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consultant, temporary or agency member of staff has led to inconsistencies in the way that costs are coded for accounting purposes and the panel have recommended improvements in this area. This will ensure a greater consistency of approach and enable closer monitoring of service spending by elected members.

In essence, there is no real scope to save the money spent on consultants, temporary and agency staff through an across the board cut as these costs are often linked to regeneration opportunities and the panel supports the principle that there is a need to speculate to accumulate, in order to seize opportunities that present themselves. The panel have also learnt that income generation activities are already underway, enabling some areas within services to be financially self-sufficient, through selling their services.

One of the fundamental findings from the evidence received by the panel was the need for an organisation wide skills audit to be carried out and this is one of the panel's key recommendations. Understanding the depth of talent within the organisation will help to reduce the need for engaging external consultants, where a colleague in another service has been identified as having the skill, knowledge or experience to undertake the task. The panel are concerned that silo working hinders progress and are keen to encourage closer working across the organisation to correct fragmentation. As well as providing potential future cost savings and encouraging cross-service as opposed to silo working, this in turn will provide income generation opportunities to share services with neighbouring local authorities as well as community and voluntary groups. The panel are passionate about investing in and growing the talent that already exists within Portsmouth City Council as this will enable the authority to positively respond to the challenging times that lie ahead.

The panel welcome the timeliness of this report and recommend that it be responded to by Cabinet within the 8 week time-frame to allow the impact of the recommendations to be of maximum benefit. The panel are keen to see the recommendations implemented to ensure; the right balance of experienced staff are retained, PCC use and develop skills of existing staff in a financially beneficial manner and work hard to ensure there is not a loss of skills within the organisation.

The panel would like to recommend that a member of SMP, together with the Head of customer, community and democratic services, is designated to be a Champion for taking this review forward to implement, imbed and monitor the recommendations.

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### Panel membership

The review was initially undertaken by the Finance & Resources (F&R) Scrutiny Panel. The F&R panel were subsumed at the Annual Full Council in May 2010 and their roles and responsibilities transferred to Scrutiny Management Panel (SMP). Details of panel membership for the respective panels are shown below.

#### Finance & Resources Scrutiny Panel

The review was allocated to the Finance & Resources Scrutiny Panel which comprised:

Councillors Luke Stubbs (Chairman)  
Darron Phillips, Lee Hunt, Caroline Scott,  
Eleanor Scott, Alistair Thompson

Standing Deputies were Councillors Andy Fraser, Paula Riches and Simon Boshier.

Following the Appointments to Committees and Panels for 2009/10 municipal year, which was agreed and implemented at Full Council on 12<sup>th</sup> May 2009, the composition of the panel changed to comprise:

Councillors Mike Blake (Chairman)  
Richard Jensen, David Stephen Butler,  
Paula Riches, Darron Phillips, Luke Stubbs

Standing Deputies were Councillors Margaret Adair, Simon Boshier, Cheryl Buggy, Andy Fraser, Donna Jones and Lee Mason.

Following the annual Full Council meeting on 18<sup>th</sup> May 2010 and allocation of membership to Committees and Panels for the municipal year 2010/11, the F&R panel was abolished and their roles and responsibilities subsumed by the Scrutiny Management Panel, which comprised of;

#### Scrutiny Management Panel

Councillors Cheryl Buggy (Chair)  
Jim Patey, Lynne Stagg, Rob Wood, Peter Eddis  
Mike Park, Lee Mason, James Williams, Caroline Scott

Standing Deputies were Councillors Terry Henderson, Darron Phillips, Malcolm Hey, David Horne, Andy Fraser, Jacqui Hancock and Mike Blake

## 1. Purpose

**1.1** The purpose of this report is to present the Cabinet with the recommendations of the Scrutiny Management Panel following its review of, *“the City Councils use of Consultants”*.

## 2. Introduction & background

**2.1** At a meeting on 8<sup>th</sup> May 2009 the Finance & Resources Scrutiny Panel agreed the following objectives for a scrutiny review of the *“City Councils use of Consultants”*.

1. To review and establish the reasons for incurring expenditure on Consultants.
2. To understand how the expenditure in 2008/09 has been financed and consider whether there is scope to make savings.
3. To review temporary employees who have been retained by the City Council for more than one year.
4. To formulate guidance as to when and how consultants should be employed and to set parameters for employing temporary staff.

The panel agreed to deal with these objectives in three clearly defined phases.

**2.2** At the time of publication of this report, the Finance & Resources Scrutiny Panel had met formally on eight occasions between 8 May 2009 and 4 February 2010. The Scrutiny Management Panel expanded the width of the review when they assumed responsibility for this panel following Full Council in May 2010 and met on a further three occasions to receive and review evidence and question witnesses, prior to signing off the completed report in December 2010.

**2.3** A list of the meetings held by the panel and details of the written evidence received are attached as Appendix One. The minutes of the [Panel's meetings](#) are published on the Council's website and copies of all non-exempt documentation reviewed by the panel are available from Customer, Community & Democratic Services upon request.

**2.4** The original panel agreed to hear the evidence for this review in three distinct phases as shown below:

### **Phase 1 – 8 May till 24 July 2009**

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- (a) “what is meant by the term “Consultant” for the purposes of this review”**
- (b) “review the reasons for employing consultants”**
- (c) “consider the costs of consultants employed during 2008/09 and how the costs have been funded”**

### **Phase 2 – 2 October 2009**

- (a) “review the number of instances where a temporary appointment has been made for a period which has exceeded one year.**
- (b) “review how those temporary contracts have been funded and whether there is scope to make savings by appointing on a permanent basis”**

### **Phase 3 – 30 October 2009 till 15 January 2010**

- (a) “draft guidelines to be followed when consultants are employed and the role of Members in the process”**
- (b) “review the procurement of Consultants”**

**2.5** The panel anticipated that the review would provide the evidence to make meaningful recommendations to suggest ways in which the costs of consultants could be reduced as a cost-saving measure. The panel sought to understand the extent of the apparently rising cost implications of employing external and internal consultants and whether the development of in-house staff could help to bridge some of the skills gaps that consultants currently fill. During the review, the panel sought to determine how the benefits of using consultants could be utilised in the professional development of PCC staff.

**2.6** This premise that reducing consultant’s costs would reduce departmental budgets does not appear to have been supported throughout the review. Conversely the evidence that has been presented to the panel has raised awareness amongst members of the occasions when it is essential to engage consultants on specific capital and revenue projects.

**2.7** Early evidence received by the Panel demonstrated that the understanding and interpretation of what a “consultant” is can vary greatly as this is a generic term often used as a means of making payments to external providers. The panel felt it would be helpful to define the term, “consultant” for the purposes of this review in line with the definition used within Finance that; *“A consultant is usually an expert or a professional in a specific field who has a wide knowledge of the subject matter. A consultant usually works for a consultancy firm or is self-employed and engages with multiple and changing clients. Use of consultants enables the City Council to have access to deeper levels of expertise than would be feasible to retain in-house, and to*



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*purchase only as much service from the outside consultant as desired. Consultant costs include all externally purchased intellectual services such as advice, reports and consultation”.*

### **3. Phase 1**

**3.1** The Cabinet Member for Resources offered the services of the Efficiencies Team to the panel to assist them in undertaking in-depth analysis of data.

The panel sought to understand the following;

- What are the reasons for engaging consultants?
- How frequent is this?
- How predictable is this?
- How avoidable is it?
- What is the effect of not engaging them?
- What is the impact of engaging them?
- How does the authority recoup the costs of consultants?
- What are the legal requirements for engaging consultants?

**3.2** The panel also sought to determine what the differences were between “consultant” and “temporary staff”

- What are the differences?
- How do we differentiate in accounting terms?
- What is the true cost of employing consultants?
- How much of this cost can be offset?

**3.3** There are a variety of reasons why it is necessary to employ consultants and it is not always due to lack of suitably qualified staff. On occasions, there are issues of capacity within certain departments which means there is a pressing and urgent need for work to be carried out in a timely manner. As a result of this, a suitable alternative can often be to employ a consultant for a short period of time to alleviate the pressure within that department. This can also give departments the opportunity to carry out a needs analysis of their service to determine whether to recruit to vacant posts or use the opportunity to re-structure thereby providing a long term cost saving.

**3.4** Examples of when consultants are engaged include when compiling certain funding bids, where a high level of expertise in that particular area is required if the bid is to have an increased chance of succeeding. The cost of consultants in these cases are from within cash limits - if the bid were unsuccessful, the money spent on

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consultant fees would have to be borne by the authority. This speculative approach is highlighted at 9.21 as having potentially positive outcomes. There are other occasions when funding is received and needs to be spent within a short time frame otherwise it would be lost. On these occasions, consultants can be engaged to provide, amongst other things, specific project management skills and are often engaged after the funding has been approved. The cost of consultants engaged in capital projects is monitored from the outset by the Cabinet and included within the operational costs of the specific project. It is generally accepted across the organisation that consultant's costs are an integral part of most capital projects.

**3.5** The panel heard examples of why it would not be cost-effective to retain in-house knowledge and experience in every area that the authority operates such as specialist contract lawyers or Engineering Project Managers for large capital projects such as Spinnaker Tower or Copnor Road Bridge. In these instances, it would appear to be more appropriate, and represent better value for money, to engage consultants for the duration of the project as the likelihood of requiring that level of expertise on an ongoing basis is limited and therefore unlikely to provide value for money, if retained in-house.

**3.6** Due to the volume and complexity of the information that had been received by the panel, it was agreed that they would examine the cost of consultants across four areas of the authority as it was deemed impractical to look at the entire organisation within the remit of this review. The four areas that were identified were:

1. Legal Services
2. Engineering (incorporating Asset Management and Transport & Street Management)
3. Community Engagement
4. Procurement Management and Local Strategic Partnership Work  
Procurement

**3.7** The panel were keen to understand how the cost of consultants was recorded and accounted for. The information that was compiled to explain the cost of consultants for 2008/09 included:

- Name of the consultant
- Type of consultant
- Brief details of work carried out
- Total payments made in 2008/09 (excluding VAT)
- Whether expenditure was revenue or capital
- Whether expenditure was one-off or on-going
- How the expenditure was funded

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- Whether the Portfolio holder was consulted before the consultant was employed
- Value of the work that could have been carried out in-house if resources had been available and whether this would have resulted in a saving
- Any other relevant information

**3.8** Whilst the panel were grateful for the level of detailed information that was put before them, this reinforced the need to have this information supplied in a more easily digestible format.

**3.9** Improvements in accounting principles regarding the way that consultant's fees are coded have made it easier to extract meaningful cost data, which in turn helps to monitor costs and ensure that relevant expenditure is recovered. The overall cost for consultants during 2008/09 totalled £5,032,040 across capital and revenue projects.

### **4. Phase 2**

**4.1** The purpose of phase two of the review was to understand the number of instances where a temporary appointment has been made for a period, which has exceeded one year and to review how these temporary contracts have been funded and whether there is scope to make savings on a permanent basis.

**4.2** There are certain vacancies within the authority where the salary offered is below market rates, such as quantity surveyors, planners, and lawyers, making the recruitment and retention of suitable permanent staff problematic.

**4.3** Other reasons for engaging temporary contracts in excess of 12 months include, increasing capacity within services, short term planning of maintenance or capital programmes, providing interim cover, long-term sickness cover for key permanent staff, or utilising temporary staff whilst undertaking staffing structure review.

**4.4** In the instances in 4.2 and 4.3 above, the costs would be borne from departmental budgets. The portfolio holder for the service involved as well as the employment committee monitors these costs.

**4.5** The panel heard that whilst there are potential savings in some instances by making temporary appointments permanent, conversely, they provide the organisation with a flexible approach to dealing with peaks and troughs in workloads.

**4.6** The panel heard that in some cases, the individuals currently providing a service to the authority (who have been engaged in excess of 12 months) have been invited to apply for the position on a permanent basis but have declined, preferring their terms and conditions as a consultant.

### **Agency staff**

**4.7** It is important to specify the clear distinction between consultants and agency staff. Agency staff are often recruited directly through a high street employment consultancy or through the internal register. These engagements are often to specifically respond to the operational requirements of reduced manpower levels and can be for any duration upwards of one day. The use of agency staff enables the authority to maintain staffing levels where there is demand for services.

**4.8** In-house agency staff (which has been operating since 2007) are only paid for the hours they work although they are paid for sick leave and holidays. In-house agency staff have the ability to move around different departments building upon their knowledge and increasing their value to the organisation due to the flexibility they provide, especially as they are often trained in the use of Portsmouth City Council IT systems, which can be particularly beneficial in respect of accounting. Another benefit of in-house agency staff is that they are paid at the prevailing rate of pay for the role they are engaged in.

**4.9** Across the entire authority, 41 external agency staff have been employed in excess of 12 months and 13 internal staff employed in excess of 12 months. Of the 41 external agency staff, 15 have been engaged in the Systems Thinking Intervention that is ongoing within Local Authority Housing and are funded through the Housing Revenue Account, whilst 4 of the appointments are covered as part of ongoing capital projects. The remaining 22 are funded through revenue expenditure. The 13 internal agency staff employed more than 12 months includes 5 posts that are funded through the Housing Revenue Account, 2 grant funded posts and 6 funded through revenue expenditure.

### **Budget Monitoring**

**4.10** It is right and proper that authority for spending of departmental budgets is delegated to Heads of Service within cash limits and that any deviation from this agreed process is properly monitored and reported on. There are monitoring processes in place which scrutinise how consultants are engaged and paid for which includes budget monitoring by service heads, employment committee, executive members and ultimately Full Council in the case of large scale projects.

**4.11** Departmental budgets are monitored through quarterly reports to Cabinet, whilst Heads of Service monitor their budgets monthly and are empowered to exercise their delegated powers to commit to routine expenditure in accordance with Financial Rules.

## 5. Phase 3

### Procurement

**5.1** The panel heard how the procurement process is utilised to engage consultants in accordance with Portsmouth City Council's Standing Orders, Financial Rules and European Legislation. This process has been bolstered by the agreement at Full Council in July 2010 of the updated Contract Procedure Rules.

**5.2** In order to improve the way that procurement is dealt with, a streamlined procurement process has been introduced which acts as a filtering system to ensure compliance with legislation and financial rules, thereby reducing the level of Standing Order Waiver requests.

**5.3** An element of this involves the Procurement Gateway Process, which monitors all contracts over £100k. This is a six-stage process from the formation of a business case through to ensuring continuing value for money and potential justification to extend.

**5.4** It is recognised that for major schemes, where insufficient resources are available internally, external consultants are procured through a competitive process. The main shortfalls in available skills with these projects appear to be financial, legal and technical. There are standard procurement contracts in place in relation to Traffic & Transportation, which allows the service to flexibly manage peaks in workload without the need to recruit additional staff.

**5.5** The tendering process is based on suitability and evaluated on price, skills, experience of working on similar projects, references and volume of work required to be undertaken to complete task.

**5.6** Once this process has been completed, it is essential that close monitoring of costs be applied to ensure original estimates are maintained at agreed levels.

**5.7** The panel heard that the role of elected members in the process of engaging consultants was minimal, primarily as a result of the delegated responsibility given to Heads of Service, when engaging consultants within existing cash limits. Consequently, portfolio holders were seldom approached prior to consultants being engaged. It should be noted however, that the Full Council, when agreeing to undertake major capital schemes, agrees substantial sums of consultant spending, however, it is not clear whether the level of consultant spending is consistently explicit in the project costs or included under project management costs.

**5.8** Competitive fixed price tendering (which has been used in the Somerstown Project) where the cost is known in advance eliminates the risk of additional costs for completing the work. Processes also currently exist to challenge what extra work is being done beyond the original brief of a project to eliminate cost creep. As a result of operating a retrospective payments system, the authority will not pay for work that is not done to the agreed standard.

**5.9** Elected Members should note that they are often asked to authorise the overall level of expenditure which may be incurred on consultants for a particular project, for example the Somerstown Regeneration papers submitted to Council in December 2009, based on officers' internal assessment of the likely costs, and before quotations or estimates are obtained from consultants for particular pieces of work.

**5.10** The estimate of costs for new Capital schemes has to be agreed by elected members and the funding streams have to be identified before the project can be approved. The project cannot go out to tender until this has been done.

**5.11** It is not clear to the panel how Value for Money is demonstrated each time consultants are used and they would welcome a better understanding of what benefits have been derived from using consultants and how this is disseminated across the service areas where consultants, agency and temporary staff have been used.

**5.12** The panel would like to have known whether using organisations such as Local Government Improvement and Development (LGID) (formerly IDeA) or Centre for Public Scrutiny (CfPS) who have vast experience of Local Government working, are considered when consultants are being considered for particular contracts, such as the recent Decats process. It was felt that these organisations have a better understanding of Local Government working and could arguably have provided better Value for Money.

### **6. Expansion of review**

**6.1** Upon assuming responsibility for the functions of F&R, the SMP conducted a gap analysis (**Appendix A**) to determine what areas of the review to date required further investigation. It was decided that there would be value in looking at consultant, agency and temporary staff costs across the whole organisation, rather than in isolation.

**6.2** The gap analysis identified areas where the panel sought clarification or additional information in relation to what options were considered prior to engaging consultants, agency or temporary staff together with how these additional costs were funded within each service. The gap analysis also demonstrated that there was a

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level of inconsistency in respect of identifying what constituted a consultant, agency or temporary member of staff, as well as interpretation in some areas of whether a consultant could actually be deemed to be a service provider. There were also inconsistencies demonstrated in how the costs were coded for accounting purposes, making it difficult to accurately determine what the actual costs were in some areas.

**6.3** The panel was keen to understand the role of elected members when consultants were being engaged across service areas and how this role could be developed. The panel also wanted to understand whether capacity or capability was a dominant factor in engaging consultants, agency and temporary staff and what the frequency of these appointments were.

6.4 At their meeting on 29 July 2010, SMP compiled a list of 15 questions for all Heads of Service to answer (**Appendix B**). The respective Heads of Service or their representative, attended in person or presented their written responses to a series of meeting held in early September, with a précis of the responses from these meetings being submitted to SMP at their meeting on 15 September 2010 (**Appendix C**). Following their meeting on 15 September 2010, SMP sought clarification of the responses to questions 8, 9 & 14 as they felt some of the original responses were either ambiguous or failed to answer the original question. They also sought the written response to three additional questions (**Appendix D**).

### **7. Summary of evidence collected**

**7.1** The responses received from all Heads of Service have been analysed and there are many similarities in the responses received. This is highlighted by the concerns raised in relation to the prohibitive costs of maintaining certain levels of specialist expertise in-house, when the demand for that particular discipline would not demonstrate value for money for the relevant service. This is particularly pertinent to major capital projects, where consultants are brought in to carry out bespoke pieces of work relevant to the project. Having looked at this, the panel now know that there are often legislative or funding criteria in place, which necessitates the use of particular consultants in order to validate or evaluate projects prior to funding being released.

#### **Definition of consultant**

**7.2** The range of response received regarding how to define a “consultant” demonstrated how much variance there is in defining what a consultant is. Arguably this could contribute to an increased use of consultants, with them being seen as a solution to a problem when there could be a suitable resource in-house that could complete the work. This was further reinforced by the lack of a skills audit within the organisation, making it very difficult to accurately determine the competency and skill

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level across the organisation, which could have the potential to utilise colleagues from other services to provide skills or expertise when the business need arises. There are some services that actively seek the expertise of others within PCC as this provides an in-house solution and represent considerably better value for money than engaging an external consultant. The panel acknowledge that there has been a qualifications audit carried out across the organisation and whilst this is a positive move in the right direction, it is felt that a skills audit of what the workforce has to offer would be more beneficial.

### Distinction between consultant, agency & temporary staff

**7.3** The responses from Heads of Service concluded that it was felt consultants had a tendency to lead projects they were involved in, whereas, agency or temporary staff provided operational cover for front-line posts providing flexibility in managing service delivery. There appears to be a widely held belief that consultants are highly skilled professional specialists who are engaged to undertake specific projects or individual pieces of work, for example, specialist legal advice. Conversely, it was felt that temporary and agency staff were engaged to provide cover for sickness absence, front-line posts and for short to medium time periods pending service structure reviews, where it was felt that engaging a permanent member of staff would be inappropriate.

### Consultants, agency & temporary staff – over 6 and 12 months in last 2 years

**7.4** The table below shows the number of consultants, agency and temporary staff employed for more than 6 and 12 months respectively over the past two years and as such does not represent the total amount of consultants, agency and temporary staff engaged by Portsmouth City Council over the past 2 years.

<b>Employed more than 6 months in past 2 years</b>		<b>Employed more than 12 months in past 2 years</b>	
Consultant	22	Consultant	20
Agency	17	Agency	33
Temporary	94	Temporary	17

The information included within the table includes staff who have been engaged on a range of capital projects, social care and child protection work. The relatively high level of temporary employees engaged in excess of 6 months during the past 2 years can in part be attributed to a Transfer of Undertakings (Protection of Employment) (TUPE) Regulations issue when the local authority housing cleaning and grounds maintenance service was brought back in-house. The appointments listed above have been funded using a range of external government funding as well as PCC General Fund and Housing Revenue Account funding. There were



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inconsistencies across the authority with some services providing cover for sickness absence and maternity leave with others re-distributing the workload on a priority basis amongst the remaining staff.

### Budgets

**7.5** In general, services do not have a specific budget for consultants and so in order to engage all staff within cash limits, such posts tend to be funded from other sources. This can be achieved by offsetting the expenditure against savings elsewhere or funding appointments through vacant posts. Partial or total external funding is also used to cover these costs. The cost of consultants is often incorporated within the capital costs of specific projects or recovered from the service requesting the work.

### Impact of using consultants, agency or temporary staff

**7.6** The responses received intimated that utilising consultants, agency and temporary staff adds value and is seen as providing a positive contribution to reducing the workload of colleagues. Whilst there have been elements of resentment towards long term agency staff, it has been generally recognised amongst staff that the transferable skills they bring to the service enhances the learning and development of other team members.

### Alternative options

**7.7** The review identified that there are a wide range of options available to heads of service as an alternative to engaging consultants, agency and temporary staff. This ranges from redeployment of staff and off-site processing of work through to utilising the expertise of service providers and development of school leavers and university students. What is not clear from the responses received is whether these options are always considered or whether the use of consultants, agency and temporary staff is considered as a first option as opposed to last resort and what the rationale is for using external staff. Although there are occasions when consultants must be engaged on a project, however, a wide range of options exist to “grow your own” talent, which would underpin the organisations desire to become a learning organisation.

### Identifying skills of own staff to provide cover for gaps in service provision

**7.8** There are numerous examples of secondment opportunities across the organisation to enhance the personal development of PCC staff. One of the limitations of secondments is the silo nature of working within the organisation. This has the potential to inhibit these developmental opportunities that could benefit the

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organisation. A consequence of this could be disenfranchised staff looking for opportunities elsewhere, thereby impacting on PCC's retention policy. Annual Performance Development Reviews (PDR) are cited as a means to identify skills, abilities and ambitions. Given that PDRs are only conducted annually, there could be a more productive means of identifying skills gaps and appropriate personnel to benefit from these developmental opportunities.

### Identifying skills and abilities of other PCC staff to provide cover for gaps

**7.9** There is no formal mechanism in place to identify skills across the organisation to help provide cover for gaps in service provision. The responses received from heads of service acknowledged that they did not routinely look across the organisation to provide cover for gaps in service provision, primarily due to the information of available skills and abilities not being easily available. Another factor that was identified as a barrier is that managers are not keen to let good staff go, coupled with the time-consuming factor of securing internal secondments as opposed to approaching an agency that can put someone into post much quicker. A skills audit would enable staff to be identified that may have professional qualifications in another discipline to the one they are currently working in. This information could be used to encourage them to return to their previous profession, on an ad-hoc or permanent basis if they wanted to.

### Cost to service for sickness/absence cover

**7.10** Whilst this information was not readily available within some services, it was clear that this is not easy to determine within some services. There is no cover or backfill provision across many services with the authority, as a result of budgetary constraints and the need to remain within cash limits. The responses ranged from no cost to the service through to £213k for one service to maintain optimum cover. Whilst the £213k looks a significant amount, this is from a service that actually makes a profit on its activities and must maintain minimum manning levels 24/7 for Health & Safety reasons. There are services that do not provide any cover for sickness/absence as opposed to other services that are legally bound to provide a statutory minimum level of cover for certain posts.

### Training & development of own staff for "hard to fill" posts

**7.11** Within one service, there is a £22k training budget for 157 Full Time Equivalent (FTE) posts. This funding has to be used for continuing professional development (CPD) training as well as any identified training and development needs of the service. Within finance, prospective team members are selected through interview, to undertake professional qualifications training with a view to growing their own accountants. Conversely, Local Authority Housing spent £15k on training their

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surveyors to become Domestic Energy Assessors, saving the authority £35k per annum. A service which is one of the highest spending services in respect of consultants costs has an annual training budget of only £40k.

### How many consultants, agency or temporary staff who cost in excess of £5k

**7.12** The bulk of consultants engaged by the authority cost in excess of £5k during the lifetime of their contract and the exact number of consultants are in the hundreds. What would have been useful to understand, is how this figure relates to the permanent establishment figures for PCC and what percentage of the annual budget is spent on consultants, as well as how much of this money is recouped through funding or re-charging.

### Former employees engaged as consultants

**7.13** There are occasions when former members of staff have been re-engaged by PCC to undertake specific projects. The rationale behind utilising former employees is due, in part, to their knowledge of the business that PCC would otherwise be paying a consultant to establish prior to being able to make a meaningful contribution. There have been occasions when former employees have been used to assist in service reviews and re-structuring as well as strategic work in respect of statutory assessments. There have been occasions when former employees have been used to handle caseload work as a result of staff shortages. Whilst there may be a sound business case for utilising former employees, concerns were expressed by the panel in respect of PCC retaining the intellectual rights to any projects that have been worked, and not paying for information they should already be in possession of. The procedures for succession planning and effective handover of workload were called into question.

### Breakdown of consultant, agency & temporary staff costs 2008/09 and 2009/10

**7.14** The cost of using external consultants, agency and temporary staff is spread across the capital and revenue budgets of the entire organisation which includes General Fund (GF) and Housing Revenue Account (HRA) funding. Clearly the level of capital projects being undertaken within the authority will have a significant impact on the level of specialist consultants for these major capital projects. Consequently, it is of limited value to undertake any form of benchmarking with comparator authorities as the value of their capital projects are likely to be very different from those carried out within Portsmouth.

## **8. Supplementary questions**

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8.1 Having analysed the responses received from all the Heads of Service, the panel asked three additional questions to expand upon the answers already received and provide clarity on what future options Heads of Service were considering in light of the changing financial outlook.

### 8.2 **“If you weren’t going to use consultants or agency staff in the future, what would you do to fill the gaps?”**

1. Need to send staff on additional training and conferences to ensure continuous development within service
2. Not viable to develop own internal resource
3. Develop skills and knowledge within own workforce, shared functions/disciplines with neighbouring authorities
4. Seconding work more effectively with other services
  - Redeployment of existing staff or internal recruitment
  - Permanent or fixed term recruitment
5. Offsite processing
6. Increase salaries of technical staff and recruit more
7. Continue to use consultants as staff not qualified nor in possession of specialist equipment to carry out tasks
8. Use temporary register
9. Required to use only qualified staff
10. Increase establishment figures for permanent staff
11. Projects would cease where use of consultants is an integral part
12. Exchange skills with other LA where possible
13. Employ staff with required skills directly, which would be more expensive and require the retention policy to be improved
14. Develop a full assessment of whether internal resources could replace consultants
15. Establish clearer guidance and process for transference of skills from consultants to internal staff
16. Explore the potential for establishing a regional talent pool of in-house consultants
17. Encourage the development of an internal database to identify appropriately skilled internal resources
18. Absorb the workload by permanent staff, despite the fact that this would add increased pressure on them as they are already working as part of a lean organisation

### 8.3 **“What wouldn’t you be able to do if you did not use consultants or agency staff?”**

## SCRUTINY MANAGEMENT PANEL – USE OF CONSULTANTS REVIEW

1. Inability to develop staff quickly or adequately enough to required levels of expertise
2. Provide right level of professional guidance
3. Deliver work to set targets/deadlines
4. Plan to have no contractors, agency or temp staff in service by April 2011
5. Unable to fulfil statutory duties in full (potential liability cost to PCC)
6. Deploy new technologies efficiently and to industry standards
7. Carry out detailed work
8. Risk of failure to meet statutory duties in Children’s Social Care
9. Meet the requirements of funding
10. Implement the joint accommodation strategy, incorporating the Four Sites Project
11. Inability to fulfil statutory responsibilities in relation to registered residential care or assessment of care needs
12. Work would not get completed within the expected timescales, leading to failure to meet statutory deadlines
13. Manage the risks to the authority. There would be increased risks and liabilities on PCC if specialist knowledge was withdrawn, or not made available through the procurement of consultants, which would have the potential to damage the reputation of the authority
14. Maintain service standards
15. Remain competitive and responsive to external funding opportunities
16. Commission studies and surveys
17. Undertake Strategic and Commissioning changes where expert advice and analysis is not available in-house
18. Withdraw or reduce specialist support if this could no longer be supported
19. Possible inability to apply for and subsequently support externally funded projects

### **8.4 “What is the likely impact of reduction or removal of grant funding?”**

1. Consultancy would stop as much is grant funded
2. Cease to undertake function
3. Absorb within service with expectation that there will be reduced activity/standards in performance
4. Fewer opportunities to develop good practice
5. Inability to fulfil statutory duties
6. Reducing work to the minimum requirements in particular areas
7. Reduction or removal of training for teachers in respect of their roles & responsibilities to Looked After Children – impact on Corporate Parenting Role of Local Authority
8. Ability to deliver services
9. Potential loss of project business

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10. Specific projects cease, e.g. housing for the care of vulnerable people or services that support people with learning disability to achieve independence
11. Not all funded projects require the services of consultants, therefore they do not always go hand in hand
12. Within one service, in excess of £3m of revenue funding has been secured over the past four years and in excess of £11m in capital funding over the same period. If these types of funding were not available, the benefits they bring across the city would not be achieved

### **9. Conclusions**

1. The panel acknowledge that Portsmouth City Council on occasions, because it is legally bound to provide a given level of service, has no option but to procure the services of external consultants, such as, certain child protection cases or when a conflict of interest exists such as the authority being the Corporate Parent. Whilst this is legitimate expenditure, in order to comply with legislation, it could in turn provide opportunities for shared services with other local authorities
2. The panel now know that there are other statutory responsibilities that the authority must comply with which includes, provision of Revenues & Benefits advice and administration of Housing and Council Tax Benefit as well as registered residential care and assessment of care needs. Whilst there would remain the need to retain these functions, this could be either in-house, or in the case of benefits administration by way of off-site processing as stated at 7.7 and 8.2.5.
3. Lack of specialist knowledge, (coupled with the inappropriateness of retaining this level of knowledge) especially with large contracts such as Northern Quarter and Spinnaker Tower requires the engagement of specialist legal advice to protect the authority's financial and legal interests
4. Whilst the in-house agency staff employees are only paid for the hours they work, they are paid for sick leave and holidays, which still represents better value for money than using external agency staff
5. In-house agency staff have the ability to move around different departments (dependent on their skill level) building upon their knowledge and increasing their value to the organisation due to the flexibility they provide. This cross departmental working helps to develop a wider skills base of staff
6. Some consultants are employed in excess of 12 months on long term capital projects and the forecast costs of the scheme should have been accounted for this at the outset of the project and would have to have been approved by members as outlined at 4.9.

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7. Some consultants are employed in excess of 12 months due to difficulties in filling the vacancy due to uncompetitive salary compared with market rates, this is unsustainable and needs to be addressed [4.6]
8. Procurement processes that have been introduced have led to greater transparency in the procurement process and greater awareness of the need for compliance with relevant legislation whilst obtaining value for money. The council's contract procedure rules were updated at Full Council in July 2010, which helps to address this
9. Members on occasions request that external consultants are used, often to provide an independent view on issues such as LPR and Decats
10. Regardless of employing suitably qualified staff, lack of capacity within certain departments necessitates the engagement of consultants, which is currently exacerbated by the current service reviews
11. Interim cover is required for vacant senior posts, whilst service reviews are undertaken
12. In line with Portsmouth City Council's Scheme of Delegation within the Constitution, managers have delegated authority to incur routine expenditure within their cash limits. There is also a process for seeking approval from the Portfolio holder before incurring any additional expenses
13. There have been three requests to have Standing Order Waivers applied for consultant services to be bought in over the past year (2009/10)
14. The total cost of consultants fees has increased year on year from £4,030,680 in 2006/07 to £5,032,040 in 2008/09
15. The cost of some consultants can be offset or recharged to other agencies or projects. There have been occasions when this has been cited as the only reason that a consultant was used and often means the expenditure was either cost neutral or cost-saving
16. Reducing the annual spend on consultants might not necessarily reduce departmental budgets, conversely, it could have a negative effect on investment opportunities within the city
17. The graphic design team income generate by carrying out work for external agencies such as the local NHS Primary Care Trust and Police as well as providing services in-house, which ensures a professionally consistent standard and represents significant ongoing savings across the authority for graphic design work
18. Competitive fixed price tendering (which has been used in the Somerstown Project) where the cost is known in advance eliminates the risk of additional costs for completing the work, this enabled the outline business case to be compiled to determine the affordability of the Somerstown Regeneration Project
19. In order to ensure financial probity, there is a break clause in force within the contract with the Homes & Communities Agency and our consultants which allows Portsmouth City Council to withdraw from the Somerstown project at

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the affordability stage if this was deemed not to be financially viable. There is a project board set up in addition to the Procurement Gateway Board to look at the expenditure of this project and the information regarding costs is available to members

- 20.** Having considered the many opportunities that arise and the need to respond positively, the panel now recognises that one size doesn't fit all and that a level of flexibility is required to respond to opportunities that present themselves as delays can cost money or lose potential investment opportunities altogether
- 21.** In some situations, there is a need to speculate to accumulate and the panel feel that the council should not be hindered by being prevented from using consultants where appropriate
- 22.** Having looked at this issue, the panel notes that there appears to be a lack of robust succession planning, which can lead to good members of staff seeking developmental opportunities elsewhere
- 23.** We are now able to say that there is a lack of knowledge, within services, of the unused in-house talent
- 24.** That the internal Intralink system be utilised to create a market place forum for staff to advertise their skills so that other services can see what skills and abilities exist in-house as opposed to looking externally to provide a resourcing solution



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**RECOMMENDATIONS**

Recommendation	Evidenced by	Lead Officer	Deadline	Resource implications
<p>1. Compile draft guidelines for defining and employing consultants, to include the rationale for engaging consultants. This to include a crib sheet within Financial Rules, which would set out the reason or business case for engaging consultants (ensuring scope is clear to reduce likelihood of rising costs)</p> <p>3. Monitoring of Vacancies Group to provide monitoring of the cost of using consultants, agency, temporary or permanent staff, through their fortnightly meetings which agrees all recruitment and employment opportunities across the authority.</p>	<p>2.6 2.7 3.4 4.4 4.10 4.11 5.1 5.4 5.5 7.2 7.5</p>	<p>Heads of Procurement, Audit &amp; Performance and Financial Services</p>	<p>Initial draft by March 2011</p>	<p>Officer time in compiling guidelines and consultation with Corporate Management Board (CMB) Leaders Resource Group time</p>
<p>2. Consider developing a Corporate Policy for the use of</p>	<p>2.1.4</p>	<p>Heads of Audit &amp; Performance and</p>	<p>Initial draft by March 2011</p>	<p>Officer time in compiling policy and consultation with</p>

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consultants, where this would add value to the procurement or engagement process and provide efficiency savings and value for money for the authority.		Procurement		Corporate Management Board (CMB
4. Make better use of existing PCC staff by encouraging cross-service working, where in-house skills can be utilised that prevents the need to procure external consultants. Senior Management to be more open and willing to share the skills of their team where this is beneficial to the authority and work towards eliminating the need for agency employees to be engaged beyond 12 months where they are covering a full time vacancy	4.1 4.6 4.9 7.7 7.9 7.11 8.2.4	Strategic Directors Board	Ongoing	Potential to save costs currently incurred procuring consultants to undertake tasks that could be carried out by existing PCC staff in other services. Conversely, if roles that are carried out by internal PCC staff, could have their jobs backfilled at a lower grade, which in turn could lead to savings and further development opportunities for staff.
5. Complete a Skills Audit of the workforce to determine what underutilised skills and abilities are not being maximised	2.5 7.2 7.9 8.2.14	Heads of Learning & Development and HR	Initial audit by March 2011, ongoing thereafter	Officer time in establishing the process for collecting, storing and analysing the information to ensure it is useable to services
6. In seeking to achieve the goal of being considered a “Learning Organisation”, encourage investment in the personal and	7.7 7.8 7.11	Head of Learning & Development	Ongoing	Dependent on outcome of skills audit, training budget would need to reflect the organisational need. Costs

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professional development of all staff whilst they are employed by PCC. Enter into a contract with the staff in respect of any fees incurred by PCC for developmental courses, to ensure the fees are repaid in full should the employee voluntarily leave within a specified time-frame and ensure that these costs are recouped.				for staff that leave would be recouped, with the organisation benefiting from a better trained workforce for those that remain.
7. Simplify the accounting codes used to record consultants costs and incorporate into six monthly monitoring report to the Employment Committee, possibly using the same format for engaging consultants	3.9 4.4 6.2	Head of Financial Services	End of 2 <sup>nd</sup> quarter of financial year 2010/11	Officer time in simplifying the coding system and compiling data reports to present findings to the Employment Committee
8. Having undertaken a Skills Audit of the workforce, the skills that this highlights be used to provide income generating opportunities for the authority	7.9 8.2.3	Strategic Directors Board	April 2011	Potential income generation or reduction in agency or consultant costs from shared services work.
9 Develop the internal in-house agency skill-set to offer shared services opportunities with neighbouring authorities	4.8 7.3 8.2.16	Heads of Procurement and HR	April 2011	Potential income generating opportunity

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10. That the in-house graphic design team continue to maximise the income generation opportunities that exist in order to self fund their function and develop business opportunities within and out with the authority.	9.17	Head of customer, community & democratic services	Ongoing	Income generating function
11. That a market place style system is initially put in place to enable staff to advertise their range of skills and abilities that could be utilised across the organisation.	9.24	Head of customer, community & democratic services	Initially by mid February 2011	Potential cost saving

### Glossary of terms

AMS – Asset Management Service  
 ASC – Adult Social Care  
 BSF – Building Schools for the Future  
 CCDS – Customer, Community & Democratic Services  
 CfPS – Centre for Public Scrutiny  
 CS – Community Safety  
 EPP – Environment & Public Protection  
 F&R – Finance & Resources Scrutiny Panel  
 FTE – Full Time Equivalent  
 GF – General Fund

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HR – Human Resources

HRA – Housing Revenue Account

IS – Information Services

LA – Local Authority

LAH – Local Authority Housing

LGID – Local Government Improvement and Development - formerly Improvement and Development Agency (IDeA)

PCC – Portsmouth City Council

PDR – Performance Development Review

SDB – Strategic Directors Board

SMP – Scrutiny Management Panel

TSM – Transport & Street Management

TUPE – Transfer of Undertakings Protection of Employment (Regulations)

### Appendices

- Gap Analysis – Appendix A
- 15 Questions to Heads of Service – Appendix B
- Précis of response to 15 questions from Heads of Service – Appendix C
- Supplementary 3 questions – Appendix D
- Attendance list of witnesses – Appendix E

## SCRUTINY MANAGEMENT PANEL – USE OF CONSULTANTS REVIEW

Appendix A

## Gap Analysis

### *“Finance & Resources Scrutiny Review into City Council’s use of Consultants”*

1. Original report objectives – to be expanded upon, page 3
  - 1) including what options were considered before engaging consultants
  - 2) finance arrangements – if being used to cover a vacancy, how was the extra cost of the consultant or agency staff member paid for as they would in many instances cost more than the vacant post
  - 3) review temporary employees retained for more than one year – what is the scale of this issue authority wide as opposed to the service areas that were looked at
  - 4) formulate guidance on when and how consultants are employed and set parameters for employing temporary staff – suggests that nothing exists at present, therefore what safeguards exist to protect the public purse and ensure that each service is gaining value for money
  
2. Phases of review, page 4
  - 1) (a) whilst the review looked at the term “consultant” it would be beneficial to sub-categorise non PCC employees from permanent staff to get a better idea of the scale of the issue. Also, take into consideration the financial liabilities faced by PCC for non permanent staff who are employed beyond a certain time-frame as they qualify for sickness and annual leave.  
(b) the list of reasons for employing consultants needs to be shown together with some narrative explaining the options considered and rationale for engaging consultants for a particular project or cover provision to demonstrate that alternative options have been considered including shared services with neighbouring local authorities (c) Whilst the review looked at financial data for 2008/09, data from 2009/10 should now be available for comparison purposes if the panel would consider this of value.
  - 2) (a) this needs to be extended to cover the entire authority to better understand where the areas are that are heavily reliant on consultants or agency staff and the financial implications of this. The cost of consultants and agency staff often exceeds permanent employee’s salaries which in turn can cause resentment amongst permanent employees. Understanding this issue will assist the panel in identifying skills gaps and offer suggestions in relation to filling the gaps, thereby saving money.

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(b) it is not fully known how temporary contracts across the authority have been funded due to the restricted size of the service areas that were looked at. Other areas of the organisation use consultants or agency staff and the panel needs to understand what all of the funding arrangements are and how they are likely to be affected by recent government cuts in funding as well as what shortfalls this will produce.

3) (a) there is an important role for elected members when consultants are being considered for employment and this could help to support the Leaders Resource Group in their deliberations.

### 3. Phase 1, pages 5-7

3.1 Capacity within certain departments was cited as a reason for employing consultants to ensure that work is carried out in a timely manner. What needs to be explored is the frequency with which this happens as it could reveal issues around forward planning, project and time management?

3.2 Whilst it has been noted that consultants have been used to give services the time to conduct a review of their needs before recruiting permanent staff, the panel could review the options of engaging staff on short-term contracts of employment at the same rate of pay as their peers, as opposed to agency or consultants rates, which would bring about an immediate cost saving.

3.3 There have been occasions when consultants have been brought in to assist with bid submissions, which if unsuccessful, are costs that have to be borne by the authority. What that panel could explore is where that level of expertise and knowledge exists within the authority and the way in which it is being used. The ability to be able to call upon in-house expertise on a cost neutral basis as opposed to going outside and paying consultants rates must surely be worth exploring? The authority would benefit from learning how frequently these situations arise and whether or not there is value in training key members of staff to utilise these transferable skills across the authority.

3.4 The original panel agreed that due to the volume and complexity of the information that had been received, it would examine the cost of consultants across four areas of the authority. Whilst this was a pragmatic decision taken by the panel within the remit of the review, it would appear that this has resulted in an incomplete picture of the use of consultants and ways in which to properly review the cost implications for the authority. Perhaps SMP could consider tasking each themed scrutiny panel to look at the use of and cost of consultants within the areas that their scrutiny panel covers. This would give a clearer picture of the actual costs across the authority as well as within specific work areas which could help to identify work areas that would benefit from any suggested improvements.



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3.5 The way in which consultants fees are coded for accounting purposes has proved to be problematic and at times complex. It was acknowledged that the improvements in accounting principles had made this task easier and that any modifications would also be reliant on the person inputting the data correctly coding the cost code.

3.6 The total consultant's costs across all capital and revenue projects for 2008/09 were £5,032.040. It would be worth comparing this against the figures for 2009/10 to see how this has changed.

### 4. Phase 2, pages 7-9

4.1 The purpose of phase 2 was to look at the number of instances when a temporary appointment exceeded 12 months. This was limited by the four service areas identified for the review and consequently doesn't give a clear picture of the authority. This would be rectified if each of the themed panels included this in their financial data questions for the service areas they work with.

4.2 There are known problems recruiting to certain posts, however, even though this is known, it is not clear how pro-active the organisation is in responding to this situation including considering developing their own talent in-house.

4.3 The issue about increasing capacity within services can arguably be done cheaper on short-term contracts as opposed to paying consultant or agency rates. The use of interim cover for long-term sickness for example could be an opportunity to provide secondment opportunities to develop our own staff and go some way to helping PCC become a learning organisation.

4.4 How acceptable is it in the current economic climate, for staff who have been engaged on contracts in excess of 12 months to decline the opportunity to work permanently for PCC, preferring instead to continue being paid consultant rates of pay? What scope is there for actively recruiting to these roles, in order that they are more cost effective to PCC?

4.5 There clearly is a need for agency staff to ensure front line services are maintained on a daily basis and the in-house agency has gone some way to rectifying the pay anomalies that exist by ensuring staff are paid the same as their peers.

4.6 The original panel heard that 41 external agency staff has been employed in excess of 12 months. The funding for some of these posts comes from the HRA as opposed to the General Fund. The panel would benefit from seeing how much this relates to in actual money and what the rationale is for engaging these agency staff for prolonged periods of time and whether or not this actually represents value for money for the organisation. The argument used previously has been that PCC pays below market

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rates, however, given the length of time that these members of staff have been engaged; would there not be a case for offering Market Sensitive Increments which can be reviewed on an annual basis? When was the last time any of these vacancies were advertised? What is the current job market like in these particular areas? Reviewing all of these areas could bring about immediate savings as well as potential future savings.

### 5. Phase 3, pages 9-10

5.1 Implementation and compliance with the procurement process when engaging consultants is improving, however, it would be useful to understand areas of non-compliance, including frequency, to determine what is causing this.

5.2 The procurement gateway board (PGB) helps to monitor the projects where the cost of consultants for a project exceed £50k and ensure that they are engaged subject to their suitability, expertise and price. It would be useful for the panel to know how many projects where consultant's costs have exceeded £50k have been approved through the PGB during the period 2008/09 and compare this with the same period for 2009/10. It would also be beneficial to the panel to understand the alternatives considered in these cases and how the successful bidders are appointed.

### 6. Conclusions, pages 10-11

6.1 Whilst PCC are legally bound to procure services of external consultants, for example in child protection cases, what options have been considered or exist in providing a reciprocal arrangement with other local authorities?

6.2 It is noted that in-house agency staff move around different departments which benefits the organisation, however, how is this experience recorded to ensure there is a robust skills audit of staff to assist with succession planning and responding to operational business needs?

6.3 The procurement processes that have been introduced have led to greater transparency but what is being done to identify and resolve non-compliance with standing orders and financial regulations, including standing orders waivers?

6.4 What other options have been considered for Interim cover for senior posts? It is acknowledged that there are key positions within the authority that it is a legal requirement to have, however, what options have been considered to utilise existing staff whilst advertising for senior vacancies?

## SCRUTINY MANAGEMENT PANEL – USE OF CONSULTANTS REVIEW

6.5 What is the true cost of consultants if some costs are offset or re-charged and how easy is it to determine the actual cost?

6.6 Areas of the service that income generate, such as the graphic design team should be used as a first resort as they represent an immediate saving to the authority against the cost of external graphic design teams. This also ensures compliance with corporate identity and standards.

### 7. Recommendations

7.1 None of the recommendations have yet been implemented; therefore the deadlines that have been set will need to be adjusted if they are subsequently submitted for consideration by the cabinet. The recommendations that currently exist are likely to be improved or removed dependent on the information received as a result of implementing the revised project brief.

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Appendix B

**Questions from Finance & Resources Scrutiny Review to Heads of Service**

Question	Response
1. How would you define the term consultant?	
2. What distinction do you use to define between consultant, agency and temporary staff?	
3. How many temporary/agency or consultant staff have you employed for: More than 6 months over the last 2 years More than 12 months over the last 2 years	
4. Please list all those at 3 above and provide reasons for their employment	
5. How do you budget for temporary/agency/consultant staff?	
6. How do you evaluate the cost-effectiveness of using such staff rather than employ to these posts?	
7. What is the impact on staff morale from using consultants or agency staff?	
8. What other options do you consider or are available?	
9. How do you determine the skills and abilities of your own staff to assist with providing cover for gaps in service provision, where you employ temporary/agency/consultant staff ?	
10. How do you determine the skills and abilities of staff across PCC to assist with providing cover for gaps in service provision, where you employ temporary/agency/consultant staff and are there any	

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barriers to this ?	
11. How much does it cost your service to provide cover for sickness/absence? (excluding the cost of SSP)	
12. What time and money is spent on training and developing your own staff to fill “hard to fill” posts from within existing resources?	
13. How many temporary/agency/consultants do you engage who cost more than £5k during the lifetime of their contract ? Please list and advise of reasons for employment	
14. Have you ever employed as a consultant – a member of staff from PCC who had previously been made redundant or retired ? If so please provide details of contract and reasons	
15. Please provide a breakdown of consultant and agency staff costs for 2008/09 and 2009/2010 for your service and a summary of how these were funded	

Please complete and return the above questions to;

Anthony Quinn, Senior Local Democracy Officer, customer, community & democratic services

Tel: 02392-834002 (ext 4002)

The completed returns will be submitted to the scrutiny panel for your work area who will invite you to attend a formal scrutiny meeting in early September to discuss your response and answer any supplementary questions. All responses will be considered by Scrutiny Management Panel at their meeting on 15 September.

**Précis of responses from scrutiny panel meetings held on 7<sup>th</sup>, 8<sup>th</sup> & 9<sup>th</sup> September to deal with questions set by SMP in respect of “City Council use of Consultants Review”**

<b>Question</b>	<b>Response</b>
<p>1. How would you define the term consultant?</p>	<ul style="list-style-type: none"> <li>• Definition of consultant varies across the organisation but deemed by most to be an expert or professional with specific knowledge on a particular topic and engaged over a limited period of time</li> <li>• It is a requirement of certain projects and areas of work to engage consultants due to legal or contractual requirements</li> <li>• Experienced professional acting in an advisory capacity</li> <li>• Professional providing expertise that is not available in-house</li> <li>• Hold no formal employment status with the commissioning organisation</li> <li>• Professional standing within a particular field</li> <li>• Engaged to lead a piece of work, or to provide advice to services around policy, practice or change</li> </ul> <p><b><i>The responses demonstrate how much variance there is in defining what a consultant is, which could contribute to increased use of consultants, with them being seen as the solution to a problem that could be source in-house</i></b></p>
<p>2. What distinction do you use to define between consultant, agency and temporary staff?</p>	<ul style="list-style-type: none"> <li>• Consultants lead whereas temporary or agency staff deliver operationally</li> </ul>

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- Agency or temporary staff provide cover where there are capacity issues for front-line posts, providing flexibility in managing service delivery
- Higher charges of consultants reflects their higher skill levels
- Consultant is normally a member of a professional body which reflects their higher level of expertise and knowledge
- Consultant provides exceptional expertise
- Consultant specific to project or outcome, whereas agency and temporary staff employed via a 3<sup>rd</sup> party
- Agency staff cover sickness/maternity, temporary staff for a defined period usually less than 12 months
- Temporary staff used to fill posts pending review of service structure
- Agency staff used in preference to consultants on basis of cost, plus the higher skill levels of a consultant are not always necessary for each post
- Consultants are task specific as opposed to providing a service
- Temporary and agency staff used due to capacity issues within the organisation
- Temporary staff for limited life project work between 1 and 3 years dependent on funding arrangements
- Temporary staff from internal register on 6-12 month contract, agency staff used as last resort where internal agency has been unable to provide suitable cover
- Consultant is specific type of temporary staffing

***The general consensus is that consultants are highly skilled***

SCRUTINY MANAGEMENT PANEL – USE OF CONSULTANTS REVIEW

	<p><b><i>professional specialists engaged to undertake specific projects or individual pieces of work. Alternatively, temporary and agency staff are engaged to provide cover for; sickness/absence, front-line posts and are engaged for short to medium periods of time pending service structure reviews</i></b></p>
<p>3. How many temporary/agency or consultant staff have you employed for: More than 6 months over the past 2 years More than 12 months over the past 2 years</p>	<ul style="list-style-type: none"> <li>• Consultants &lt; 6 months – 22</li> <li>• Agency staff &lt; 6 months – 17</li> <li>• Temporary staff &lt; 6 months – 94</li> <li>• Consultants &gt; 12 months – 20</li> <li>• Agency staff &gt; 12 months – 33</li> <li>• Temporary staff &gt; 12 months – 17</li> </ul> <p><b><i>The figures are the response from all services, however, the breakdown of temporary and agency is not clear from some of the responses. The consultants engaged include a range of capital projects, social care and child protection work. There is a wide range of funding used to cover these appointments as well as provision to cover for front-line services. The funding from PCC is a mixture of General fund and Housing Revenue Account funding.</i></b></p>
<p>4. Please list all those at 3 above and provide reasons for their employment?</p>	<ul style="list-style-type: none"> <li>• Consultant - specialist and technical advice to Four Sites capital project, which includes Locally Based Hospital Unit Project (Dept of Health delivery priority)</li> <li>• Agency - Project work – externally funded (specific piece of work)</li> <li>• Short term funded appointments through Learning Disability Development Fund (project work)</li> <li>• Older Persons service - Occupational Therapist – Social Care Reform Grant (hard to recruit post)</li> </ul>



## SCRUTINY MANAGEMENT PANEL – USE OF CONSULTANTS REVIEW

	<ul style="list-style-type: none"><li>• Liaison Officer - Private Sector Housing (maternity/sickness cover)</li><li>• Supporting People – specialist Supporting People research/strategic needs review</li><li>• Consultants to support changes to Special School Funding Formula and practice in improving attendance</li><li>• Legal support officer (ASBU)</li><li>• External evaluation and added kudos to funding bids</li><li>• PYOP - Back-filling secondment vacancy</li><li>• Caseload increase – legal services</li><li>• Caseload increase – registrars office</li><li>• Agency Road Sweeper - Erratic nature of the work – cheaper to employ than full-time employee at the Port</li><li>• Project Officer – increased workload, support for capital projects</li><li>• Client Managers – 1) critical post filled during TSM restructuring 2) interim control of PFI contract and coastal engineering</li><li>• Review and validation of capital projects (inc Pyramids)</li><li>• Options appraisals</li><li>• Specialist project management for major capital development</li><li>• External specialist legal advice</li><li>• Consultant – review Ofsted preparation</li><li>• Administrator – (secondment backfill)</li><li>• Planner – maternity leave</li><li>• Laptop encryption</li><li>• Business support</li><li>• Desktop installations</li><li>• Desktop services</li></ul>
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SCRUTINY MANAGEMENT PANEL – USE OF CONSULTANTS REVIEW

	<ul style="list-style-type: none"> <li>• Government Connect Project</li> <li>• Housing RAMS Project (HRA funded)</li> <li>• Netware and IS projects</li> <li>• PC maintenance</li> <li>• PC server and e-mail upgrade (just under ¾ million)</li> <li>• Cleaning &amp; grounds maintenance – TUPE of previous contractor staff and responding to Systems Thinking Intervention Demand Analysis</li> <li>• Agency staff – provide sleep-in service within 2.5 sheltered housing schemes</li> <li>• Consultants – expertise not within service</li> <li>• Consultant – key post cover, statutory provision</li> <li>• Temporary – seasonal demand i.e. election canvas period</li> <li>• Temporary – increased demand due to incentive scheme for cash-back on Council Tax for pensioner households</li> </ul> <p><b><i>There are a wide range of uses of consultants, agency and temporary staff. There are occasions when expert advice and knowledge is required. Some services need to provide certain levels of cover due to statutory or contractual obligations. There are services that backfill for sickness/absence, whilst others re-prioritise their workload with some areas not getting covered during that period.</i></b></p>
<p>5. How do you budget for temporary/agency/consultant staff?</p>	<ul style="list-style-type: none"> <li>• Within cash limits</li> <li>• Expenditure offset by savings</li> <li>• Funded through vacant posts</li> <li>• Funded externally, either in part or completely</li> <li>• Provided within existing service budget to assist with specific areas of work (limited to certain services – Audit,</li> </ul>

SCRUTINY MANAGEMENT PANEL – USE OF CONSULTANTS REVIEW

	<p>Targeted Services, Legal, Revenues &amp; Benefits)</p> <ul style="list-style-type: none"> <li>• Schools forum</li> <li>• Not planned or pre-allocated</li> <li>• Within capital costs</li> <li>• From the service requesting the work</li> </ul> <p><b><i>Few services allow for consultants costs and those that do, argue that they understand the demand fluctuations of the work that they carry out. There are examples of external funding sources being utilised and costs being borne within capital projects to cover some of these costs. Most services avoid backfilling posts where this would not be cost-effective to them.</i></b></p>
<p>6. How do you evaluate the cost-effectiveness of using such staff rather than employ to these posts?</p>	<ul style="list-style-type: none"> <li>• Reduction of workload</li> <li>• Ability to respond in short time-frame</li> <li>• Lack of in-house knowledge or experience</li> <li>• Increased knowledge within the wider team</li> <li>• Recruitment of agency staff to full-time posts</li> <li>• No mechanism in place</li> <li>• Benchmarking by procurement and soft market testing</li> <li>• Cost and time analysis</li> <li>• Need for specialist equipment to conduct work</li> <li>• External benchmarking by government funders</li> <li>• Viability of employing permanent staff</li> <li>• Provision of continuity of care</li> </ul> <p><b><i>Where evaluation of the use of consultants takes place, it appears to show that they add value, however, it is not clear in some instances whether they are the only or best alternative.</i></b></p>

SCRUTINY MANAGEMENT PANEL – USE OF CONSULTANTS REVIEW

<p>7. What is the impact on staff morale from using consultants or agency staff?</p>	<ul style="list-style-type: none"> <li>• Positive as it reduces workload and seen to add value</li> <li>• Appreciative of expertise brought in by consultants, adds to knowledge base and expertise whilst increasing capacity and competency</li> <li>• Neutral – as they are not carrying out the same work as other staff within the service</li> <li>• Element of resentment in respect of long term agency staff, which has now been removed within one service</li> <li>• Provide transferrable skills to the wider team</li> </ul> <p><b><i>There is a mixture of response although in the main, consultants are deemed to add value to the services they work within, especially where there are transferrable skills that the wider team can benefit from.</i></b></p>
<p>8. What other options do you consider are available?</p>	<ul style="list-style-type: none"> <li>• Redeployment or internal recruitment</li> <li>• Permanent or fixed recruitment</li> <li>• Offsite processing of work</li> <li>• In-house agency</li> <li>• Retraining</li> <li>• Use of private or third sector organisations</li> <li>• Secondment</li> <li>• No option legally, other than to engage consultants</li> <li>• Developing existing staff, acting up positions</li> <li>• Return to work packages to encourage experienced, qualified staff back into field of work</li> <li>• Re-prioritise workload</li> <li>• Development of school leavers, university students</li> <li>• Future Jobs Fund</li> <li>• Positive Action Training Highway (PATH) trainee scheme</li> <li>• Utilisation of expertise of service providers</li> </ul>

SCRUTINY MANAGEMENT PANEL – USE OF CONSULTANTS REVIEW

	<ul style="list-style-type: none"> <li>• Casual employees</li> <li>• Work experience</li> <li>• Use staff from other departments or through SLA's</li> <li>• None</li> </ul> <p><b><i>There are a range of options that are considered as an alternative to using consultants, agency or temporary staff. What is not clear is the rationale for using external staff and whether this is a last resort or first choice.</i></b></p>
<p>9. How do you determine the skills and abilities of your own staff to assist with providing cover for gaps in service provision, where you employ temporary/agency/consultant staff?</p>	<ul style="list-style-type: none"> <li>• Offer alternative working opportunities for staff development</li> <li>• Skills audit as part of annual business planning (Audit)</li> <li>• PDR's to determine skills, abilities and ambitions</li> <li>• Performance management</li> <li>• Qualification and skills audit (HIDS)</li> <li>• Agenda item at DMT meetings to highlight skills and abilities</li> </ul> <p><b><i>The responses to this question seemed to miss the point of what was being asked, although some good examples have been put forward. It would appear that performance management through 1-2-1's and PDR's is the most frequently used way of determining skills &amp; abilities of staff</i></b></p>
<p>10. How do you determine the skills and abilities of staff across PCC to assist with providing cover for gaps in service provision, where you employ temporary/agency/consultant staff and are there any barriers to this?</p>	<ul style="list-style-type: none"> <li>• Not routine – lack of easily available information – no authority wide database of capability and availability</li> <li>• Managers not keen to let good members of staff go</li> <li>• Time-consuming to secure internal secondments</li> <li>• Personal knowledge of individuals or recommendations from other managers</li> <li>• Previous professional qualifications (Social Work)</li> </ul>

SCRUTINY MANAGEMENT PANEL – USE OF CONSULTANTS REVIEW

	<ul style="list-style-type: none"> <li>• No mechanism available</li> </ul> <p><b><i>The main barriers to identifying other PCC staff to provide cover for gaps in service provision appears to be lack of information, coupled with resistance from other services to release the member of their team. The holistic approach could be that the panel recommends that we move away from silo working and work more collaboratively within our own organisation as this could reduce the burden on costs of external consultant and agency costs.</i></b></p>
<p>11. How much does it cost your service to provide cover for sickness/absence? (excluding SSP)</p>	<ul style="list-style-type: none"> <li>• Not readily available information</li> <li>• No cost</li> <li>• £20k (Community Housing)</li> <li>• Do not provide cover for sickness/absence</li> <li>• No budget provision to cover sickness/absence</li> <li>• £213K (Port)</li> <li>• Not known or measured</li> <li>• £16k (LAH – actual figure difficult to determine)</li> </ul> <ul style="list-style-type: none"> <li>• Developing existing staff</li> </ul> <p><b><i>There are no cover or backfill provisions across many of the services. Other services are unable to determine what if any money is spent on providing cover for sickness/absence cover. The highest figure quoted above is from the provision of berthing staff, an area of that service that actually makes a profit.</i></b></p>
<p>12. What time and money is spent on training and developing your own staff to fill “hard to fill” posts from within existing resources?</p>	<ul style="list-style-type: none"> <li>• Staff development time</li> <li>• £22k training budget for 157 FTE posts</li> </ul>

SCRUTINY MANAGEMENT PANEL – USE OF CONSULTANTS REVIEW

	<ul style="list-style-type: none"> <li>• Professional training to grow own accountants, staff selected through interview with only the best being supported</li> <li>• Resources concentrated on areas of future skills shortage</li> <li>• £25k on professional development (HR)</li> <li>• £15k to train own Domestic Energy Assessors, saving the authority £35k per annum</li> <li>• £40k training budget (IS)</li> <li>• £4k to NVQ assessors and Internal Verifiers</li> <li>• £30k service wide budget, which is likely to be cut as a result of service cuts required (EPP)</li> <li>• £23k student post recruitment (Private Housing)</li> <li>• Incremental costs of £1,740, £3,180 and £3,045 to develop staff to become qualified social workers through the OU as well as the cost of day release one day a week and backfilling of practice placements. This is significantly more cost-effective in money and time that the course operated through Southampton Solent University</li> <li>• Costs to support practice learning co-ordinator, practice teachers and work based supervisors.</li> </ul> <p><b><i>There is a wide range of commitment to learning and development from £0 through to £40k. The service with the £40k budget is one of the highest spending for consultant's costs. PCC is working towards being a learning organisation. How can this be demonstrated?</i></b></p>
<p>13. How many temporary/agency/consultants do you engage who cost more than £5k during the lifetime of their contract? Please list and advise of reasons for employment</p>	<ul style="list-style-type: none"> <li>•</li> </ul>

## SCRUTINY MANAGEMENT PANEL – USE OF CONSULTANTS REVIEW

14. Have you ever employed as a consultant – a member of staff from PCC who had previously been made redundant or retired? If so, please provide details of contract and reasons	
15. Please provide a breakdown of consultant and agency staff costs for 2008/09 and 2009/10 for your service and a summary of how these were funded	



<p>Customer, community and democratic services Scrutiny Management Panel</p>	
<p>Tel: 023 9283 4002 Email: Anthony.Quinn@portsmouthcc.gov.uk</p>	<p><a href="http://www.portsmouth.gov.uk">www.portsmouth.gov.uk</a></p>

## Appendix D

**12 October 2010**

### **Use Of Consultants Review -- clarification of responses from Heads of Service**

The Scrutiny Management Panel requested the response to a series of questions ahead of their last meeting on 15 September. Following on from this, the SMP resolved to seek clarification of the responses received from all Heads of Service to questions 8, 9 & 14 as they felt that many of the responses received didn't appear to fully answer the question.

Would you please re-submit your response to the questions direct to Anthony Quinn for inclusion in the final report which is in the process of being written.

### **Supplementary Questions**

Please also provide response to the following supplementary questions;

1. If you weren't going to use consultants or agency staff in the future, what would you do to fill the gaps?
2. What wouldn't you be able to do, if you did not use consultants or agency staff?
3. What is the likely impact of reduction or removal of grant funding?

**SCRUTINY MANAGEMENT PANEL – USE OF CONSULTANTS REVIEW**

**APPENDIX E**

**Meetings held by the Panel**

<b>DATE</b>	<b>WITNESSES</b>
8 May 2009	Valerie Lane – Head of Financial Services Jon Bell – Head of Audit & Performance
29 May 2009	Roger Ching – Strategic Director and Section 151 Officer Valerie Lane – Head of Financial Services
19 June 2009	Roger Ching – Strategic Director and Section 151 Officer Valerie Lane – Head of Financial Services Jon Bell – Head of Audit & Performance Suki Binjal – Head of Legal Services Ian Clark – Team Leader Prosecution and Enforcement Team, Legal Services
24 July 2009	Roger Ching – Strategic Director and Section 151 Officer Michael Lawther – Strategic Director and City Solicitor Jon Bell – Head of Audit & Performance Charles Stunnel – Interim Head of Transport & Street Management John Bean – Head of Maintenance, Asset Management Service Mandy Lindley – Partnerships Manager (Voluntary Sector)
2 October 2009	Roger Ching – Strategic Director and Section 151 Officer Valerie Lane – Head of Financial Services Sue Page – Finance Manager Jon Bell – Head of Audit & Performance Simon Moon – Head of Transport & Street Management Mike Arthur – Interim Head of Asset Management
30 October 2009	Councillor Hugh Mason - Cabinet Member for Resources

## SCRUTINY MANAGEMENT PANEL – USE OF CONSULTANTS REVIEW

	<p>David Pointon – Head of Procurement                  Roger Ching – Strategic Director and Section 151 Officer                  Valerie Lane – Head of Financial Services                  Jon Bell – Head of Audit &amp; Performance</p>
15 January 2010	<p>Debbie Button – Corporate Communications Manager                  Launce Morgan – Housing Development Manager                  Louise Wilders – Head of customer, community &amp; democratic services                  Valerie Lane – Head of Financial Services                  Jon Bell – Head of Audit &amp; Performance                  David Pointon – Head of Procurement</p>
4 February 2010	<p>Val Lane – Head of Financial Services                  Chris Ward – Accountancy Manager</p>
29 July 2010	<p>Louise Wilders, Head of customer, community &amp; democratic services</p>
15 September 2010	<p>Andy Hough, Head of Targeted Services                  Simon Moon, Head of Transport &amp; Street Management                  Martin Lavers, Project Manager, Transport &amp; Street Management</p>

## SCRUTINY MANAGEMENT PANEL – USE OF CONSULTANTS REVIEW

### Documents received by the Panel

1. Use of Consultants (27 March 2009)
2. The Scrutiny Review Project Brief, *“Review into use of Consultants Report”*
3. Use of Consultants (29 May 2009)
4. Analysis of Consultants costs for 2006/07, 2007/08 and 2008/09
5. Use of Consultants in Legal Services (***exempt report in accordance with paragraph 11 of Part 12A to the Local Government Act 1972***)
6. Consultants Fees for Community Engagement and Project Management in connection with the Local Strategic Partnership (LSP)
7. Engineering Consultants Fees
8. Engineering Consultants Fees 2006-2009 – Transport & Street Management
9. Use of Consultants – Phase 2 Temporary Appointments for more than 12 months
10. Engineering Consultants Fees 2006-2009 – Asset Management Service
11. Queries from Scrutiny Panel for 2 October meeting
12. Use of Consultants – Procurement Service
13. Standing Orders in Procurement
14. In-house graphic design team presentation
15. Procurement of Consultants, Somerstown Regeneration
16. Exempt Appendix, Somerstown Regeneration consultants projected costs