

LOCUM DOCTOR AND AGENCY WORKER POLICY

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6.0	February 2015	Vicky Bowmaker, Employee Services Manager	Revised to ensure compliance with NHS Employment Check Standards and implementation of StaffFlow booking system.
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CITY HOSPITALS SUNDERLAND NHS FOUNDATION TRUST

DOCUMENT APPROVAL PROFORMA

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Name:			
Title:			
Date:			
NB: It is the sponsor's responsibility to submit the policy through the CHS approval route.			
Checklist for the review and approval of the policy			
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	Content; intended outcomes clearly described		
	Evidence base; key references included and cited in full		
	Associated documentation recorded		
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1. **INTRODUCTION**

This policy is designed to ensure that there are robust and appropriate processes in place to support the appointment of locum doctors and agency workers within the Trust.

The policy aims to:

- Identify the processes involved in filling a Trust vacancy via a locum doctor or agency worker;
- Define who is responsible at each stage of the appointment process;
- Ensure compliance with the UK employment law and NHS Employment Check Standards.

2. **PURPOSE AND SCOPE**

The purpose of this policy is to:

- Ensure that any risk to patient care and safety is minimised.
- Minimise the cost to the Trust of hiring locum doctors and agency workers.
- Provide a clear explanation of the Trust's standards regarding the procedure for the appointment of locum doctors and agency workers.
- Strengthen the standards of appointment.
- Ensure compliance with best practice guidelines laid down by NHS Employment Checks Standards, (see www.nhsemployers.org) and employment legislation.

This policy applies to the appointment of all grades of locum medical and dental staff and agency workers.

3. **DUTIES**

3.1 **Board of Directors**

The Board of Directors is responsible for monitoring and approving a framework to support the robust recruitment of locum/agency staff that is compliant with all relevant legislation, guidelines and NHS best Practise standards.

3.2 **Chief Executive**

The Chief Executive is ultimately responsible for ensuring effective Corporate Governance within the organisation.

3.3 **Director of Human Resources**

The Director of Human Resources is the nominated Director lead for the management of this policy and is directly responsible to the Chief Executive for facilitating implementation and for consultation with staff side representatives.

3.4 **Responsible Officer (RO)**

The RO is responsible for making sure that all locum doctors have the appropriate training and experience necessary for the role for which they are being engaged. The RO is also responsible for addressing any concerns that are reported regarding a locum doctor, in line with the relevant Trust policies and/or GMC fitness to practise requirements.

- 3.5 Directorate/Department Managers and Divisional General Managers**
Directorate/Department Managers are responsible for checking there is a business need for and approving requests to engage an agency worker or a locum doctor in line with this policy. They are also responsible for checking/authorising timesheets and invoices in line with the Trust's Standing Financial Instructions and for making sure that all agency workers and locum doctors complete the necessary local induction and training necessary for the role for which they are being engaged.
- 3.6 Junior Doctor Liaison Team**
The Junior Doctor Liaison Team is responsible for identifying any junior doctor rota gaps and notifying Directorate Managers of these so that requests to engage a locum doctor can be made.
- 3.7 Clinical Directors/Supervising Consultants**
The Clinical Director/Supervising Consultant is responsible for completing the Locum Doctor Assessment Form for any locum doctor who is engaged by/works in the Trust for 1 week or more, in line with GMC medical revalidation requirements.
- 3.8 Trust First On-Call Managers**
Trust First On-Call Managers are responsible for authorising locum doctor or agency worker bookings outside of 'normal' working hours and at weekends / bank holidays.
- 3.9 Patient Flow Managers/Night Matrons**
The duty Patient Flow Manager/Night Matron is responsible for meeting an agency worker or locum doctor before they start work and making sure that they complete the Induction Checklist. They are also responsible for checking / validating the individual's identity by taking a copy of their Passport or Photographic Driving Licence (along with paper counterpart and returning all documents to Human Resources the next working day).
- 3.10 Senior Manager/Clinician on Duty**
The appropriate senior manager or senior clinician on duty is responsible for making sure that they meet the locum doctor/agency before they start work, for completing the Locum Doctor / Agency Worker Trust Induction Form and returning this to Human Resources the next working day.
- 3.12 Human Resources Department**
The Human Resources (HR) Department is responsible for:-
- Checking that requests to engage agency workers or locum doctors have been authorised in line with this policy.
 - Making sure that all the required pre-engagement checks are carried out in line with NHS Employment Check Standards, liaising with the relevant agencies and individuals as necessary.
 - Maintaining appropriate agency worker and locum doctor booking/engagement records.

3.11 Finance Department

The Finance Department is responsible for checking that invoices have been coded correctly, authorised in line with the Trust's Standing Financial Instruction and paying invoices by the required deadline.

3.12 Locum Doctor/Agency Worker

All locum doctors/agency workers are responsible for complying with the Trust's Policies and Procedures at all times.

4. DEFINITIONS

4.1 Locum/Agency Worker

Temporary or interim staff provided through an external organisation for an agreed rate, where the contract of employment lies with the providing company rather than the end user.

4.2 Crown Commercial Framework

A national framework agreement for the supply of locum doctors and agency workers.

4.3 Health Trust Europe (HTE)

A purchasing organisation, which provides a framework under which the NHS can procure the supply of locum doctors and other agency workers.

4.4 StaffFlow

StaffFlow is an IT based agency worker engagement system operated by Liaison VAT Consultancy Ltd, which enables the Trust to book agency workers using approved recruitment agencies to source candidates.

4.3 NHS Employment Checks Standards

A set of 6 standards (including occupational health, criminal record and identity) for conducting legal/mandatory employment checks on all NHS workers.

4.4 UK Visa and Immigration Service (UKVI)

UKVI is a division of the Home Office responsible for the UK visa system.

4.5 Disclosure and Barring Service (DBS) - provides access to information across England and Wales about criminal convictions and other police records to help employers make an informed decision when recruiting staff. The information provided by the DBS is known as a 'disclosure'. The DBS was previously known as the Criminal Records Bureau (CRB).

4.6 Revalidation

Process by which doctors have to demonstrate to the General Medical Council that they are up to date and that they comply with the relevant professional standards.

4.8 Alert Notice

An Alert Notice is a way of notifying NHS bodies and others about a registered health professional whose performance or conduct could place patients or staff at serious risk.

5. PROCEDURE

5.1 Reason(s) For Locum Doctor/Agency Worker

The reasons for employing a locum doctor/agency worker are various e.g. to cover sickness, maternity leave, or a vacant post.

The Trust will not, under normal circumstances, provide locum doctor/agency worker cover for absences due to annual leave, study leave, examination leave, or for any other absence of less than 48 hours duration.

Locum doctors / agency workers must only be requested after all possible means of arranging internal/other types of staff cover have been exhausted.

5.2 Identifying the Need for a Locum Doctor/Agency Worker

When a potential need for a locum doctor/agency worker has been identified, the Consultant/Head of Department, or the Divisional/Directorate Manager is responsible for ensuring that internal cover is explored. To assist this process, the HR Department will manage a secure shared folder for access by Divisional/Directorate Managers which will include contact information for junior doctors employed by the Trust and rotational training doctors employed by the Lead Employer Trust.

Locum doctor cover will not normally be provided for any Junior Doctor, for periods of less than 48 hours. In these cases it is expected that cover will be provided internally, in-line with contractual obligations in accordance with the terms and conditions of Service for Medical and Dental Staff.

5.3 Requesting a Locum Doctor/Agency Worker

Locum doctor/agency worker requests must be made using the Trust booking form (available via HR Forms on the Intranet).

The form must be fully completed and submitted to the relevant Directorate Manager for checking/review. The Directorate Manager will forward the booking form to the relevant Divisional General Manager for approval and submit to Employee Services in the Human Resources Department.

This procedure must also be followed for any request to extend a booking / placement of a locum doctor / agency worker who is already working at the Trust.

5.4 Sourcing a Locum Doctor/Agency Worker

On receipt of the booking form, Employee Services will contact the relevant agencies and request CVs of suitable candidates. These CVs

will be forwarded to the relevant Directorate Manager/Senior Clinician/Head of Department for review and decision.

Once a decision has been made on whom to appoint, Employee Services will contact the agency and ask for copies of all the documents needed for employment checks to be completed.

In exceptional cases when none of the approved agencies can meet the requirement, the Employee Services Officer will seek authorisation from either the Medical Director or designated Deputy Medical Director to contact agencies outside the approved framework.

5.5 Pre Placement Checks

Employee Services will liaise with the agency to request, verify and record all the relevant documents needed to provide assurance that checks have been undertaken in line with NHS Employment Check Standards. The booking will not be confirmed unless all employment check information has been received and confirmed to be acceptable.

Employee Services will also check whether a locum doctor/agency worker is the subject of an Alert Notice irrespective of whether the job requires registration with a regulatory body. If an Alert Notice has been issued in relation to a prospective locum doctor/agency worker, the booking will be suspended and the matter referred to the Director of Human Resources for advice.

All documents relating to employment checks for locum doctors / agency workers will be stored securely in the Human Resources Department.

5.6 Confirmation of Booking

During normal working hours, all locum doctors/agency workers must be booked through the Human Resources Department. (See section 5.7 regarding out of hours bookings).

Bookings will not be confirmed unless all employment checks have been completed satisfactorily.

Employee Services will confirm where the locum doctor/agency worker needs to report on their first day and that they are required to bring photographic ID with them and evidence of professional clinical registration (where relevant to the role).

Employee Services will e-mail the relevant Directorate Manager/Senior Clinician/Head of Department to confirm the booking has been made and where / to whom, the locum doctor/agency worker has been asked to report on their first day.

5.7 Out of Hours' Bookings

In exceptional circumstances and as a last resort the Trust's First On-Call Manager is authorised to book a locum doctor / agency worker outside normal working hours and weekends.

The First On-Call Manager must ensure they receive and check all documents relating to employment checks, before confirming a booking.

All information received must be recorded on the locum doctor/agency worker checklist (available in a shared folder).

Once all the necessary employment checks have been satisfactorily confirmed, the On-Call Manager will confirm the booking with the agency and if the booking is via an HTE agency, the On-Call Manager will inform the agency that the booking will be confirmed by Employee Services the next normal working day via *StaffFlow*.

All paperwork must be returned to Employee Services the next working day.

5.8 Mandatory Training

Employee Services will liaise with the relevant department to arrange IT access/training for all newly appointed locum doctors/agency workers, depending on the job role.

Locum doctors who have not previously been employed by the Trust must complete training on how to use the relevant Trust IT system(s). It is critical that such doctors are allowed time to complete this training to ensure they provide safe and effective patient care.

In addition, induction relevant to the locum doctor/agency worker's role must also be completed (see section 5.9).

5.9 First Working Day

The locum doctor/agency worker will be asked to report to Human Resources on their first working day.

Individuals starting work outside of normal working hours e.g. a weekend, will be asked to report to the Patient Flow Manager/Night Matron. Each Friday afternoon, Employee Services will notify the Patient Flow Manager/Night Matron/On-Call Manager of any workers expected to report for work over the weekend.

To validate their identity, workers will be asked to bring the following documents with them:

- Photographic ID (this must be a passport, photographic driving licence).
- Evidence of professional clinical registration (if applicable to the job role).

Locum doctors will be asked to complete Fitness to Practise and Declaration of Compliance with Bribery Act 2010 Forms.

Employee Services will provide the agency worker/locum doctor with a Local Induction Checklist for completion by the relevant manager/clinician.

5.10 Induction

The type of Induction required will depend on the duration of the booking:

Short Term: Workers booked for between 1 and up to 12 weeks are not required to attend corporate induction but must complete a local induction.

Long Term: Workers booked for 12 weeks or more, must attend the next available corporate induction after they accrue 12 weeks service and complete mandatory training in line with the Trust's Mandatory Training Needs Analysis. Before attending corporate induction the individual will be recorded on ESR and competencies applied to their role, to allow monitoring of mandatory training.

NOTE - If the doctor/agency worker has worked in the department during the last month, there is no requirement for them to complete local induction.

A copy of the Local Induction Checklist will also be e-mailed to the relevant Directorate Manager/Senior Clinician/Head of Department, asking them to complete this with the individual and return it to HR.

Returned Checklists

Returned checklists will be filed in the agency worker/locum doctor's personal file.

Non Returns

Where a Local Induction Checklist is not returned, Employee Services will send a reminder to the relevant manager, requesting that this is returned as soon as possible.

Non returns will be reported by Employee Services via the Trust's Incident Reporting System.

5.11 Placement Fees

Recruitment into Trust employment of a locum doctor/agency worker will normally result in the relevant agency charging a placement fee. However, no fee should be charged where the employment starts more than 14 weeks after the start of an assignment or more than 8 weeks after the end of an assignment, whichever is the later.

Any proposal to recruit a locum doctor/agency worker must be approved in advance by the Divisional General Manager.

5.12 Authorisation of Invoices/Timesheets

- Timesheets

The Line Manager to whom the locum doctor/agency worker reports on a daily basis, must ensure that timesheets are checked to ensure that only actual working hours and not rest breaks are being claimed. Timesheets should be authorised by the Directorate Manager. Where the locum doctor/agency worker has been booked through *StaffFlow*, the authorised signatory will receive an auto-generated message. Timesheets must be authorised before 5pm each Monday for payment each Friday.

- Invoices

The Directorate Manager is responsible for authorising invoices and for verifying them against the original booking terms to ensure that these are as approved.

The invoice must also be checked against timesheet(s) to ensure the hours charged for are correct.

The invoice must be signed by the Directorate Manager and the Line Manager who authorised the timesheet and send to Financial Services for processing.

6. AGENCY WORKER REGULATIONS

The Agency Worker Regulations (AWR) give agency workers the entitlement to the same basic employment and working conditions as if they had been recruited directly, if and when they complete a qualifying period of 12 weeks in the same job. Agency workers are entitled to access facilities and information on job vacancies from day 1 of their assignment.

The AWR excludes:

- Individuals who are genuinely self employed
- Managed service contracts e.g. domestic contractors
- NHS Professionals' flexible workers
- Staff on secondment

6.1 Day 1 – Rights for all Agency Workers

The Regulations give agency workers access to certain facilities provided by the Trust and information on job vacancies and staff benefits. Where there is a charge, these will apply as they do for a Trust employee e.g. car park permit.

Information about Trust facilities will be provided to the Locum Doctor/Agency Worker on their first day with the Trust.

Locum Doctors/Agency Workers are not entitled to vacancy information in the context of a genuine 'headcount freeze' or where posts have been ring-fenced for Trust employees at risk of redundancy.

6.2 After 12 Weeks in the Same Job

After 12 weeks in the same job a Locum Doctor/Agency Worker is entitled to the same basic terms and conditions of employment as if they had been directly employed by the Trust.

Note: Pay does not include

- *Occupational sick pay*
- *Occupational pensions (until 2012)*
- *Occupational maternity, paternity of adoption pay*
- *Redundancy pay*
- *Bonus payments*
- *Payment for time off for trade union duties*

- *Advances in pay or loans*
- *Participation in Trust salary sacrifice schemes*

The AWR provide for a number of circumstances in which breaks do not prevent the Locum Doctor/Agency Worker from completing the 12-week qualifying period.

Type of absence affecting the 12-week qualifying period	Effect on 12-week qualifying period
Agency worker begins a new assignment with a new hirer	Clock resets to zero
Agency worker remains with the same hirer but is no longer in the same role.	Clock resets to zero
Break between assignments of more than 6 weeks.	Clock resets to zero
Any reason where the break is less than 6 weeks	Pauses the clock
Sickness absence	Pauses the clock for up to 28 weeks
Annual leave	Pauses the clock
Jury service	Pauses the clock for up to 28 weeks
Industrial action	Pauses the clock
Pregnancy and maternity-related absence	Clock keeps ticking *
Statutory maternity, paternity or adoption leave	Clock keeps ticking **

* *The protected period for a pregnant agency worker begins at the start of the pregnancy and ends 26 weeks after childbirth (or earlier if she returns to work)*

** *Where an agency worker has a contract of employment with an agency and is entitled to this type of leave*

The HR Department will identify any Locum Doctor/Agency Worker approaching the 12-week qualifying period and will discuss with the relevant HoD and the Agency, any joint actions required before the 12-week threshold is met.

7. REVALIDATION

Revalidation is the process by which doctors have to demonstrate to the GMC that they are up to date and comply with the relevant professional standards. Revalidation is based on a local evaluation of doctors' performance through annual appraisal. The information from the appraisal is reported to the RO who will make a recommendation to the GMC, normally every 5 years.

Each locum doctor must have an RO who is the person who will make a recommendation to the GMC based on the doctor's appraisals over the five year period, together with information derived from local clinical governance processes.

The RO can make one of three recommendations:

- Make a positive recommendation that the doctor is up to date, fit to practice and should be revalidated
- Request a deferral because more information is needed to make a recommendation about the doctor, e.g. if the doctor has taken a break from their practise.
- Notify the GMC that the doctor has failed to engage with any of the local systems or processes (such as appraisal) that support revalidation.

Before a locum doctor placement can start, the agency will be required to provide the documents necessary for employment checks to be completed as well as information needed for revalidations purposes and verification by the RO.

8. MONITORING COMPLIANCE

Area for monitoring	Method	Frequency	Responsibility	Monitoring Assurance Group	Lead for developing action plan	Group responsible for monitoring action plan
Vetting of agency workers is being carried out in line with NHS Employment Check Standards	Audit	Annual	Employee Services Manager	Senior HR Team Meeting	Deputy Director of HR	HR Strategy Group
Local induction of agency workers takes place	Monitoring of returns of local induction checklists	Quarterly	Education and Training Manager	Executive Committee – Quarterly Workforce Report	Director of HR	Board of Directors
Invoice and payment authorisation is compliant with Trust SFIs	Audit	Annual	Internal Audit	HR Strategy Group	Director of HR	Audit Committee

9. DISSEMINATION, IMPLEMENTATION AND TRAINING

- To Trust senior managers via email to Senior Manager Forum
- To Clinical Directors and all Consultants via email
- Intranet News
- Team Brief

10. CONSULTATION, REVIEW AND APPROVAL/RATIFICATION

10.1 Consultation

Human Resources Strategy Group
Joint Consultative Group

10.2 Approval

Executive Committee

10.3 Ratification

Policy Committee

11. REFERENCES

- Agency Worker Regulations 2011
- Equality Act 2010
- Department for Business, Innovation and Skills' Guidance on Agency Workers Regulations.
- NHS Employers Guidance on Agency Workers Regulations

- NHS Employment Check Standards
- GMC Revalidation Guidance
- Employment Agencies Act 1973 and regulations

12. ASSOCIATED TRUST POLICIES / DOCUMENTS

- Criminal Record and Barring Checks Policy
- Professional Registration Policy
- Employment Checks Policy
- Recruitment and Selection Policy
- Counter Fraud, Bribery and Corruption Policy
- Induction & Mandatory Training Policy