

<b>Department:</b>	Flexible Staffing	<b>Effective Date:</b>	September 2023
<b>SOP Number:</b>	V-1	<b>Review Date:</b>	September 2024

## **STANDARD OPERATING PROCEDURE**

### **Estates & Facilities Agency Resourcing & Authorisation**

#### **1. PURPOSE**

To outline processes and operational authority for resourcing of temporary Estates and Facilities 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).

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.

#### **2. SCOPE**

Examples of work requirements covered in scope include Health Care Cleaner, Ward Hostess, Sterile Service Technician, Multi Skilled Craft Person, Catering Assistant, Domestic Assistant, Security Officer, Porter etc (please note that this is not 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. Alternative options should be fully considered prior to the request including bank staff utilisation.

All temporary Agency staffing requests should not exceed 3 months. Where requirement is likely to be needed for more than 3 months, the Agency Worker should be asked to consider joining UHDB bank and if in agreement, formal written notice to the Agency should be made by the Flexible Staffing Administrator.

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.

#### **3. DEFINITIONS**

**Agency Rules** – Following correspondence from NHSE, UHDB have advised that the Trust should not be using any non-clinical, non-medical i.e. 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.

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 bookings, above price caps and non DE must be approved by the Deputy Chief Executive Officer.

## 4. RESPONSIBILITIES

Process responsibilities are outlined in the table below for both in and out of hours.

Responsibility can sit with nominated deputies where authority has been delegated appropriately due to absence etc.

### **4.1 IN HOURS (MONDAY TO FRIDAY 08:00 – 16:00)**

<b>RESPONSIBLE PERSON / TEAM</b>	<b>RESPONSIBILITY</b>
Deputy Chief Executive (DCEO)	To approve all agency requests including on framework/below price caps and Off Framework/above price caps/Non DE
Divisional Authorisation Group consisting of: Director/Deputy Director of Estates & Facilities Management General Manager Financial Representative HRBP	To review all requests in relation to grade, hours and cost to determine if there is a more alternative cost-effective solution to agency usage.  To review and agree exit plan arrangements to end temporary staffing usage.  To review all Agency requests
Flexible Staffing Team	To advise and support managers with the process with resourcing and authorisation processes.  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 shifts to the Flexible Staffing</p> <p>To ensure all requests have appropriate authorisation / sign off.</p> <p>To ensure arrangements are made for all Agency Timesheets to be emailed to the Flexible Staffing Team each Monday allowing shifts to be entered onto Healthroster system.</p> <p>To review all placements after 2 months duration to consider whether a fixed term contract or short extension is most appropriate.</p>

**4.2 OUT OF HOURS (MONDAY TO THURSDAY 16:00 – 08:00 AND FRIDAY 16:00 TO 08:00 MONDAY)**

Operational authority for authorising bank and agency staff sits with the On-Call Manager and Executive on call when off Framework.

<b>RESPONSIBLE PERSON / TEAM</b>	<b>RESPONSIBILITY</b>
On Call Director	To review and authorise any off framework/above price cap/non DE Agency requests.
Senior Manager on call	To review mandatory risk assessment and authorise any on-framework/below price cap agency requests.
Flexible Staffing Team	<p>To advise managers and other service users of the out of hours process according to site specific arrangements</p> <p>To ensure appropriate payment is made to agency workers</p> <p>To report any break glass instances to NHSE</p>

## **5. Specific procedures**

### **5.1 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 Estates & Facilities roles, the requesting manager should complete a request form (Appendix 1) and send this to the Divisional Authorisation Group for review. All requests should be for a maximum of three months in duration initially and extensions to this are not normally granted. Agency cover requests must have Deputy Chief Executive Officer approval.

Where an extension is required, an extension request form should be completed by the requesting manager for Estates and Facilities roles (Appendix 2) Both will require Divisional Authorisation Group review in the same manner. Requests should only be granted for a further maximum period of three months. Agency cover requests must have Deputy Chief Executive Officer approval. Consideration should be made as whether a fixed term contract would be more appropriate.

All requests should be reviewed in relation to grade, cost and hours to determine if there is a more alternative cost-effective solution to agency usage.

Any requests for agency workers under the scope of this policy are subject to additional steps as outlined in 5.2.

Where temporary staffing requirements are urgently requested and authorised for example, via Gold Command/Deputy CEO/Senior Manager On Call and On Call Director for urgent contingency measures, this will be accepted as trust financial authorisation without the need for a form and divisional sign off.

### **5.2 AGENCY REQUESTS**

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).

## **6. APPENDICES**

V1 Appendix 1 – E&F Agency Request Form August 2023

V1 Appendix 2 – E&F Agency Extension Request Form August 2023