



# Engaging an Agency Worker or Consultant Policy/Procedure

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Approved by: SLT and Trade Unions  
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This policy / procedure is not contractually binding upon employees or the College, except to the extent required by law. Where the terms of this policy/procedure are in conflict with an employee's terms and conditions of employment, the terms and conditions of employment shall prevail.



## **1. Introduction**

- 1.1 The use of temporary Agency Workers/Consultants can provide great flexibility to an employer by filling staffing gaps, often at very short notice, for a period of a few hours up to several months. Where possible an agency worker should only be used to cover a vacancy that is anticipated to last for a maximum of 6 months. Vacancies that are expected to last for longer than 6 months will usually be advertised internally as a minimum.
- 1.2 There are many situations in which a manager might decide to use an Agency worker including;
- The provision of cover for a permanent employees' short or long term sick leave or maternity leave.
  - Assistance during periods of peak workload
  - To work on a particular project or task, often bringing specialist skills or expertise with them
- 1.3 Many employment businesses work in specialist areas e.g. Finance or IT and the workers provided may be called consultants rather than an Agency worker, but the process to follow is the same. The term Agency worker shall be used throughout this policy/procedure.
- 1.4 The Agency worker is employed by an employment Agency with whom the College contracts, permitting the Agency worker to undertake work for a temporary period. They do not become an employee of the College.

## **2 Peripatetic Administrator**

- 2.1 The College has a member of staff called a Peripatetic Administrator who can provide short term cover for administrative staff, and support at times of peak workloads.
- 2.2 If you have a requirement for work cover or additional administrative support, please consider the Peripatetic Administrator in the first instance. Please contact the Recruitment Adviser in the HR department to discuss whether your requirement will be suitable for the Peripatetic Administrators skills and experience.
- 2.3 If the Peripatetic Administrator is already booked, or if you require someone for a longer duration or with specific skills/experience, please follow the process in section 3.

## **3. Procedure for engaging an Agency Worker**

- 3.1 It is important that HoF/D's do not approach Agencies directly in the first instance and the relationship with Agencies is managed centrally by HR for three reasons;
- The College Procurement Manager and HR department may have negotiated deals with specific Agencies to ensure best value for money and set up preferred supplier lists.
  - Experience has shown that, unless the relationships are closely managed by a named contact, many Agencies will submit speculative

- CVs to all managers they have had contact with, for every vacancy in the College, resulting in excessive emails and wasted time.
- HR can ensure that all necessary checks required to comply with safeguarding have been completed and recorded prior to the agency worker beginning their placement.
- 3.2 Requests for an Agency worker should be authorised by the Head of Department/Faculty or delegated to a member of the Faculty or Departmental Management Group. Please complete the relevant section of the Agency Worker Request form (Appendix 1)
  - 3.3 Once completed, the Agency Worker Request form should be emailed to the relevant SLT member for their approval. The signed request will then need to be sent to the Recruitment Adviser who will add it on to the Staffing Issues sheet for the next SLT meeting.
  - 3.4 The Recruitment Adviser will be able to provide approximate costs, or contact an appropriate Agency, to explain the requirements and obtain accurate costs.

3.8 If approved by SLT, the Recruitment Adviser will then contact the Agency and arrange CVs for suitable candidates which will be forwarded by the Recruitment Adviser to the requesting Manager.
  - 3.9 Whilst there is no requirement to undertake an interview, the HoF/D may choose to do so if they wish. Please note this will **not** be arranged via HR and the panel and any associated tests/exercises will need to be arranged by the Faculty/Department.
  - 3.10 Once the HoF/D has found a suitable candidate they must inform the HR Adviser of the name of the Agency worker and their proposed start date, which will be subject to 2 satisfactory references and confirmation from the agency that a CRB check has been undertaken (see below).
  - 3.11 For all staff, the HR department will, on behalf of the college, ensure the agency can confirm they have 2 satisfactory references for the worker, and if possible allow Exeter College to view the references, that an enhanced CRB check has been completed, the number provided and confirmation that the check is clear. If the check is not clear, the agency will be asked to provide further details. Details of these checks will be retained in HR. The agency will also be requested to confirm that the agency worker's identity and right to work in the UK has been checked, the type of documents that represent these checks and the date on which the documents were seen. For teaching staff the agency will be requested to confirm that the agency worker's teaching qualifications have been verified and the date on which the evidence was seen.
  - 3.12 If the placement is for more than one month, then as well as confirmation that the agency worker has an enhanced CRB, Exeter College will also carry out its own enhanced CRB for that worker.

Support staff agency workers should have an appropriate level of supervision until the conclusion of the assignment, or until the receipt of an enhanced CRB carried out by Exeter College, whichever is the sooner.

For agency teaching workers there will also need to be an appropriate level of supervision regardless of the length of assignment until Exeter

College has received its own enhanced CRB for that worker. Appropriate supervision for agency workers such as this, need to reflect what is known about the person e.g. their experience, the nature of their duties and the level of responsibility they will carry.

For those with limited experience and where references have provided limited information, the level of supervision required may be high. For those with more experience and where the references are detailed and provide strong evidence of good conduct in previous relevant work, a lower level of supervision may be appropriate.

Exeter College considers appropriate low level supervision for teaching staff to be;

- First session supervised in the classroom if deemed necessary
- Teaching takes place in areas where the lecturer is visible and observation can take place, through a door/window/observation panel at any point during a lesson
- The students in the room know where to go to seek help

The Faculty Management Group are aware of the Lecturer needing low supervision so they can be alert to any concerns or provide support as required

3.13 All Agency workers will be checked against the Children's list.

3.14 Once these checks have been completed, the HR department will confirm that the Agency Worker can commence in the workplace.

3.15 The Recruitment Adviser will contact the IT Department to request an IT account. If any further system access needed for the Agency worker will need to be requested by the HoF/D ready for their first day.

#### **4 Managing Agency Workers**

4.1 Although not direct employees of the College, managers should ensure an Agency Worker receives an induction that is sufficient for the duration and nature of their placement. A checklist is provided in Appendix B. The checklist covers the minimum that should be explained to the Agency worker to help them settle into their team and to carry out their work safely.

4.2 Should there be any problems or concerns regarding an Agency worker please contact the Recruitment Adviser in the HR Department as soon as possible so that the appropriate action can be agreed. This may include requesting an alternative Agency Worker.

4.3 The Agency Worker is responsible for requesting annual leave and reporting sickness absence to the employment business, in addition to notifying the HoF/D. Agency Workers are not issued with College annual leave cards nor are they required to complete a College Sickness Absence Form.

4.4 Please keep the Recruitment Adviser informed of any changes relating to the job role or finish date so the Agency can be kept informed. The

HoF/D is responsible for communicating any changes to the Agency Worker.

- 4.5 At the end of the placement, the Recruitment Adviser will send an electronic feedback questionnaire to the HoF/D to complete and return by email. The completed feedback questionnaires will help us to improve the service we receive from the Agencies we use.

## **5 Nature of the relationship**

- 5.1 An individual's employment status is important in determining the eligibility for a number of key employment protection rights.
- 5.2 Some employment rights apply to Agency Workers regardless of their employment status, because they will fall within the wider category of "worker". These include rights to paid annual leave, rest breaks, rest periods and a limit on average weekly working time, the national minimum wage and, if they work part time, protection against less favourable treatment on account of working on a part-time basis.
- 5.3 Managers will be responsible for ensuring an Agency Worker does not exceed the weekly working time limits and receives appropriate rest periods and rest breaks. The employment business will be responsible for payment of the national minimum wage and ensuring that the Agency worker receives paid annual leave.
- 5.4 Managers must ensure that a specific Agency Worker is not engaged for a continuous period of 12 months or more. The Recruitment Adviser will monitor the duration of each placement and notify the HoF/D when the same Agency Worker has been placed with the College for 9 months, to enable adequate time to seek SLT approval to recruit on a permanent basis.
- 5.6 There will be various differences in practices between employees and Agency workers. For example, Agency Workers will be issued with Staff Car Parking permits, but will not be entered onto the HR database, or issued with a Staff ID badge, however they will be issued with a yellow lanyard showing they are authorised to be on College premises and that the College has confirmation from the agency that they have an enhanced and clear CRB. They will also be required to sign in and out of reception in the relevant building on a daily basis. If a HoF/D is uncertain as to whether an Agency Worker should be included in a practice or event, they should contact the Recruitment Adviser or a member of the HR team for advice.

## **6 Equality Impact Assessment**

### **7 Review of policy/procedure**

- 7.1 This policy / procedure will be reviewed every two years, or in response to changes in legislation or good practice, whichever is the sooner.

## AGENCY WORKER/CONSULTANT REQUEST FORM

**Section A - to be completed by HoF/D before submission to Recruitment Adviser**

<b>Department/Faculty</b>	
<b>Post to be covered ( if applicable)</b>	
<b>Reporting to</b>	
<b>Hours per week</b>	
<b>Start date</b>	
<b>Estimated Duration &amp; end date</b>	
<b>Reason for request</b>	
<b>Please list required software access e.g. Agresso, Cugs, MIS.</b>	
<b>Any other MS Office Applications</b>	
<b>Skills and knowledge – please give detail and level required. Examples are listed below</b>	
<b>Data Entry</b>	
<b>Word Processing</b>	
<b>Excel</b>	
<b>Customer service/ telephone skills</b>	
<b>Teaching level Required</b>	
<b>Prior Experience in a Similar Role</b>	
<b>Any other Knowledge or Skills Required:</b>	

**Requested by (HoF/D)**

**Date**

**Section B - to be completed by Recruitment Adviser**

<b>Agency name &amp; address contact name, email address &amp; telephone number</b>	
<b>Approximate cost excluding VAT</b>	

**Approved by SLT member**

**Date**

