NHS
Liverpool University Hospitals
NHS Foundation Trust

Temporary Staffing Policy

Author with contact details	Business HR		
Lead Executive/ Senior Manager	Heather Barnett Chief People Officer		
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Consultation	HR Policy Group	**Applicable to:**	All staff All Sites
Equality, Diversity And Human Right Statement	The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This procedure should be implemented with due regard to this commitment.		
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Version number	Page	Changes made with rationale and impact on practice	Date
1		Draft to Policy Group	8th September 21

Contents

1. Purpose

1.1 Policy Statement

Liverpool University Hospitals NHS Foundation Trust (the Trust) is committed to providing a high quality of care. It is acknowledged that departments may experience staffing difficulties and in order to maintain service provision, Care Groups may need to secure temporary workers.

As part of a sustainable workforce strategy, the Trust has invested in the development of a skilled and competent bank of temporary workers. Wherever possible, the Trust should work to reduce overall temporary workforce expenditure by using bank workers and only resorting to booking more expensive agency workers when all other options have been explored.

This policy is intended to clarify roles and responsibilities of Managers in booking temporary staff, while providing support to departments in adhering to best practice in the identification of staff to cover staffing shortfalls. In doing so, it will establish a line of clear responsibility for management of temporary staff and accountability for budget control.

The policy is intended to:

- ensure the Trust minimises agency costs ensuring value for money;
- maintain robust monitoring systems within the Trust;
- ensure that appropriate safeguarding of employment checks are carried out in accordance with the Trust's Safe Employment Policy;
- ensure that the Trust is compliant with current employment legislation and National NHS directives.

This policy applies to all temporary workers in the Trust.

1.2 Aims and Objectives

From time to time the Trust may experience staffing difficulties and after considering all alternatives will need to secure temporary workers to maintain service provision.

This policy sets out the standards and procedures required to ensure that those individuals undertaking temporary assignments are appropriately engaged, trained and deployed in a manner which is cost effective and supports the delivery of high-quality services while ensuring the Trust is compliant with its statutory and legal obligations.

The purpose of this policy is to provide clear principles and parameters for the booking of all temporary staff. The policy also seeks to make clear the respective responsibilities of managers and other Trust staff in respect of the engagement, management, and deployment of temporary workers.

The Trust is committed to equality of opportunity in recruitment, employment, transfer, and promotion. Temporary workers will be treated fairly and consistently, regardless of age, gender, race, religion, nationality, marital status, sexual orientation, or disability. This policy has been devised to support our commitment to diversity and equality. It will ensure that the Trust complies with existing legislation and best practice in this regard.

All principles of this policy apply equally to all staff groups. All engaging managers should ensure they act in accordance with the requirements outlined in this policy when engaging a temporary worker and all temporary workers should ensure that they are familiar with the terms of this policy prior to the commencement of a temporary assignment at the Trust.

The following policies may be referred to for further information and guidance on engaging and managing temporary workers:

- Safe Recruitment and Selection Policy
- Safe Employment Policy
- Flexibility Working Guidelines
- E-Roster Procedure

2. Policy Content

2.1 Principles of engaging a temporary worker.

The key principles of this policy are designed to ensure the Trust provides a high-quality temporary staffing service that is compliant with all legal and professional requirements whilst supporting authorisation processes, the appropriate engagement of agencies and achieving the best price for the most suitable worker for each duty.

The charge rates agreed with agencies are not negotiable on an individual basis and will apply to all Care Groups. The Temporary Staffing team will endeavour to engage all agency workers within the caps as defined by NHS Improvement/England. Exceptions require approval through the Divisional Resource panels or delegate process. This message should be consistently reinforced at all levels and in all departments.

Where necessary, the Temporary Staffing Senior team will ensure that clinical professionals in temporary assignments have access to regular clinical supervision if required so that they may continue their professional development.

Independent contractors and self-employed workers can only be appointed through following the IR35 guidelines. There are strict requirements relating to liability insurances and contractual documentation and as such assurance must be given that the engagement is in line with legal requirements. Once assurance is secured, it is essential that contract documentation is agreed with Recruitment / Temporary Staffing.

In line with all relevant and appropriate regulations, all agency workers are entitled to the same or no less favourable treatment with respect to basic employment and working conditions after a 12-week qualifying period. The legislation also entitles workers access to facilities e.g., canteen, childcare facilities and parking, and the entitlement to apply for internal job vacancies from day one of the assignment.

Each Care Group 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 and compassionate leave. Prior to the engagement of any temporary worker, Managers should ensure that gaps in staffing arrangements are covered using the most flexible and cost-effective means possible as per the agreed escalation process flowchart.

In the case of employing doctors, the Medical Profession (Responsible Officers) Regulations 2010 requires that before engaging a doctor on a temporary basis, the Responsible Officer undertakes an evaluation of the fitness to practice of that medical practitioner. Where a medical locum is engaged via an agency on an NHS Framework agreement, the agency's Responsible Officer will verify the locum's fitness to practice. In the event that a manager engages a medical locum from an agency outside of an NHS framework, the fitness to practice evaluation must be undertaken by communication from the Trust's Responsible Officer to the doctor's current Responsible Officer.

2.2 Process of engaging Temporary Workers

2.2.1 Pre-Engagement

Effective workforce planning and rostering allows Managers to identify and request available shifts at the earliest stage.

Departmental managers should utilise temporary workers registered with the bank before any overtime or agency is requested (see Appendix 3 for the formal escalation process). All requests for bank workers should adhere to Rostering best practice or staffing requirements and be within the ward/department funded established budget. Any requests above the core establishment should be initially approved by the relevant Head of Operations (HoOp) and subsequently via the Divisional Resource panel approval process. This gap can only be released to bank with approval. Outside of hrs approval would be via Gold command.

Managers must consider all alternatives to using agency or self-employed workers before beginning the engagement process. Consideration should be given to the following in the order below:

- Unused hours (for those with a rolling roster balance)
- Part time (or for Consultants on less than 12 PA) to work additional basic pay hours (up to full time)
- Bank
- Overtime
- Agency

2.2.2 Engagement of Temporary Workers

AfC staff groups

All requests for AfC temporary workers must be made through the relevant Workforce system and workers will be paid at the Trust approved rates.

If a department wishes to escalate the pay rate for a worker, this must be agreed and signed off by the relevant Divisional Resource panel. Any escalated rates which have not been prior approved by this group will not be paid.

The Temporary Staffing team will process all requests for temporary staffing once shifts have been released by wards/departments. The Temporary Staffing team will (in brief):

- ensure that all requests are visible to staff via the relevant Workforce system
- actively monitor shift uptake and escalate concerns during the daily staffing huddle.
- promote best practice to wards and departments, actively engaging departmental managers to ensure full visibility of shifts at the earliest opportunity.
- cascade unfilled RGN shifts as per agreed escalation process.

Any requests for non-clinical staff should be made using the mandatory Booking form on the HR Staff Hub http://liverpool-hr.nhs.sitekit.net/working-with-us/bank-and-agency.htm with clear rationale as to the need. These forms must be completed in full and sent to the Temporary Staffing team who will, once agreed and approved at the weekly Bank & Agency meetings, initially identify any appropriate bank workers who will be able to undertake this role.

If the team is unable to identify a suitable candidate and the requirement is confirmed as essential, the requesting manager will be notified that the request has been escalated to the Divisional Resource panel for approval with a pre-determined charge rate of the NHSI capped rate. If approval is received, Temporary Staffing will engage approved agencies on behalf of the departments. In the unlikely event that the department is unable to secure an on-cap engagement for a non-clinical role, the request will be resubmitted for approval with the proposed rate.

Medics

When requesting a temporary Medic, departments should release their request using the relevant Workforce system. The Temporary Staffing team will then work to identify a suitable member of staff to cover the assignment using the appropriate electronic system.

If bank cover is not available and the department notifies the team that agency cover is required, the request will be added to the Plus Us portal. Once a suitable applicant is identified and approved by the department the request will be submitted to the Divisional Resource panel for approval. If approval is received, the Temporary Staffing Team will liaise with the agency and the department to arrange the assignment.

Under no circumstance should a department directly engage on agency.

2.2.3 Local Requirements

Departmental managers must ensure a local induction takes place using the Trust's template (available here http://liverpool-hr.nhs.sitekit.net/working-with-us/bank-and-agency.htm) and ensure that the worker is safe to practice. The completed local induction forms MUST be returned to the Temporary Staffing team and retained for audit purposes. Please refer to the HR Staff Hub page for the relevant email address http://liverpool-hr.nhs.sitekit.net/working-with-us/bank-and-agency.htm.

Upon arrival to the shift the departmental manager MUST verify the identity of the temporary worker at the start of the shift. Specifically, the member of staff in charge of the shift must check the photographic ID of the temporary worker and ensure that it is visible to staff and patients during their shift.

Temporary workers will not be eligible for additional hour payments when their hours exceed 37.5 hours per week and will only be paid for any hours worked over 37.5 hours per week when requested to do so by their line manager. Voluntary additional hours carried out at the discretion of the worker will not be paid.

2.2.4 Transfer of worker from agency to bank/substantive

If a permanent post is advertised and an agency worker wishes to apply, it must be noted that it is likely a 'finder's fee' may be levied at the Trust. If the worker is successful at interview, the recruiting manager must contact both the Recruitment team and the Temporary Staffing team who will take steps to mitigate any levy from the external supplier. The temporary worker & the Trust will need to issue their agency with a notice period.

2.2.5 Transfer of worker from bank to substantive

If a ward/department wishes to make a bank member permanent, they should notify Recruitment of their intention to recruit to a funded post. Once the vacancy has been approved, bank workers are eligible to apply through the standard recruitment processes. Bank workers are also eligible to apply for internal vacancies. The exception to this process would be those staff who are placed in the same position for 2 years (please see Appendix 5). This should be an exceptional situation and should be challenged at an early point.

2.2.6 Engagement of Self-Employed Workers

Before engagement, the details and requirements of the work, contract terms and insurance requirements should be discussed with the Recruitment & Temporary Staffing teams.

The appointing manager must ensure that evidence of self-employment status e.g., Certificate of Incorporation, VAT registration or other appropriate HMRC documentation, insurance certificates including employer's liability, public liability and professional indemnity have been provided (and are current and appropriate) and that copies are held on file with the Recruitment/Temporary Staffing team.

An IR35 assessment must also be carried out by the Workforce Systems to determine whether the individual should be registered on the ESR system for tax and NI purposes.

The Recruitment team will provide a Trust honorary workers contract to the worker and the manager must ensure that a contract has been signed and a signed copy is held on file with the Temporary Staffing team prior to and work commencing.

Further information is available:
https://www.gov.uk/ir35-find-out-if-it-applies

2.2.7 Temporary Worker's Responsibilities

Temporary Workers should utilise the appropriate workforce system in order to book shifts.

A temporary worker cannot undertake any work for the Trust until all relevant pre-employment checks have been successfully completed.

An individual undertaking a temporary assignment with the Trust is responsible for reporting for duty on time and is both able and prepared to work in line with the agreed booking arrangements.

In accordance with the Trust's Sickness Management policy, temporary workers who are registered with the Temporary Staffing team and are currently on sick leave from their substantive post are regarded as unfit to undertake any other work within the organisation and therefore must not be available for the bank shifts.

Bank workers with high levels of sickness in their substantive position and who are going through sickness reviews must suspend their availability for working on via Temporary Staffing during their review period.

Bank and agency workers must adhere to the Uniform Policy and failure to comply with these requirements could result in workers being asked to leave shift. In this instance, workers will not be paid for their shift. Where relevant, uniforms can be collected either from Cherry Tree House at the Aintree site or the Linen room, lower ground floor, RLH.

Bank workers are required to notify the Temporary Staffing Manager of any pending, ongoing or new legal investigations of which they are involved. This includes but is not limited to any new charges or convictions that they receive during their registration with the Trust.

The individual is expected to take personal responsibility for ensuring compliance with the European Working Time Directive. The HR Team may audit from time to time the total hours worked by a temporary worker to ensure compliance with the Working Time Directive

2.2.8 Changing or Cancelling requests/shifts.

From Ward/Area

Once a request for a temporary worker has been submitted, the Temporary Staffing team will commence work to identify a worker to cover the shift. If the shift is no longer required, the requesting Manager must recall the shift using the relevant Workforce system and if a worker is booked into the shift, notify the Temporary Staffing Team.

Cancellation of Bank workers must be made at least 24 hours prior to the start of the booked shift/assignment and wherever possible, Temporary Staffing should be notified of the cancellation once the amendment has been made to the departmental Roster.

If the hours of the shift need to be altered, this should also be actioned using the relevant Workforce system prior to the shift being finalised for payment.

Staff who are booked to ‘Allocation on Arrival’ or require redeployment from their department should be asked to report to the site/duty management office. An appropriate member of staff will then review staffing requirements and arrange for them to be deployed to an area.

Cancellations of bank work by the department of less than 4 hours when there is no alternative shift available, will incur the full cost of the worker to the department/area if other suitable work is not available.

Only staff that appear on a department’s roster or have been redeployed by the site team should be allowed to undertake work on a ward. Any staff that do not appear on a roster or have not been deployed by the site team should be referred to the Temporary Staffing team.

Amendments to bookings out of hours should be undertaken by the relevant site/duty manager. This includes the deployment and redeployment of workers to cover ad hoc staffing gaps out of office hours.

If a temporary worker refuses to be redeployed this should be escalated to the Temporary Staffing Manager. If a bank worker refuses the request to be reallocated or the request to work on a particular area without an appropriate reason, they will not be paid for their shift.

If agency workers refuse to be reallocated or to undertake work on a particular area, this will be escalated to the agency and the shift will not be paid.

From Worker

It is the responsibility of the Temporary worker to ensure that they notify the Temporary Staffing team of any cancellation of shifts as far in advance as possible prior to commencement of duty/shift. As a minimum, this should be by midday the day before the expected start time/date of the shift.

If the cancellation is 'out of hours' the Temporary Worker must contact the Ward and inform the department directly and email the Temporary Staffing team. Failure to do this will result in a worker being marked as "did not arrive".

If request/ shifts are cancelled due to sickness, then it is the Temporary worker's responsibility to indicate whether this sickness will affect any other shifts booked in at the time. Temporary workers are not entitled to occupational sick pay.

The Temporary Staffing team will actively monitor DNA's (did not attend) and cancellations. Late cancellation triggers will be enacted across a 120-day period. DNA's will be monitored across the lifecycle of the workers engagement.

Cancellation	
1st late cancellation	Call from member of Temporary Staffing team
2nd late cancellation	2-month restriction of Employee Online access. Workers will need to contact Temporary Staffing directly to book into shifts.
3rd late cancellation	Worker restricted from working bank duties for 3 months.
DNA	
1st DNA	Call from senior member of Temporary Staffing team
2nd DNA	Permanent restriction of Employee Online access.
3rd DNA	Permanent exclusion from bank

2.2.9 Temporary Worker Behaviour and Conduct

Workers registered with the Temporary Staffing service are expected to act in accordance with the values and behaviour standards as defined by LUH (We are caring, We act fairly, We are innovative). Treating members of staff, patients and members of the public respectfully and in accordance with these values is a fundamental expectation of all bank workers and failure to uphold these values could result in immediate and permanent exclusion from the Temporary Worker register, with instant permanent exclusion in exceptional circumstances.

The Temporary Staffing team reserves the right to monitor behaviours and enact restrictions as appropriate if they consider that bank workers are behaving in a way which is contrary to the expectations of a worker registered with the service. This includes conduct on social media which could be considered defamatory to the department or the Trust. Substantive employees with bank worker agreements, will still be managed via this process for their temporary worker assignment, but also escalated to their substantive area of work to be managed through the relevant policy.

Behaviour Incident	
1st Incident	Call from senior member of Temporary Staffing team about incident and expected behaviours outlined, confirmation of discussion letter to be issued.
2nd Incident	A 2nd incident will result in a 3 month restriction from booking bank shifts, this will be communicated via a call from a senior member of Temporary Staffing, with confirmation of discussion letter to be issued.
3rd Incident	A 3rd incident will result in exclusion of the worker from the Temporary Staffing Service; this will be communicated via letter.

2.3 NHS Service

Neither previous bank service nor substantive NHS employment will automatically count towards the accrual of employment rights for bank workers. Bank workers also do not accrue reckonable NHS service.

2.4 Recruitment & Selection of Temporary Staff

The Temporary Staffing department supply workers who have both a substantive contract with a secondary bank assignment and workers supplied under a casual worker agreement as 'Bank Only'. Both methods are fully compliant with "NHS Employers – NHS Employment Checks Standards". All workers joining the Temporary Staffing register on a casual worker basis will be provided with an induction and mandatory training.

2.4.1 Internal/ Substantive Bank Worker Recruitment

Any substantive member of staff (employee) may request to join the Trust's Temporary Staffing register to undertake the same role.

In order to apply for a Temporary Staffing position, the employee must:

- submit a completed Internal Bank Application form (available here http://liverpool-hr.nhs.sitekit.net/working-with-us/bank-and-agency.htm)
- signed by their current line manager to the Temporary Staffing team.

Any substantive employee that wishes to take on an additional bank role/ position other than their substantive role which requires a different skill set to that for which they are currently employed, will need to apply via the process as outlined in the external recruitment section below.

2.4.2 External bank worker Recruitment

All external recruitment activity will be in accordance with the Trust's Safe Recruitment and Selection Policy.

External recruitment activity will be regularly scheduled according to service needs to maintain the optimum number of workers on the Temporary Staffing register at any one time. All bank posts vacancies are advertised through the Trust's intranet and external internet websites as well NHS Jobs (www.jobs.nhs.uk)

The Temporary Staffing team will manage the recruitment process for all Temporary Staffing vacancies in conjunction with the Trust's Recruitment team.

When applicable, the full support of the relevant Care Groups will be required to assist with any shortlisting and interview panels. The Temporary Staffing team will make all necessary arrangements with each service within a timely manner as required.

2.4.3 Pre-Employment Checks for Temporary Workers

All bank worker candidates that apply to work through the Temporary Staffing register are subject to the same pre-employment checks as those recruited to substantive positions. All relevant pre-employment checks for bank workers are conducted by the Recruitment Team and must be completed prior to a workers commencement as a bank worker.

In line with the safe employment policy, a bank worker will become inactive if they have not completed a shift within the last 3 months. Given all workers can see available shifts through Employee Online, there is no further follow-up. If no further work is undertaken, they are terminated from the system at 6 months.

All relevant pre-employment checks for agency workers are conducted by the agent.

A satisfactory Disclosure Barring Service (DBS) check should be undertaken prior to the bank temporary worker commencing their induction for the Trust.

All bank workers are appointed using a zero-hour Casual Worker agreement due to the 'no mutuality of obligation' nature of work. Those who sign up to this agreement have no contracted hours of work and are not classed as employees but are 'workers' under employment law.

Bank workers are covered by the Working Time Regulations and are also governed by the Trust's policies and procedures.

2.4.4 Temporary workers that require a professional registration

All registered professionals are accountable for their practice to their registered bodies.

Temporary workers that require a professional registration will have this information recorded on the Trust's ESR system. Renewals of registration are routinely monitored by the Workforce Systems teams. Any lapsed registrations will be notified to the Temporary Staffing team who will ensure that the individual is not allowed to work until their registration is renewed.

Any individual that requests to work who has 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 individual registration authority by using the online checking system.

It is the responsibility of the registered professional to maintain practical and theoretical standards for their professional registration and to provide a record of this to the Temporary Staffing Team.

2.5 Induction

2.5.1 Temporary Staffing Induction of Temporary Workers

All Bank temporary workers will attend a Temporary Staff Induction during their first week of engagement at the Trust.

Some staff groups will also require further training in the form of shadow shifts which will provide staff with further education around processes and procedures within a clinical setting. These shifts will be paid, and hours should be reported to the Temporary Staffing team using the Trust timesheet.

All new HCA's joining the Temporary Staffing register will be required to complete a Care Certificate pack within 12 weeks of their induction. Failure to do this will result in the work being temporarily restricted from the Temporary Staffing register.

2.5.2 Local Induction of Temporary workers

A local induction is also essential to allow all temporary workers to familiarise themselves with the work environment, to ensure that they understand their specific procedures within that area and that they are aware of the Trust policies and procedures.

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

A local induction is also required for substantive staff bank workers who have substantive positions but are working outside of their main work base (even if it is within the same division or service).

Please refer to the "Local Induction Checklist". A Local Induction checklist can be found here http://liverpool-hr.nhs.sitekit.net/working-with-us/bank-and-agency.htm and identifies all essential information.

This checklist must be signed by the temporary worker and the substantive Trust employee that has oriented the temporary worker before the shift commences. All local induction check lists for bank workers must be sent to the Temporary Staffing team within 7 days of completion

2.6 Renumeration of Bank Staff

2.6.1 Rates

Workers on the bank will be paid on the basis of finalised shifts within the relevant Workforce system. Payments will be made to workers 1 week in arrears on the assumption that shifts are finalised correctly and within the allotted timeframe at ward/department level. It is the responsibility of the worker and the ward to ensure that shifts are finalised for payment.

For further information around the remuneration of temporary workers please click the link below
http://liverpool-hr.nhs.sitekit.net/working-with-us/bank-and-agency.htm

2.6.2 Annual Leave

Please refer to the Casual Worker Agreement for annual leave entitlements.
How to claim your annual leave can be found here http://liverpool-hr.nhs.sitekit.net/working-with-us/bank-and-agency.htm.

2.6.3 Working Time Regulations

Workers can opt out of the limit of 48 hrs per week averaged over a 17-week period. However, if the average exceeds 56 hrs, the worker will be prevented from booking shifts by the system until the average drops below again.

2.7 Training and Development of Bank Workers

All temporary workers regardless of staff group must attend role specific and mandatory training, in line with the Trust Mandatory Training policy. It is the responsibility of the temporary worker to ensure they are compliant with their mandatory training.

The majority of the Trust mandatory training modules are available to complete via the Trust ESR portal and workers are not to be paid for completing these.

For sessions which are not available electronically, it is the responsibility of the staff bank worker to sign the record of attendance any training sessions.

Workers who fail to maintain a sufficient level of training compliance will be deactivated from the Bank Staff system and will not be allowed to work until their mandatory training is fully compliant.

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

All Agency workers should also be fully compliant with mandatory training specific to the role they are engaged to fulfil. This will be provided by the agency or in the case of contractors, paid for and arranged for by them.

The “Agency Worker booking checklist” will be used by the Temporary Staffing team to confirm that the agency worker or contractor has completed their required mandatory training requirements, prior to commencing their placement.

2.7.1 Appraisals

Substantive staff undertaking additional bank hours will have an annual appraisal through the Trust’s normal appraisal cycle.

‘Bank only’ workers will be offered an annual, virtual appraisal questionnaire which will be timed following 12 months of work. Any areas of concern or development can be discussed with the team at that point.

3.8 Management of Complaints, Misconduct/ Poor Performance of Bank Workers and Disciplinary Guidance for Medics

The Temporary Staffing Manager will be lead on the management and investigations of complaints, poor performance or discipline issues.

Where the allegation involves patient care, the Temporary Staffing Manager must notify the relevant Senior Clinician within the Trust, or the relevant deputy in their absence. If an allegation is raised out of hours, a referral should be made to the Clinical Manager on duty who will complete appropriate escalation and notify the Temporary Staffing Manager.

The Temporary Staffing Manager will liaise with Business HR regarding the management of any complaints, misconduct, disciplinary or performance issues.

It will be the decision of the relevant Senior Clinician, with support from Business HR as to whether or not referral will be made to a professional body. If there are issues that may affect performance, managers can request that the individual is not allocated work until concerns are addressed.

Wards and departments can request, through the Temporary Staffing team, that workers are restricted from booking shifts for a specific area. This should only happen if there is a concern about an individual’s performance or concerns around their suitability to a particular area.

3.9 Capability, conduct, incidents and complaints.

All incidents relating to the conduct of bank temporary workers will be dealt with in line with ACAS guidance - ACAS Code of Practice for Disciplinaries and Grievances.

Any issues relating to Agency Workers should be notified to the Temporary Staffing team who will manage any issues directly with the agency.

3. Exceptions

No exceptions

4. Training

User Guides will be available on the Staff Hub http://liverpool-hr.nhs.sitekit.net/working-with-us/bank-and-agency.htm

5. Monitoring of compliance

Minimum requirement to be monitored	Process for monitoring e.g. audit/ review of incidents/ performance management	Job title of individual(s) responsible for monitoring and developing action plan	Minimum frequency of monitoring	Name of committee responsible for review of results and action plan	Job title of individual/ committee responsible for monitoring implementation of action plan

6. Relevant regulations, standards and references

Relevant Policies:

Safe Recruitment & Selection Policy
Safe Employment Policy
Roster Policy
Sickness Management policy
ACAS Code of Practice for Disciplinaries and Grievances

7. Equality, diversity and human right statement

The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This SOP should be implemented with due regard to this commitment.

8. Legal requirements

This document meets legal and statutory requirements of the EU General Data Protection Regulation (EU 2016/679) and all subsequent and prevailing legislation. It is consistent with the requirements of the NHS Executive set out in Information Security Management: NHS Code of Practice (2007) and builds upon the general requirements published by NHS Digital/Connecting for Health (CfH).

Appendix 1: Equality impact assessment

Title	
Strategy/Policy/Standard Operating Procedure	
Service change (Inc. organisational change/QEP/ Business case/project)	
Completed by	
Date Completed	

Description *(provide a short overview of the principle aims/objectives of what is being proposed/changed/introduced and the impact of this to the organisation)*

Who will be affected *(Staff, patients, visitors, wider community including numbers?)*

The Equality Analysis template should be completed in the following circumstances:

- **Considering developing a new policy, strategy, function/service or project(Inc. organisational change/Business case/ QEP Scheme);**

- **Reviewing or changing an existing policy, strategy, function/service or project (Inc. organisational change/Business case/ QEP Scheme):**

  - If no or minor changes are made to any of the above and an EIA has already been completed then a further EIA is not required and the EIA review date should be set at the date for the next policy review;
  - If no or minor changes are made to any of the above and an EIA has NOT previously been completed then a new EIA is required;
  - Where significant changes have been made that do affect the implementation or process then a new EIA is required.

Please note the results of this Equality Analysis will be published on the Trust website in accordance with the Equality Act 2010 duties for public sector organisations.

Section 1 should be completed to analyse whether any aspect of your paper/policy has any impact (positive, negative or neutral) on groups from any of the protected characteristics listed below.

When considering any potential impact you should use available data to inform your analysis such as PALS/Complaints data, Patient or Staff satisfaction surveys, staff numbers and demographics, local consultations or direct engagement activity. You should also consult available published research to support your analysis.

Section 1 – Initial analysis

Equality Group	**Any potential impact? Positive, negative or neutral**	**Evidence** *(For any positive or negative impact please provide a short commentary on how you have reached this conclusion)*
Age *(Consider any benefits or opportunities to advance equality as well as barriers across age ranges. This can include safeguarding consent, care of the elderly and child welfare)*		
Disability *(Consider any benefits or opportunities to advance equality as well as impact on attitudinal, physical and social barriers)*		
Gender Reassignment *(Consider any benefits or opportunities to advance equality as well as any impact on transgender or transsexual people. This can include issues relating to privacy of data)*		
Marriage & Civil Partnership *(Consider any benefits or opportunities to advance equality as well as any barriers impacting on same sex couples)*		
Pregnancy & Maternity *(Consider any benefits or opportunities to advance equality as well as impact on working arrangements, part time or flexible working)*		
Race *(Consider any benefits or opportunities to advance equality as well as any barriers impacting on ethnic groups including language)*		
Religion or belief *(Consider any benefits or opportunities to advance equality as well as any barriers effecting people of different religions, belief or no belief)*		
Sex *(Consider any benefits or opportunities to advance equality as well as any barriers relating to men and women eg: same sex accommodation)*		

Sexual Orientation *(Consider any benefits or opportunities to advance equality as well as barriers affecting heterosexual people as well as Lesbian, Gay or Bisexual)*		

If you have identified any **positive** or **neutral** impact then no further action is required, you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address.

If you have identified any **negative** impact you should consider whether you can make any changes immediately to minimise any risk. This should be clearly documented on your paper cover sheet/Project Initiation Documents/Business case/policy document detailing what the negative impact is and what changes have been or can be made.

If you have identified any negative impact that has a high risk of adversely affecting any groups defined as having a protected characteristic then please continue to section 2.

Section 2 – Full analysis
If you have identified that there are potentially detrimental effects on certain protected groups, you need to consult with staff, representative bodies, local interest groups and customers that belong to these groups to analyse the effect of this impact and how it can be negated or minimised. There may also be published information available which will help with your analysis.

Is what you are proposing subject to the requirements of the Code of Practice on Consultation?	**Y/N**
Is what you are proposing subject to the requirements of the Trust's Workforce Change Policy?	**Y/N**
Who and how have you engaged to gather evidence to complete your full analysis? (List)	
What are the main outcomes of your engagement activity?	
What is your overall analysis based on your engagement activity?	

Section 3 – Action Plan
You should detail any actions arising from your full analysis in the following table; all actions should be added to the Risk Register for monitoring.

Action required	Lead name	Target date for completion	How will you measure outcomes

Following completion of the full analysis you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address

Section 4 – Organisation Sign Off

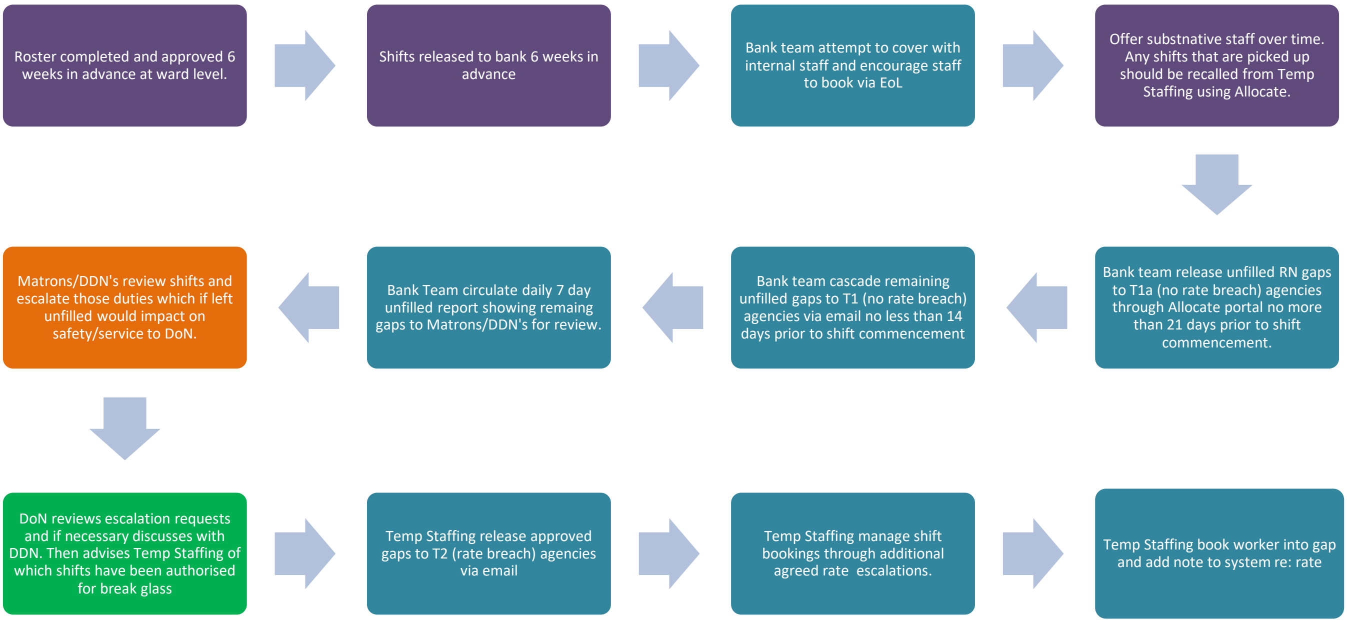
Name and Designation	Signature	Date
Individual who reviewed the Analysis		
Chair of Board/Group approving/rejecting proposal		
Individual recording EA on central record		

Appendix 2: Roles and responsibilities

Role	Responsibility
Chief People Officer	The Chief People Officer, in conjunction with the Chief Nurse and the Chief Operations Officer, is responsible for promoting and supporting the aims and objectives of this policy.
Procurement Service	The Procurement Service will work collaboratively with Workforce Systems to advise on arrangement of contracts where necessary and in conjunction with the NHSI approved framework providers.
Business HR Department	The Business HR Team will provide professional support to bank workers and The Temporary Staffing Team in relation to employment matters.
Finance Department	The Finance Department will: • collaborate with the Workforce and Temporary Staffing teams to monitor Trust expenditure on agency and self-employed workers to ensure value for money. • support the Temporary Staffing team to manage conciliation of invoicing from the temporary worker supply chain.
Responsible Officer (Medics)	The Responsible Officer when required will undertake an evaluation of the fitness to practice of the medical locum. Where a medical locum is engaged via an agency on the HTE framework agreement for medical staffing, the agency's Responsible Officer will verify the locum's fitness to practice. In the event that a manager engages a medical locum from an agency outside of the HTE framework, the fitness to practice evaluation must be undertaken by communication from the Trust to the doctor's current Responsible Office. Where there is a clinical issue that needs investigation, the Trust's Responsible Officer will work with the agency's Responsible Officer to identify and resolve any issues.

Operational Management Teams	Divisional Management teams are responsible for ensuring Care Group staff adhere to this policy and all relevant processes and their requirements.
Temporary Staffing Team	The Temporary Staffing team is responsible for: •implementing and monitoring adherence to this policy, •processing all temporary staffing; bank, agency and self-employed worker requests where required in a timely and efficient manner, •providing expert advice and guidance on the use of and engagement of temporary workers, •carrying out initial and on-going audits of agencies to ensure compliance with NHS Employment Checks and training requirements, including GMC checks for medical staff, •maintaining relevant Workforce systems containing details of all agency staff in the Trust to ensure compliance with the AWR (2011), •maintaining records of local inductions undertaken in each area of work, •agreeing appropriate rates for Temporary and Self-Employed workers, guided by the Trust rate card and regional /national capped rates, •ensuring that the appropriate contract terms are implemented and adhered to with agency partners, •processing invoices in a timely manner and in accordance with standing financial instructions, •providing line management support to all ‘bank only’ staff engaged by the Trust, •ensuring the temporary workforce is skilled, compliant and sufficiently resourced to support organisational workforce plans, •providing quality data to support both internal and external reporting. •monitor any continuous working that may classify an individual as an Employee in line with Government Regulations.

Appendix 3: Staffing Escalation Protocols



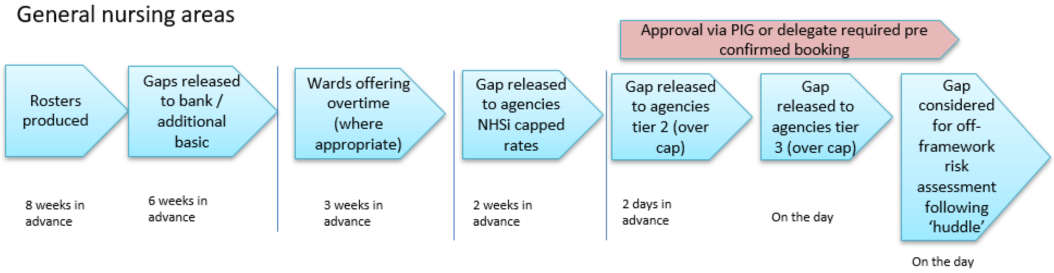
- As new shifts are released, the Temporary Staffing Team should continue to release as per the process above. This means that late requests for sickness should be included in the 7 day reports which are sent to Matrons/DDN's for approval. This report should include "Requested On", "Requested By" and "Request Reason" to allow this to be monitored at a divisional level.
- Escalations should be the exception and not the norm and the Temp Staffing Team should continue to encourage its T1a and T1 suppliers to provide cover even when shifts have been sent out to T2 suppliers. If T1a/T1 workers become available, they should replace a T2 worker.
- Wards and departments are able to request T1a/T1 agency workers using the notes function on the system but the booking must be actioned by Temp Staffing.
- Additional AOA resource should continue to be procured to support with daily allocation. These workers should be booked at T1a/T1 rates and booked in to the existing Roster Templates for AOA.
- Ward and departments are able to request block bookings agency staff, only when approved by DDN/DoN.

Ward Action
Temp Staffing Action
DDN/Matron Action
DoN Action

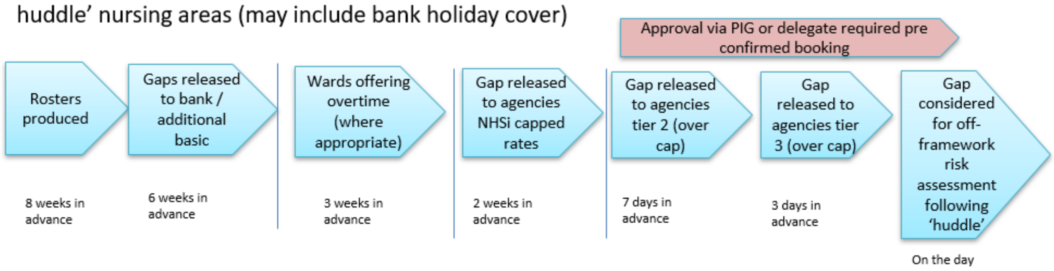
Appendix 4: Nurse Staffing Escalation

Nursing staffing escalation

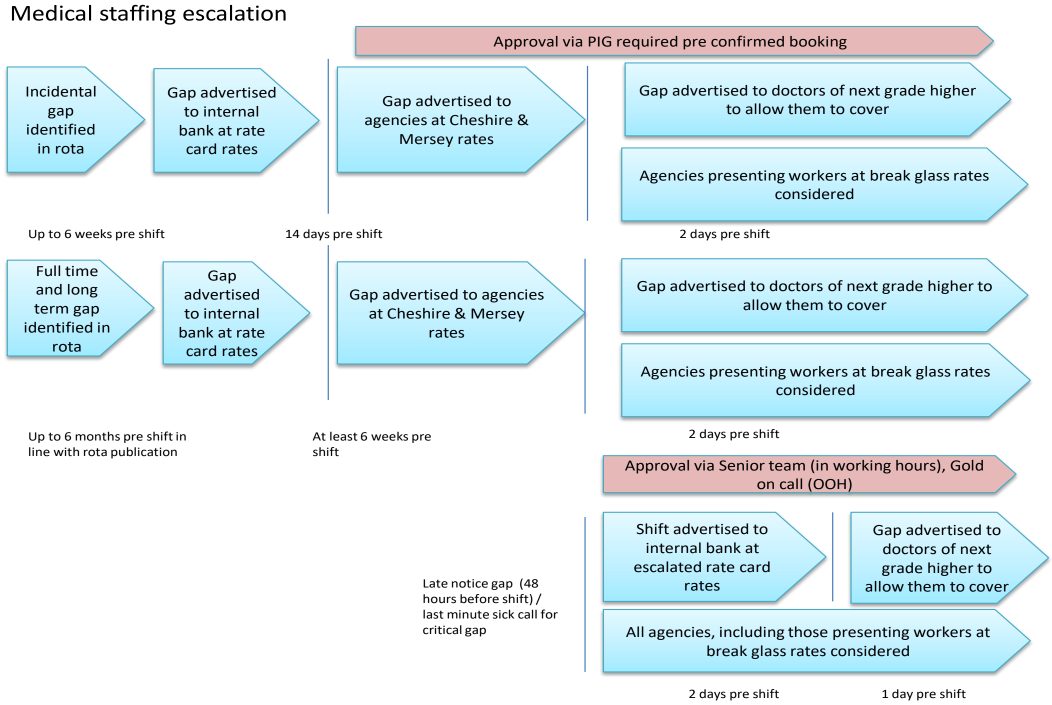
General nursing areas



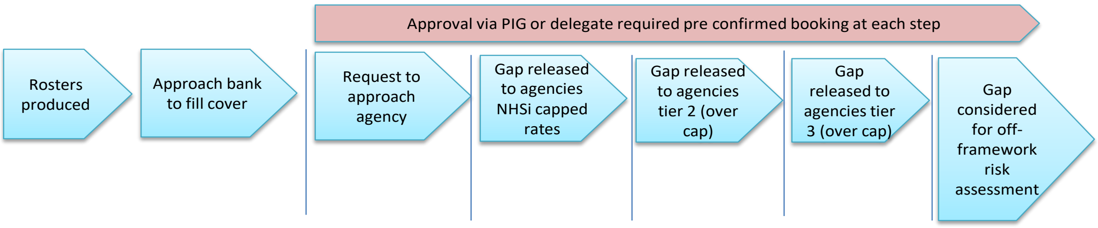
ED / ITU / Theatres (incl. ODP) & identified 'escalated by huddle' nursing areas (may include bank holiday cover)



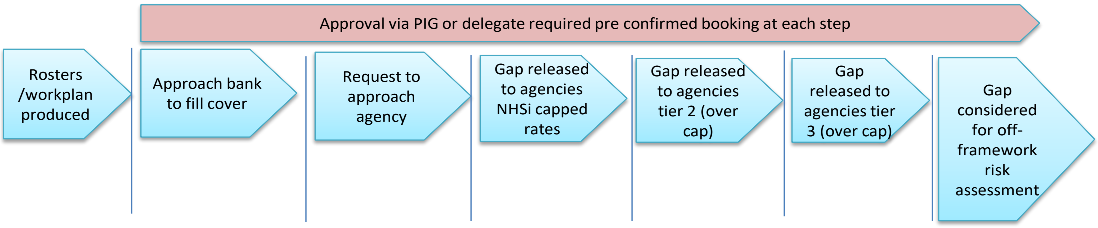
Medical staffing escalation



Other Clinical AfC staffing escalation



Non-clinical AfC staffing escalation (draft)



Appendix 5

In relation to paragraph 2.2.5

When a manager takes the decision to appoint to the post on a fixed term or permanent basis, the following process should be used.

The bank worker must have been in that exact role for 2 years before a hidden link can be approved.