

Department:	Flexible Staffing	Effective Date:	September 2023
SOP Number:	1 – V3 - Agency	Review Date:	September 2024

STANDARD OPERATING PROCEDURE

Admin & Clerical / Agency Resourcing & Authorisation

1. PURPOSE

To outline processes and operational authority for resourcing of temporary admin and clerical requirements (Agency) to ensure compliance with trust standing financial instructions, People Services practices and authorisation processes as set out by UHDB and NHS England (NHSE).

2 AGENCY REQUESTS

Following correspondence from NHSE, UHDB have advised that the Trust should not be using any non-clinical, non-medical i.e. Admin and Clerical agency workers with immediate effect. This directive supersedes the 2019 agency rules that were enacted that require trusts to use only substantive or bank workers to fill admin / estates and facilities shifts with allowable exemptions under specific circumstances set out by NHSE.

Requests for agency workers will only normally be accepted by the Flexible Staffing Team where exemption criteria set out by NHSE is met, which at the time of writing is for the following roles: -

- Special Projects
- Exceptional risk to patient safety
- IT or Information Management and;
- Very Senior Management

A flow chart outlining the agency approval pathways set by NHSE is available at Appendix 3. Special Projects placements require completion of a Special Projects Request form (Appendix 4).

All approved agency usage must be procured via national framework agreements and must comply with the price caps and maximum wage rates. Overrides to these 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. In addition, any non-framework agencies/ price cap overrides must be approved by the Deputy Chief Executive Officer /Chief People Officer prior to booking.

WHY IT IMPORTANT TO USE A WORKER FROM A FRAMEWORK AGENCY

Approved frameworks support NHS England 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 check 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 work requirements covered in scope include receptionists, ward clerks, secretaries, PAs as well as those in management and other corporate roles such as those in IT, finance, research etc (please note this is not an exhaustive list)

Whilst the procedure outlines the process for requesting agency workers, this should be a considered a last resort in line with the Agency rules as set out by NHSE.

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

Agency Rules – Following correspondence from NHSE, UHDB have advised that the Trust should not be using any non-clinical, non-medical i.e. Admin and Clerical together with Estates and Facilities agency workers with immediate effect. This directive supersedes the 2019 agency rules that were enacted that require trusts to use only substantive or bank workers to fill admin / estates and facilities shifts with allowable exemptions under specific circumstances set out by NHSE.

Break Glass Provision – mechanism to override agency rules as set out by NHSE permitted on exceptional patient safety grounds only

Framework agencies – agencies approved for usage by NHSE via procured framework arrangements

Non-Framework agencies – agencies not approved for usage by NHSE

NHSE exemption criteria – specific circumstances outlined in the agency rules which allow NHS trusts to utilise agency staff

Price Cap – the maximum total amount of money, exclusive of VAT, that a trust can pay per hour for an agency worker as set out by NHSE

Temporary requirements - resourcing requirements for less than 6 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 due to absence etc.

RESPONSIBLE PERSON / TEAM	RESPONSIBILITY
Deputy Chief Executive Officer (DCEO) and Chief People Officer (CPO)	To approve all agency requests including On Framework/Below Price Cap/Off Framework/above Price Cap/Non DE
Divisional Management Team (Local Vacancy Group) General Manager & financial representative Representation includes: Divisional Director HR Business Partner Finance Business Partner	To review all Agency requests and authorise as appropriate, considering alternative cover can be sought - approval at this stage is only for the use of framework agencies. To review and agree exit plan arrangements to end temporary agency staffing usage.
Flexible Staffing Team	To advise and support managers with the process with resourcing and authorisation processes. To ensure appropriate authorisation is in place for all requests prior to sourcing cover. To source agency workers from Framework agencies ensuring compliance with NHS employment checks and standardised rates, exceptions must be escalated, reviewed, and authorised as appropriate - above capped rate to be approved by DCEO To ensure all agency shifts are inputted onto the Bank Staff system. To ensure appropriate payment is made to the agency workers. To flag to the Divisional Management Team any agency workers where assignments exceed 3 months.
Flexible Staffing Team/Workforce Planning Business Partner	To review all agency/escalated rate/non-framework requests

	<p>To submit any Interim Special Project forms to NHSE</p> <p>To report all break glass and non-framework instances to NHSE</p>
Requesting Managers	<p>To direct all requests for Agency assignments to the Flexible Staffing Team</p> <p>To ensure all requests have appropriate authorisation / sign off - please see above</p>

6. SPECIFIC PROCEDURES

6.1 TEMPORARY STAFFING REQUESTS

To be considered, requests for temporary 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 for additional staffing or;
- in exceptional circumstances, where the authorisers are satisfied that there is evidence that a temporary worker is required to avoid risks to patient safety, activity or income

To request cover for admin and clerical roles, the requesting manager should complete a request form (Appendix 1b) and produce this to the Divisional Authorisation Group for consideration.

All requests should be for a maximum of three months in duration initially and extensions to this are not normally granted. Divisions must provide a clear exit strategy when utilising Admin and Clerical Agency.

In special circumstances where an extension is required, an extension request form should be completed by the requesting manager (Appendix 2) and the approval process followed in the same manner as when they first requested the use of an agency worker. (See SOP A&C Agency)

6. APPENDICES

V3 Appendix 1b – A&C Agency Request Form Sept 2023

V3 Appendix 2b – A&C Agency Extension Request Form Sept 2023

Appendix 3 – NHSE Agency Approvals Flowchart

Appendix 4 - Special Projects Request Form Template