

Standard Operating Procedure

TEMPORARY STAFFING BUREAU – AGENDA FOR CHANGE STAFF GROUP

SETTING: Trustwide at UHBW

FOR STAFF: All areas requiring AfC Temporary Staff.

ISSUE: To clarify processes and procedures for AfC Temporary Staff within the Trust

Standard Operating Procedure (SOP)

The function of the Temporary Staffing Bureau (TSB) is to provide short term staffing solutions with Bank and Agency staff across the University Hospitals Bristol & Weston NHS Foundation Trust

AfC Staff groups provided:

- Nursing and Midwifery,
- Allied Healthcare Professionals
- Administrative and Clerical
- Ancillary staff
- Interpreters

The staff that undertake temporary work can either be either

- Substantive post holders who volunteer to work additional Bank hours.
- Bank only staff employed on a zero-hour bank workers agreement with no mutuality of obligation to either be offered work or to seek to work.
- Agency workers sourced through a Neutral Vendor model for Nursing & AHP's or directly with a preferred supplier list of agencies for ancillary and A&C staff.

This Standard Operating Procedure will set out clear guidance and principles which are based on the principles and recommendations within this paper and include:

- Processes for recruiting and eligibility criteria for Bank and Agency staff.
- Procedure for requesting temporary workers.
- Processes for temporary workers to book work with the TSB
- Procedures for cancelling of shifts or assignments
- Processes and safeguards to ensure accuracy of recording, payment, and audit of the use of temporary staff
- Procedures for the reporting and management of complaints, poor performance and misconduct of temporary staff.

The guidance within this document is not exhaustive and for any issue or circumstance which are not covered please contact a member of the TSB Management team for clarification.

This Standard Operating Procedure must be always adhered to unless explicit instructions have been issued at Executive Director level authorisation.

1. PURPOSE AND SCOPE

The key principle for the use of temporary staffing must be to fill a gap in staffing levels created by a vacancy, short term sickness, and increases in workload including extra capacity beds or to provide specific or special care to a patient i.e. when a patient may be at risk of harm or be a risk to others. As a general guide these shortfalls in staffing levels will be within the total funded establishment for that location except when additional needs have been identified i.e. extra capacity beds or patients who require specialist care e.g RMN

All requests for temporary bank staff must be requested by the Ward/Department Manager. Use of Agency staff should be avoided wherever possible however authorisation is required before bookings can be made.

Nursing - Tier 1 framework agencies must be authorised by a Matron.

Tier 3 framework agencies must be authorised by the Divisional Head of Nursing.

Tier 4 Non-framework requests must be authorised by Divisional Head of Nursing.

AHP and non-clinical authorisation must be done via agreed Divisional process of service leads/Managers.

Any assignment or shift booked with the TSB cannot be less than 2 hours in duration; neither must block booking exceed 12 weeks. All assignments should be reviewed at a minimum of every 6 weeks by the department head to ensure that the assignment is still required and that fixed term contracts are considered when appropriate.

It is expected that 'Bank only' staff will work at least 2 shifts per 3-month period in order to remain active on the Bank. Reports are compiled quarterly regarding hours worked by Bank only staff. Failure to show regular work patterns may result in removal from the Bank.

Essential training: It is the responsibility of all Bank workers to remain fully compliant with all annual mandatory training. Non-compliance with training may lead to a restriction in working until full compliance is achieved.

2. BANK STAFF

2.1 RECRUITMENT AND ELIGIBILITY TO WORK FOR BANK STAFF

- 2.1.1 All recruitment to the TSB must be administered by the Resourcing Team and in compliance with the Trust Recruitment Policy. The recruitment process will be the primary responsibility of the Resourcing Team, in collaboration with the Operations managers in the TSB team.
- 2.1.2 All newly appointed Bank only staff must attend the Trust Induction programme prior to commencement of work. The DoH "Code of Practice" states that all temporary staff are subject to the same requirements in respect of quality and clinical governance as permanent staff.
- 2.1.3 Criteria for clinical staff to join as **bank only** staff are:
 - a) Newly qualified clinical staff must have completed at least 6 months experience in a clinical role.
 - b) Nursing Assistants must have a minimum of 6 months experience in a healthcare setting within the last 12 months and/or completed a Healthcare apprenticeship.
- 2.1.4 All TSB pay rates are set at fixed spine points on the Agenda for Change pay scale which is an agreed local rate of pay.
- 2.1.5 Substantive staff will be auto enrolled onto the bank when they join the trust. Please note that the line management of Substantive staff with a Bank assignment remains with their substantive manager. Apprentices are not accepted onto the Bank until completion and sign off their study.

- 2.1.6 **REAPPOINTMENT TO BANK** Substantive staff who are leaving their post but would like to remain on the Bank need to apply for reappointment during their notice period. The substantive manager will need to complete a termination form and advise the member of staff to contact the reappointment team on ReAppointmentRequest@uhbw.nhs.uk. This process must be commenced prior to the termination date of their substantive role. There must be no unresolved competence or conduct issues with staff wishing to reappoint to the TSB. We also ask that all staff are compliant with training.
- 2.1.7 All bank workers are expected to comply with the Working Time Directive. Staff who sign the 'opt out' form and choose to work more than the 48-hour limit may be restricted if there are concerns about the individual's health or ability to perform their role effectively. This will be discussed with the individual and Occupational Health advice may be sought. Staff must also declare if they are working additional hours for another employer including agency work.
- 2.1.8 It is expected that 'Bank only' staff will work at least 2 shifts per 3-month period to stay active on the Bank. TSBadmin are provided with monthly reports from the HR Information Systems team regarding staff who have not worked in previous 6 months. The bank office uses this information to contact the staff and if there is no response, the Bank office will terminate the Bank assignment.
- 2.1.9 Reports are compiled quarterly regarding hours worked by Bank only workers. Failure to show regular work patterns may result in removal from the Bank.
- 2.1.10 Essential training: It is the responsibility of all Bank workers to remain fully compliant with annual mandatory training. If mandatory training is out of date, workers will be sent email reminders but if remains non-compliant, bank workers may be restricted from working until fully compliant.

2.2 TRAINING AND INDUCTION FOR BANK STAFF

- 2.2.1 Bank only workers must attend induction training prior to commencement of work and complete all their mandatory training within their first month of contract.
- 2.2.2 Bank only workers may have other training supported, if applicable to their place of work. This will need to be approved by the TSB manager prior to undertaking the training.
- 2.2.3 Bank only workers must take responsibility to always keep their essential training up to date by accessing their 'Kallidus Learn' account regularly to check when this training is due. Reminders for training compliance will be sent to Bank only workers prior to expiry date. Failure to remain compliant with essential training will result in staff being restricted from booking shifts until the training is complete.
- 2.2.4 All workers engaged by the TSB will have the opportunity to request an annual appraisal. For staff whose primary employer may be another NHS Trust, a Bank appraisal may not be required. All training and development needs will be identified and discussed through the appraisal process.

2.3 PROCEDURES FOR REQUESTING BANK STAFF

- 2.3.1 All requests for Bank workers must be made through the TSB using the correct booking process for that staff group.
- Nursing/ AHP/ Ancillary – Via Healthroster
 - A&C – On line booking form
 - Interpreters – Requests submitted via Careflow/Medway
- 2.3.2 All bank requests should be made as soon as ward/ Dept rosters are completed and signed off. This will allow optimum time to allocate bank workers to the shifts.
- 2.3.3 Requests for temporary staffing can only be made by an authorised person within the department or a designated deputy. The requesting manager for each area must take ultimate accountabilities for all temporary staff requests. When a critical request is required, authorisation must be given by Matron/ manager (or Clinical Site Manager out of hours). All use of temporary staff will be monitored by the TSB, and reports sent out on request.
- 2.3.4 Requests made with **less than 24 hours' notice** are critical unplanned shifts. Shifts need to be uploaded into the system by the manager as per normal requests but in addition should be made by direct phone contact with the TSB or via the duty Matron/manager.
- 2.3.5 All critical requests made outside of TSB office opening hours must be made through the Clinical Site Team. Noncritical requests should wait until the following day for requests to TSB.
- 2.3.6 Requests for 1:1 or RMN shifts must be authorised by the duty Matron (or Clinical Site Manager out of hours).

2.4 BOOKING OF SHIFTS FOR BANK WORKERS

- 2.4.1 Bank workers may book shifts by either nominating themselves for a shift via Employee Online (EOL) or calling the TSB call centre (0117 342 2265). Once a shift is booked, they will receive an automated email confirming their shift.
- 2.4.2 All Temporary workers will be contacted, on an ad hoc basis, via SMS text if there are any urgent shifts that remained unfilled to ensure safe staffing levels where possible.
- 2.4.3 The TSB team will review future unfilled shifts daily in order for focused booking to be achieved.
- 2.4.4 It is possible for a manager to book an individual bank worker to work a shift or assignment. It is the responsibility of the manager to ensure that the individual does not have any conflict such as a rostered shift or breached working time directive hours.

2.5 CANCELLING AND NON ATTENDANCE OF BANK WORKERS

- 2.5.1 The principles of temporary staffing are to fill shortfalls in expected staffing levels or to provide additional support when deemed appropriate i.e. for patient safety or extra capacity requirements. It is recognised that staffing requirements may change at short notice therefore shifts or assignments may be cancelled up to two hours before commencement of the shift with no penalty incurred providing the shift is being cancelled because of changes in workload/clinical need.

- 2.5.2 It will not be possible to cancel staff to accommodate another member of staff into that shift unless the original member of staff can be redeployed elsewhere and/or there is a valid reason for making the change. Reasons for cancellation will need to be given and will be audited by the TSB.
- 2.5.3 Bank workers are expected to work where there is a clinical need and staff may be moved prior to or during a shift if acuity on another area is unexpectedly high. A dislike of certain areas or preferences for others will not be accepted as a reason for refusal to move or cancelling a shift. However, if a Bank worker has concerns about placements in a specific clinical area, this needs to be discussed with the Operations managers in the TSB.
- 2.5.4 Any shift cancelled with less than two hours' notice will incur a charge being made against the location cost centre to compensate the Bank worker if the TSB are not able to re-allocate the member. The normal rate of compensation will be for the first four hours of the shift.
- 2.5.5 Bank workers may cancel their shift/assignment in advance of 3 days by calling the TSB on 0117 342 2265 between 07.00 and 20.30hrs or the Clinical site manager out of these hours.
- 2.5.6 Shifts cancelled with less than 3 days' notice will be monitored and workers who persistently cancel shifts will be contacted to one of the TSB managers. Continued unreliability by a Bank worker may result in restrictions in bookings, disciplinary action, or removal from the TSB.
- 2.5.7 The TSB office must be notified immediately of any non-attendance by a bank worker. Unauthorised absence has an expensive, disruptive, and potentially unsafe impact on the Trust's ability to deliver its services. It is therefore considered in most cases to be a matter of serious misconduct. The absence will be followed up by the TSB managers for every failure to attend. Repeated failure to attend for duty may result in workers being removed from the Bank.

3. AGENCY STAFF

3.1 RECRUITMENT AND ELIGIBILITY TO WORK FOR AGENCY STAFF

- 3.1.1 All agencies that supply agency workers to the Trust must provide clearance documents for approval by the TSB operational managers prior to placement at the Trust. These clearance documents must comply with NHS employment standards and framework standards, Worker placement checklists are kept on file as part of the clearance process.
- 3.1.2 Nursing - All Tier 1 agency supply for nursing is at a standard rate across the BNSSG & Bath. Both Tier 3 and Tier 4 pay rates are agreed with the Neutral vendor but are above Cap rate. The neutral Vendor will continue to try to fill the shifts before it is referred to tier 3 or 4 agencies.

3.2 PROCEDURES FOR REQUESTING AGENCY STAFF

- 3.2.1 All agency requests must be booked through the TSB. There must be no direct engagement with either agency or agency workers by any Ward, Division or department.
- Nursing – Request needs to be made via the TSB as per process defined in Appendix 1.
 - AHP – Request needs to be made via the TSB as per process defined in Appendix 1.

- Ancillary – Sourced by facilities team in collaboration with TSB admin team.
- A&C – Contact TSBadmin@uhbw.nhs.uk and TSB admin. Booking form Appendix 2
- Interpreters – Requests submitted via DA Languages <https://link.dalanguages.co.uk>.

3.2 CANCELLING AND NON-ATTENDANCE FOR AGENCY STAFF

- 3.2.2 Agency shifts that are booked can be cancelled up to two hours prior to commencement of the shift with no penalty incurred for Framework Agencies. However, if a Framework Agency Nurse arrives for the shift and the trust do not need to utilise them, the agency is entitled to charge for the first 4 hours of the shift. If the nurse has commenced the shift, then the total shift will be charged to the location.
- 3.2.3 Non-framework agencies may charge for cancellation of shifts or staff sent home. The Trust has no right of redress as there is no Service Level Agreement with these Agencies.
- 3.2.4 The TSB office must be notified immediately of any non-attendance by an agency worker. The absence will be followed up by the TSB managers for every failure to attend.

4. COUNTER FRAUD MEASURES AND AUDIT PROCESSES

- 4.1 Authorisation of hours is completed by the ward/dept managers by electronic finalisation of shifts within 48hrs of the shift. Staff may check that their shift has been finalised by logging into their account on EOL. It is the responsibility of the individual finalising the shift to check the accuracy of the information prior to approval.
- 4.2 In the very few areas that are not on Healthroster, timesheets must be received by 09.00hrs each Thursday to be processed for payment the following Thursday
- 4.3** For all external agency requests: - All requests for agency staff must be submitted to the TSB with details of the required skills, dates and times required. Once bookings are agreed the TSB will upload shifts onto Healthroster.
- 4.4 Checking and validation of invoices submitting by external agencies will be by crosschecking the agency timesheet, invoice and shifts uploaded and finalised on Healthroster.
- 4.5** All queries relating to payment for temporary assignments must be made to the TSB in the first instance during office hours (8am-5pm Mon-Fri).

5. PROCEDURES FOR DEALING WITH COMPLAINTS, COMPETENCE, CONDUCT AND INCIDENTS INVOLVING TEMPORARY STAFF

1. Process for Managing complaints:

- It is best practice to discuss at the time, any issue or concerns relating to a worker supplied by the TSB, and to follow this up with a written summary of the issue and actions, a copy of which needs to be sent via email to ComplaintsatTSB@uhbw.nhs.uk.

- All complaints or issues which cannot be addressed or resolved at the time must be reported to the TSB at the earliest opportunity and followed up with a written summary within 48 hours of the incident.
- The TSB team will endeavour to contact the bank worker via telephone, but if not able then an email may be sent to inform them of the incident. The worker will be given the opportunity to respond to the concerns.
- The TSB team may deem it appropriate to restrict the bank worker from booking shifts, until the complaint/concern raised has been investigated/resolved (see section 2 for further details).
- The bank worker may be required to write a reflective statement regarding the incident that occurred. The TSB managers are happy to support and guide this process if appropriate.
- The TSB will acknowledge receipt of any written complaint within 48 hours of normal operating times (excluding weekends and Bank Holidays). TSB will request statements directly from Bank workers or via the nursing agency. Complainants can expect to receive the statement within 10 working days.
- Any investigations involving a substantive member of staff will be managed with their immediate line manager
- The Line manager should also consider informing TSB if a member of their staff who also undertakes bank work is undergoing performance management, as restrictions may need to be in place for any TSB work, they may undertake.
- Any member of the Bank workers involved in an incident on site that may have caused any degree of harm to a patient, member of the public or the staff member must be reported to the TSB manager. Datix report must be completed for investigation to be undertaken. Please note that an informal investigation may need to be started.

2. Procedure for restricting or suspending staff:

- On most occasions, minor breaches of discipline can be dealt with informally, and it will not usually be appropriate for managers to use the formal disciplinary procedure on the first occasion of misconduct by a Bank worker, however, they should be warned that any repeat of the misconduct in the following 6 months may lead to further action. This will be confirmed in writing in a professional advice letter and kept on record.
- In some cases, it may be necessary to remove a staff member from the workplace whilst an investigation is carried out. In this event, bank workers may be restricted from working or booking shifts during this time. As the Trust is not obligated to offer work, this would not be classed as suspension and no payment would be due.
- The Trust reserves the right to remove Bank Workers from the bank register without notice if there are repeated concerns relating to reliability, performance, conduct or standards of work which could compromise the Trusts' ability to provide a quality service, or if they have committed a serious breach of the terms of the Bank Agreement.
- Any requirement to remove a substantive member of staff from the workplace will be carried out in accordance with the Suspension procedure set out in the Trust's Disciplinary Policy and Procedure. The TSB must be made aware of a suspension and the member of staff must not undertake any work for the Trust, including bank work.

RELATED DOCUMENTS

Temporary Staffing SOP for Health Roster

SAFETY

Ensure provision of competent Temporary Staff to all clinical areas.

QUERIES

Contact the TSB on Ext 22265 for query or guidance.

Contact [REDACTED] - [REDACTED]
[REDACTED]

Appendix 1 Request for agency AHP

REQUEST FOR AGENCY AHP/SPECIALIST:

ALL FIELDS MUST BE COMPLETED

Date AHP/Specialist is required:	
Length of assignment required :	
Shift pattern and hours:	
Cost Centre:	
Department:	
Grade:	
Approval of use of agency from:	
VCP approval number where applicable:	
CVs to:	
Reason agency cover is required:	
Report to:	
Any further information that may be helpful to us, to fill your vacancy	
Requesting manager:	
Date:	

Appendix 2 Request for agency A&C

PRO-FORMA 1

**NOTIFICATION TO THE TEMPORARY STAFFING BUREAU
FOR THE ENGAGEMENT OF INDIVIDUALS TO UNDERTAKE WORK WITHIN THE TRUST VIA A
SPECIALIST AGENCY, A PERSONAL SERVICES COMPANY OR
AS A SOLE TRADER**

For completion by appointing manager:

Division/Corporate Dept:	
Ward/Dept/Area:	
Name of appointing manager:	
PCP Approved:	
Category (delete as appropriate):	
Where engagement is through a specialist agency, what is the name of Agency:	
Is the Agency on a national framework?	
Name of agency worker/PSC/Sole Trader:	
Type of Engagement:	
Reason for booking/engagement:	
For PSC: IN/OUT of scope of IR35 For sole trader: employed/self employed Ensure proper process followed – see below	
Role of worker:	
Band/Unbanded:	
Hourly Rate/Daily rate/Fixed fee, inc amount	
If this engagement is with a PSC or a Sole Trader, will it last for 6 months and be at a rate higher than £220 per day?	
Compliant with national wage caps? Y/N/ N/A	

If non-compliant, authorised by: (Divisional Director/Director of Corporate Service/Deputy Director)	
Expected start date:	
Anticipated end date:	
Managers contact ext:	
Induction Booked (Resourcing will book if temp is booked for more than 1 month)	
Essential Training Relevant to role	
Candidate Email Address:	
Candidate Phone Number:	
Cost Centre:	
If terms of engagement is a Post, what work pattern is planned:	

Please attach a copy of the letter sent to the agency/worker confirming the IR35 / Employed / Self-Employed status of this engagement

IR35 / Employed / Self-Employed consideration

For a PSC arrangement: Define whether the role is inside the scope of IR35

For a Sole Trader arrangement: Define whether the individual is assessed as employed or self-employed

Answer the following questions:

- Will they be required to work in the Trust?
- Will they supply their own equipment?
- Will they work under the direct supervision of a manager?
- Will they be required to agree time off as other staff are required to do?

YES / NO	IN	OUT
	YES	NO
	NO/NA	YES/NA
	YES	NO
	YES	NO

The answers to the above questions should indicate that the role is either in or out of the scope of IR35 or employed/self-employed by comparing the answers to the above matrix. If **any** of the answers differ from the required In/Out assessment, then the HMRC tool **must** be used to assess. The HMRC tool can be found on: <https://www.gov.uk/guidance/check-employment-status-for-tax>

It is important to note that this IR35 /employed/self-employed assessment for the supply of this worker only relates to this engagement detailed above. Should it change or a new engagement start with this individual worker, a new assessment will need to be undertaken and confirmed in writing with the agency/worker/PSC.

Pro-forma 1 must be completed for any new engagements or any changes to an existing engagement.

The Trust is liable for financial penalty if the decision has not been properly taken. If the HMRC tool is used properly, with answers reflecting the true nature of the engagement, then the Trust is protected.

For completion by TSB/Recruitment:

For an engagement via a Specialist Agency			
Name of TSB Officer with oversight of the booking/arrangement:			
Date Worker Placement Checklist completed:			
Date Manager notified checks completed satisfactorily:			
Date HealthRoster input:		HealthRoster checked:	

For an engagement through a Personal Services Company or with a Sole Trader	
Name of Recruitment Coordinator with oversight of the arrangement	
Date Recruitment team notified:	
For engagements in scope of IR35 or where Sole Traders are deemed as Employed ; Date copy of Pro-forma 1 and copy of letter sent to Payroll to advise of pending arrangement:	
For engagements out of scope of IR35 or where Sole Traders are deemed as Self-Employed ; Date copy of Pro-forma 1 sent to Accounts Payable to advise of pending arrangement:	
Date pre-employment checks completed:	
Date Contract issued with covering letter:	
Date Manager advised checks complete and Contract issued:	

Date email confirmation sent to Payroll/Accounts Payable that checks are complete and contract issued:	
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E-mail to: agencynotification@uhbristol.nhs.uk

Where this engagement is to be extended or when it is to be ended, please complete Pro-forma 2 '*Notification of extension or end to specialist agency /PSC/Sole Trader arrangement*'

Appendix 3 -

Area to discuss issue with worker
directly at time of
incident

Forward complaint to TSB
Managers.
Acknowledgement of
complaint within 48
hours

Substantive staff complaint with a
bank assignment – ward
Manager to speak with
their staff.

Agency and Bank only workers TSB
managers to manage.

TSB Managers to follow up issue and discuss with bank
worker within 72 hours and meet with worker if
appropriate, depending on issue may need to
restrict worker from working further shifts until
concern resolved.

Statement of concern from bank
worker received within 3
working days

Statement sent back to ward for
feedback within 48
hours.

TSB Manager to decide whether
disciplinary process to
be followed (N/A to
agency staff)

(See disciplinary policy)

Resolved – Follow up email sent to
bank worker at 3 months
to check in further
support needed.