

DEPLOYMENT OF TEMPORARY WORKERS POLICY

POLICY REFERENCE NUMBER	HR40	
VERSION NUMBER	2	
REPLACES EPUT DOCUMENT	Deployment of Temporary Workers Policy v1	
KEY CHANGES FROM PREVIOUS VERSION	Not applicable	
AUTHOR	Head of Resourcing	
CONSULTATION GROUPS	HR Policy Sub Group Joint Partnership Committee Workforce Transformation Committee	
IMPLEMENTATION DATE	April 2017	
AMENDMENT DATE(S)	January 2019	
LAST REVIEW DATE	April 2019	
NEXT REVIEW DATE	April 2022	
APPROVAL BY WORKFORCE TRANSFORMATION GROUP	13 February 2019	
RATIFICATION BY FINANCE AND PERFORMANCE COMMITTEE	18 April 2019	
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POLICY SUMMARY		
<p>The Deployment of Temporary Workers policy sets out the standards and processes that are in place to support the effective engagement and use of skills and competencies for temporary workers. It will also ensure that the skills and competencies of workers can meet the needs of our patients.</p> <p>The policy sets out key principles to ensure quality of care for our patients and improving working lives of all our workers and should be read in conjunction with the Deployment of Temporary Workers procedure.</p>		
The Trust monitors the implementation of and compliance with this policy in the following ways;		
<p>This policy will be subject to review as per the agreed review schedule of Trust HR policies and as agreed by the Trust's Joint Partnership Committee. Compliance with this policy will be against the Trust's agreed minimum requirements/standards as detailed within its Auditable Standards and Monitoring Arrangements, as well as the use of internal reporting and recording within the Workforce Directorate.</p>		
Services	Applicable	Comments
Trustwide	✓	

**The Director responsible for monitoring and reviewing this policy is
Executive Director of Corporate Governance and Strategy**

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

DEPLOYMENT OF TEMPORARY WORKERS POLICY

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ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

DEPLOYMENT OF TEMPORARY WORKERS POLICY

Assurance Statement

This policy sets out the Trust approach to ensure that standards and processes are in place to support the effective engagement and use of skills and competencies for temporary workers. It will also ensure that the skills and competencies of workers can meet the needs of our patients.

The policy sets out the key principles to ensure quality of care for patients and improving working lives of all our workers.

1.0 INTRODUCTION

- 1.1 The aim of this policy and its associated procedures is to manage the Trust's reliance on bank and agency usage to fill temporary worker needs.
- 1.2 It is to be expected that the use of bank/agency workers will be kept to a minimum provided that a safe ward/team environment is maintained.
- 1.3 Alternative measures to the use of bank/agency cover must always be explored by considering other management practices for example; the use of fixed term contracts where feasible, temporary redeployment of a member of staff from another work area, or changing the rota to accommodate the gap where practical and appropriate. (see also Trust Policy on Rostering Policy and Guidance CP22)
- 1.4 It is expected that where alternative cover arrangements of any kind are made, full consideration will be given to the banding for those covering the position and the services being provided, to ensure that no workers are put into positions they are unable to fulfil and ultimately that any workers or patients are put at risk.
- 1.5 This policy should be read in conjunction with the Policies on Working Time Regulations and Recruitment & Retention policy and procedure.
- 1.6 All bank workers are required to adhere to the terms of their engagement with the Trust as set out in the Contract of Engagement and the procedures and guidance outlined within the policy and procedure and other associated policies and procedures, specifically for bank workers.

2.0 DUTIES

2.1 The Trust Board

The Trust Board is responsible for complying with this policy and Trust deployment of temporary workers procedures, whilst ensuring that this policy is understood and complied with within their spheres of responsibility and take corrective action where identified as necessary.

2.2 Managers

Managers are responsible for ensuring that they are aware of and understand the Trust's Deployment of Temporary Workers policy and procedure, and have received the appropriate training to ensure they are able to fully comply with it.

Managers must comply with the policy and procedure and use temporary worker solutions within an acceptable timescale and as cost effective as possible, whilst having the responsibility for managing their budgets and complying with agreed establishment control measures. They must ensure that all other options are considered such as substantive or fixed term contracts and secondments before temporary worker solutions are used.

2.3 Human Resources (HR)

Human Resources are responsible for providing support and advice to managers on the Deployment of Temporary Workers procedures to ensure compliance with the policy and procedure is met, including the provision of training and support.

HR should also take responsibility for advising managers on effective Temporary worker solutions aimed at improving the Trust's agency usage and cost.

HR will also have the responsibility for ensuring there are regular recruitment drives to ensure where possible there is a robust pool of bank workers available when needed.

2.4 Recognised Trade Union Representatives

Recognised Trade Union Representatives are responsible for being aware of the Deployment of Temporary Workers policy and procedure and supporting and advising their members.

2.5 Bank Workers

Bank Workers are responsible for co-operating fully with the requirements of the Deployment of Temporary Workers policy and procedure.

Bank Workers are responsible for ensuring that they have received the appropriate training to ensure they are able to fully comply with the policy and procedure.

Bank Workers are responsible for ensuring that all of their mandatory training is up to date in line with the policy and procedure to be compliant to work bank shifts. Failure to do so may result in their contract of engagement being terminated

3.0 DEFINITIONS

Working Time Regulations	Working Time Regulations provides rights to workers to not work more than 48hrs per week. Workers can however choose to opt out of this and work more than 48hrs per week if desired.
Substantive	A substantive position is an employee's (not worker) permanent position of employment.
Secondment	The temporary transfer of an employee to another position or employment inside or outside of the Trust.
NHSI Approved Agency List	A list of recruitment agencies that operate in accordance with NHSI standards and framework regulations.
Employee Online	A Trust electronic system that allows bank workers to review and book available bank shifts.
Agency Workers Regulations	The Agency workers regulations give agency workers the entitlement to the same or no less favourable treatment as comparable employees with respect to basic employment and working conditions, if and when they complete a qualifying period of 12 weeks in a particular job.

4.0 PRINCIPLES

- 4.1 This policy and associated procedure applies to all bank workers engaged by the Trust's Temporary Staffing Office.
- 4.2 In the case of agency and/or contract workers, they are expected to make themselves familiar with this policy and allied procedure. However should any issues be raised regarding an agency and/or contract worker, it will be the responsibility of their employing agency to address in accordance with their terms and conditions of assignment and related policies and procedures.
- 4.3 It is the responsibility of the relevant Line manager to comply with the provisions of this policy. These responsibilities are defined in greater detail in the associated procedure.

- 4.4 Compliance of bank workers with the Working Time Regulations can be monitored through the Temporary Staffing Office for all workers engaged using the Bank Staff Management System (BSMS), E-Rostering and in conjunction with the HR department; i.e. workers must not work more than 48 hours per week (or 60 hours per week if they sign the waiver form at recruitment stage [see Trust Policy on Working Time Regulations]). However it is the responsibility of the engaging manager to ensure that when engaging a bank worker they ensure the Working Time Regulations are not breached.
- 4.5 If it is found that a bank worker does not have eligibility to work in the UK their engagement with the Trust will be terminated immediately.
- 4.6 Registered professionals i.e. nurses, allied health professionals are responsible for maintaining their own professional registration ensuring that PIN Numbers are up to date and providing this information to the HR and/or Temporary Staffing Office (see also the Trust Policy on Professional Registration.) Where an NMC or other relevant registration has lapsed, the bank worker is required to inform us immediately or may be advised of this and that they will not be allowed to work in a qualified position until this has been renewed. The bank worker will be paid at the lower band until they renew their professional registration.
- 4.7 All bank workers are required to have their mandatory training up to date at all times. Failure to do so will result in the bank worker being precluded from the bank system and will be refrained from undertaking any shifts until all relevant Mandatory Training has been completed. Continual failure to complete Mandatory Training or where training is not completed within the specified timeframe after a lapse or they do not attend courses booked will result in the bank worker being terminated from the Bank Register.
- 4.8 Where a bank worker is placed who has not worked in a particular area before, it is the responsibility of the nurse in charge/team leader to undertake a local induction. On completion this must be returned to the Temporary Staffing Office for governance purposes.
- 4.9 Bank workers employed under the Temporary Staffing Office terms may be entitled to receive statutory sick pay depending on their national insurance contributions and statutory annual leave as set out in their Contract of Engagement.
- 4.10 Supervision sessions for bank workers are arranged on a monthly basis. Bank workers, who do not also hold a substantive role, are required to participate in a supervision session at least quarterly with a relevant manager of the Trust.
- 4.11 All temporary workers must ensure they dress appropriately in accordance with the Trust's Dress Code Policy to present themselves for work in a manner that complies with risk management policies. Failure to do so may result in the worker being sent home and they will not be paid for the shift. Continual failure to attend for work inappropriately may result in the worker being precluded from the bank system and being potentially terminated from the bank register.

4.12 Where disciplinary action is required, bank workers will be expected to comply with the Trust Managing Temporary Workers Conduct and Complaints Policy and Procedure. Agency and/or contract workers will be reported to their employing authority.

4.12.1 If the issue is related to patients safety and the bank worker is a registered nurse/practitioner they will also be referred to the Executive Nurse for consideration of reporting to their professional body.

4.12.2 Where discrepancies are considered fraud, or attempted fraud, they will be reported to the local counter fraud specialist for investigation and may result in criminal proceedings being commenced.

5.0 MONITORING OF IMPLEMENTATION AND COMPLIANCE

5.1 All bank and agency usage is monitored and reported via the NHS Improvement weekly agency return

5.2 All activity is also monitored via the reporting to Human Resources Management Team meeting, Corporate Governance Senior Management meeting and Operational services management meetings. Additionally internal and external audits are conducted as and when required.

6.0 POLICY REFERENCES / ASSOCIATED DOCUMENTATION

- Working Time Regulations
- Agency Workers Regulations 2010
- NHS Improvement Approved Agency List

7.0 REFERENCE TO OTHER TRUST POLICIES/PROCEDURES

- Rostering Nursing Staff
- Working Time Regulations
- Recruitment and Retention
- Induction and Mandatory Training Policy
- Professional Registration
- Corporate Dress and Uniform
- Disciplinary Policy and Procedure for Bank Workers
- Health Roster Guidelines

END