Agency Workers Policy

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DOCUMENT CHANGE HISTORY		
Initiated by	**Date**	**Author (s)**
[Committee etc. originally requiring/ commissioning]	[Completion date of first Version]	Head of Resourcing
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Draft V0.1	16/03/2021	Circulated to Agency Workers Task and Finish group
Draft v0.2	28/ 05/2021	Sent to HR Policy Sub-Group / Unison

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Version	Date	Comments (i.e. viewed, or reviewed, amended approved by person or committee)
Draft v0.3	18/ 06 2021	Head of Recruitment reviewing recommendations from Unison
Draft v0.4	21/06/2021	Feedback received from Procurement team
Draft v0.5	24/06/2021	Feedback received from Unison, following Procurement recommendations.
Draft v0.6	28/06/2021	Sent to SPF
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V1.0	17/08/2021	Approved at ELT
V1.0	17 April 2023	Policy extended to January 2024 by CRG

Document Reference	Workforce Directorate
Recommended at Date	SPF
Approved at Date	CRG 17 April 2023
Valid Until Date	31 January 2024
Equality Analysis	Completed
Linked procedural documents	Recruitment Policy
Dissemination requirements	All managers and staff, via staff bulletins and the intranet

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Part of Trust's publication scheme	Yes

The East of England Ambulance Service NHS Trust has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of the protected characteristics of:

age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage/civil partnership and pregnancy/maternity. The Trust will not tolerate unlawful discrimination on the basis of, spent criminal convictions, Trade Union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity for and fostering good relations between; people from different groups and people with protected characteristics.

This policy applies to all employees (whether permanent, fixed term or temporary) working at all levels and grades for the Trust, including senior managers, directors, non-executive directors, and on secondment, honorary contracts and volunteers. All Trust policies can be provided in alternative formats if required.

East of England Ambulance Service Trust recognises its obligation of supporting the requirements of the Modern Slavery Act 2015 and any future legislations. A prime objective of the Trust is to eradicate modern slavery and human trafficking and recognises the significant part it must play in both combatting it and supporting victims. The Trust is also committed to ensuring that its supply chains and business activities are free from any ethical and labour standards abuse.

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1.   INTRODUCTION

The Trust needs to be able to call on reliable temporary workers, often at short notice, to cover shortfalls in core staffing and to maintain service provision.

A temporary worker is an individual who is engaged by the Trust to meet a short-term demand by the service which cannot be covered by core staff and may be covered by an agency worker.

Temporary workers may also be required at times to meet a need to cover additional work for a short period of time or to provide cover for longer term absences, such as covering job vacancies undergoing a recruitment process.

The policy outlines the Trust requirements for the use of temporary workers and has been amended to reflect the requirements of the Agency Workers Regulations 2010 which gives agency workers specific rights from the first day of their assignment and further rights after twelve weeks of continuous engagement.

2.   PURPOSE

The purpose of this policy is to provide clear information for the engagement and use of temporary workers through an Agency, the checks required for those staff engaged through an Agency via the Framework Agreements approved by NHS Improvement and the process and checks required. Only in exceptional circumstances should we engage with an Agency that is not via a Framework Agreement approved by NHS Improvement.

This policy is intended to:

- Ensure that the health, safety and welfare of patients is not compromised by ensuring appropriate checks are undertaken for each temporary worker.

- Ensure that the Trust complies with current employment law and NHS employment check standards.

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3.   AGENCY WORKERS REGULATIONS

3.1   Under the Agency workers Regulations 2010 individuals employed by an Agency are classed as workers rather than employees. From day one they are entitled to the same access to facilities as other staff and to be informed of any job vacancies.

3.2   After twelve weeks they are entitled to the same basic rights as employee's who have been directly recruited by the organisation to the same role.

3.3   All Agency workers are entitled to rest breaks and limits on their working time, health and safety at work, and not to be discriminated against.

4.   WORKING TIME REGULATIONS

4.1   Individuals are required to have an eleven-hour break between shifts unless they are moving between shifts for example days to nights. In these circumstances they can have a break of less than eleven hours as long as the additional rest time is received as soon as possible. So, if an individual worked an eight-hour night shift finishing at 6.00 and then returned to duty at 14.00 their break would be less than eleven hours. If they then finished worked at 22.00 but did not work again until 14.00 the following day, they would have received the required break and additional rest time.

4.2   Individuals are not able to work more than 48 hours in a week unless they have signed a Working Time Regulation opt out form which is regularly reviewed. This includes working for other employers.

4.3   All staff working a six-hour day or longer are required to take a minimum unpaid break of 20 minutes, not at the beginning or end of a shift. If staff work a full shift of 8 hours, they will be required to take an unpaid break of 30 minutes and anyone working a 12-hour shift or more will be expected to take an unpaid break of 30 minutes.

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4.4 All individuals must have one continuous 24-hour period break every seven days or 48 hours continuous break every fourteen days. This cannot be opted out of.

5. APPROVED RECRUITMENT AGENCIES

5.1 In April 2016, NHS Improvement introduced a set of rules to support Trusts to reduce their agency expenditure. The Trust is required to only procure agency staff via Framework Agreements that have been approved by NHS Improvement.

5.2 These recruitment agencies have met the requirements of the NHS Employment checks for checking identity, Right to Work, health, qualifications, references, criminal records disclosure.

5.3 Use of agencies which are NOT on Framework Agreements approved by NHS Improvement should only be undertaken in very exceptional circumstances with the approval of Procurement and where the sourcing of appropriately skilled and qualified workers has been attempted but not successful through approved agencies.

5.4 The Trust is required to submit weekly agency returns to NHS Improvement.

6. COMPLAINTS

6.1 If an Agency Worker raises a complaint against an employee this will be dealt with accordingly and in line with Policies such as Dignity at Work Policy and Disciplinary Policy.

6.2 If a complaint is raised against an Agency Worker, then it will be the responsibility of the Manager to report this to the Recruitment Agency. The Recruitment Agency will be responsible for investigating in line with their procedures. An outcome of that investigation may be services are withdrawn.

6.3 In circumstances where a complaint raised is of a significant concern, it may be necessary for the Trust to raise the concern with

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a regulatory body if this is applicable, such as HCPC, NMC, CIPD, AAT/MAAT or any other relevant regulatory body.

7.   PERFORMANCE

7.1   If a manager has concerns about an Agency Workers performance, they should contact the Recruitment Agency in the first instance to discuss their concerns so that the Recruitment Agency can address these with the individual or provide a replacement, as appropriate.

7.2   For certain roles (i.e., AOC Call Handler) and as a condition of continued engagement, the agency worker is required to pass all assessments. Failure to pass these requirements can result in the engagement being terminated.

8.   PROCESS FOR AGENCY WORKERS

The process for engaging with Recruitment Agencies for Agency Workers will be different for front line clinical roles to all other areas of the Trust.

8.1   Using Agency Workers: Front Line Clinical Roles (ECSW/EMT/Paramedic)

8.1.1 When all other options have been exhausted, including Bank Workers, reallocation of work, shift swaps, using staff from other areas, managers have the option of using Agency Workers.

8.1.2 The process for booking an agency worker is detailed in appendices A & B.

8.1.3 Please note that on arrival at work, the person in charge of the shift will need to check the identity and where applicable the professional registration of the Agency Worker. Only once their identity has been confirmed will the Agency Worker be allowed to commence work. If there are any doubts about authenticity of documentation provided, Human Resources or On Call Manager must be notified.

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8.2 Using Agency Workers: all other areas of the Trust

8.2.1 When going out to a Recruitment Agency to cover a vacancy, the vacancy must be placed on TRAC to obtain the relevant approvals:

- Budget holder
- Finance lead
- Vacancy Panel member – Head of Finance and Head of Resourcing
- Procurement

8.2.2 The process for booking an agency worker is detailed in appendix C.

8.2.3 Please note that on arrival at work, the person in charge of the shift will need to check the identity and where applicable the professional registration of the Agency Worker. Only once their identity has been confirmed will the Agency Worker be allowed to commence work. If there are any doubts about authenticity of documentation provided, Workforce Directorate or On Call Manager must be notified.

9. HEALTH AND SAFETY

9.1 Agency Workers must take reasonable care to ensure the health and safety of themselves and others who will be affected by their acts or omissions. They must also co-operate with management to ensure compliance with statutory requirements and are required to adhere to the Trust's Health and Safety Policy.

10. INDUCTION

8.1 Upon commencement Agency Workers must be given a local induction to ensure they are able to fulfil their role.
8.2 Once the induction is complete, both the manager and worker should complete and sign the Local Agency Worker Induction Checklist, appendix D. The checks must be completed and signed off by the line manager.

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The checklist is to ensure that all aspects of local induction are covered in a timely and effective manner, regardless of the short-term nature of some temporary staffing.

11. POLICY REVIEW

11.1 This policy will be reviewed on an annual basis or amended in the light of new employment legislation and/or relevant case law.

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Appendix A

Agency Process – Emergency Operations and Non-Emergency Services (v0.3)

Framework	• Need identified for agency. • Framework providers via procurement identified - if no tender process required • Meeting with agency to confirm terms and requirements from EEAST including pricing and single points of contacts. • Budget line established for relevant area. • Agencies approved via GIV form (Appendix 1) • PO completed by budget holder in line with SFI's
Agency/EEAST 'staffing'	• Agency identify staff requirements - areas identified and agency staff member allocated AGM area for administrative purposes and likely to work. • EEAST application form for agency completed (appendix 2), emergency contact details. • Driving licence check provided as required. • Application form and CV sent to Administrator. • Form entered to SharePoint for review. • GRS checked for previous employee status and any concerns via leaver. • PAS log checked to ensure individual not on list removed list. • Review - mandatory learning, experience, qualifications. and registration (where appropriate)
Induction	• SharePoint reviewed individuals' eligible only notified to agency. • Agency to book to induction dates provided by E&T. • Induction programme set by E&T against contract specification and identified risk. • E&T identify agency induction dates - send to agency via email by Administrator. • On induction - agency staff member complete uniform form and ID card form: both scanned and sent to local administrator for processing.

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	• Agency induction attendance list recorded on SharePoint - completed enables pre-operational go live. • Email Names and locations to Rostering Services to be added to GRS. • Email Names and locations to Graham Turner to generate CCAD number (prefix 888) • Email Names, base stations and PIN numbers (888) to IT Service Desk for email account & ePCR log in. Advise they are an Agency Tech/Para.
Pre-Operational Go Live	• Agency clinician able to be booked for operational induction (appendix 3) by local area. • Local familiarisation and ride out with appropriate clinician recorded on QA1. • Any clinical issues referred to Area Clinical Lead • Any operational/performance management issues managed by local team. • If appropriate - final sign off achieved. If not achieved, GRS number removed. • Operational approved list updated on SharePoint
Operationally Live	• Operational administrators access approved list. • Administrators book with agency shifts based around forecast. • Monitoring of agency use in line with cost control modelling and NHSI 'agency cap'. • Monitoring of hours through operational groups on amount used
Post Operational Go-Live	• Line management oversight by local operational team • DATIX issues managed as per policy. • Performance management concerns or issues managed in conjunction with host agency. • Consideration of ceasing agency staff member use to be taken by band 8c or above.

Notes:
- Induction is paid for 2 or 3 days at training centre (progress to state where payment is made after 3 shifts completed?)

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> - Uniform – paid by local area, sized while at training but ordered at AGM level for local delivery. To be discussed with agency
> - ID cards – to be issued for access to stations.
> - Leavers – to be managed via agency with expected return of uniform and ID card. Email estates to close card and Graham Turner to remove from GRS. Failure to return uniform despite 1 written reminder to involve safety and security manager along with police. Monitor leaver rate from agency.

Operational Tasks Related to Clinical Agency Staff

Task	Action	Expected Output
Training request payroll pin/number	Email sent to Graham Turner requesting pin number	GRS number generated in AGM grouping with prefix of 888
Training request adding to GRS	Email Rostering Services	Rostering add person to GRS so shifts can be booked
Training Complete Uniform Sizing form	Form completed and sent through to AGM and administrator	Administration to process Uniform requisition for delivery to main AGM hub
Training confirm agency taught induction completed – update SharePoint	Inform AGM and administrator for agency staff allocated area	
AGM/Administrator plan induction shift with paramedic educator	Station induction undertaken and form completed. Ride-out undertaken with QA1s completed	If no concern, then paperwork stored in central archive on P drive (will be S drive) If concern escalate to ACL for clinical or AGM for management decision

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Individual considered organisationally inducted for operational deployment.

Agency Shift Booking Process

Task	Action	Expected Output
AGM identifies required shifts a minimum of 4 weeks for planned. Adhoc shift covered emailed as required to agency	Shifts identified by location, type i.e. DSA/RRV, skill mix and time	Spreadsheet that identifies the shifts for agencies to fill
Agency contact emailed with spreadsheet	Email with spreadsheet	Agency received spreadsheet
Agency responds to request ASAP with names of agency staff and GRS number	Names sent to EEAST administrator and AGM via email	Individual allocated to shift on GRS and confirmed back to agency

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Additional actions

Task	Action	Expected Outcome
Agency staff member cancels shift	Agency tries to cover: • If cover achieved – new name provided. • If not achieved – name cancelled and shift vacant	Accurate records Short notice request to other agencies or internal overtime/bank
Agency staff member sickness prior to shift but unable to contact agency	Agency staff member to contact local LOM team	Control rooms sheets updated
Agency staff member sick on shift	LOM informed and administrator emailed	Admin informs agency of absence and adjusts timesheet and GRS accordingly

Operations – East Contact List (as 17.10.18)

Stations	AGM	Administrator	GM

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Appendix B - Agency Worker Initiation Form

Agency Name		Contact Name	

Worker Details			
Name			
DoB		NI Number	
Email		Mobile Phone	
Job Title		HCPC Reg (if applicable)	

Previously worked for EEAST?	☐ Yes ☐ No	If yes, please provide the following information:	
		Leaving date	
		Payroll Number (if known	
Previously worked for EEAST via any agency?	☐ Yes ☐ No	If yes, please provide the following information:	
		Date of last shift	

Driving Details – *Please include in email a screen shot or copy to evidence those marked with *			
Licence Number		Licence Expiry Date	
C1 *	☐ Yes ☐ No	C1 Expiry Date	
High Speed Driving*	☐ Yes ☐ No	Blue Light Training*	☐ Yes ☐ No
DVLA Web Check*	☐ Yes ☐ No	Points on Licence?	☐ Yes ☐ No

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If points on licence, please provide details:

NHS Standard Employment Checks				
Identity Checked	☐ Yes ☐ No	OH Fit to Undertake role	☐ Yes ☐ No	
Reg/Quals Checked	☐ Yes ☐ No	3 Years references Checked	☐ Yes ☐ No	
Right to Work Checked	☐ Yes ☐ No Details -			
Enhanced DBS Number		DBS Issue Date		
Child Barred List	☐ Yes ☐ No	Adult Barred List	☐ Yes ☐ No	
DBS obtained through Which Company?				

Location	
Closest Base Station	

AGM Area(s) available to work – *Please put 1 in the most desirable area, 2 in the next etc.*

☐ North Essex	☐ West Norfolk	☐ South Beds	☐ Mid Herts
☐ Mid Essex	☐ Central Norfolk	☐ North Beds	☐ South Herts
☐ South East Essex	☐ Waveney	☐ South Cambs	☐ North East Herts
☐ South West Essex	☐ West Suffolk	☐ North Cambs	☐ West Essex
	☐ East Suffolk		

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Equality and Diversity and Human Rights		Please tick the boxes to the left and insert your name below to confirm you have checked the person has completed all listed:
Fire Safety		
Health Safety and Welfare		
Infection Prevention and Control		
Information Governance (Inc GDPR)		
Moving and Handling		I certify this person has completed the required statutory Training. Print Name:
Resuscitation (ALS/ILS/BLS)		
Safeguarding Adults level 1 and 2		
Safeguarding Children level 1 and 2		
Preventing Radicalisation		
Conflict Resolution (linked to Managing Conflict and Challenging Behaviour CRT		Will complete on the 3-day induction course	

Last 12 months work experience: please also include in the email a copy of the Worker's CV.

_____
_____
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Appendix C: Process for Agency Workers – all areas of the Trust (non-clinical)

Recruiting Manager	Vacancy is uploaded onto TRAC and approved through budget holder, finance and Vacancy Panel.
Procurement	Once receive notification through TRAC and request recruitment manager to complete 'Temporary Staff Request Form' http://east24/Procurement/Temporary%20Staff%20Request%20Form%20-%20V2%20-%20Confidential.xlsx
Procurement	Once the form has been completed and returned, Procurement releases the vacancy out to a number of appropriate framework suppliers for the return of C.V.'s with a deadline for submission of C.V.'s.
Procurement	Once deadline has been met, procurement will send C.V.'s received to the recruiting manager for review.
Recruiting Manager	The recruiting manager will review and confirm who they want to invite for interview with the date and time for Procurement to arrange.
Recruiting Manager	The recruiting Manager will confirm details of the successful candidate to Procurement and provide the following information: Start date, time and who they will report to for Procurement to arrange.
Procurement	Will confirm with the Recruitment Agency the details for the successful candidate and provide the recruiting manager the named contact and details for the recruitment

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	agency. And send out the 'Non-Clinical Temporary and Fixed Term Staff Checklist', which must be completed and returned to the Recruiting Manager prior to the agency worker commencing work.
Recruiting Manager	It will be the responsibility of the recruiting manager to ensure the 'RM6160 Assignment Checklist' has been completed by the Recruitment Agency and received back prior to the Agency Worker commencing work. The form is sent out via Procurement, a copy of the form can be found in the following link: https://www.crowncommercial.gov.uk/agreements/RM6160. The returned completed form must then be uploaded and added to the TRAC vacancy. The recruiting manager will also be responsible for ensuring the 'Local Agency Worker Induction Checklist' is completed.
Recruitment Team	Will ensure the recruiting manager has uploaded the completed and returned 'RM6160 Agency Staffing Assignment Checklist. The Recruitment Team will be responsible for closing down the TRAC vacancy once this has been added.
Procurement	Will raise the Purchase Order and send to both the supplier and recruiting manager.

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Appendix D: Agency Worker Local Induction Checklist

Assignment Details			
Start Date		Base Station	
AGM/Duty LOM		Agency/Employer	

Worker Details			
Name			
Job Title		HCPC/NMC Reg (if applicable)	
Mobile Phone		Emergency Contact Name and Phone	

Identification Documents Checklist – *this list represents the minimum requirements for local induction. It is not exhaustive and should be personalised according to the requirements of the department/role*

	Tick to mark complete	Date	Comments
Identity Check – (photographic ID employer name badge) match the GRS information			
Professional Registration check – where applicable			

Department Orientation Checklist – *this list represents the minimum requirements for local induction. It is not exhaustive and should be personalised according to the requirements of the department/role*

	Tick to mark complete	Date	Comments
Orientation to the station/office and other areas of the organisation relevant to the post			

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	Tick to mark complete	Date	Comments
Local Security arrangements discussed			
ID badge, uniform, access codes etc.			
Car parking, catering, locker, rest area and washroom facilities etc.			
Introduction to colleagues and key individuals within the station/department			
Information and Policies Checklist – *this list represents the minimum requirements for local induction. It is not exhaustive and should be personalised according to the requirements of the department/role*			
	Tick to mark complete	**Date**	**Comments**
Explain the function and structure of station/department			
Confirm hours of work, breaks, cover arrangements and shift patterns if applicable			
On call arrangements if applicable			
Issued emergency telephone numbers, explain first aid procedures			

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Health and Safety Checklist – *this list represents the minimum requirements for local induction. It is not exhaustive and should be personalised according to the requirements of the department/role*			
	Tick to mark complete	**Date**	**Comments**
Fire safety procedures and assembly points: • Fire exits • Fire equipment • Fire alarms • Emergency telephone numbers • Evacuation procedures			
IPCC procedures: • Hand hygiene • Enhanced cleaning of work areas • Single use disposable masks to be worn in public areas etc.			
Moving and Handling procedures: • Equipment • Procedures • Lifting and Handling regulations			
Data Protection, Freedom of Information and Caldicott			
Incident reporting procedures:			

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• Nearest first aider • Location of incident forms • How to complete form • Reporting arrangements			
Confidentiality and conduct – ensuring all verbal, written and electronic information is kept and used safely			
Waste disposal			

	Signature	Print Name	Date
Worker			
Line Manager			

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Equality Impact Assessment

EIA Cover Sheet	
Name of process/policy	Agency Workers Policy
Is the process new or existing? If existing, state policy reference number	Existing
Person responsible for process/policy	HR
Directorate and department/section	Workforce
Name of assessment lead or EIA assessment team members	Navrita Atwal, Amanda Marsh, Zoe Hutchison, Steve Colmer, Glenn Carrington, Sonya Bhania, Nicky Parry.
Has consultation taken place? Was consultation internal or external? (please state below):	HR Policy Sub-Group, Heads of Operation, HR Team, Unison

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The assessment is being made on:		
	Written policy involving staff and patients	X
	Strategy	
	Changes in practice	
	Department changes	
	Project plan	
	Action plan	
	Other (please state)	
	Training programme.	

Equality Analysis
What is the aim of the policy/procedure/practice/event?

The purpose of this policy is to provide clear information for the engagement and use of temporary workers through an Agency, the checks required for those staff engaged through an Agency via the Framework Agreements approved by NHS Improvement and the process and checks required. Only in exceptional circumstances should we engage with an Agency that is not via a Framework Agreement approved by NHS Improvement. |

Who does the policy/procedure/practice/event impact on?

Race	X	Religion/belief	X	Marriage/Civil Partnership	X
Sex	X	Disability	X	Sexual orientation	X
Age	X	Gender re-assignment	X	Pregnancy/maternity	X

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Who is responsible for monitoring the policy/procedure/practice/event?
Workforce Directorate

What information is currently available on the impact of this policy/procedure/practice/event?

This policy links into the following and has been updated taking into consideration the current legislation:
1. Maternity Leave Policy
2. Special Leave Policy
3. Adoption Leave Policy
4. Business Travel Policy
5. Standards of Business Conduct Policy (Conflicts of Interest)
6. Secondary Employment Policy
7. Flexible Working Arrangements Policy
8. Paternity Policy
9. Annual Leave Policy
10. Professional Registrations Policy
11. Recruitment and Selection Policy
12. Driving Standards Policy and Procedure
13. Sickness Absence Management Policy
14. Policy for Complaints and Compliments
15. Freedom to speak up: Raising Concerns (Whistleblowing) Policy for the NHS

Do you need more guidance before you can make an assessment about this policy/procedure/ practice/event? No

Do you have any examples that show that this policy/procedure/practice/event is having a positive impact on any of the following protected characteristics? No

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Race	X	Religion/belief	X	Marriage/Civil Partnership	X
Sex	X	Disability	X	Sexual orientation	X
Age	X	Gender re-assignment	X	Pregnancy/maternity	X

Please provide evidence:

Are there any concerns that this policy/procedure/practice/event could have a negative impact on any of the following characteristics? Yes, if so please provide evidence/examples:

Race	X	Religion/belief	X	Marriage/Civil Partnership
Sex	X	Disability	X	Sexual orientation
Age	X	Gender re-assignment	X	Pregnancy/maternity

Please provide evidence:
We need to offer reasonable adjustments for agency workers with a disability

Action Plan/Plans - SMART

Specific

Measurable

Achievable

Relevant

Time Limited

Evaluation Monitoring Plan/how will this be monitored?

Who

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How

By

Reported to

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