

## VARIATION AGREEMENT

THIS VARIATION AGREEMENT is made on the 27<sup>th</sup> April 2021

### BETWEEN

(1) **BIRMINGHAM CITY COUNCIL** of the Council House, Victoria Square, Birmingham B1 1BB (the "Council")

And

(2) **HAYS SPECIALIST RECRUITMENT LIMITED** (company registration number 975677) of 4<sup>th</sup> floor, 20 Triton Street, London, NW1 3BF (the "Contractor");

### WHEREAS

- The Council and the Contractor entered into a Managed Service Contract for the Provision of Temporary Agency Workers dated 15 June 2017 ("the Master Agreement").
- Pursuant to clause 5.2 of the Master Agreement, the Council and the Contractor wish to vary the Master Agreement as set out below.
- Words, expressions and defined terms used in this Variation Agreement shall have the same meanings as those used in the Master Agreement.

### IT IS HEREBY AGREED as follows:

1. In the event of any conflict between the terms of the Master Agreement and the terms of this Variation Agreement, then the terms of this Variation Agreement shall apply.
2. Other than those provisions which are expressly varied in accordance with the terms of this Variation Agreement, the provisions of the Master Agreement shall continue in full force and effect.
3. The parties agree that the following clause shall be added to clause 2.1 of Schedule 3:

The Council agrees that the following Table 7 should be used to calculate the Temporary Workers' Agency fee for the role of Best Interest Assessor to undertake Deprivation of Liberty Safeguards (DoLS) Assessment via the agency Liquid Personnel

**Table 7**

TEMPORARY AGENCY WORKERS  Job Category	RATE - PER HOUR (except where stated otherwise)
	Agency fee (fixed pence mark-up except where stated otherwise)
Social Care Qualified (DoLS Assessment)	£375 per assessment

For the avoidance of doubt:

- a) The fees/mark-up in the above Table 7 will apply to all new Best Interest Assessor roles to undertake a DoLS Assessments on or after the effective date of this Variation Agreement.
- b) The Contract Management Fee of 1% will be charged in addition to the £375 fee
- c) A Management Fee of 1.5% will be applied in addition to the £375 fee.
- d) The combined management fees will be a 2.5% margin.

It is agreed between the parties that the following Temporary Workers will remain with Liquid Personnel under their existing rates and commercial arrangement with Sandwell Metropolitan Borough Council until the end of their current Assignment.

TEMPORARY WORKER	JOB TITLE	TEMPORARY WORKER RATE	CHARGE RATE
	Best Interest Assessor	£300	£375
	Best Interest Assessor	£300	£375
	Best Interest Assessor	£300	£375
	Best Interest Assessor	£300	£375
	Best Interest Assessor	£300	£375
	Best Interest Assessor	£300	£375
	Best Interest Assessor	£300	£375
	Best Interest Assessor	£300	£375
	Best Interest Assessor	£300	£375
	Best Interest Assessor	£300	£375

Should the pay rates in the above table be adjusted, the Contractor shall amend the rates as agreed by the Council.

4. The parties agree that the following example calculations shall be added to clause 8 of Schedule 3 of the Master Agreement:

Example charge rate calculation for a DoLS Assessment:

Assessment Cost	£375.00
Contract Management Fee (1% margin)	£3.85
Management Fee (1.5% margin)	£5.77
Charge rate	£384.62

5. This Variation Agreement shall be effective from the date of the last signature.
6. This Variation Agreement shall be governed by and construed in accordance with the laws of England and Wales and the parties hereby submit to the exclusive jurisdiction of the English Courts.

Signed: .....

Signed: .....

Name: .....

Name: .....

Position: .....

Position: .....

Date: .....

Date: .....

For and on behalf of Hays Specialist  
Recruitment Ltd (the Contractor)

For and on behalf of  
Birmingham City Council (the Council)