



Employing Agency Staff Policy

Policy No.	Version	Author	Doc No.	PDF No.	Date Published	Review Due	Review Team	Changes made:
HR51	1	TA	71237					New policy introduced as no previous policy in place

Distribution

Internal: All SCC Staff
 External (if requested)

Communication:

1. Organisation meeting (to announce any amendments)
2. Highlight in Gilberts Gossip following amendments
3. Request Managers raise in Team Meetings
4. Email to SCC Distribution advising of policy reference number

Policy

The Council may be required to hire temporary agency workers to help fulfil demand where necessary, in order to maintain high levels of service.

Accordingly, this policy sets out how agency workers will be hired and the various rights that agency workers have. The policy will cover the recruitment process, how the Council managers will handle agency workers and set out the rights of agency workers assigned to the Council.

Use of temporary agency workers

The Council may use the services of temporary agency workers in the following scenarios:

- to cover short term increases in demand
- to provide sufficient workers to cover ad hoc jobs
- cover for employees that are absent from the workplace due to sickness
- to cover time between vacancy arising and new staff member start date
- for sufficient cover to be available to meet demand in expected short term peak periods
- to cover employee absences due to holiday, maternity, paternity and other family leave periods.

Agency workers may not be hired if the reason for the need for extra workers is because of industrial action being undertaken by an employee, or to cover the work of another person that has been reassigned to cover the work of a striking employee.

Arranging to hire agency workers

The Council keeps the need for agency workers under constant review. Where line managers believe there is a need for agency workers, they should meet with their SMT manager and discuss their requirements, setting out the reason why agency workers are required, the type of work that needs to be done and the expected duration of the need for cover.

The SMT Manager will assess the request from the line manager for agency workers to be hired. If the request is granted, the SMT Manager will confirm this with the line manager who will then be responsible for contacting the HR Department to arrange for temporary agency workers to be recruited.

The HR Department will liaise with agencies in relation to their fees for placement of agency workers into the Council. Appropriate candidate(s) will be selected and the details referred to the line manager to be involved in the recruitment and selection of the most appropriate agency workers to suit the work being covered.

Agency workers and employment status

The Council is not the employer of any temporary agency workers recruited under this policy.

The agency that supplied the agency worker is responsible for any issues arising in relation to that worker. The agency is also responsible for the worker's pay, holidays and sickness and any queries in relation to pay.

Agency worker pay

The agency is responsible for paying the agency worker.

Timesheets should be completed and authorised by the line manager who will then forward these to the agency. The agency will then calculate the payment due and make this payment direct to the agency worker.

If the line manager is likely to be absent on a day a timesheet is due to be signed the line manager is expected to make alternative arrangements for signature.

Agency worker rights

These are split into two sets of rights, the first set of rights is acquired from day one of an assignment and the second set of rights is applicable for those agency workers who complete the qualifying period. The qualifying period is 12 weeks which is accrued according to distinct rules.

Information supplied to agency

The Council will forward the relevant policies and procedures to the agency where it is envisaged that an assignment will operate for longer than 12 weeks, or when the 12 week period is approaching, to enable the agency to fulfil its legal obligations towards its employees.

Rights assigned from day one

From day one of an assignment, all temporary agency workers are entitled to have the same access to collective facilities and amenities and to information on relevant job vacancies as our directly recruited employees or workers.

Access to facilities

All agency workers have the same access to the Company's collective facilities and amenities as any other employee.

Job vacancies

Agency workers will be informed during their induction of the locations where Council job vacancies are posted.

These are currently via email and then via SCC website.

Job roles that the Council advertises will be made available on the above sources, and applications are open from agency workers as well as existing employees and members of the public.

Qualifying period

Agency workers that have worked in the same role for the Council for 12 continuous calendar weeks will be deemed to have completed their qualifying period.

The Company will assist agency workers in determining whether they have completed their qualifying period but this is ultimately. The agency worker should discuss the matter with their agency or with their line manager.

The qualifying period will not be affected by:

- absence due to pregnancy, childbirth or maternity which occurs during the pregnancy and up to 26 weeks after the birth
- maternity leave, paternity leave, adoption leave or shared parental leave.

The qualifying period will pause in the event of the following:

- any reason where the break is for no more than six calendar weeks
- absence because of sickness or injury for up to 28 weeks
- a period of jury service of up to 28 weeks
- annual leave
- a regular or planned workplace shutdown
- industrial action.

Accrual of the qualifying period will stop in the event of:

- breaks in excess of six weeks which are not covered elsewhere above
- the agency worker moving to a different role which is substantially different.

Rights acquired upon completion of 12 weeks

The agency is obliged to ensure equal treatment of qualifying agency workers as they would have been entitled to for doing the same job had they been recruited by the Council directly.

These rights cover pay, duration of working time, night work, rest periods and rest breaks, and annual leave.

Pay

The agency will ensure qualifying agency workers are entitled to the same basic pay as if the qualifying agency worker had been directly recruited into the same job role in the Council.

The rules in relation to pay do not apply to qualifying agency workers that have a permanent contract with their agency; those types of contracts ensure the worker's agency continues to pay them during periods where the agency worker is not working in a workplace assignment.

However, the following terms and conditions will apply to qualifying agency workers as if the agency worker had been recruited into the Council directly:

- basic pay
- overtime payments
- shift allowances
- allowances for working unsocial hours
- risk payments for hazardous work
- holiday entitlements
- vouchers or stamps with monetary value

Details of the applicable aspects of the above relevant to a qualifying agency worker's position will be forwarded to the agency by the Council.

Some specific aspects of some of the above points are covered in the remainder of this section:

Holiday entitlements

Qualifying agency workers will receive the same level of entitlements to holiday as employees. Actual entitlements will be calculated on a pro-rata basis.

This also covers rest periods and periods of working time.

Please see the Council's Annual Leave Policy for more details on how the holiday process operates.

Working Time Regulations

Qualifying agency workers that wish to work more than the maximum average 48 hour working week in their working week are requested to sign the Working Time Regulations opt-out agreement.

A copy of the relevant form is available from the agency or the HR Department.

Pregnancy

A qualifying agency worker should notify both the agency and the Council of her pregnancy in writing as soon as possible.

Qualifying agency workers will be entitled to the same arrangements for pregnancy and maternity leave as employees including risk assessments. Where, during a risk assessment, it is identified that the pregnant agency worker cannot work without risk to her or her baby, the Council will inform the agency.

Details of the Council's policy in relation to pregnancy, maternity and family leave rights are available in EDMS or from the HR Department.

Ante-natal appointments

Qualifying agency workers are entitled to paid time off during working hours to attend ante-natal appointments. The agency worker should notify their Manager of the date/time of the appointments, so any necessary arrangements can be made.

Agency worker requests for information

Any requests by agency workers for information about their rights, agency workers should contact their agency.