

GUIDANCE ON THE USE OF TEMPORARY AGENCY STAFF

1. Introduction

All vacancies should be filled using standard College recruitment procedures. However, there will be certain situations when using temporary agency staff is the most effective method of providing operational support or facilitating a specific task. Engaging temporary agency staff can be an expensive option. The College has therefore decided to participate in the Buying Solutions consortium to benefit from competitive rates from 3 national agencies (Brook Street, Office Angels and Reed) all with branches locally and all of whom have a keen knowledge of the local labour market. The College is also a member of the London Universities Purchasing Consortium (LUPC) and can benefit from reduced rates for the placement of industrial staff, including catering and manual roles, through Blue Arrow.

2. Approval Process

Requests for temporary agency staff should be submitted using the normal Establishment Control Form procedure. The request should include a business case detailing the reasons for the agency cover.

All temporary agency staff bookings should be made through the Human Resources' Recruitment Team who will liaise with the agencies on your behalf. A record of all temporary agency staff placements within the College, alongside the corresponding Establishment Control Number, will be maintained by the Recruitment Team.

3. FAQs

3.1 When can temporary agency staff be used?

Circumstances in which the use of temporary agency staff may be appropriate include:

- Cover for medium to longer term sickness absence
- Cover during staff shortages due to resignations and to cover a period of recruitment
- Provision of specialist skills on a short term basis
- To ensure customer service levels are maintained during peak periods of demand
- Working on small projects or particular tasks with a limited duration
- Cover for maternity /adoption leave

Requests for temporary agency staff will not normally be agreed where there is a substantive permanent vacancy which has not or is not being advertised.

In addition, temporary agency staff should not be used to cover periods of annual leave.

3.2 Which roles can be filled by temporary agency staff?

The agencies included within the consortium arrangements cover a wide range of roles including Clerical Assistants, Clerical Officers, Executive Assistants/PAs, Secretaries, Receptionists, Audio

Typists, Data Processors and industrial positions. Agreements are also in place with agencies for interim management placements and further details are available from the Recruitment Team.

There may be occasions when the College will need to engage temporary agency staff to fill a more specialist role. In this situation, you should contact the Human Resources' Recruitment Team who will liaise with the agencies to determine if they can meet your requirements and, if so, determine the potential cost. Only once all agencies within the consortium have been exhausted will alternative agencies be contacted.

3.3 Who pays for temporary agency staff?

The relevant department is responsible for the cost of temporary agency staff.

3.4 How much will it cost?

By using the consortium agreements the College is taking full advantage of the best possible prices available in this market. Different agencies will be more competitive in some areas than others and in order to determine which agency offers the best value for money option for your particular needs the Recruitment Team will review the discounts offered by each agency for the level of role which needs to be covered. Further details of costs can be obtained from the Human Resources Department.

The total cost of an agency placement should not normally exceed the salary that would be payable for a College employee in the same position unless agreed otherwise through the approval process. It may therefore be necessary to reduce the number of hours worked by a member of temporary agency staff to allow for agency commission.

3.5 How are temporary agency staff paid?

Temporary agency staff have a contract of employment with the agency managing the placement and as such are paid directly by the agency. Temporary agency staff will need to complete a hard copy or on-line timesheet on a weekly basis, which then needs to be verified by the relevant department before payment can be made.

3.6 How do I book temporary agency staff?

Please contact the Recruitment Team in Human Resources who will discuss your particular requirements and will liaise with the account manager at the preferred agency. The Recruitment Team will ensure that an agreed REC1 or Establishment Form has been received prior to making the booking and will ask you the following information:

- Line manager contact details
- Job requirements, including information on types and levels of skills required, specific experience and/or knowledge, language skills and details of any other requirements.
- Start date and estimated duration of placement
- Any specific knowledge, e.g. where the temporary agency staff member should report to on their first day
- Hours of work
- Any security matters (e.g. access/signing in arrangements)
- Any health and safety matters (e.g. required to undertake manual handling, food handling or exposed to loud noise or hazardous materials)

3.7 What does the agency do next?

The agency will evaluate the job criteria against the skills of the temporary agency staff registered on its books. Candidates who meet the criteria will be contacted by the agency to confirm if they are interested in being put forward for the placement and, once this has been agreed, the agency will confirm the arrangement to the Recruitment Team who will then email the appropriate line manager with full details. A CV can also be provided if desirable.

Some roles may have specific requirements that may make it more difficult to fill by any of the agencies included within the consortium agreement. Under these circumstances, the agency may not have suitable candidates already on its books and they will need to attract temporary staff, usually through their website, 'shop window'; or some form of external advertising. In this situation the Recruitment Team will also contact those agencies listed within the Buying Solutions Framework.

3.8 What checks are carried out on temporary agency staff?

The agencies will ensure that all temporary agency staff put forward to the College are eligible to work in the UK. They will also be fully referenced, have been interviewed in person and tested on key administrative skills. A health questionnaire will also be undertaken for temporary agency staff required to undertake food handling and preparation. All these checks will have been carried out by the agency prior to the first day of the assignment.

3.9 Can I see interview potential temporary agency staff?

Excellent candidates are placed very quickly, so you need to be aware that if you take the time to do any sifting and/or interviewing there is a strong possibility your preferred candidate will receive a booking elsewhere. The agencies within the consortium agreement interview all candidates to ensure a good fit with our requirements. However, for some longer term assignments, such as maternity cover, it may be appropriate to consider CVs and interview potential agency staff in advance.

3.10 What do I need to do on the first day of the placement?

You could start by providing a brief introduction to the department and the College, followed by information on:

- Location of facilities
- Housekeeping arrangements
- Health and safety issues such as fire alarm procedures
- Arrangements for breaks
- Security arrangements
- IT facilities
- Job duties
- Training and support

3.11 What are my responsibilities during the placement?

You will be required to assign duties, assess workload and monitor performance (this does not include carrying out assessments such as probation, which will be conducted by the agency) Specific on-the-job training will need to be provided if necessary. Any concerns relating to performance or conduct should be raised with the Recruitment Team who will discuss further with the agency.

It is also responsibility of the line manager/supervisor to ensure authorise timesheets and to ensure that they correctly record the hours worked.

3.12 What about sickness absence?

All temporary agency staff are required to report any sickness absence directly to the agency. The agency will notify the Recruitment Team of any absences due to sickness absence and make arrangements for a replacement if necessary.

3.13 What arrangements will be made for annual leave?

Temporary agency staff are eligible for annual leave, which is paid by the agency. Temporary agency staff will book their leave directly with the agency who will then inform the Recruitment Team and make any arrangements for a replacement if necessary.

3.14 What happens if a member of temporary agency staff is unsuitable?

You have the right to request a replacement member of temporary agency staff at anytime and it is advisable to contact the Recruitment Team as soon as concerns are raised. It will be advantageous to all parties if you can provide feedback on your reasons for this decision.

3.15 What happens if a temporary agency staff member is dissatisfied with a placement?

Temporary agency staff are not under any obligation to continue working in the placement, so, following discussions with the agency, they can decide to terminate the assignment.

3.16 What happens if a temporary agency staff member leaves a placement?

The agency will endeavour to replace the temporary agency staff member with a suitable alternative. You will be advised by the Recruitment Team if this is not possible who will then contact one of the other agencies within the consortium agreements.

3.17 Will I be asked to give feedback on temporary agency staff?

Feedback may be requested on both the temporary agency staff and the service provided by the agency at various stages during the process. The majority of agencies will make contact with the Recruitment Team once a placement has finished to measure satisfaction with the candidate and the consortium also reviews agency service levels annually. The Recruitment Team will co-ordinate any requests for feedback and you are welcome to contact them to give your feedback on any aspect of the overall performance of the participating agencies.

GUIDELINES ON THE USE OF TEMPORARY AGENCY STAFF AGENCY WORKER REGULATIONS 2010

To be read by HoDs/Managers prior to assigning a temporary agency worker.

The Agency Worker Regulations 2010 came into force on 1 October 2011. They will give agency workers certain rights from their first day of assignment as well as the same basic working and employment conditions as employees of the College and further rights after a 12 week qualifying period.

1. Who is an agency worker for the purposes of the regulations?

The definition of agency workers under the regulations is wide. The agency worker must be an individual who is either employed or otherwise engaged by a temporary work agency (including umbrella organisations). Workers who are self employed and genuinely in business on their own account are not covered. Managed Service Contracts, where a provided is responsible for delivering an entire service for a client (such as a cleaning contract) and supervises and directs the workers itself are not covered by the Regulations.

Status of individual	Protected?
Supplied by temporary work agency ('temps')	Yes
Supplied by intermediaries such as umbrella companies	Yes
Genuinely self employed (contractors, consultants, freelancers)	No
Genuine Managed Service Contracts	No

2. What are the main provisions in the Agency Worker Regulations?

The Regulations will confer on agency workers a number of new rights. Some of these rights will apply from the first day a worker is engaged. Other rights will apply only after the worker has been with the College in the same of a substantively similar role for 12 weeks.

Rights that apply from day 1	Rights that apply after 12 week qualifying period
Access to shared facilities that College employees can access (such as canteens, gyms, childcare facilities, transport services)	Pay (including bonuses based on performance)
The same opportunity to apply for relevant internal and external vacancies at the College as comparable employees (unless the vacancy is as a result of restructuring)	Working time duration including night work provisions
Not to suffer a detriment for asserting rights under the Regulations	Rest periods and breaks
	Contractual annual leave
	Overtime and shift allowances
	Vouchers (such as childcare or eye tests)

Some payments are excluded from the definition of pay including:

- Occupational sick pay
- Any sums relating to pension or retirement
- Payment in respect of maternity, paternity or adoption leave
- Redundancy payments
- Payment in relation to statutory time-off rights, e.g. time off for union duties

- Payments as loans, advances of salary, payment of expenses and payments not related to the employment relationship.

3. In what way will agency workers' maternity rights be enhanced by the regulations?

After the 12 week qualifying period, pregnant agency workers will have the right to be given time off for antenatal care by the agency and the College and to be paid for the time off by the agency.

The pregnant agency worker will also, potentially, have the right to paid time off by the agency for the remainder of an assignment if it is unsuitable for a pregnant worker. The right to paid time off for the remainder of the assignment will arise only if certain conditions are met, namely that:

- A risk assessment indicates that the agency worker's current role is unsuitable for pregnant workers
- No reasonable adjustments can be made to make the assignment suitable
- The agency cannot find a suitable alternative assignment either at the College or another hirer.

4. How will agency workers meet the 12 week qualifying period?

An agency worker will meet the qualifying period for equal treatment with a comparable permanent employee once he or she has carried out the same, or a substantively similar, role at the College for 12 weeks. If the agency worker changes employment agencies during the qualification period, this will not affect his or her rights.

The 12 week period does not need to be continuous. Certain breaks will pause the time during which the worker accrues service, and he or she will resume accumulating service on return from the break. Absences during which the qualification period will pause are those due to:

- Breaks between assignments or not more than 6 weeks
- Jury service of up to 28 weeks
- Sickness absence of up to 28 weeks (providing the worker has given the agency medical evidence as may be reasonably required)
- Annual leave
- College closure days
- Industrial action
- Reasons related to pregnancy, maternity, paternity or adoption leave

5. Who is a comparator?

The starting point for determining what basic terms the agency worker is due is to consider what terms would have been offered had he or she been recruited as an employee to do the same job. This means that the College and agency can take account of the agency worker's own qualifications, skills and experience, as well as the terms and conditions of comparable employees

6. How can agency workers access information about vacancies?

Agency workers are entitled, from day one of the assignment, to be informed by the College of any relevant vacant posts, to give them the same opportunity as a comparable employee to find permanent employment. Agency workers must therefore have the same access to information regarding vacancies posted on the intranet. If an agency worker is undertaking a role whereby they could not easily access the intranet, the department should ensure that a printed copy of the vacancy list on the intranet is made available to the agency worker.

7. Agency and College Liabilities

An agency worker's primary contractual relationship is with the agency and so the initial responsibility for ensuring equal treatment after the 12 week qualifying period lies with the agency. However, the College is the party in a position to know what the agency worker would have been paid if he or she had been directly employed and the agency will have to rely on this information in determining the agency worker's pay.

The Regulations allow for the sharing of liability between the agency and hirer, depending on the extent to which each is responsible for the breach of the right to equality. However, an agency will not be responsible for any breach if it can show that it obtained, or took reasonable steps to obtain, relevant information from the College about the basic working and employment conditions.