

TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

Temporary Staffing Policy

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2017 – Version 1

*Striving for perfect care
and a just culture*

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Further information about this document:

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SUPPORTING STATEMENTS - This document should be read in conjunction with the following statements:

SAFEGUARDING IS EVERYBODY'S BUSINESS

All Mersey Care NHS Foundation Trust employees have a statutory duty to safeguard and promote the welfare of children and adults, including:

- being alert to the possibility of child / adult abuse and neglect through their observation of abuse, or by professional judgement made as a result of information gathered about the child / adult;
- knowing how to deal with a disclosure or allegation of child /adult abuse;
- undertaking training as appropriate for their role and keeping themselves updated;
- being aware of and following the local policies and procedures they need to follow if they have a child / adult concern;
- ensuring appropriate advice and support is accessed either from managers, *Safeguarding Ambassadors* or the trust's safeguarding team;
- participating in multi-agency working to safeguard the child or adult (if appropriate to your role);
- ensuring contemporaneous records are kept at all times and record keeping is in strict adherence to Mersey Care NHS Foundation Trust policy and procedures and professional guidelines. Roles, responsibilities and accountabilities, will differ depending on the post you hold within the organisation;
- ensuring that all staff and their managers discuss and record any safeguarding issues that arise at each supervision session

EQUALITY AND HUMAN RIGHTS

Mersey Care NHS Foundation Trust recognises that some sections of society experience prejudice and discrimination. The Equality Act 2010 specifically recognises the *protected characteristics* of age, disability, gender, race, religion or belief, sexual orientation and transgender. The Equality Act also requires regard to socio-economic factors including pregnancy /maternity and marriage/civil partnership.

The trust is committed to equality of opportunity and anti-discriminatory practice both in the provision of services and in our role as a major employer. The trust believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices.

Mersey Care NHS Foundation Trust also is aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote Human Rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

Mersey Care NHS Foundation Trust is committed to carrying out its functions and service delivery in line the with a Human Rights based approach and the FREDA principles of **F**airness, **R**espect, **E**quality **D**ignity, and **A**utonomy

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1. PURPOSE AND RATIONALE

1.1 Mersey Care NHS Foundation Trust recognises that operational services may occasionally need to utilise temporary workers in order to maintain an effective high quality service.

1.2 This policy sets out how temporary workers should be managed across the Trust and the process for engaging a temporary worker.

1.3 It is imperative that any decision to engage a bank or agency worker or offer over contracted hours is made in line with the Trusts vacancy management and approval process. This will ensure that full consideration is given to the use of temporary workers and those decisions to utilise bank and agency workers are taken in the context of the wider corporate view.

1.4 Only when all options to cover teams within substantive resources are exhausted should a request for a temporary worker be considered.

2. OUTCOME FOCUSED AIMS AND OBJECTIVES

The purpose of this policy is to ensure that all teams and departments within the Trust who use temporary workers are aware of the correct process to book a worker and that they are managed appropriately and effectively.

3. SCOPE

This policy applies to all temporary workers and managers utilising temporary workers.

4. DEFINITIONS

Term	Definition
Assignment	Individual shift or series of shifts during which temporary workers are engaged by the Trust to carry out work.
Temporary workers	bank workers and agency workers
Bank Worker Agreement	The agreement between the Trust and bank workers under which the Trust does not guarantee bank workers a fixed number of hours work per week or month and that work, if offered, is on an 'as and when basis' and with no guarantee that work will be available.
ESR	Electronic Staff Record
EWTD	European Working Time Directive
DBS	Disclosure and Barring Service

5. DUTIES

5.1 Executive Director of Workforce

The Executive Director of Workforce through the Divisional Management teams is responsible for promoting and supporting the aims and objectives of this policy.

5.2 Executive Director of Nursing and Operations

The Executive Director of Nursing Operations and through the Divisional Management teams is responsible for promoting and supporting the aims and objectives of this policy.

5.3 Human Resources Department

The Human Resources department has responsibility to ensure that the policy is followed fairly and consistently. The duties include:

- Advising managers on the application of the policy
- Ensuring the effective implementation of the policy
- Reviewing and amending the policy as necessary.

5.4 Divisional Managers & Heads of Service

Divisional Managers and Heads of Service are responsible for overseeing the dissemination and implementation of this policy across their service at any time.

5.5 Service Leads and Line Managers

Service Leads, Line Managers, Team Leaders and Supervisors are all responsible for overseeing the dissemination and implementation of this policy across their service and within teams at any time.

Managers must ensure that every service/team under their line management complies with this policy. Managers must:

- Only commission temporary workers in line with this policy;
- Ensure that all colleagues they are responsible for also comply with the policy;
- Support the bank coordinators in interviewing bank ;
- Support the bank coordinators in offering induction assignments to new workers employed only on the bank;
- Provide feedback on individual temporary workers.

5.6 Temporary Staffing Office (TSO)

TSO will be responsible for the following:

- Receiving and processing request for Assignment coverage;
- Liaising with temporary workers to obtain availability and allocate assignments;
- Liaising with team managers regarding bookings;
- Ongoing monitoring of training and compliance, contact will be made with workers when appropriate. Recruitment and retention of bank workers in conjunction with recruitment team;
- Ensuring bank workers are paid according to terms and conditions agreed;
- Monitoring the use of bank workers and where appropriate liaise with appropriate manager to reduce reliance on agency use;
- Producing reports on temporary worker activity ;
- Ensuring Trust policy is followed in relation to temporary staffing requirements.

5.7 Temporary Workers (bank workers & agency workers)

All workers engaged by the Trust and their contractors must work in accordance with the policies and procedures of the Trust which provide the necessary guidance.

6. PROCESS

'MANAGEMENT OF TEMPORARY WORKERS'

6.1 Terms of engagement

The Bank Worker Agreement is not an employment contract and does not confer any employment rights on bank workers. It does not create any obligation on the Trust to provide work, nor does it make any promise or guarantee of a minimum level of work.

There is no mutuality of obligation between the Trust and a temporary worker at any time.

The introduction of Agency Workers Directive on the 1st October 2010 allows equal treatment to apply after a temporary worker has been in a given job for 12 weeks or more.

Bank workers are governed by the organisation's policies and procedures. They do not however receive all of the benefits of a substantive employee as they are not entitled to redundancy payments or protection rights regardless of their length of service.

6.2 Capability of Temporary workers (bank worker or agency worker)

Before offering an assignment, both TSO and relevant manager must be satisfied that the temporary worker:

- Has the relevant skills and qualifications necessary for the specific assignment;
- Has the requisite qualifications and up-to-date registration for the assignment;
- and

- There is no other reason why they should not be considered for the assignment.

6.3 Bank workers

Any concerns and complaints about a bank worker should be raised with the senior member of staff in charge at the time of occurrence as well as informing the TSO. HR will need to be advised also to support with appropriate policy should it be required.

6.4 Agency workers

Any concerns and complaints about an agency worker should be raised with the senior member of staff in charge at the time of occurrence as well as informing the TSO, as well as the agency from where they are placed. HR will need to be advised also to support with appropriate policy should it be required.

If, at any point, the relevant manager considers that a temporary worker is unable to carry out the services required on the assignment, they must immediately inform TSO who may consider withdrawing the temporary worker from the assignment, in liaison with HR and the service.

Dependent on the issue raised, this will inform the requirement for a review to take place. Where the issue relates to an agency worker the agency will also conduct their own review ensuring both the trust and agency worker are fully informed.

6.5 Recruitment and Selection – Bank workers

Recruitment of workers to the bank can be through two main sources, internal or external recruitment but it is essential that both methods are fully compliant with NHS Employers – NHS Employment Checks standards.

Recruitment team and TSO with the support of operational managers will be responsible for the recruitment of temporary workers, in line with the Trust's Recruitment and Selection Guide

It is essential that bank workers in Mersey Care NHS Foundation Trust are a minimum of 18 years of age before engaging in any clinical work/patient facing assignments with the trust.

6.5.1 External Recruitment

All external recruitment activity will be in accordance with the Trust Recruitment and Selection policy.

External recruitment activity will be regularly scheduled according to service needs to maintain optimum number of workers on the bank. All bank posts are advertised through www.jobs.nhs.uk as well as Mersey Care's own website.

The full support of Divisions/Departments will be required to assist with shortlisting and interview panels. The recruitment team will make all necessary arrangements with each service within a timely manner.

6.6 Pre-Employment Checks for Temporary workers

All bank workers who apply to engage with Mersey Care on the bank are subject to the same pre-employment checks as those recruited to substantive posts. All pre-employment checks are conducted by the recruitment team and approved by the Recruitment Manager.

The minimum recruitment checks below make up the NHS Employment Check Standards, covering:

- Identity checks
- Right to work checks
- Professional registration and qualification checks
- Employment history and reference checks
- Criminal record and barring checks
- Occupational health assessments

A satisfactory Disclosure Barring Service check should be undertaken prior to the bank worker commencing their induction for the organisation. Any fees applicable to this check will be paid in advance by the applicant.

DBS requirements are determined in the Disclosure and Barring policy.

(If Mersey Care colleagues have the correct level of DBS in a substantive position a new DBS will not be required for the bank position).

New applicants should not start work until disclosure information has been received back from the DBS. However, if there is an urgent need for staff in an area then the Divisional Manager or Clinical Lead should discuss this with the TSO and if they still wish to continue the Divisional Manager or Clinical Lead will take the responsibility, following a risk assessment, for the bank worker to commence work under supervision, but there should be no unsupervised access to patients.

6.7 Induction

Corporate Induction of Temporary workers

All clinical bank workers will attend corporate induction prior to commencing work and bank workers (non-clinical) will attend a Corporate Trust Induction within two months of commencing work, unless in exceptional circumstances which is required to be agreed with the manager in the division.

Bank workers returning to work at the Trust within 12 months of their last day of work are not required to attend a Corporate Induction programme.

A local induction is essential to allow all temporary workers (bank workers & agency workers) to become quickly familiarised with their work environment, and to ensure that they understand their role and boundaries and are aware of the Trust policies and procedures.

A local induction must be completed if the worker is new to the area or a local induction has not been completed for the worker in the area within the previous twelve weeks.

A Local Induction is required for substantive staff working outside of their main work base even if it is within the same division or service.

6.8 Security

It is the responsibility of the TSO to manage requests for identification badges and for smart cards to be issued to bank workers. The ESR & RA team will receive notification of all such requests directly from the TSO.

The TSO will be responsible for retrieving ID badges and smart cards from inactive Bank workers.

It may be necessary to issue an identification badge and smart card to Temporary Agency workers. In these circumstances the Recruiting Manager must clearly outline this requirement within the booking request. It is the responsibility of the Recruiting Manager to notify the TSO when the agency worker is leaving the Trust.

The Duty Manager must collect all Identification badges and smart cards from the Agency Worker before the completion and time sheet verification of their final duty.

The TSO is responsible for all temporary leaver notifications and will report this information directly to the Workforce Systems Team.

6.9 ICT Requirements and Access for Temporary workers

Temporary workers will be expected to use the IT facilities provided by the Trust in any work that they undertake. Temporary workers are expected to attend any IT training deemed necessary and to comply with all Trust IT policies and procedures when undertaking any assignment within the Trust.

TSO will ensure that all workers appointed to the bank are set up with an e-mail account, following their final appointment letter, (unless they already have a substantive assignment with the organisation) and access to all necessary ICT.

Where clinical equipment is required, this will be located with the Mentor on the first day at work or as appropriate for that service area. This will ensure that all bank workers have the same access to key communication tools allowing them to undertake their role effectively and efficiently.

Smart cards will be issued where this is considered appropriate, with the TSO managing the application process and working with the Workforce Systems Team.

6.10 Rates of Pay and Banding

All bank workers will be paid at the first point of the relevant band of the Agenda for Change payscale or agency rate awarded to the particular assignment that they are completing, unless they have accrued a higher increment for their bank work.

Internal substantive staff – Substantive colleagues may request to join the Trust's bank to undertake the same role on the same pay band as they are employed in substantively. In order to do this they should ensure their current manager supports their application to work on the bank

Internal bank workers who currently hold a substantive position will receive like for like payment for bank work that is of equal value to their substantive position.

6.11 Annual Leave

For bank workers annual leave is accrued at the rate of 12.07% of hours worked and the entitlement balances are accrued at the end of each pay period.

Annual leave, when claimed, will be paid one month behind on the 26th of the month, along with your pay.

Bank workers must notify TSO when they wish to take paid annual leave or receive the payment for leave accrued.

Any annual leave accrued throughout the year and not claimed will be paid at the end of March each year.

Annual Leave for agency workers will be in accordance with each agency's policy. If a bank worker holds a substantive post with the Trust they may complete 2 days bank work during any complete week of annual leave from your substantive post.

6.12 Recording and approval of hours worked (Paper or Electronic)

Each bank worker is expected to complete a time-sheet at the end of each shift or period worked or where training is undertaken, which will require authorising.

For bank workers completing a paper or electronic timecard, a cost centre has to be identified to ensure payment is against correct area as well as assignment number.

At the end of the month the approved time-sheet will be forwarded to the TSO to process for payment.

The TSO requires the fully compliant timecard to be sent electronically from the authorising Managers email account by the end of each working week

For bank workers working in areas utilising Roster the area worked are responsible for ensuring hours are recorded and finalised in the system prior to payroll cut off.

All Responsible staff must sign off bank shifts for payment of shifts worked.

This is a budget approval process and therefore payments will only be made for approved shifts.

6.13 Claimable expenses

For the purpose of claiming expenses, particularly travel expenses it is appropriate to identify a base location and role that expense claims are applicable to. The base will be agreed at appointment and will take into account the role undertaken and the premises where the majority of work will be undertaken

For bank workers working in a role that is community based and therefore the bank worker is expected to travel to deliver care travel expenses can be claimed.

Bank workers or agency workers who are booked to work at a site but the requirement changes on arrival, travel expenses can be claimed.

All travel expenses will be claimed as business rate in line with the Agenda for Change - Terms and Conditions of Service Handbook.

It is the responsibility of the bank worker to complete a registration form for online expense claims.

To allow for multiple locations and approving managers it is necessary to complete a mileage claim form in addition to the online claim. This form must be signed by the approving Manager within each location worked on a monthly basis.

All mileage claims must be submitted by the first of each month to TSO.

6.14 NHS Pension Scheme

As an NHS employer, the trust is required to provide a workplace pension scheme for their employees and bank workers under Government legislation. The contractual pension scheme for all NHS workers (employees and bank workers) is the NHS Pensions scheme. For both employees and bank workers not meeting the criteria to join the NHS Pension Scheme, they will be assessed for the alternative pension scheme NEST.

Remuneration will therefore be subject to contribution deductions in accordance with the scheme unless an opt-out is received. It will only be possible to pay contributions into the pension scheme up to full time hours of employment.

Employees and bank workers not wishing to join in either of the above schemes have the option to opt out once they become a member.

More information on the above schemes can be found at:

<https://www.nhsbsa.nhs.uk/member-hub>

<https://www.nestpensions.org.uk/schemeweb/nest.html>

Agency workers are not eligible to join the pension scheme but individual agencies may have their own arrangements.

6.15 NHS Service

Many people wishing to work as bank workers will have previous service within the NHS, however neither previous bank nor previous substantive service will count towards the accrual of enhanced employment rights relating to family leave, sickness pay, annual leave, and protection or redundancy rights other than continuation of their pension scheme if applicable. Contact the TSO for full details of the Terms and Conditions.

6.16 Sickness

In the event that a bank worker accepts an assignment but is subsequently unable to work the hours agreed, absence must be reported as soon as possible to TSO or if out of hours to the service the bank worker is due to work in.

Agency workers must notify their supervisor within the Trust if they are not well enough to attend work, as well as notifying their agency.

A referral to the trust's OH department may be made following a long term absence to support an individual's health and wellbeing.

Bank workers may be entitled to receive statutory sick pay (SSP) at the prevailing rate if they satisfy the qualifying conditions in respect of any period of sickness or injury during an assignment, but will not be entitled to any other payments from the Trust during such period.

Where a colleague is injured at work and has pre-booked bank shifts these, any shifts logged in the system with a reference number will be paid once the absence has been approved by a Work related absence review panel.

If you have a substantive post and are also a member of the Trust's bank, and:

- You are returning from a period of long term absence, you should not work on the bank during your phased return to work, or for a period of four weeks; whichever is longer.
- If you suffered a work related injury working a shift for the Trust and subsequently take a period of sick leave; you will be paid for any pre-booked bank shifts, where a booking reference number is logged in the system, and the absence has been approved by a Work Related Absence review panel.

6.17 Other leave

Temporary workers may be entitled to Statutory Maternity Pay (SMP), Statutory Paternity Pay (SPP) or Statutory Adoption Pay (SAP) if they satisfy the qualifying conditions. For further information refer to www.gov.uk.

6.18 Policies and procedures

Temporary workers are required to comply with Trust policies and procedures during each assignment.

If the temporary worker holds a separate substantive post, either with the Trust or another NHS body, disciplinary action brought against that temporary worker by the substantive employer may be taken into account by the Trust in deciding whether the bank worker can continue in an assignment in Mersey Care NHS Foundation Trust. Where allegations are upheld against a temporary worker, the worker may be removed from the bank and any agency assignments will end. Temporary workers have a right to appeal against any such decisions in line with the Trust's Disciplinary Procedure.

6.19 Professional development

Temporary workers will be afforded the training opportunities that are required for the assignments that they are fulfilling. The training required is detailed in the Training Matrix for Bank workers. Professionally registered temporary workers will be given the appropriate opportunities to maintain their continuing professional development in line with the requirements of their registration. All temporary workers will be required to undertake appropriate mandatory training and failure to do so could result

in the withdrawal of all offers of work or potential removal from the bank until full compliance is achieved.

Payment for attendance to the training will be paid for in the same way as hours worked in any assignment.

6.20 Availability and commitment

The Trust reserves the right to cancel any Bank work you have agreed to do (i.e. pre booked shifts) but will endeavour to give you at least 24hrs notice for a night shift and will endeavour for 24 hours but not less than 4 hours for any other shift.

If you are unable to attend and complete any Bank work you have agreed to do we would ask you to report this as soon as is practicably possible to the Temporary Staffing office preferably giving 24hrs notice, but no later than 4 hours prior to the commencement of the shift.

Temporary workers are required to fulfil the shift allocated. There may be times, for service need, that a temporary worker may be booked in one area but requested to move to ensure the service can be delivered safely. Should a temporary worker refuse to move as requested, further work is required to understand the refusal further.

6.21 Termination from bank

Bank workers in the trust who do not hold a substantive position need to be aware that if no work is undertaken for a continuous period of 6 months, temporary staffing office will write to the bank worker to ascertain if they may be available in the near future. Should no response be obtained then registration will automatically come to an end and you will be required to undergo the full recruitment process again to register with the Staff Bank.

All trust property including ID badge, any building access badges, lone worker device should be returned to the trust.

The Trust may terminate a bank agreement, if following a fact finding process, it is identified the bank worker has breached the Trust standard of conduct.

6.22 Personal property

Personal effects are not covered by any insurance taken out by the Trust. The Trust therefore accepts no liability for loss or damage arising from fire, theft, etc. of any personal property belonging to temporary workers on any health service premises or grounds.

6.23 Allegations, Investigations, Arrests or Charges

If a temporary worker is investigated, arrested, charged or have allegations brought against them by an external organisation, agency or an NHS Trust, e.g. the police, social services, the Independent Safeguarding Authority, Her Majesty's Revenue and Customs, the Child Support Agency or their professional body; they must advise HR and/Temporary staffing immediately. The relevant manager must also be notified of the outcome of any investigations, hearings or court proceedings as soon as the temporary worker is notified. Failure to disclose may result in permanent removal from the bank.

6.24 Information Governance, Data Protection and Confidentiality

If, in the course of duty, a temporary worker comes into possession of information regarding patients or personnel employed by the Trust, this should be regarded as confidential. As such, this information must not be divulged to anyone who does not have the right to this information in line with the Trust's Information Governance Policy. Contravention of this will result in the worker being removed from all banks or withdrawal of agency work.

6.25 Professional Registration

All registered temporary workers have an obligation to maintain the relevant professional registration and comply with their professional Code of Conduct. Temporary workers that requires professional registration will have this information recorded on the Trusts ESR system and automatically updated of renewals. Workforce systems will monitor the validation of renewals and alert the TSO of any non-compliant professional registrations.

Any worker who requests to work and have an expired date for their registration status will be informed and asked to present evidence that renewal has been completed. This evidence will be cross referenced against the regulatory body by using the online checking system. Once confirmed Employee Services team will update ESR with details of the individual's current registration status.

If the individual has no valid registration they will be deactivated on the bank system to ensure that they are not allowed to work until their registration status is current and valid for the work that they are being considered for.

6.26 Training & Development

Bank workers

All bank workers must attend mandatory training in line with the Mandatory training policy and this will be provided by the Trust.

It is the responsibility of the bank worker to sign the record of attendance at the training session.

It is the responsibility of the bank worker to book and attend any mandatory training courses that are required for their role. Full details on how to access mandatory training courses can be located on the intranet or by contacting the Learning and Development department.

Training records will be updated by the Learning and Development department and an audit review of the training records will take place every month by a representative from the Learning and Development department.

All bank workers will receive payment for attending any mandatory training. This payment will be made once the hours are claimed for, there is no requirement to complete a shift prior to receiving this pay.

If training is completed via e-learning at home, a maximum of 0.75 hours pay can be claimed, per e-learning module/subject complete. A maximum of 7.5 hours can be claimed should the whole catalogue of subjects be completed.

Bank workers will not be entitled to claim travel expenses for attending mandatory or clinical training sessions.

Agency workers

All Agency workers should be fully compliant with mandatory training specific to the role they are engaged to fulfil. Confirmation of the compliance will be provided by the agency or in the case of Contractors arranged for themselves.

The Trusts agency booking checklist form should be used to confirm that the agency worker or contractor has completed their required mandatory training requirements prior to commencing assignment at the Trust.

6.27 European Working Time Directive

No Trust employee or worker can work over 48 hours per week (averaged out over a 17 week period and including any hours worked in outside employment) without completing the European Working Time Directive Opt out form which can be obtained from TSO. This is with the exception of Medical staff who can complete up to 56 hours per week.

For all other colleagues and workers if signed to opt out, the maximum hours that can be worked in a week is 60 hours across any area/division.

Substantive colleagues wishing to work on the Bank must discuss this with their substantive manager prior to joining the bank to ensure that the European Working Time Directive is not breached when bank work is undertaken.

In every 7 day period a 24 hour uninterrupted rest break should be rostered. The only exception to this practice is where colleagues have requested to work a longer run of shifts and cannot therefore receive the break time within the 7 days. In these

circumstances colleagues must receive a break of 48 hours uninterrupted rest in the 14 day period as per WTD

Mersey Care NHS Foundation Trust require that all staff and workers, with or without an opt-out must have at least an 11 hour break between shifts

Temporary workers who work more than six continuous hours are entitled to an unpaid rest break of thirty minutes.

Hours worked will be monitored to ensure that working time regulations are complied with and, as such, they must declare to the Trust any outside employment that they hold.

Any agency worker who wishes to opt out of the European Working Time Directive must do so through their agencies process.

6.28 Membership of a Trade Union

Temporary workers have the right to join a union and details of staff representatives can be obtained from the relevant bank coordinator.

6.29 Health and Safety

Bank 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 organisation's Health and Safety Policy.

6.30 Changing Terms of Engagement

The Trust reserves the right to update the terms of its Bank Worker Agreement at any time. Workers will be given 1 month's written notice of these changes, in consultation with staff side representation

6.4. PROCESS FOR BOOKING ASSIGNMENTS

6.41 Principles

Each Division/Service has an obligation in terms of workforce planning to take into account planned absence such as annual leave, as well as a certain amount of unexpected leave such as sickness, compassionate leave, or carers leave. Managers should ensure that gaps in staffing arrangements are covered using the most flexible and cost effective means possible. Managers should follow the guidance below in order of priority:

- Consider flexibility within the team (e.g. can the skill mix be altered, are there any staff who can alter their shift patterns in order to accommodate the staffing shortage, etc.).
- Consider flexibility between teams/departments providing cross cover (where appropriate)
- Invite substantive part-time staff to work additional hours. This should be in accordance with Mersey Care's HR03 (Flexible working policy)
Additional hours not being recorded as time in lieu should be marked on the monthly timecard (in accordance with Agenda for Change part-time employees receive payment for the additional hours at plain time rates until their hours exceed standard hours of 37.5 hours per week).
- Contact Mersey Care TSO for requirements for temporary workers.

In exceptional (crisis) circumstances where there is a need to consider the option of paid overtime, and where there are no other alternatives, authorisation must be sought in advance. Failure to adhere to the above may mean that staff do not get paid for hours worked in excess of 37.5 in a week.

6.42 Temporary staffing office (TSO)

All requests for bank workers must be made, by the budget holder or nominated deputy to the TSO at least 4 hours in advance of the shift to be worked where possible.

There is a mutual understanding between the Trust and temporary worker that there is no contractual obligation on the Trust to offer work, equally, there is no obligation on temporary workers (bank or agency) to accept the offer of work. Due to the no obligation nature of temporary working, those who enter into a bank working agreement or are engaged through an agency are not classed as employees but are 'workers' under employment law

For temporary work placements that are expected to be more than 3 months, it is not appropriate to request bank cover. The requesting area should arrange fixed term contracts for recruiting staff to provide cover and bank workers can be considered for these contracts, following necessary recruitment processes.

6.43 Amendments to Requested Cover by Service Area

When a service has submitted a request for bank cover and the request is no longer required, the area must inform TSO immediately, giving the reason for the cancellation. At least 24 hours' notice for cancelling should be given but no less than 4 hours.

In the event that a booked bank worker arrives for a shift and is no longer required but the shift has not been cancelled, the Manager in that service must inform the TSO immediately. The bank worker will either stay on shift for the pre-booked hours or leave but will be paid for the full shift either way. The service manager or most senior person in charge of the service at the time, will authorise the time sheet for the number of hours originally requested. This cannot be the same person who booked the shift.

6.44 Temporary Agency Workers

In the event that the TSO is unable to provide sufficient resources from the bank it may be necessary to engage with approved agency's to fill the request on an interim basis. Framework agencies would be used as they have proven their ability to meet the required standards (including verification of all pre-employment and registration checks as listed in 5.4).

It is the responsibility of the TSO to manage all booking requests including the engagement with all external suppliers.

A temporary worker checklist form is used for all Agency bookings through the bank. This is used to provide confirmation of checks and all personal information of the agency worker and must be received prior to confirming agency workers assignments at Mersey Care. All information will be stored in a personal folder for each agency worker, stored by agency. If the agency worker has not worked within the Trust in the preceding three months then an updated curriculum vitae (CV) should be obtained at the time of the booking along with the agency worker checklist form.

No bookings should ever be made directly with an agency.

Approval is required from Executive team if cover is required from a non-framework agency. Any request for administration agency workers also have to be approved at Executive team level.

It is essential that all Agency workers have a local induction and it is the responsibility of recruiting Manager/Clinical Lead to ensure that it is undertaken.

7. CONSULTATION

The procedure has been developed by the HR Policy Group, which consists of representatives from:

- Senior Managers
- Recognised Staff Side Organisations Human Resources Staff

8. TRAINING AND SUPPORT

No formal training is required for the application of this policy although managers should make themselves aware of the policy and contact Temporary Staffing Office or Human Resources for support.

9. MONITORING

It is the responsibility of the TSO to record and monitor the engagement of all temporary workers through the Electronic Roster system and a monthly report will be provided to the executive team.

Monitoring the effectiveness of this guidance will provide assurance to the Trust that the TSO is following legislation and applies best practice guidelines in the use of temporary workers. A monthly report showing the number of requests received and filled by area and agency expenditure will be produced and highlighted to the executive team.

10. EQUALITY AND HUMAN RIGHTS ANALYSIS

Title: Temporary staffing policy
Area covered: Trust wide Non-Clinical policy

What are the intended outcomes of this work? The purpose of this policy is to ensure that all teams and departments within the Trust who use temporary workers are aware of the correct process to book a worker and that they are managed appropriately and effectively.
Who will be affected? Colleagues

Evidence
What evidence have you considered? The policy
Disability (including learning disability) No issues identified within discussions.
Sex No issues identified within discussions
Race Need to ensure that race is not a disadvantaged group (monitoring to be made)
Age Need to ensure that age is not a disadvantaged group (monitoring to be made)
Gender reassignment (including transgender) No issues identified within discussions.
Sexual orientation No issues identified within discussions.
Religion or belief No issues identified within discussions.
Pregnancy and maternity No issues identified within discussions.
Carers No issues identified within discussions.
Other identified groups No issues identified within discussions.
Cross Cutting No issues identified within discussions.

Human Rights	Is there an impact? How this right could be protected?
Right to life (Article 2)	<i>Not applicable</i>
Right of freedom from inhuman and degrading treatment (Article 3)	<i>Not applicable</i>
Right to liberty (Article 5)	Not applicable
Right to a fair trial (Article 6)	There is a requirement to receive a rationale

	and formal notification regarding decisions relating to certain requests in the policy
Right to private and family life (Article 8)	
Right of freedom of religion or belief (Article 9)	
Right to freedom of expression Note: this does not include insulting language such as racism (Article 10)	
Right freedom from discrimination (Article 14)	

Engagement and Involvement *detail any engagement and involvement that was completed inputting this together.*

1. HR Policy Group

2. Senior Managers

3 Staff Side Representatives

Summary of Analysis *This highlights specific areas which indicate whether the whole of the document supports the trust to meet general duties of the Equality Act 2010*

Eliminate discrimination, harassment and victimisation

Advance equality of opportunity

Not applicable

Promote good relations between groups

Promoting further engagement of colleagues

What is the overall impact? *Any negative impact on the equality groups should be low*

Addressing the impact on equalities

HR will review workforce data in workforce meetings

Action planning for improvement

See below