

Department:	Flexible Staffing	Effective Date:	October 2023
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STANDARD OPERATING PROCEDURE

Allied Health Professional (AHP) Health Care Scientist (HCS) Pharmaceutical Technical Services (PTS) Agency Resourcing & Authorisation

1. PURPOSE

To outline processes and operational authority for resourcing of temporary AHP, HCS & PTS agency requirements to ensure compliance with trust standing financial instruction, People Services practices and authorisation processes as set out by UHDB and NHS England (NHSE)

2. THE BENEFITS OF FRAMEWORK AGENCIES

Approved frameworks support NHSE agency rules, helping trust to adhere to price caps and control expenditure.

Framework owners provide assurance that workers placed at your Trust have been checked against NHS employment standards.

All agencies are required to carry out checks on their candidates to ensure that they have a right to work in the UK and have the correct qualifications and experience to work in NHS clinical environments.

Approved Framework owners independently audit their agencies checking candidate's files to assure themselves these checks are taking place. If Agencies fail on-site audit they can be suspended from the framework until remedial action have taken place.

3. SCOPE

Examples of agency work requirements covered in scope include physiotherapists, radiographers, sonographers, pharmacy technicians and audiologists (please note this is not an exhaustive list).

Whilst the procedure outlines the process for requesting agency workers, this should be considered a last resort, in line with the agency rules as set out by NHSE. Alternatives options should be fully considered prior to the request including bank staff utilisation (via Derby Health Staffing), internal deployment of staff from other areas and recruitment options available. Agency cover should only be considered as a last resort.

For the avoidance of doubt, temporary agency requirements are defined as those requirements required for less than 3 months in duration. Where requirements are needed for more than 3 months in duration, a fixed term contract arrangement is more likely to be appropriate and this must be considered at the outset. Any extension of agency arrangements will not be automatically approved. Where the length of a requirement is initially unknown, this should be reviewed after 2 months duration to agree a way forward and to ensure smooth continuity of service arrangements.

4. DEFINITIONS

Break Glass – reportable overrides to NHSE Agency Rules permitted on exceptional patient safety grounds only.

Framework Agreements - nationally recognised agreements awarded to bodies approved by NHSI where satisfied that it meets all the requirements set out in the conditions for agency supply. For example, legal status, quality, value for money, compliance and governance controls

Framework Providers – a list of agency providers contracted to supply under nationally recognised framework agreements.

Non-Framework agencies – agencies not approved for usage by NHSE. No assurances of working within IR35.

Master Vendor Arrangement – a contractual agreement between the trust and a chosen framework provider to supply agency workers under mutually beneficial arrangements.

NHSI Price Capped Rates – price caps set by NHSI Agency Rules that outline the total amount a trust can pay per hour to an agency worker, except in exceptional patient safety circumstances.

Temporary Agency requirements - resourcing requirements less than 3 months in duration, with payment made on an hourly rate basis.

5. RESPONSIBILITIES

Process responsibilities are outlined in the table below. Responsibility can sit with nominated deputies where authority has been delegated appropriately.

RESPONSIBLE PERSON / TEAM	RESPONSIBILITY
Executive Team	To authorise all non-framework/non-DE agency and above price cap bookings
Divisional Director	To review and authorise all on framework and below price cap requests. To review and agree exit plan arrangements for agency staffing usage
Flexible Staffing Team	To advise and support managers with the process. To ensure appropriate authorisation is in place for all requests prior to sourcing agency cover. To source agency workers, ensuring compliance with NHS employment checks and standardised rates, exceptions must be escalated, reviewed, and authorised as appropriate.

	<p>To ensure agency requirements are cascaded in line with trust master vendor response times and within framework agreement conditions.</p> <p>To escalate any agency requests for non-framework provider usage</p> <p>To ensure appropriate payment is made to agency workers</p>
Senior Flexible Staffing Administrators/Workforce Planning Business Partner	<p>To review all agency requests to use non-framework/non-DE providers.</p> <p>To report any break glass instances to NHSI</p>
Requesting Managers	<p>To ensure all requests and enquiries relating to agency cover are directed to the Flexible Staffing Team (including those from agencies)</p> <p>To consider all alternative options prior to requesting agency usage – this may include bank utilisation via DHS/additional hours/redeployment of current staff for example</p> <p>To ensure all agency requests have appropriate authorisation / sign off</p> <p>To ensure all agency shifts are input onto the Bank Staff system (where appropriate)</p>

6. SPECIFIC PROCEDURES

6.1 AGENCY STAFFING REQUESTS

To be considered, requests for temporary agency staffing are expected to fall under the following categories:-

- where the manager is actively going through the recruitment process, and there is a gap between a leaver and replacement being found that cannot be managed temporarily in the team.
- where a new business Case has been approved through Divisional VCG or;
- in exceptional circumstances, where the authorisers are satisfied that there is evidence that a temporary agency worker is required to avoid risks to patient safety, activity or income

6.2 NEW REQUESTS

All requests for agency cover should be directed to the Flexible Staffing Team.

Requests for agency cover exceeding four weeks in duration will only be accepted by the Flexible Staffing Team where a AHP, HCS & PTS Agency Staffing Request Form (Appendix

1) has been fully completed and formally authorised (the form is the preferred method of authorisation). Extensions for current bookings should be requested as outlined in 6.3.

The form authoriser should review all requests in relation to grade, cost and hours to determine if there is a more alternative cost effective solution to bank or agency usage, and agree an exit plan to minimise usage.

Where temporary staffing requirements are requested and authorised via Gold Command/Divisional Director/Executive Team for urgent contingency measures, this will be accepted as trust financial authorisation.

All approved agency usage must be procured via the trust master vendor arrangements, where possible. Where the master vendor has been unable to source a suitable worker within the agreed response time, other national framework providers should be approached to source a suitable worker.

Any overrides to the master vendor arrangement or national framework agreement rules are permitted on exceptional patient safety grounds only via the 'break glass' provision and the trust is required to report all incidences to NHSE.

All on framework and below price cap requests require Divisional Director approval. All non-framework/above price cap/non-DE bookings must have Executive Team approval.

6.3 EXTENSION REQUESTS

Requests for the extension of agency bookings will only be accepted by the Flexible Staffing Team where a AHP, HCS & PTS Agency Staffing Extension Form (Appendix 2) has been fully completed and authorised by the Divisional Director/Executive Team where applicable.

The authoriser should review exit plan actions to date and adjust the exit plan to minimise usage as necessary.

7. APPENDICES

Appendix 1 – AHP, HCS & PTS Agency Staffing Request Form

Appendix 2 – AHP, HCS & PTS Agency Staffing Extension Form