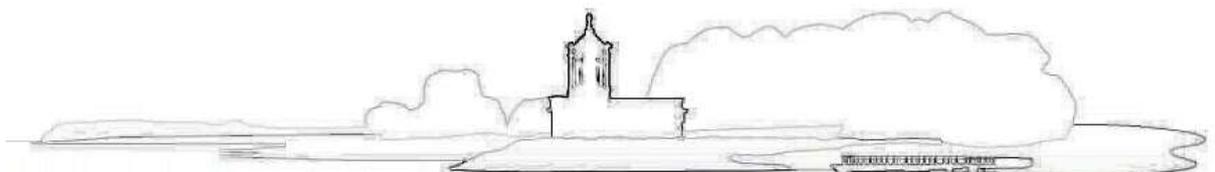


Rutland County Council

POLICY – USE OF AGENCY AND INTERIM WORKERS

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1. INTRODUCTION

- 1.1 The Council needs to have sufficient flexibility to ensure that service provision is maintained to the highest standards possible. In order to achieve this, there will be occasions when it is necessary to use temporary agency workers and interim workers to fulfil the demands. Agency workers and interims can provide quick access to a wide range of skills and experience.
- 1.2 It is essential for the Council to ensure that it applies the appropriate rules of engagement for anyone undertaking work on behalf of the Council. The Council is committed to providing a fair and equitable framework for all its workers and also to comply with legal obligations. This Policy should be read in conjunction with the Guidance Notes for Engaging Agency and Interim Workers, which can be accessed on the Council's Intranet under HR Policies/Agency Workers.

2. SCOPE

- 2.1 This policy applies to all individuals responsible for hiring and managing temporary Agency Workers and interims while they are on assignment with the Council.

3. DEFINITIONS

- a) Temporary Work Agency - Supplier of individuals to work temporarily for and under supervision of the Council management.
- b) Hirer - The Council / Hiring Manager.
- c) Agency Worker - An individual supplied by the agency to work temporarily for and under supervision of the hirer and has a contract of employment for services with the agency. Generally more administrative and support roles that can be sourced through Agencies through the Council's framework agreement.
- d) Interim – consultants paid on a daily rate usually covering more senior roles and commissioned outside the agency worker framework.

The definition of an agency worker excludes those who are in business on their own account where the status of the hirer is that of a client or customer of a "profession or business undertaking" (i.e. a genuine business to business relationship).

- e) Self Employed/Independent Contractor – where the contractor is genuinely in business on their own behalf and the business relates to the activity being undertaken. The contractor is responsible for paying their own tax and national insurance directly with the HMRC (further information at Appendix A). Excluded from the definition of an agency worker.

4. PRINCIPLES

- 4.1 Prior to hiring an agency worker or interim, all internal options should have been explored to ensure effective utilisation of existing staff, provide development opportunities and to minimise cost. If there are no other alternatives, then agency workers or interims can be used to provide short-term additional resources to enable flexibility and service continuity.
- 4.2 Approvals to recruit an agency/interim should be obtained from a Head of Service/equivalent prior to an order being placed or an agency commissioned. Posts at Head of Service and above should be approved by a Director.
- 4.3 An appropriate selection process should be undertaken to ensure the suitability of temporary staff to work within the Council; all relevant pre-employment checks should be verified with the employment agency to ensure that necessary references and safeguarding checks have been undertaken.

5. RESPONSIBILITIES

There is no employment relationship between the Council and an Agency/Interim Worker. Agency/Interim Workers may be either:

- Self-employed with the role of the Agency being to put them in contact with end users who need their services or
- On the books of or fully employed by an Employment Agency Business

5.1 The Agency is the employer of the agency/interim worker and responsible for:

- a) pay and benefits for their staff
- b) ensuring their staff are treated fairly and in compliance with Agency Workers Regulations 2010, working in partnership with the hirer
- c) Ensuring that all Agency/Interim Workers are eligible to work in the UK and can fulfil the hours of the role they are assigned within any visa restrictions. They are also responsible for any disclosure checks and essential registrations that a role is required to have e.g. Social Worker etc.

5.2 Management responsibility

- a) It is the responsibility of all managers to ensure that this policy is implemented and that Agency/Interim Workers are treated fairly and in compliance with Agency Workers Regulations 2010. See the Guidance document for information on who is covered by the Regulations and for further details.
- b) If an Agency/Interim Worker gains employment with the Council, during the course of working for the Council as an Agency Worker/Interim and subsequently becomes an employee of the Council, there may be a fee

payable to the Agency. The manager must check the terms and conditions with regard to such fees, with the Agency.

- c) Managers should source Agency/Interim Workers via the approved agency service provider. However, there may be occasions when the service provider is unable to source a worker and other Agency Providers may be required to source the specialist work. Managers should ensure that Contract Procedure Rules are complied with.
- d) Managers must complete the Checklist and Request to Engage a Temporary Agency/Interim Worker (Appendix B) and return to Human Resources, prior to the Agency/Interim Worker commencing work for the Council. The appropriate approvals are required from Head of Service and/or Director or the relevant budget holder. Managers must ensure that there is budget provision prior to procurement and clarification of where the costs will be met.
- e) The manager has a duty of care towards Agency/Interim Workers with regard to health and safety.
- f) Responsible for induction, training and supervision – refer to the Worker Induction Checklist (Appendix C).

6. TIME LIMITS

- 6.1 Agency/Interim Workers can initially be engaged for a maximum of 12 weeks following Head of Service approval. Assignments over 12 weeks will require Director Approval, as will extensions resulting in the assignment being over 12 weeks.

7. RATES FOR WORKERS INSIDE AND OUTSIDE OF THE SERVICE PROVIDER FRAMEWORK

- 7.1 For workers engaged through the service provider framework, the rate is normally matched to the grade of the job that the worker is assigned to. Any request to increase the rate for market purposes, must have the approval of the Director.
- 7.2 For Agency/Interim Workers that cannot be procured through the service provider framework, e.g. senior level posts of a highly specialised nature, there are recommended daily rates. Managers will need to contact Human Resources for the current rates. Director approval will need to be obtained in addition to Head of Service approval, which must be in advance of engaging the Agency/Interim Worker. The Checklist and Request to Engage a Temporary Agency Worker/Interim will need completing accordingly. Requests for daily rates above those quoted on the framework should be approved by the Chief Executive in advance of engaging the Agency/Interim Worker.

8. WORKING HOURS

- 8.1 Agency/Interim Workers will work the same basic working hours as an employee or worker who is recruited directly to the same job. The Agency/Interim Worker should not work more than a maximum of 37 hours per week.

9. ANNUAL LEAVE

- 9.1 The agency will be responsible for calculating and paying annual leave. As Rutland has an occupational annual leave scheme, Agency/Interim Workers will receive benefit of the increased annual leave by an uplift to their hourly rate 12 weeks after commencing their assignment with the Council.

10. STATUTORY OBLIGATIONS

- 10.1 Disclosure and Barring Service (DBS) Criminal Record Checks must be made if the individual will be working with vulnerable adults or children. These should be undertaken by the Agency.
- 10.2 Similarly, checks to verify right to work in the UK will automatically be undertaken by the Council's framework provider. If using any other agency, for Agency/Interim Workers, the Line Manager must confirm with the agency that appropriate checks have been undertaken.

11. FURTHER INFORMATION

Further information on the policy or clarification of its content can be obtained from Human Resources.

Key features of a Contract to engage a Self Employed/Independent Contractor:

The table below summarises the key features of a Self Employed/Independent Contractor engagement

Relationship	Self Employed/Independent Contractor
Description	Independent consultancy/contracting - where the contractor is genuinely in business on their own behalf and the business relates to the activity being undertaken. In these circumstances a set fee will be payable for the services. The contractor is responsible for paying their own tax and National Insurance directly with the HMRC.
Features	<p>Someone who is not an employee and is an independent, self-employed contractor works more independently of control, possibly including:</p> <ul style="list-style-type: none"> • determining the activities/the way in which the services are carried out, including when/where/how to do work • rectifying sub-standard work at their own expense • providing own equipment, tools, resources, etc • if allowed by the department, hiring and paying (i.e. subcontracting) others to undertake /assist with the work having other clients. • engaged to provide specific, defined (and often 'one-off' services).
Authorisation	Requires prior approval by Head of Service or relevant budget holder.
Recruitment Process	Recruitment processes do not apply. Please refer to the Contracts and Procurement Rules for further guidance on the appointment of self-employed/independent contractors to ensure appropriate procedures and regulations are applied.
Statutory Obligations	Disclosure and Barring Checks must be made if the individual will be working with vulnerable adults or children. These should be processed by Human Resources via the Disclosure and Barring Service.
Payment	<p>Individually negotiated fee.</p> <p>The Agreement for Services document will have a schedule within which the department will set out the fee structure following negotiations with the individual involved or with the Agency/Employment Business. This will be dependent upon how the contract is worded, for example this may be a lump sum payable at the end of the assignment, or periodically, upon submission of an invoice. Managers must ensure that there is</p>

	budget provision prior to procurement and clarification of where the costs will be met.
Induction	Refer to the Worker Induction Checklist for a suggested minimum.

Checklist and Request to Engage a Temporary Agency or Interim Worker

Completion of all sections of this form is **mandatory**. If a box is not applicable to the assignment e.g. extending the assignment or Regulated Activity, please enter 'N/A'. A new form should be completed for each new assignment and/or each extension to an assignment. **Relevant approvals must be obtained prior to placing an order.**

Section 1: Worker's Details			
Surname		Forenames	
Directorate			
Job Title		Team	
Start Date		*End Date	
Rate of pay	Approximate costs anticipated for the assignment period. (Managers must ensure budget provision and clarification of where the costs will be met, <u>prior</u> to placing an order)		
Outline of the nature of the work:			
Reason for engaging an Agency/Interim Worker and not applying the Council's standard recruitment process:			
If extending a temporary Agency/Interim Worker:			
Original start date	Original end date	New end date	Total duration (weeks)
Name of Agency			
Reason for extension:			
Head of Service Authorisation	Director Authorisation (required for Workers at Head of Service level and above and/or assignments exceeding 12 weeks or extensions resulting in an assignment exceeding 12 weeks)		

Please note: *End date should not exceed 12 weeks, unless in exceptional circumstances which will require authorisation by the Director.

Head of Service or Director authorisation can be in the form of an accompanying e-mail to this Checklist.

Prior to engaging a temporary member of staff, the Recruiting Manager should receive evidence from the Agency that the employment checks in the following table have been undertaken.

The 'Additional Information/Evidence' should specify whether original documentation has been seen or that the Agency has provided evidence that they have undertaken the check. For Comensura, the majority of the checks will be confirmed on their website when placing an order.

Please ensure this form is sent to Human Resources. The individual should not commence employment or be issued with ID cards or an e-mail account until the Checklist has been completed and returned to HR. The Data Protection e-learning module must be completed prior to IT releasing an e-mail account. The individual will not be set up on Agresso (for reporting and approval purposes) until this form has been submitted.

Section 2:	Date	Initials	Additional Information/ Evidence
Proof of Right to Work in the UK			
At least two satisfactory references (please specify who provided the references)			
Code of Conduct – to be read and signed prior to commencing or at the beginning of the 1st day of work (please attach the signed acknowledgement that the individual has seen and read the Code of Conduct)			
For Regulated Activity posts: Relevant Professional Qualifications (please specify) Professional registration (please specify) DBS Check completed within the last 3 years - Date: Confirmation that does not contain disclosures that would bar the individual from working with children and/or adults in need of safeguarding			
Section 3	Date	Initials	
HR Input to Agresso			

Induction Checklist – Agency and Interim Workers

To be completed and retained by the Line Manager. This is the suggested minimum induction provision for workers. Managers should determine whether any further provision is required e.g. due to the nature of the role. Workers should be paid their appropriate rate for undertaking induction.

Section 1 – Worker details			
Surname		Forename	
Team		Directorate	
Role assigned to		Start date	

Section 2 – Pre-arrival checklist			
		Date completed	Completed by
1	Create induction programme – introduction to work, meetings with relevant staff		
2	Inform others in the team of worker's arrival		
3	Check office equipment – desk, chair, computer, telephone, stationery		
4	Notify IT as soon as possible to enable set up of email account and access to relevant systems. Please note: E-mail account will not be released by IT until IT has received confirmation that the Worker has completed the Data Protection e-learning module.		
5	Organise any relevant/mandatory training		
6	Ensure relevant job related documentation is available e.g. guidance notes, instructions etc.		
7	Confirm start date and time and initial point of contact for first day		

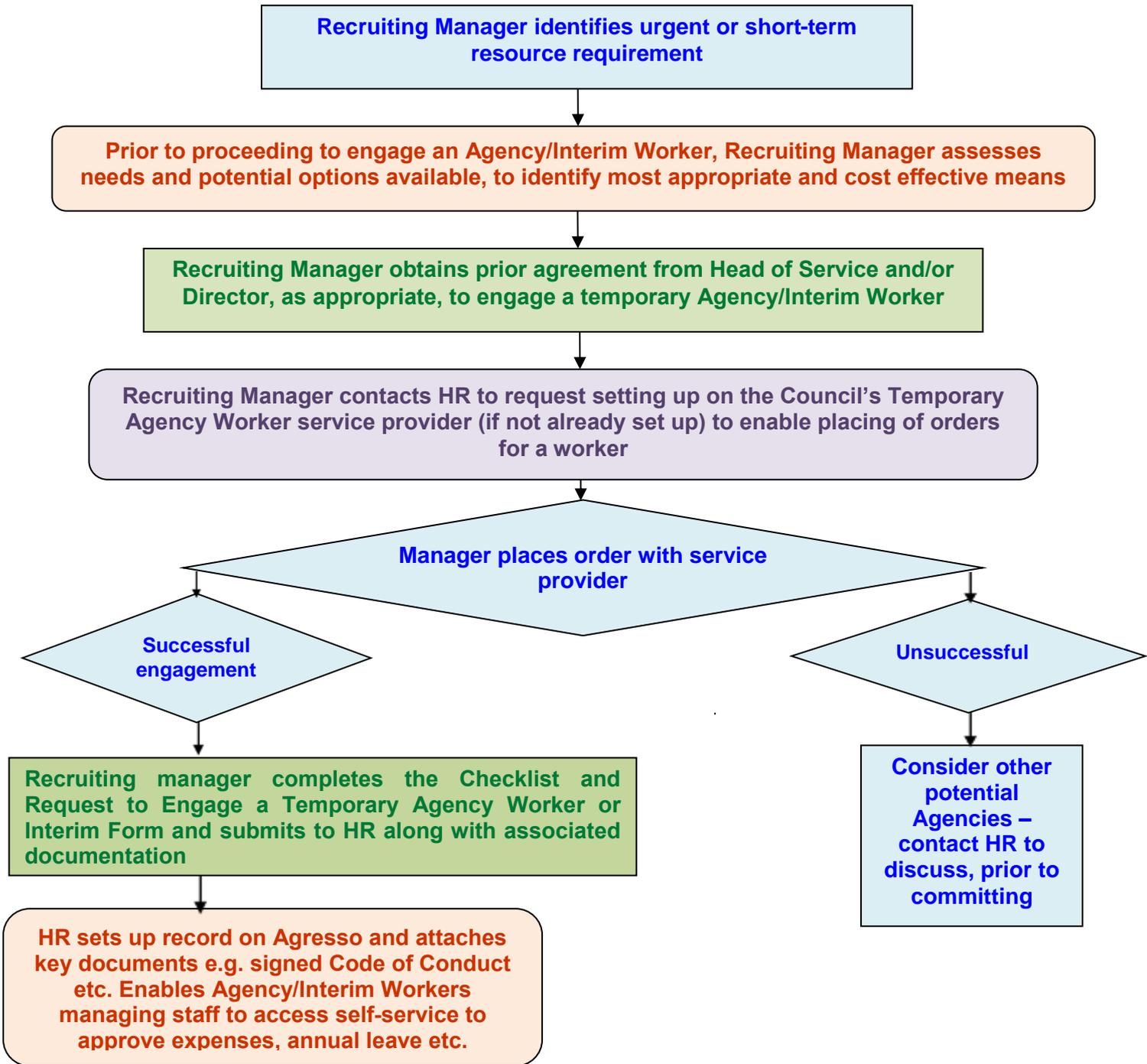
Section 3 – By the end of the first day

8	Introduction to team		
9	Tour of office		
10	Organisation of the team, department		
11	Security badge		
12	Working pattern; breaks; flexi time if applicable		
13	Facilities and domestic arrangements – kitchens, toilets, staff notice boards		
14	Health and Safety – fire exits, fire drills, first aid, security, cash and valuables, reporting accidents, No Smoking Policy		
15	Travel policy – car parking, use of public transport		
16	Communication – 1-1s, staff meetings, staff briefings, Intranet, One Council newsletter		
17	IT and internet policy documents, Data Protection Policy – seen, read and signed, explanation of Data Protection in relation to the role; Data Protection e-learning module completed; e-mail account active.		

Section 4 – By the end of the first week

18	Arrangements for annual leave		
19	Reporting sickness absence		
20	Agresso self service		
21	Finance procedures		
22	Support services – HR, Finance, IT		
23	Check undertaken Equality and Diversity training (on-line). Any other mandatory training applicable to all staff should also be undertaken		

**TEMPORARY AGENCY/INTERIM WORKER ENGAGEMENT
PROCESS FLOWCHART**



A large print version of this document is available on request



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