

## Standard Operating Procedure

The operating procedure set out below must comply with the Data Quality Principles set out within Trust Data Quality Policy

<b>Title:</b>	<b>Agency Resourcing and Authorisation</b>
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**This is a controlled document. Printed versions of this document will be classed as uncontrolled.**

Please refer to [Koha Policies and Guidelines Catalogue](#) for the most recent version.

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## SOP Document Controls:

Version Number	Date	Author	Reason for Revision
1.0.0	June 2024	Not specified - Flexible Staffing	Several SOPS merged into one.
1.0.1	July 2024	Cheryl Thornley - Staffing Team Leader	Amendment

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## 1. Introduction

The SOP is required to outline processes and operational authority for resourcing of clinical temporary agency.

## 2. Purpose

To outline processes and operational authority for resourcing of clinical temporary agency (not including Nursing and Midwifery) and Non-Medical Non-Clinical (NMNC) Agency requirements to ensure compliance with trust standing financial instruction, UHDB People Services practices and authorisation processes as set out by and NHS England.

## 3. Scope

The scope of this Standard Operating Procedures (SOPs) covers all clinical agency (not Nursing and Midwifery) including Medical, Allied Health Professionals (AHP), Healthcare Scientists (HCS), and Pharmaceutical Technical Services (PTS) requirement within the Trust. Nursing and Midwifery agency bookings are made through Derby Health Staffing (DHS). This SOP also covers all NMNC agency.

## 4. Abbreviations and Definitions

< A table detailing each abbreviation/acronym in the document. Also include any terms that should be defined or used as a keyword >

Agency Rules	On 16 September 2019, agency rules 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.
Direct Engagement (DE)	The way of employing agency locums whilst ensuring they are booked within IR35 regulations.
Framework Agencies	Agencies approved by NHSE via procured framework arrangements.
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 e.g. legal status, quality, value for money, compliance and governance controls.
IR35 Regulations	A government regulation set up to ensure all off-payroll staff are still paying the correct amount of income and national insurance tax as all other employees.
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.
NHSI Price Capped Rates	Price caps set by NHSI Agency Rules outlining total amount

	a trust can pay per hour per agency worker, except in exceptional patient safety circumstances.
Master Vendor Arrangement	A contractual agreement between the trust and a chosen framework provider to supply agency workers under mutually beneficial arrangements.
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.
Regional Cluster Agreements	A regional agreement in place whereby NHS trusts collaborate using the national framework agreement with chosen framework providers for mutually beneficial arrangements.
Temporary Requirements	Resourcing requirements for less than 3 months in duration, with payment made on an hourly rate basis.

## 5. Responsibilities

Process responsibilities are outlined in the table below for sending request for Agency Staff. Responsibility can sit with nominated deputies where authority has been delegated appropriately due to absence etc.

RESPONSIBLE PERSON / TEAM	RESPONSIBILITY
<p><b>APPROVERS</b></p> <ul style="list-style-type: none"> <li>• EVCG</li> <li>• Divisional Director</li> <li>• General Manager</li> <li>• HRBP</li> <li>• Finance</li> </ul>	<p>To review all requests in relation to grade, hours and cost to determine if there is a more alternative cost-effective solution to agency?</p> <p>To review application for temporary staffing request, agree period of use and exit plan arrangements to end temporary staffing usage</p> <p>To review all agency requests and authorise as appropriate, considering whether fixed term contract arrangements are more appropriate.</p>
Flexible Staffing Team	<p>To advise and support managers with the resourcing and authorisation process.</p> <p>To ensure appropriate authorisation is in place for all requests prior to sourcing cover.</p> <p>To recruit and source agency workers, ensuring compliance with NHS employment checks.</p>
HR Business Partner	<p>To approve request for the use of an agency worker.</p> <p>To approve a request for an extension of a role</p>

Requesting Managers	<p>To direct all requests for non-clinical temporary staffing to the Temporary Staffing team</p> <p>To ensure requests have appropriate authorisation / sign off</p> <p>If an extension is required to the temporary staffing, can they become substantive or on a Fixed Term Contract. If not appropriate, an 'Extension to Temporary Staffing' form must be completed</p>
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## 6. Procedure

Whilst the procedure outlines the process for requesting clinical and NMNC agency workers (except Nursing and Midwifery), 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 or commencing with the Trust on a fixed-term contract and if in agreement, formal written notice to the Agency should be made by the Temporary Staffing Administrator. If the agency worker is not in agreement, then the requesting department should explore alternative recruitment to remove the requirement for agency.

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.

- All clinical and NMNC agency bookings must be made through the central teams
  - Temporary Staffing Team for Medical, Allied Health Professionals (AHP), Healthcare Scientists (HCS), and Pharmaceutical Technical Services (PTS)
    - 01283511 511 ext. 3120
    - [uhdb.medicalagency@nhs.net](mailto:uhdb.medicalagency@nhs.net) (Medical)
    - [uhdb.ahp-hcsagency@nhs.net](mailto:uhdb.ahp-hcsagency@nhs.net) (AHP, HCS, and PTS)
    - [uhdb.estatesandancillarybank@nhs.net](mailto:uhdb.estatesandancillarybank@nhs.net) (NMNC)
  - Derby Health Staffing for Nursing and Midwifery
    - 01332 788446
    - [uhdb.dhs@nhs.net](mailto:uhdb.dhs@nhs.net)
- No direct bookings can be made between departments and agencies.
- Agency bookings will not be accepted without the appropriate level of sign off as detailed in the new SOP's.

- All agency bookings must be procured via national framework agreements and must comply with the price caps and maximum wage rates.
- Off-framework and above price cap shifts will only be granted in exceptional circumstances, i.e. if not doing so would cause a risk to patients. All off-framework or over price cap shifts must be approved by a member of the Executive Team. Off-framework must also be approved by NHS England
- No agency bookings will be accepted for Admin and Clerical or Estates and Facilities roles. If there are exceptional circumstances which require agency bookings to be made in these areas, these must be authorised by a member of the Executive Team. The Temporary Staffing Team must support this process.
- **All Off Framework Agencies are not to be used by July 1<sup>st</sup> 2024**

### Medical Agency Authorisation

Reason	Approver (on framework / below price cap)	Approver (off-framework / above price cap)	Comments
<b>Immediate short-term sickness cover</b>	Divisional Director or Clinical Director. For out of hours - Director on-call	Executive medical Director or Deputies and Divisional Director. Off framework Deputy CEO For out of hours Director on-call	Bookings would not be made further than 48 hours in advance
<b>Planned short-term cover (less than 2 weeks)</b>	Divisional Director or deputies	Executive medical Director or Deputies and Divisional Director. Off framework Deputy CEO	Bookings would not exceed 2 weeks duration. If further support is needed after this time, departments would be expected to follow the long-term cover process
<b>Long term cover (more than 2 weeks)</b>	Executive Medical Director or Deputies and Divisional Director	Executive medical Director or Deputies and Divisional Director. Off framework Deputy CEO	Bookings would not exceed 3 months. It is expected that an exit plan for agency worker would be provided i.e. what actions are taking place to cover the gap long-term, and job plan would be provided
<b>Extensions (3 month plus)</b>	Executive medical Director or Deputies and Divisional Director	Executive medical Director or Deputies and Divisional Director. Off framework Deputy CEO	Bookings would not exceed 3 months. It is expected that an exit plan for agency worker would be provided i.e. what actions are taking place to cover the gap long-term, and job plan would be provided

- Agency usage will only be considered if it is demonstrated that all other options have been explored.
- No agency requests will be accepted without authorisation from the designated person as above.
- Agency bookings will only be accepted through Direct Engagement to comply with IR35 Regulations.
- Agency bookings will only be accepted for off-framework/above price-cap usage in exceptional circumstances and must be authorised by the Executive Medical Director or their deputy.
- All requests will be actioned by the Temporary Staffing Team.

**Allied Health Professionals (AHP), Health Care Scientists (HCS), and Pharmaceutical  
Technical Services (PTS) Agency Authorisation**

<b>Reason</b>	<b>Approver (on framework / below price cap and at price cap)</b>	<b>Approver (off-framework / above price cap)</b>	<b>Comments</b>
<b>Immediate short-term sickness cover</b>	Divisional Director For out of hours - Director on-call	Executive Team For out of hours Director on-call	Bookings would not be made further than 48 hours in advance
<b>Planned short-term cover (less than 2 weeks)</b>	Divisional Director	Executive Team and Divisional Director. Deputy CEO	Bookings would not exceed 2 weeks duration. If further support is needed after this time, departments would be expected to follow the long-term cover process
<b>Long term cover (more than 2 weeks)</b>	Divisional Director	Executive Team and Divisional Director. Deputy CEO	Bookings would not exceed 3 months. It is expected that an exit plan for agency worker would be provided i.e. what actions are taking place to cover the gap long-term
<b>Extensions (3 month plus)</b>	Divisional Director	Executive Team and Divisional Director. Deputy CEO	Bookings would not exceed 3 months. It is expected that an exit plan for agency worker would be provided i.e. what actions are taking place to cover the gap long-term

- Agency will only be considered if it is demonstrated that all other options have been explored.
- No agency requests will be accepted without authorisation from the designated person as above.
- Agency bookings will only be accepted through Direct Engagement to comply with IR35 Regulations.
- Agency bookings will only be accepted for off-framework/above price-cap usage in exceptional circumstances and must be authorised by a member of the Executive Team.
- No agency requests will exceed 3 months in duration.
- All requests will be actioned by the Temporary Staffing Team.

**Non-Clinical Agency Authorisation  
(Admin & Clerical and Estates & Facilities)**

<b>Reason</b>	<b>Approver (on framework / below price cap)</b>	<b>Approver (off-framework/above price cap)</b>	<b>Comments</b>
<b>All Reasons</b>	Chief Financial Officer / Deputy CEO	Chief Financial Officer / Deputy CEO	Bookings would not exceed 3 months. It is expected that an exit plan for agency worker would be provided i.e. what actions are taking place to cover the gap long-term. All requests must be escalated via the relevant Director prior to approval from the Chief Financial Officer/ Deputy CEO

- No agency requests will be accepted without authorisation from the Chief Financial Officer / Deputy CEO.
- All agency requests must be escalated to the relevant director for agreement before being escalated to the Chief Financial Officer / Deputy CEO.
- No agency requests will exceed 3 months in duration.
- Requests will be actioned by the Temporary Staffing Team.



## 7. Information Governance

N/A

## 8. References and Associated/Linked Documents

NONCLIN_FIN/4344/24	Pay and Non-Pay Controls - UHDB Guidance
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## 9. Appendices

### See Koha record for Appendix links

Appendix 1: Medical and Dental Agency Request Form

Appendix 2: Medical and Dental Extension Form

Appendix 3: AHP/HCS/PTS Agency Request Form

Appendix 4: AHP/HCS/PTS Extension Form

Appendix 5: Estates and Facilities Agency Request Form

Appendix 6: Estates and Facilities Extension Form

Appendix 7: Admin and Estates Special Projects Form