



LEEDS
BECKETT
UNIVERSITY

Engagement of Agency Workers Policy and Procedure

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V1220

Policy Statement

Purpose and Core Principles

Our University recognises that there may be times when it is necessary to engage agency workers for assignments on a short-term basis. However, where possible, our University will aim to meet demand through utilisation of existing resources. In addition, our University may engage an Agency to provide specific services within a School/Service, which may be longer-term.

Our University must comply with the requirements of the Agency Workers Regulations (2010). The key principle underpinning the Regulations is that of equal treatment of agency workers.

In recognition of the need to comply with the Regulations, this policy has been developed with the purpose of providing a framework for the engagement of agency workers, whilst also allowing for appropriate flexibility to ensure effective delivery of services. The accompanying procedure provides guidance on the application of the policy.

Scope

This policy and procedure address the engagement of agency workers for assignments at our University and is applicable to all workers employed by agencies, who are on assignment at our University.

This policy does not cover the use of casual workers - a separate policy exists for this purpose.

This policy also does not cover self-employed workers or self-employed contractors/consultants.

Responsibility

Human Resources has responsibility for providing advice and guidance to managers on the application of the policy and monitoring the usage of agency workers across the University.

All managers involved in the engagement of agency workers are responsible for implementing and adhering to this policy and procedure, including appropriate approval, monitoring and induction processes.

Review

This policy and procedure will be monitored on an annual basis and reviewed a minimum of every three years or sooner, in light of legislative changes and organisational requirements as appropriate.

Procedure

1. Engagement of Agency Workers

1.1 Our University has adopted a framework agreement following a tender exercise in conjunction with other Universities, for the provision of agency workers. Any requests for agency workers should be dealt with through the [approved suppliers](#) named in the [framework agreement](#). Should a manager identify that there is a need to approach the services of an Agency not named in the framework agreement, this would be subject to separate approval and/or tender arrangements. For further information on the tendering process, please contact Financial Services.

1.2 An agency worker is defined as 'an individual who is supplied by an Agency to work temporarily for and under the supervision and direction of a hirer'. Agency workers who are on assignment at our University do not have a contract of employment with our University. At all times they remain an employee of the supplying Agency.

1.3 Agency Workers Regulations (2010)

1.3.1 Our University must comply with the requirements of the Agency Workers Regulations (2010).

1.3.2 Any agency workers who are on assignment at our University will be given access to the same facilities (for example, food outlets, toilet and shower facilities, library) and access to information on job vacancies on their first day, as would any new University member of staff during their induction.

1.3.3 Once agency workers have completed 12 weeks in the same role at our University, they are entitled to the same basic working and employment conditions as if they had been recruited directly by our University. Any entitlements will be pro-rated to the length of the assignment and hours worked. This includes:

- Basic pay
- Annual increments (where applicable)
- Overtime payments (on same basis/qualifying conditions as University employees)
- Shift allowances (where applicable)
- Duration of working time
- Rest breaks/restrictions on night work
- Annual leave

Agency workers are not entitled to:

- Occupational sick pay
- Occupational and statutory redundancy and notice pay
- Occupational maternity/paternity/adoption pay
- Occupational pensions
- Long service awards

- 1.3.4 An agency worker's continuity of qualifying service will be broken if there is a break of 6 weeks or more, or any change of role would have to be substantively different from the previous role. Continuity of qualifying service is preserved where an agency worker is absent due to a seasonal shutdown (for example, Christmas closure) or due to sickness, up to a maximum of 28 weeks. If an agency worker is absent due to a pregnancy-related illness or is on maternity leave, any qualifying service which has been accrued will be maintained and will be built upon when a return to work has taken place.
- 1.3.5 Information outlining our University's basic working and employment conditions is available from Human Resources and should be provided to the relevant Agency, if an agency worker approaches 12 weeks in the same role at our University.
- 1.4 The engagement of agency workers at our University must be authorised, prior to an Agency being contacted, by the Dean/Director of the School/Service (or nominee) and Human Resources.
- 1.5 Where an additional resource need has been identified, managers should in the first instance explore all opportunities to use existing staffing resources within our University. This does not include situations where the cost may be prohibitive such as applying overtime and other additional payments. Managers should also consider whether a student casual worker or an employment contract is more appropriate. Managers should seek advice from Human Resources when the need for an agency worker has been identified.
- 1.6 It may be possible, subject to necessary approval processes, to engage agency workers in the following circumstances:
- To provide cover for short-term, unforeseen and/or unexpected staff shortages (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)
 - To provide specialist skills which are not able to be sourced from within our University
 - To assist during periods of peak workload
 - To undertake a short-term project or task
 - To provide services for a specific School/Service or to meet a specific need, where for organisational reasons, such use is approved
- 1.7 However, when determining whether it is appropriate to engage an agency worker, managers should give consideration to the following:
- The duration of the assignment
 - Whether 'acting up' or a secondment would be more appropriate
 - Whether a student casual worker a fixed-term appointment would be more appropriate
 - The urgency with which the post must be filled
 - Value for money and budgetary implications
- 1.8 Agency workers must not be used to cover a permanent or fixed term vacancy which has not, or is not, being advertised on a long-term basis.

2. Process for Engagement of Agency Workers

2.1 Engagement of Agency Workers on an Ad-hoc Basis

2.1.1 Once it has been determined that there is a need to engage an agency worker, the manager should complete the 'Agency Workers Approval Form' (Appendix 1) and submit this to the Dean/Director of the School/Service (or nominee) for authorisation. The form should then be submitted to Human Resources.

2.1.2 Once the form has been fully authorised, Human Resources will notify the manager and confirm that the process for the engagement of agency workers can be initiated. The manager should contact the Agency and ask for an agency worker to be supplied as per the requirements outlined on the approval form. A flowchart summarising the process for the engagement of agency workers on an ad-hoc basis is provided in Appendix 2.

2.1.3 However, managers should carefully review the terms of business of an Agency before agreeing to engage an agency worker. Particular provisions to consider include:

- Fees payable for engagement of an agency worker
- The employment status of an agency worker
- Notice provisions from either party for termination of the temporary assignment
- The transfer fee on temporary to permanent employment
- Repayment of the transfer fee if permanent employment is terminated.

2.1.4 Agencies are responsible for all normal pre-employment checks and references.

2.2 Engagement of Agency Workers following the agreement of a contract with an Agency

2.2.1 Separate processes for the engagement of agency workers apply where a School/Service have been through a tendering process and agreed a contract with an Agency for the supply of agency workers for frequent short-term assignments. Where these arrangements exist, managers have full responsibility for the engagement of agency workers and must ensure that local arrangements are in place, and have been communicated within the School/Service, to comply with the Regulations.

3. First Day of Assignment

3.1 On the first day of an assignment, managers must carry out an induction with the agency worker and ensure that day one rights are discussed. Managers should refer to our University's Induction policy and checklist for guidance on what topics should be covered during the induction process.

4. During the Assignment

4.1 Safety, Health and Wellbeing Responsibilities

4.1.1 The responsibilities managers have for the health and safety of their employees applies equally to agency workers. Managers have an obligation to manage the implications of any health and safety issues which may arise whilst an agency worker is on assignment at our

University. Particular attention should be given to induction of new staff and risk assessments. For further information on managerial responsibilities in relation to Safety, Health and Wellbeing, please refer to the 'Safety, Health and Wellbeing Policy'.

4.2 Working Hours and Rest Breaks

4.2.1 Our University's standard working week for full-time staff is 37 hours per week. Managers should ensure that the hours worked by agency workers are in accordance with this standard.

4.2.2 Managers should also ensure that agency workers take at least 30 minutes for lunch during their working day.

4.3 Timesheets

4.3.1 Agency workers receive payment directly from the Agency, based on the number of hours they have worked.

4.3.2 Managers are required to authorise the timesheets of agency workers. The completed timesheets should then be submitted to the Agency for processing and payment. Managers must keep a copy of the timesheet and a log of the hours worked, so that this can be checked against the invoice our University receives from the Agency.

4.4 Performance issues

4.4.1 Should a manager have concerns about the performance of an agency worker, this should be reported to the Agency. The Agency is responsible for addressing any performance issues and will provide a suitable alternative agency worker, if the performance is deemed unsatisfactory. Advice should be sought from Human Resources if required.

4.5 Sickness absence

4.5.1 In the event of sickness, agency workers are required to report the absence to the Agency. The Agency is responsible for notifying the manager of the agency worker's absence.

4.6 Annual Leave Requests

4.6.1 If an agency worker requests annual leave, this should be booked through the Agency. The Agency is responsible for notifying the manager of the agency worker's annual leave dates and will make arrangements for a replacement, if necessary.

4.7 Pregnancy and Agency Workers

4.7.1 In the first instance, agency workers are required to notify the Agency of their pregnancy. This should then be followed up in writing to the manager within the School/Service to which they have been assigned.

4.7.2 Our University is required by law to carry out a Health and Safety risk assessment for employees at work, who are pregnant. This requirement is also extended to agency workers. Where a risk is identified, our University is required to make reasonable adjustments. If an

adjustment is not possible or reasonable and would not remove the risk, the manager should notify the Agency. The Agency will then make arrangements for a replacement agency worker. It is the responsibility of the Agency to find suitable alternative work for the agency worker. For further advice or guidance on risk assessments, please contact Occupational Health.

4.7.3 Once agency workers have completed 12 weeks in the same role, they are entitled to paid time off to attend ante-natal appointments. Agency workers should notify the Agency if an ante-natal appointment falls during working hours. The Agency is responsible for notifying the manager of the agency worker's appointments.

4.8 Maintaining contact with the Agency

4.8.1 Managers must notify the Agency if there are any changes to the work or duties that an agency worker is undertaking. Human Resources should also be notified of any changes.

4.8.2 The Agency may make contact with managers during the course of an assignment in order to check that the required standards are being met by the agency worker.

4.9 Responding to Requests for Information

4.9.1 Written requests for information relating to equal treatment of agency workers and our University's terms and conditions may be received from both Agencies and agency workers. Our University has a legal obligation to respond within 28 days of first having received such requests. It is therefore essential that any requests are dealt with within this timeframe, otherwise we could be found in breach of the regulations and receive a financial penalty. Managers must promptly liaise with Human Resources who will advise on an appropriate response to the request.

5. Extending an Assignment or Transferring an Agency Worker to a new Assignment

5.1 If it is determined that an assignment needs extending beyond the end date originally stated on the approval form or if an agency worker is required to undertake a new assignment, managers should complete the relevant sections of the 'Agency Workers Approval Form' (Appendix 1) and submit this to the Dean/Director of the School/Service (or nominee) for authorisation. The form should then be submitted to Human Resources.

5.2 Once the form has been fully authorised, Human Resources will notify the manager and confirm that the Agency can be contacted to request the change(s) to the assignment.

5.3 In cases where a School/Service has agreed a contract with an Agency for the supply of agency workers for short-term assignments, managers must ensure that local arrangements are in place to deal with requests for extensions/changes to assignments and that these have been communicated within the School/Service.

6. Ending an Assignment

6.1 Unless notified otherwise, agency workers should assume that the end date of their assignment is as they were originally informed by the Agency and as originally stated on the approval form.

- 6.2 However, should there be a need to end the assignment earlier than planned; managers should refer to the terms and conditions originally agreed with the Agency to confirm the notice period. In most cases, managers will be required to provide at least one week's notice to the Agency and agency worker. Managers must notify the Agency that the agency worker is no longer required. Human Resources should also be notified of the change.

7. Monitoring of Agency Workers

- 7.1 In line with statutory obligations, in particular circumstances, our University must provide information to Trade Unions about the employment situation at our University including the total number of agency workers engaged, the areas in which they are utilised and the roles being undertaken.
- 7.2 Managers should ensure that effective monitoring processes are in place locally to ensure full compliance with the Regulations and this policy, and provide reports on the usage of agency workers to Human Resources, on a monthly basis. A template for this purpose is provided in Appendix 3.
- 7.3 Human Resources, in conjunction with Financial Services and Schools/Services, will monitor and report on the usage of agency workers across our University.

8. Manager Roles and Responsibilities

- 8.1 Prior to and during the engagement of an agency worker for an assignment at our University, the following manager responsibilities apply.
- Discuss the need for an agency worker with Human Resources as soon as a potential need is identified
 - Ensure that effective monitoring processes are in place locally to ensure full compliance with this policy and provide monthly reports on the usage of agency workers to Human Resources and to contact Human Resources if an agency worker assignment is likely to exceed 12 weeks.
 - To engage an agency worker and/or instigate changes to an existing assignment, complete and submit an authorised 'Agency Workers Approval Form' to Human Resources, prior to liaising with an Agency as to the requirements for an agency worker
 - Ensure that agency workers receive an induction on their first day and that regular meetings take place to clarify expectations and/or to provide support to the agency worker
 - Ensure that any performance issues and/or changes in the work or duties and/or changes to the length of the assignment that an agency worker is undertaking are reported to the Agency and Human Resources
 - Ensure that any written requests for information from either an Agency or an agency worker are discussed promptly with Human Resources.

9. Related Policies and Documentation

Casual Workers Policy and Procedure
Induction Policy and Checklist
Safety, Health and Wellbeing Policy

Reviewed December 2020

Appendix 1 – Agency Workers Approval Form

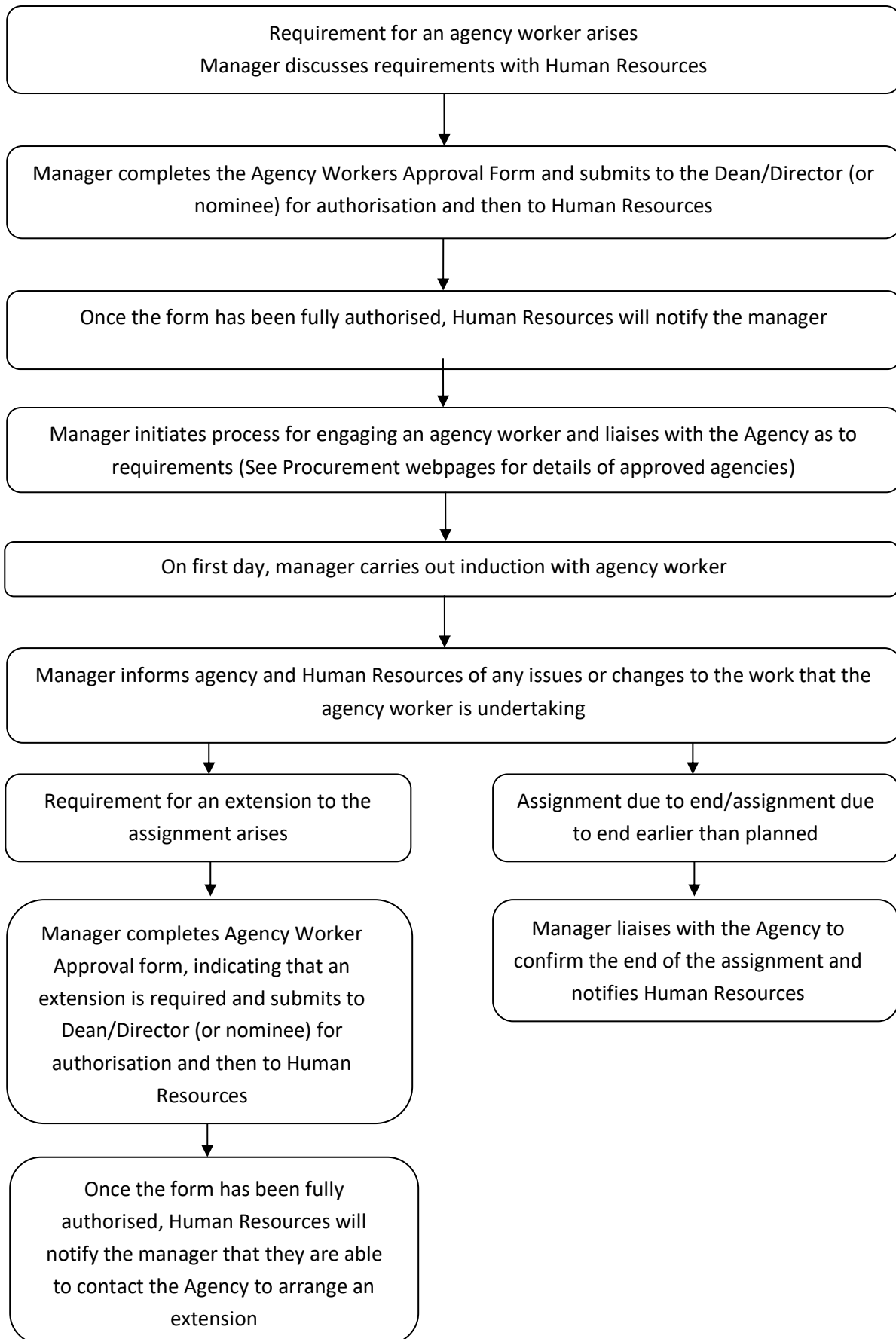
Details of Assignment	
New Assignment <input type="checkbox"/>	Extension to Assignment <input type="checkbox"/>
Reason for assignment or extension:	
Proposed role	
School/Service	
Number of agency workers required	
Hours and pattern of work	
Location	
Duties and responsibilities (including requirements for experience, training and qualifications):	
Proposed agency	
Is the agency on the approved supplier list?	Yes/No If No, has this been agreed with Finance? Yes/No
Proposed assignment start date	
Proposed assignment end date	
If the request is for an extension:	
Name of agency worker	
Original start date	
Original end date	
SBC code	
Project code	
Confirmation	
Manager's name	
Extension	
Manager's signature	
Date	

Authorisation by Dean/Director (or nominee)	
Name	
Signature	
Date	

PLEASE ENSURE THAT THE COMPLETED FORM IS SENT TO HUMAN RESOURCES PRIOR TO CONTACTING ANY AGENCIES

Authorisation by Human Resources (VRP)	
Name	
Signature	
Date	

Appendix 2 – Process For Engaging Agency Workers (Ad-Hoc Requests)



Appendix 3 –Agency Workers Monitoring Form

MONITORING OF AGENCY WORKERS - SCHOOL/SERVICE @ DATE (month ending)												
Agency	School/Service	Manager/Contact	Agency Worker	Assignment/Role	Hourly Rate (£)	Hourly Charge Rate (£)	Actual Hours Worked	Total Pay (£)	Start Date of Assignment	Proposed/ Actual End Date of Assignment	Continuous Number of Weeks Worked	Proposed/ Total Length of Assignment
Total number of Agency Workers			0									
Completion Guidance Notes:												
Schools/Services must record and monitor any assignments undertaken by agency workers. This template has been designed to capture information which our University may be required to report on. In line with the 'Engagement of Agency Workers' policy, monthly reports must be submitted to Human Resources. However, it is advisable for monitoring spreadsheets to be kept on a weekly basis.												
Assignment/Role:		For each assignment that an agency worker undertakes, the role must be recorded.										
Hourly Rate:		The hourly rate that is payable to the agency worker must be recorded, not the rate which is payable to the Agency.										
Hourly Charge Rate:		The hourly rate that is payable to the Agency for the supply of the agency worker.										
Actual Hours Worked:		The number of hours that an agency worker has worked, not necessarily the contracted hours e.g. an agency worker may have worked additional hours.										
Total Pay:		The total pay payable to the agency worker based on the hours worked must be recorded, not the total rate which is payable to the Agency.										
Proposed/Actual End Date of Assignment:		The proposed end date should be recorded if the assignment is still ongoing. If the assignment has ended, the last working day/actual end date must be recorded.										
Continuous Number of Weeks Worked:		The number of weeks that an agency worker has continuously completed in an assignment must be recorded (as based on the date of the report).										
Proposed/Total Length of Assignment:		The number of weeks that an agency worker is expected to complete/has completed in an assignment must be recorded.										