

Our Ref: NG/RM/26068
Date: 26th March 2026

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Dear

Freedom of Information Act Request

I am writing in response to your e-mail of the 3rd March 2026. Your request has been processed using the Trust's procedures for the disclosure of information under the Freedom of Information Act (2000).

Requested information:

Please provide the following information:

1. The policy, procedure, or guidance documents that explain how Unsocial Hours (USH) payments are calculated when annual leave is taken during periods where shifts are not pre-planned, not rostered in advance, or classified as relief shifts.

Please see Appendices 1 and 2 attached.

Information can also be found on the links below:

[NHS Terms and Conditions of Service Handbook | NHS Employers](#)

[Unsocial-hours-factsheet 0.pdf](#)

2. Confirmation of how the Trust determines entitlement to Unsocial Hours payments during annual leave in these circumstances, including whether calculations are based on:
 - an employee's historic working pattern,
 - averaged unsocial hours earnings,
 - contractual hours,
 - rostered shifts only, or
 - another calculation method.

Pay will be calculated on the basis of what one would have received had they been at work.

[NHS terms and conditions of service resource hub | NHS Employers](#)

3. Details of the reference period used (for example, previous weeks or months) when averaging unsocial hours payments for annual leave where no pre-planned shifts exist.
Based on the previous three months at work as per NHS Terms and Conditions of Service Handbook. Please see link provided in response to question 1.

4. Clarification of whether bank shifts, overtime, additional hours, or short-notice shifts are included or excluded when calculating any average Unsocial Hours payment applied to annual leave. **Bank workers do not get Holiday pay. They are paid 12.07% uplift on shifts to accommodate this.**
5. The payroll and rostering systems used by the Trust to calculate annual leave pay and associated USH enhancements (e.g., ESR, Allocate/ HealthRoster, or equivalent systems). **RLDatix, Optima.**
6. Any local agreements, payroll instructions, or system configuration rules that modify standard Agenda for Change arrangements relating to USH payments during annual leave. **Trust payroll follows Agenda for Change and Medical and Dental terms and conditions.**
7. The policies, procedures, or guidance documents that explain how Unsocial Hours (USH) payments are calculated when an employee is absent due to work-related reasons, including but not limited to.
 - injury at work,
 - work-related illness,
 - authorised work-related absence,
 - or other absence classified as work-related by the Trust.**Please see response to Question 1.**
8. Confirmation of whether employees receive Unsocial Hours payments during work-related absence and, if so, how entitlement is calculated. **Unsocial hours payments will only be payable during sickness absence for those absent due to injuries, diseases or other health conditions sustained or contracted in the discharge of their duties of employment, and who are not in receipt of injury allowance.**
9. Details of the calculation method used, including whether USH payments during work-related absence are based on:
 - Previously rostered shifts,
 - Historical averages of unsocial hours worked,
 - Contractual working patterns,
 - Or another calculation methodology.

Agenda for Change is clear that one should receive what they would have been paid if they had been at work. This is based on the previous three months at work or any other reference period that may be locally agreed. Please see link provided in response to question 2.

Trust payroll follows Agenda for Change and Medical and Dental terms and conditions

10. The reference period used for any averaging calculation (for example, number of previous weeks or months considered). **This is based on the previous three months at work or any other reference period that may be locally agreed. Please see link provided in response to question 2.**

Trust payroll follows Agenda for Change and Medical and Dental terms and conditions

11. Clarification of whether bank shifts, overtime, additional hours, or short-notice shifts are included or excluded when calculating any average Unsocial Hours payment applied during work-related absence. **Bank workers do not get sick pay, Annual leave, overtime or additional hours**
12. The payroll and rostering systems used by the Trust to calculate and process USH payments during work-related absence (e.g., ESR, Allocate/ HealthRoster, or equivalent systems). **RLDatix, Optima.**
13. Any local agreements, payroll instructions, or system configuration rules that modify standard Agenda for Change arrangements relating to USH payments during work-related absence. **Trust payroll follows Agenda for Change and Medical and Dental terms and conditions.**
14. The policies, procedures, or guidance documents that explain how USH payments are calculated for annual leave, statutory leave, or other paid leave while staff are on rostered shift patterns. **Please see response to Question 1.**
15. Confirmation of whether USH payments during leave are based on:
 - The actual rostered shifts that would have been worked, or
 - An average of historical unsocial hours, or
 - Another calculation method.**The actual rostered shifts that would have been worked. Please see link provided in response to question 2.**
16. Details of any reference period used for calculating averages of unsocial hours, if applicable (e.g., previous 12 weeks, previous 3 months). **This is based on the previous three months at work or any other reference period that may be locally agreed. Please see link provided in response to question 2.**

Trust payroll follows Agenda for Change and Medical and Dental terms and conditions.

17. Clarification on whether bank shifts, overtime, short notice shifts, or relief shifts are included or excluded when calculating USH entitlement during leave. **Bank workers do not get sick pay, Annual leave, overtime or additional hours**
18. The payroll and rostering systems used by the Trust to calculate leave pay and associated USH enhancements (for example, ESR, Allocate/ HealthRoster, or equivalent systems). **RLDatix, Optima.**
19. Any local agreements, payroll instructions, or system configuration rules that modify standard Agenda for Change arrangements relating to USH payments during leave on rostered shifts. **Trust payroll follows Agenda for Change and Medical and Dental terms and conditions**

As part of this Freedom of Information request, could you please provide copies of any documentation, guidance notes, manuals, or explanatory materials that are supplied to staff to assist them in reading and understanding their payslip.
This includes any internal guides, FAQs, intranet content, or externally produced materials currently in use for this purpose

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review of the management of your request. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: Dr Buki Adeyemo, Chief Executive, North Staffordshire Combined Healthcare Trust, Trust Headquarters, Lawton House, Bellringer Road, Trentham, ST4 8HH. If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely



Nicola Griffiths
Deputy Director of Governance

Document level: Trust Wide

Code: 3.45

Issue number: _____

Temporary Staffing Policy and Procedure

Lead executive	Chief Nursing Officer
Authors details	E-Rostering & Temporary Staffing Manager Temporary Staffing Lead

Type of document	Policy
Target audience	Managers who use Temporary staff
Document purpose	Roles and responsibilities and process

Approving meeting	Quality Committee	Meeting date	2 nd October 2025
Implementation date	Existing Policy	Review date	31 st October 2028

Trust documents to be read in conjunction with	
3.47	E-Rostering Management Policy
3.24	Recruitment and Selection Policy
3.01	Disciplinary Policy
N/A	Temporary Worker Conduct and Performance Guidance Notes

Document change history		Version	Date
What is different?	Reference to Temporary Worker Conduct and Performance Guidance Notes. Clarity on payment for training for 'bank only' workers. Removal of duplication of WTD regulations.		
Appendices / electronic forms	None		
What is the impact of change?	No impact		

Training requirements	None
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Document consultation	
Directorates	PWG, and JNCC
Corporate services	PWG and JNCC
External agencies	PWG and JNCC

Financial resource implications	None
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External references	
1.	
Monitoring compliance with the processes outlined within this document	

Equality Impact Assessment (EIA) - Initial assessment	Yes/No	Less favourable / More favourable / Mixed impact
Does this document affect one or more group(s) less or more favorably than another (see list)?		
– Age (e.g. consider impact on younger people/older people) – Disability (remember to consider physical, mental and sensory impairments) – Sex/Gender (any particular M/F gender impact; also consider impact on those responsible for childcare) – Gender identity and gender reassignment (i.e. impact on people who identify as trans, non-binary or gender fluid) – Race / ethnicity / ethnic communities / cultural groups (include those with foreign language needs, including European countries, Roma/travelling communities) – Pregnancy and maternity, including adoption (i.e. impact during pregnancy and the 12 months after; including for both heterosexual and same sex couples) – Sexual Orientation (impact on people who identify as lesbian, gay or bi – whether stated as ‘out’ or not) – Marriage and/or Civil Partnership (including heterosexual and same sex marriage) – Religion and/or Belief (includes those with religion and /or belief and those with none) – Other equality groups? (may include groups like those living in poverty, sex workers, asylum seekers, people with substance misuse issues, prison and (ex) offending population, Roma/travelling communities, and any other groups who may be disadvantaged in some way, who may or may not be part of the groups above equality groups)	NO NO NO NO NO NO NO NO NO	
If you answered yes to any of the above, please provide details below, including evidence supporting differential experience or impact.		
Enter details here if applicable		

If you have identified potential negative impact: - Can this impact be avoided? - What alternatives are there to achieving the document without the impact? Can the impact be reduced by taking different action? Enter details here if applicable	
Do any differences identified above amount to discrimination and the potential for adverse impact in this policy?	No
If YES could it still be justifiable e.g. on grounds of promoting equality of opportunity for one group? Or any other reason	N/A
Enter details here if applicable	
Where an adverse, negative or potentially discriminatory impact on one or more equality groups has been identified above, a full EIA should be undertaken. Please refer this to the Diversity and Inclusion Lead, together with any suggestions as to the action required to avoid or reduce this impact. For advice in relation to any aspect of completing the EIA assessment, please contact the Diversity and Inclusion Lead at Diversity@combined.nhs.uk	
Was a full impact assessment required?	Yes- / No
What is the level of impact?	Low / medium / high

Training Needs Analysis for the policy for the development and management of Trustwide procedural / approved documents

Please tick as appropriate

There is no specific training requirements- awareness for relevant staff required, disseminated via appropriate channels (Do not continue to complete this form-no formal training needs analysis required)	✓
There is specific training requirements for staff groups (Please complete the remainder of the form-formal training needs analysis required-link with learning and development department.	

Staff Group	✓ if appropriate	Frequency	Suggested Delivery Method (traditional/ face to face / e-learning/handout)	Is this included in Trustwide learning programme for this staff group (✓ if yes)
Career Grade Doctor				
Training Grade Doctor				
Locum medical staff				
Inpatient Registered Nurse				

Inpatient Non-registered Nurse				
Community Registered Nurse				
Community Non Registered Nurse / Care Assistant				
Psychologist / Pharmacist				
Therapist				
Clinical bank staff regular worker				
Clinical bank staff infrequent worker				
Non-clinical patient contact				
Non-clinical non patient contact				

Please give any additional information impacting on identified staff group training needs (if applicable)

Please give the source that has informed the training requirement outlined within the policy i.e. National Confidential Inquiry/NICE guidance etc.

Any other additional information

Completed by	David Loo	Date	18/07/2025
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1. Introduction

North Staffordshire Combined Healthcare Trust acknowledges that from time to time, departments may experience staffing difficulties and to maintain service provision it may be necessary to secure the use of temporary staff. This policy applies to all units that may request temporary staffing.

Temporary staffing refers to the engagement of bank workers and agency. All nursing (registered and non-registered) temporary staffing must be sought through the temporary staffing service. Please note the Temporary Staffing Team do not currently support / oversee temporary staffing for any non-nursing shifts.

The key principle for using temporary staffing is that the resource is managed as far as possible within the total staffing budget allocated for a particular ward/department and may be used for the following reasons:

- To cover unexpected leave/absence.
- To provide cover whilst recruitment to a vacant post is taking place.
- To accommodate significant fluctuations in activity and/or care needs above the normal service requirements.

With regard to the use of temporary staff within clinical areas, it is important to note the need to maintain appropriate staffing levels to ensure that safety and the quality of the care provided to patients is not affected.

Nationally NHS Improvement launched a set of rules for agency spends (February 2024) which included agency frameworks and implemented price caps for all types of agency staff. This is updated yearly.

For the purpose of this document nurses relate to registered nurses and non-registered workers (e.g. HCSW).

2. Purpose of the document

This policy is intended to clarify roles and responsibilities of managers and delegated employees in booking temporary staff. In doing so, it will establish a clear line of accountability and responsibility for the management of temporary staff. The aim of the policy is to provide clear information and procedures for the engagement and use of temporary staff at the Trust.

The policy is intended to:

- Ensure that the health and safety and welfare of patients are not compromised by ensuring appropriate safeguarding checks have been completed.
- Provide appropriate controls and safeguards to ensure governance and risk standards relating to the use of temporary staff are met.

- Minimise agency costs, ensuring value for money.
- Ensure that only approved agencies are used in line with the national procurement guidance.
- Ensure that the Trust is compliant with current employment law and regulations.

3. Scope

The scope of this policy is to ensure that all wards and departments within the Trust that use temporary staffing are aware of the correct process in commissioning temporary staff. Additionally, this policy ensures that the operation of the temporary staffing service provides the appropriate controls and safeguards to ensure governance and risk standards relating to the use of additional staffing are met.

Temporary staffing is used within clinical, medical and non-clinical services. Nursing temporary staffing is managed by the temporary staffing manager and all nursing / HCSW temporary staffing bookings should be requested through the temporary staffing service.

Non-nursing temporary staff are managed by the line manager of the organisational unit the bank worker is allocated to. Booking non-nursing temporary staffing is the responsibility of that line manager. In these instances, decisions regarding the use of non-nursing temporary staffing must have oversight of the Deputy Chief Operating Officer.

4. Definitions

Bank Staff (Substantive) – Trust staff that hold a substantive contract within the Trust and have registered to be available for additional work. These individuals are bound by their substantive contractual terms and conditions and may hold bank postings different to their substantive banding.

Bank-Only Workers – Individuals that are registered with the Trust for bank work as and when it is offered to them. There is no obligation on behalf of the Trust to offer hours and in return, the individuals are not obliged or contracted to accept any hours of work offered to them by the Trust. These individuals are bound by their terms of registration issued by the temporary staffing service.

Agency Staff – Individuals supplied to the Trust by specific government approved employment agencies. These individuals' terms and conditions are provided by the agency. All payment for work completed is paid via the agency and the individual remains an employee of the agency, not the Trust.

5. Recruitment

Bank only workers will be recruited through and subject to the same recruitment standards as substantive staff. Staff members who are already employees of the Trust will need to complete a bank appointment form. The temporary staffing service will forward appointment forms to pay role for action. All bank workers will be issued with terms of registration when they register with temporary staffing.

6. Approval process for temporary staffing

The escalation pathway (appendix 1) must be followed prior to securing bank or agency staff. The Ward Manager or Modern Matron must authorise bank (on-call manager out of hours). Ad-hoc shift requests that cannot be filled through the bank or overtime may be considered for agency. The Associate Director for the service and Chief Operating Officer (or nominated deputy) must authorise any agency use; out of hours agency use must be authorised by the on-call manager and executive on-call. If authorised then agency must be sourced via the temporary staffing office (or Harplands reception out of hours). Appropriate authorisation must be sought by the wards prior to any requests going to either the temporary staffing service or Harplands reception.

7. Temporary staffing service booking process

All nursing and HCSW temporary staffing bookings should be requested through the temporary staffing service. This can be done by using the healthcare roster system where in use. Alternatively, completed booking forms (appendix 2) can be e-mailed to erostering.tempstaffing@combined.nhs.uk, these forms can be found on CAT. The temporary staffing service is responsible for the administration of nursing and HCSW temporary staffing requests for the Trust, this includes bank and agency shifts. Out-of-hours Harplands reception will facilitate urgent staffing requests on behalf of the temporary staffing service.

8 Working Time Directive (WTD)

A WTD opt out form can be signed if the worker wishes to do so (appendix 3), however, they cannot be coerced into this and have the right to serve notice to withdraw from the opt-out at any time. The opt-out is in relation to a maximum of 48 hours per week. It is not possible to opt out of rest periods and breaks.

9 Training and development

All bank-only workers, new to the Trust, must be booked on the Trust corporate induction and agree to undertake mandatory training prior to undertaking work. They must also complete the Trust induction checklist, with support from staff within the clinical area they are working in, within 37.5 working hours. This should be completed once only. However all bank and agency workers, who have not worked on the ward previously, must complete the ward / clinical team orientation checklist (appendix 4) with the nurse in charge. This needs to be completed in each new clinical setting they work in.

Mandatory e-learning should be completed prior to commencing bank work; payment for this training will be received once the person has completed 37.5 working hours in the Trust. Bank shifts will not be offered until all relevant mandatory e-learning has been completed and mandatory face-to-face training has been booked. For new

workers if mandatory face-to-face e- learning has not been completed but is booked, the Temporary Staffing Manager will liaise with the ward/service area and an appraisal of the risk and suitability of the worker to work will be discussed and confirmed if clinical staff feel that this is appropriate / safe.

The temporary staffing service recognises the importance of a skilled workforce and continually aims to develop temporary staff and refresh those key skills necessary to provide good contemporary care. Temporary nursing and HCSW staff will undertake statutory and mandatory training as per Trust Training & Development Policy.

Non-registered Bank Workers will be required to complete the care certificate if they do not hold an equivalent qualification, such as national vocational qualifications (NVQ) or a local community certificate in mental health (CCMH). Additionally if the bank worker has less than 6 months care experience they must be supervised, within eyesight, until assessed as competent to complete each individual aspect of the care certificate (e.g. could not provide unsupervised support for a person in relation to personal hygiene until privacy and dignity standard completed). Bank workers will be paid by the Trust for completing mandatory training when 37.5 hours or more shift hours have been completed. (NB: Bank workers will not be paid for training if they do not complete 37.5 hours clinical work) It is a requirement for bank workers to ensure that their statutory and mandatory training is updated and that this can be evidenced. All bank workers will be issued with a Trust e-mail account for this purpose (to receive training alerts) and to allow them to keep up to date with Trust news. Bank workers must check this account regularly. Reminders of training compliance are sent to each bank worker via email on expiry with the oversight of the Temporary Staffing Team who have the ability to restrict non-compliant workers from booking shifts. It is the worker's responsibility to ensure training remains up to date. Regular temporary staff booking mandatory training should inform the temporary staffing service who will authorise payment once evidence of attendance is received. Evidence of attendance will be by the completion of a bank staff timesheet (appendix 5) signed by the trainer (where applicable).

It is the responsibility of each clinical area to ensure that bank or agency workers have a completed local ward/ area induction. For inpatient wards, appendix 4 should be completed and retained by the ward / clinical area. For non-inpatient areas, they should complete their local induction.

10 Personal Development Review

Individuals who are not substantive members of staff and who work regularly via the temporary staffing service for an average of two or more shifts per week will be offered a personal development review (PDR) on an annual basis. Reviews will be offered electronically using a form with the option of a face-to-face meeting if desired (appendix 6). PDRs are optional for bank only workers, those who would like one can book via the Temporary Staffing Team and are advised to seek feedback from their areas of work to inform the PDR discussion

The temporary staffing service manager will be responsible for ensuring that annual PDRs of bank only workers are offered and take place for those who request one. Staff with substantive contracts will be reviewed by the manager responsible for their

substantive contract of employment, supported by the temporary staffing manager if appropriate. Input may be sought from managers of areas where the staff members regularly undertake bank shifts.

11 Clinical Supervision

All registered bank only nurses are advised to seek supervision from the service areas in which they are working, if they struggle to access this, they can liaise with Temporary staffing team who will support them in securing a suitable supervisor from within clinical areas. The minimum supervision requirement is once every 8 weeks (in line with Trust Supervision Policy). All Registered bank only nurse will also have access to the Trusts Professional Nurse Advocates – PNA. (information on accessing this is on the Trusts CAT page).

HCSW bank only staff can access support and advice from the temporary staffing team and are advised to seek supervision for their practice from within the clinical areas which they work, the temporary staffing team can support access to a suitable supervisor if they have difficulty in securing this. A minimum of once every 8 weeks is advised.

All clinical teams are responsible for ensuring that any temporary staff working in their areas have access to supervision with the required protected time built into their shift at least once every 8 weeks.

12 Area of work/movement of workers

Bank workers agree at the point of registration on the bank that they may be required to work in any area. They can express a preference to work on particular wards (appendix 8), but bank workers may be required to move to other wards/areas.

Bank workers are expected to be flexible and accept that this may include movement to other appropriate work or to another work base during a shift, for example because of service needs. If bank workers are unable to work in particular areas, it is the responsibility of the worker to let the temporary staffing service know before the commencement of shifts. Any unreasonable refusal to move to another location must be referred to the temporary staffing manager, action may be taken.

13 Pregnant workers

Pregnant bank workers must inform the temporary staffing manager of their pregnancy. The temporary staffing manager will complete a risk assessment and highlight the pregnant worker's status to ward areas to assess suitability prior to booking. If a pregnant worker is requested to move, they should ensure the person making the request is aware of their pregnancy status, so that the suitability of the move can be assessed.

14 Payments to bank workers

14.1 Pay and conditions

The current pay rates for Bank work are in line with Agenda for Change pay rates, and the starting pay point will consider previous NHS service.

All Bank workers will be eligible for a pay step if they have worked more than 488 hours in 12 months, from the date of commencement, or within each 12-month period thereafter, until the top of the band is reached. The temporary staffing office will monitor bank workers' hours of work on a monthly basis until either 488 hours of work is completed or until the 12-month period passes. Pay increase may not occur every year as some years workers may remain on the same pay point as per NHS terms and Conditions.

There is no discretion on the part of the recruiting manager to engage staff any higher on the pay scale.

Bank workers who have a substantive contract of employment with the Trust will be paid at their substantive rate of pay

Hours will be paid at basic rate plus enhancements for unsocial hours in accordance with Agenda for Change terms and conditions. A percentage payment of 12.07% is added to this rate to account for annual leave entitlement (in line with the Working Time Regulations). This will be identified at the point of appointment onto the bank and the assignment set up appropriately.

Bank work will be paid monthly, one month in arrears i.e. work undertaken in April will be paid for at the end of May. It is essential that this is relayed to staff at the engagement stage to ensure they understand that no payment will be made for up to two months depending on their start date.

The Government requires employers to enroll their employees in a pension scheme. Those eligible will be automatically enrolled in the NHS pension scheme. Those who are not eligible will be automatically enrolled in NEST. Staff can choose to opt out of a scheme, after enrolment if they request to. Payroll will provide information and guidance to staff.

14.2 Temporary staff – nursing

Each department must keep a written record of the bank staff member hours by the completion of the temporary staffing sign in sheet (appendix 9). Bank staff are responsible for ensuring that they sign in and out of wards. The relevant manager will then ensure the shift is entered correctly (checking breaks) on the electronic rostering system.

When claiming payment for training hours bank workers must complete a timesheet (appendix 5), have it signed by the training facilitator (if applicable) and submit it to the temporary staffing team.

Where the training timesheet requires a signature from the training facilitator, however this has not been completed, the Temporary Staffing Team will take reasonable steps

on receipt of the timesheet to determine whether that training was attended. If we are unable to identify full attendance, payment will not be made.

Where face-to-face or training carried out has not been completed in its entirety due to personal circumstances or IT failure, payment will not be made.

Where training is self-led (e.g. eLearning), it is not possible to determine the length of time completed with full certainty. Therefore, the Trust requests that Temporary Staff keep a log of time taken. The Temporary Staffing Team will authorise payment up to what is established as reasonable by the Education Team. If there is doubt about the accuracy of time taken, we will review the time taken on the Trust's Learning Management System (LMS) and seek support from the Education Team.

The team will consider any additional needs (e.g. disability or neurodivergence) the worker may have to define 'reasonable'. The team may consult Occupational Health where reasonable adjustments have been requested.

14.3 Temporary staff - non-nursing

When claiming for payment the bank worker must complete a timesheet which should be checked and signed by the line manager and submitted to payroll.

15 Annual leave

Annual leave will be paid pro-rata for bank workers based on hours worked and will be listed separately on pay slips as WTD. Annual leave entitlement is equal to the minimum annual leave entitlement specified by the Working Time Directive, for bank workers this is 28 days per year.

16 Disciplinary procedures

16.1 Substantive staff registered with the bank

Substantive staff who are subject to restrictions of practice or who are excluded under the terms outlined in the Disciplinary Policy (3.01) may be prevented from undertaking work on the Bank. The temporary staffing service will provide the appropriate controls and safeguards to ensure governance and risk standards related to the use of temporary staff are met. The temporary staffing service will be alerted by the Human Resources department of any potential disciplinary action relating to substantive staff who also have a Bank registration.

16.2 Bank-only workers

Where an allegation is made against a bank worker it may be appropriate to temporarily restrict the worker from the Trust bank to allow an investigation of the allegation to take place; no pay will be offered to workers during this time. Any investigation will be undertaken broadly in line with the Restorative Just Culture, natural justice, diversity, inclusion and investigation principles of the Trust's Disciplinary Policy, paying particular attention to the Just Culture framework and being mindful to conclude the investigation in a timely manner. Please note, however, that Trust's Disciplinary Policy applies to Trust employees and it is not to be used with regard to misconduct allegations for bank workers. The Temporary Staffing Conduct

and Performance Procedure outlines guidance to managers. This is on the basis that bank workers are not employees and contractually there is no mutual obligation for the Trust to offer work to a bank worker or for the bank worker to accept work. Bank workers who are subject to an allegation will be given the opportunity to participate in the investigation, to counter the allegations or offer mitigation. Once the allegation has been fully investigated to the Trust's satisfaction, the bank worker will be advised whether they will remain on the Trust bank, undergo retraining or support where appropriate or whether they will be removed from it on a permanent basis. There is no right of appeal against any decision that the Trust makes.

Where the allegation relates to a safeguarding issue it may not be possible to disclose the nature of the allegations until the safeguarding investigation is complete.

In addition, in some cases it may be appropriate for the Trust to share any findings of the investigation with the NMC and/or the DBS.

17 Termination of bank work

The Trust reserves the right to remove individuals from the bank if:

- A worker is unreliable, i.e. fails to work booked shifts with less than 48-hours' (with no reasonable cause) notice of cancellation to the temporary staffing service. A worker who does not attend for two shifts with less than 48 hours' notice within a month will be contacted via phone by the temporary staffing manager to discuss non- attendance. If they fail to attend on three occasions, they will be removed from the bank. Written confirmation will be provided to the worker when this action is taken.
- Poor performance or standards of work compromise the Trust's ability to provide a quality service, i.e. if, after appropriate support is provided, a satisfactory level of performance has not reached a minimum standard as defined by the clinical lead.
- Bank workers have not worked or made themselves available to work in any six-month period. If no further shifts are worked they will be removed from the Bank. Due to the temporary staffing terms of registration, there is no notice period; however, if bank workers no longer wish to be offered work, they should notify the temporary staffing service at the earliest opportunity.

18 Duties and responsibilities

18.1 Chief executive

As accountable officer, the chief executive must ensure that responsibility for delivering effective management of temporary staffing within the Trust is delegated to an appropriate executive lead, as outlined in the executive portfolios.

Chief Nursing Officer As nominated executive lead, the Chief Nursing Officer must ensure that robust systems and processes are in place for the delivery of effective management of temporary staffing within the Trust.

18.2 Deputy Chief Nursing Officer

The direct line management of the temporary staffing team will be the responsibility of the Deputy Chief Nursing Officer.

18.3 Senior managers

Senior managers are responsible for ensuring that budget holders for teams and/or departments maintain their budgets in line with the standing financial instructions and the agreed safe staffing establishment. They must also ensure that units under their line management comply with the policy.

Senior managers are responsible for supporting the Temporary Staffing Team when conducting investigations into complaints made by and against bank workers.

18.4 Line managers

Line Managers of units covered by the temporary staffing service must:

- ☐ Commission temporary staff in line with this policy.
- ☐ Must ensure that the staff they are responsible for also comply with the policy.
- ☐ Support the temporary staffing manager in interviewing bank staff.
- ☐ Support the temporary staffing team in offering induction shifts to new bank-only staff.
- ☐ Ensure local induction procedures are followed e.g. department orientation checklists, pre-appointment checklists for agency workers (appendix 10).
- ☐ Provide feedback on individual bank staff.
- ☐ Support the Temporary Staffing Team to conducting investigations into complaints made by and against bank workers.

18.5 E-rostering & temporary staffing manager

Will be responsible for the following:

- ☐ Recruitment and retention of bank staff.
- ☐ Ensuring that induction programmes are in place and delivered.
- ☐ Providing on-going staff development for temporary staff.
- ☐ Ensuring temporary staff are paid according to terms and conditions agreed.
- ☐ Monitoring the use of temporary staff and agencies and where appropriate taking action to reduce reliance on agency use.
- ☐ Ensuring NHS Nursing Framework Agencies are used if the use of agency becomes necessary.
- ☐ Producing reports on temporary staff.
- ☐ Ensuring Trust policy is followed in relation to additional staffing.
- ☐ Represent the Trust in dealings in relation to agency frameworks.
- ☐ Authorise agency invoices.

18.6 Temporary staffing team

Will be responsible for the following:

- ☐ Receiving and processing request for shift coverage.
- ☐ Liaising with bank nurses to obtain availability and allocate shifts.
- ☐ Monitoring the compliance of bank staff in relation to working time directive, NMC registration (where applicable) and mandatory training and ensure that relevant checks and reminders have been issued.
- ☐ Ensure a completed compliance form is received, from the relevant agency, for each agency member of staff.
- ☐ Liaising with ward managers regarding bookings.
- ☐ Seek alternate options within the temporary staffing register should shifts remain unfilled.
- ☐ Obtain evidence of checks on agency staff.
- ☐ Administration tasks within the team.

18.7 Bank staff

Will be responsible for:

- ☐ Complying with the Trust terms and conditions for temporary staff.
- ☐ Complying with Trust policy when working for the Trust.

Appendix 1

Ward Daily Staffing Escalation Procedure

Planned ward staffing levels can be affected by a variety of factors such as sickness, carers leave, increased service user dependency/acuity or increased observation levels. If ward staffing levels fall below the planned requirement the following escalation procedure should be followed to minimise any adverse impact on patient care and staff well-being.

1a) Consider if the shortage can be accommodated within existing resources/skill mix:

Consider current bed status, service user acuity/dependency and clinical observation levels as well as planned escorts, expected admissions and any additional activity such as ECT, off-site 1:1's etc.

b) Consider if non-priority work can be postponed:

Review daily workload within the team, consider what workload could be postponed to another day and consider what the short- and long-term impact of this would be.

c) Identify the risks related to not accessing additional members of staff:

Consider what the risks would be of not being fully staffed – for example will staff be able to take their breaks? Will all planned service user activities be able to take place? What other impact(s) might there be? If risk assessment indicates the requirement to source replacement staff then proceed to step 2.

2) Attempt to source an additional member of staff be sourced within the locality:

Review the in-patient staffing levels across the locality and where possible move staff between wards to address the shortages. When doing this the factors outlined in points 1 and 2 need to be considered for all wards within the locality. If no staff sourced proceed to step 3.

3) Offer additional hours to substantive staff where appropriate (NOT overtime):

Part-time staff can be offered additional hours as long as their weekly total hours do not exceed 37.5. If no staff sourced follow directorate guidelines in terms of approval for accessing temporary staff. If approved proceed to step 4.

4) Submit a request for temporary staffing for bank staff:

Submit a booking request form to the bank office. If temporary staffing cannot source bank staff of same grade, consider requesting staff of alternate grade. If no staff sourced proceed to step 5.

5) Consider offering overtime to substantive staff:

Follow directorate guidelines in terms of approval for using overtime. If overtime cannot be sourced, consider requesting agency via temporary staffing (following directorate approval process).

6) Consider requesting agency via temporary staffing:

Risk assesses using agency staff - consider the number of substantive staff on duty and the planned workload for the day. Either request agency via temporary staffing or proceed to step 7.

7) If there is still a staffing shortfall the ward Business Continuity Plan should be implemented including escalation of situation to senior management team:

A decision should then be made as to whether

- a. An incident form should be completed
- b. If the risk should be documented on the risk register. A comment must be entered on the 'monthly safer staffing report' indicating the reasons for the shortfall, the impact (consider points 2 and 3) and the actions taken to address the shortfall

Appendix 2

Staffing Escalation Form **Only to be completed by staff authorised to request temporary staff**

Can this shortage be accommodated within the existing resources/skills mix... No *

Can less important work be postponed until more staff become available ... No *

Can an additional person be sourced from within the organisation? ... No *

Have permanent staff been offered additional hours where appropriate (NOT overtime) ... Yes *

Have you followed your directorate process for authorising temporary staffing? ... Yes *

*** Form will be returned via email if all fields are not filled.**

If additional staff are still required and cannot be found through the (above options) proceed with the request below

Service User Information

Provide the number of service users on each observation level anticipated at time of this escalation request.

Observation Level	Number of Service User(s) at each observation level
Level 1 – General Observation*	
Level 2 - Intermittent Observation*	
Level 3 - Continuous Observation - Within Eyesight*	
Level 4 - Close Observation - Within Arm's Length*	

Provide any other narrative surround this request (eg escorts to RSUH etc) :

Team: Choose an item.

Week commencing: Click here to enter a date.

Date	Shift	Shift Start Time	Shift Finish Time	Band	Booking Reason*	Pre-booked Staff (optional)	Special requirements (optional)
					Choose an item.		
					Choose an item.		
					Choose an item.		
					Choose an item.		

						Choose an item.			
						Choose an item.			
						Choose an item.			

Should these shifts be sent to bank straight away by the Temporary Staffing Team? Yes/ No

Name of authorising manager:.....

Date of authorising

Please ensure that a copy of this form is sent to the AD of the requesting area for information

Now choose: File, Save As, choose a location on your P.C. and then email the completed form to erostering.tempstaffing@combined.nhs.uk

Appendix 3 WTD summary document

The Working Time Directive (WTD) was created to protect the health and safety of workers within the European Union. It presents several requirements about working hours, rest periods, annual leave and working arrangements for night workers.

The Working Time Regulations 1998 implement the Directive into UK Law and therefore provide several conditions that must be abided by;

- Employees are entitled to take a minimum of 28 days paid annual leave peryear
- Employees working hours should not exceed an average of 48 hours per week (during a 17-week reference period)
- Employees are entitled to 11 consecutive hours rest in a 24-hour period (although not necessarily on the same day)
- Employees are entitled to uninterrupted rest of 24 hours per week or uninterrupted rest of 48 hours in two weeks
- Rest breaks for employees who work for longer than 6 hours of at least 20 minutes
- Night workers are entitled to a free health assessment
- Night workers have a limit of 8 hours (average) work in a 24-hour period (during a 17-week reference period)

A WTD opt out form can be signed if the employee wishes to do so, however, they cannot be coerced into this and have the right to serve notice to withdraw from the opt out at any time.

The Trust Temporary Staffing Policy refers to the following WTD conditions.

- *'Under the Working Time Regulations (1998), staff choosing to work 48 hours per week (over a 17-week averaging period) in their regular and bank posts combined are required to sign a 'Working Time Regulations agreement to work over the maximum working time' waiver form. It is not recommended that any member of staff should work beyond 48 hours in any week (including work undertaken with other organisations and professional study).*
- *'A percentage payment of 12.07% for all Bank Workers is added to the hourly rate to account for annual leave entitlement (in line with the Working Time Directive).'*
- *'Bank Staff are entitled to rest breaks in line with Working Time Regulations and established local practice for regular staff. This should be agreed with the nurse in charge of each shift.'*

WORKING TIME REGULATIONS OPT OUT AGREEMENT

Name of Employee

Post.....Directorate.....

Base

This agreement is drawn up under the Working Time Regulations (Statutory Instrument 1998/1833) Regulation (5) 1 and provides you to enter into an agreement with the Trust to opt out of the 48 hours limit in respect of the total weekly average hours required in your case.

1. I agree that the 48 hours weekly limit specified in the Working Time Regulations 1998 – Regulation 4 (1) shall not apply in my case.
2. I understand that this agreement will apply from
3. Notwithstanding my agreement to dis-apply this limit, I am fully aware that I have a responsibility not to work hours so long that they may impair my efficiency or expose my colleagues, the public or property to risk.
4. I understand that the Trust may need me to keep a record of my working hours, and I will do this as and when required. If requested at any time, I will produce the record to the Trust or to any Health and Safety Official.
5. I agree to give not less than one month's notice to bring this agreement to an end.
6. I am aware that I am under no obligation to sign this agreement and that it is illegal for me to be subject to any detriment if I decline to sign.

Signature.....

Date.....

A copy of this form should be sent to the Human Resources Department. The original should be placed in the Employee's Personal File.

Appendix 4 Department orientation checklist

Department		Date	
Staff name		Manager name	
Staff job title		Manager job title	

All staff (bank, agency or substantive staff who have been permanently or temporarily redeployed) who are new to the department or who have not worked in the department in the past 3 months must complete the following with the Team Manager or a nominated deputy, in order to comply with national regulations. **A copy must be retained by the department. NB** In addition to this department orientation checklist new Trust employees and bank staff will also have a Trust induction checklist to complete within the allocated timeframe.

General	Staff signature	Manager signature	Date
Welcome, tour of the unit & introduction to colleagues			
Discussion of job role			
Professional conduct - Dress code - Customer care			
Current patient care plans, risk assessments etc.			
Issue keys, door codes, personal alarm etc.			
Telephone system and internal/external numbers			
Emergency telephone numbers including bleep system			
Location of equipment including resus trolley, medical supplies, stationary etc.			
Supervision arrangements including identification of buddy			
Access to Trust policies			
Safeguarding Children and Adults - application of these policies in relation to work area			
Health & Safety			
Procedure for reporting incidents, near misses, accidents and broken/faulty equipment			
Needle stick injury procedure			
Security (including personal safety, building/site etc.)			
Procedure for discovery of fire			
Procedure on hearing a fire alarm			
Location of fire alarms, fire fighting			

equipment and exits			
Evacuation procedure for staff and patients including assembly point			
Security (including personal safety, building/site)			
Trust policy on dealing with spillages			
Trust policy on disposing of different waste types			
Medical devices – only to be used if appropriately trained			
Moving & handling – procedures and equipment only to be used if appropriately trained			
Medicines management			
Pharmacy contact details			
Procedure for outbreak of infectious diseases (e.g. norovirus)			
Information Governance			
Duty of confidentiality & confidentiality policy including social networking sites			
Procedure in event of breach of confidentiality			
Information governance policy			
Health records policy			
Responsibility in relation to personal identifiable information e.g. stored securely, patient records locked away/not visible, clear desk policy, logging off computer			
Email security – secure networks and encryption			
Procedure if access to records request is received			
Procedure in event of police request for records			
Additional local considerations			
Local Policies – Please specify			
Other – please specify			

For agency workers please return a copy of the completed form to Temporary Staffing.

Appendix 5 Temporary Staffing Timesheet

Employee name		Payroll number		Important Note – All parts of the claim form MUST be completed or no payment will be made
Professional group		Claim for week ending		

Day	Start time	Finish time	Payable hours*	AFC band	Area of work	Finance code	Shift lead signature	Shift lead name
Monday								
Tuesday								
Wednesday								
Thursday								
Friday								
Saturday								
Sunday								
Total payable hours worked in words						Total payable hours worked in figures		

* Payable Hours do not include meal or other breaks

Signature of claimant		Print name		Date	
I declare that the information I have given on this form is correct and complete and that I have not claimed elsewhere for the hours/shits claimed on this timesheet. I understand that knowingly providing false information may result in disciplinary action and I may be liable for prosecution and civil recovery proceedings. I consent to the disclosure of information from this form to and by the Trust and NHS Protect for the purpose of verifying this claim and the investigation, prevention, detection and prosecution of fraud.					
Authorized by (signature)		Print name and designation		Date	

I am an authorised signatory for the ward/department. I am signing below to confirm that both the staff member's grade and the shift that I am authorising are accurate, and I approve payment. I understand that knowingly authorising false information may result in disciplinary action, and I may be liable for prosecution and civil recovery proceedings. I consent to the disclosure of information from this form to and by the Trust and NHS Protect for the purpose of verification of this claim and the investigation, prevention, detection and prosecution of fraud

Once authorised the sheet should not be returned to the employee but should be sent to the Pay Services Department for payment.

Appendix 6 Bank Staff Annual Review

To enable us to continue to support the development of our bank staff please complete and return the enclosed questionnaire to the temporary staffing service, **no later than**

1. What do you most enjoy about your work as a member of bank staff?

2. What do you least enjoy about your work as a member of bank staff?

3. Do you feel welcome and part of the team on the wards/departments that you work on?

YES ☐ NO ☐

If NO please provide specific details

4. When you work on a new ward /department are you given an orientation and do you have a ward orientation form completed?

YES ☐ NO ☐

If NO, please give details of specific wards/ departments

5. Are you always given clear guidance / instruction on the care needs of the service users you are expected to help care for?

YES ☐ NO ☐

If NO please provide specific details

6. What, if any, support / development / training could we provide to help you do your job better?

Any additional comments

If you wish to take the opportunity to have a one-to-one discussion, please contact the temporary staffing service on 01782 441683 to arrange an appointment at a mutually convenient time.

Name Signed

(Please Print)

Bank Role: (i.e. HCSW, RMN)

Appendix 7 FEEDBACK FOR BANK WORKER

Name		Role	
------	--	------	--

PROFESSIONAL

Weakness Average Strength
1 2 3 4 5

Is conscientious and works to a high standard					
Takes ownership and responsibility for own work					
Solves problems effectively and makes decisions using a balanced judgement					
Demonstrates effective oral and written communication at all levels					
Awareness / knowledge of ward/department /Trust standards					
Awareness/knowledge of Trust policies and procedures					
Uses methods of communication that suit the situation					
Is willing to listen, and to take action when appropriate					
Values the contribution of others and lets them know this					
Is approachable – shows sensitivity to others in their approach to work					
Maintains patient safety					

INDIVIDUAL

Weakness Average Strength
1 2 3 4 5

Smart / tidy appearance					
Uses imagination and is willing to use own initiative					
Management of allocated workload					
Maintains a safe / tidy environment					
Uses appropriate body language					
Contributes to tasks and projects					
Effective member of the clinical team					
Is receptive to feedback					

Personal development actions

Bank staff signature		Manager signature	
Print name		Date	
Designation		Ward/department	

This form is intended to stimulate discussion during the appraisal and should be completed by both you and separately by your line manager.

Appendix 8 Temporary Staffing Service - Staff Preferences

The temporary staffing service covers a number of work areas. Please indicate your preferences by completing the tables below. This will help the temporary staffing service to identify available shifts to appropriate staff members. You may be offered shifts by the temporary staffing service outside of your preferences if needed.

Please tick your preferred area of work.

Acute	
Community Services	
CAMHS	
Learning disabilities Services	
NOAP	
Rehabilitation	
Substance Misuse	

Please tick any area you do not want to work.

Acute	
Community Services	
CAMS	
Learning disabilities Services	
NOAP	
Rehabilitation	
Substance Misuse	

Comments			
Print name		Date	
Signature			

Appendix 9 Temporary Staffing Sign-In Sheet - to be completed by all Bank Staff

Ward _____

Week Commencing _____

Name	Date	Start Time	End Time	Break Time	Bank Staff Signature	Nurse-in-Charge Signature

In signing above, you are confirming that the shift times are accurate. Knowingly authorizing false information may result in disciplinary action, prosecution and/or civil recovery proceedings. Weekly Sign-In Sheets must be retained by Departments for 2 years.

Appendix 10 Pre-appointment checklist for agency workers – non-medical

Managers making the booking must instruct the agency to inform the workers to bring with them means of identification as set out in section two. **They will be required to produce their current original documentation before commencing work.**

SECTION ONE

To be completed by the recruiting manager / temporary staffing:

Worker details	
Name:	Department:
Service Line:	Base:
Start date:	End date:
Provided agency with declaration form (fitness to practice): <i>Standard Declaration Form can be found on the Intranet under: Human Resources; Recruitment, or document inserted:</i>	Yes / No
Agency:	Agency Booking Reference Number:
Information from the Agency – written confirmation received from the agency that the worker has satisfactory evidence/clearance of the following:	
Evidence of the right to work in the UK:	Yes / No
DBS (<i>if applicable</i>); DBS evidence must be within 12 months) Disclosure No: _____ Date: _____	Yes / No or N/A
Occupational Health Clearance:	Yes / No
Signed Declaration Form (fitness to practice); Faxed back by agency. If it has not been possible for the worker to sign the form in advance, they must sign the faxed copy before commencement of the shift	Yes / No
Evidence of Professional Registration Reg no. Expiry date (enter details)	Yes / No or N/A
Evidence of qualifications for non-health professionals (were they are a requirement for the job)	Yes / No or N/A

I confirm that I have received confirmation from the agency that the above pre-appointment checks have been carried out.

Name			
Title			
Signature		Date	

This form should be passed to the person in charge of the shift receiving the worker (if different person to above) for section two to be completed.

SECTION TWO

This section must be completed by the manager or bleep holder. The documents should be original and the person in charge of the shift is required to confirm that they have seen and verified all appropriate identification.

If an agency worker reports for duty without the necessary means of identification the person in charge must contact the agency to try and ascertain means of identification. If there is no means to identify the worker, the divisional director or senior manager on call will be contacted to make a decision to allow the agency worker to work or not. This decision will be based on risks to the service and recorded on an incident form.

Booking details

Name of agency worker	
Service line	
Base/Location	
Start date	
End date	

Verification of identity

Agency ID Badge, and one of the following	Yes / No
Current Passport; or	Yes / No
Photographic Driving License	Yes / No

I confirm that I have satisfactorily confirmed the identity of the worker

Name			
Title			
Signature		Date	

Once completed this form must be submitted for monitoring purposes to:

Temporary Staffing Office, Harplands Hospital, Hilton Rd, Stoke-on-Trent, ST4 6TH

Temporary Worker Conduct and Performance Guidance Notes

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1.0 Introduction

1.1 This document details the action to be taken for failure to meet the Trust's standards of job performance, conduct and attendance, or for breach of any terms of the worker's Terms of Registration. The procedure applies to all non-substantive bank workers (i.e. those who do not have a substantive employee contract with the Trust) and is designed to ensure consistent and fair treatment.

1.2 ***Should a Bank/Agency Worker require to be removed from a shift due to a performance/conduct incident, the clinical area must notify and liaise with the Temporary Staffing Lead to invoke the Temporary Staffing Conduct & Performance Procedure at the earliest convenience.***

1.3 All bank workers who hold a substantive contract of employment with the Trust will be investigated in accordance with the Trust's relevant policies and procedures.

2.0 Purpose

2.1 The purpose of these guidance notes is to ensure an acceptable standard of conduct and performance is maintained by workers at NSCHT. The guidance notes document a fair and consistent approach for dealing with an alleged failure to comply with the required standards of conduct and performance. These guidance notes also set out the standard practice for removing bank worker of registration with the Trust, and the disengagement of agency workers from working with NSCHT.

3.0 Professional Membership and ACAS Code of Practice

3.1 These guidance notes have been produced in line with the ACAS Code of Practice on disciplinary and grievance.

3.2 When dealing with conduct and performance concerns, consideration will be given to the relevant professional standards as defined by the applicable professional body (e.g. NMC). Where necessary the relevant professional body will be informed of the misconduct to allow for a separate investigation to be conducted.

3.3 Where the nature of the conduct and performance concerns are likely hit the threshold for safeguarding and/or criminal action, the Trust reserves the right to notify the appropriate organisations.

4.0 Dealing with Conduct/Performance Issues

4.1 When a potential conduct/performance issue arises the Temporary Staffing Lead or a nominated deputy will investigate the complaint using the fact find process, taking into account any witness statements if necessary. Having established the facts, the Temporary Staffing Lead or nominated deputy will decide whether:

- No further action is required.
- Formal action is required.
- Informal action is required.
- Restrictions or exclusions are necessary on future bank/Agency shifts.
- Whether Occupational Health advice is needed (for bank workers only)
- Consideration of a referral to the relevant regulatory body (i.e. NMC) is recommended to be reviewed by the Chief Nurse (or nominated deputy)

4.2 No worker will be treated less favorably on the grounds of their age, race, nationality, disability, gender identity, ethnicity, religion, sex, sexual orientation, marriage or partnership and pregnancy or maternity.

4.3 The People Operations (HR) representative will support the Temporary Staffing Lead to ensure that the investigation is just, thorough, and appropriate, in line with process.

4.4 Where an investigation is necessary, the worker may be precluded from working shifts with the Trust pending the outcome (Where there is an identified infringement of visa conditions, mandatory training is incomplete, lapse of professional registration, no further assignments will be offered until this procedure is concluded).

4.5 Where a worker is precluded from working shifts pending an outcome, the worker cannot be paid for time not worked. The investigation will take such time as is reasonable, depending, for example, on the complexity of the issue and the availability of suitable evidence. However, where possible, an investigation should normally take **no longer than six (6) weeks** to reach a conclusion.

4.6 Any decision to restrict shifts should not be taken by one person alone, or by anyone who has an identified or perceived conflict of interest. Except where immediate safety or security issues prevail, any decision to restrict should be a measure of last resort that is proportionate, time bound and only applied when there is full justification for doing so. The continued suspension/exclusion of any individual should be subject to appropriate senior-level oversight and sanction.

4.7 Where a case involves an agency worker, the Trust must also inform the agency for whom the healthcare professional is working.

For Bank Workers Only

4.8 It is important throughout the process that the bank worker is supported from a health and wellbeing perspective and therefore an appropriate point of contact will be allocated who is independent from the investigation. The point of contact will establish a communication plan and be able to provide pastoral support.

4.9 Frequency of contact and support can be discussed to best suit the needs of the bank worker. The assigned point of contact will support proceedings where there are cultural elements to consider, with the underlying principles should be that all communication, in whatever form it takes, is timely; comprehensive; unambiguous; sensitive; and compassionate.

4.10 A point of contact is not required to support cases involving infringement of visa conditions as these conditions are set externally by UK Visas and Immigration.

5.0 Informal Action – Bank Workers

5.1 Conduct or performance concerns should be raised with the Temporary Staffing Lead when they occur or as soon as possible thereafter.

5.2 In cases of minor misconduct or unsatisfactory performance this should be addressed on the wards/service at a local level and at the time of the misconduct (where possible). The Temporary Staffing Lead should be informed of how the issue has been addressed at a local level. Temporary Staffing Lead or nominated deputy will discuss

the matter with the bank worker in an attempt to deal with the matter informally and give the bank worker the opportunity to respond and improve where it has been identified as a requirement.

- 5.3** The Temporary Staffing Lead or nominated deputy will write or email the bank worker informing them of the improvement needed and over what timescale. There will also be an opportunity for the bank worker to determine what, if any feedback could be given to enhance the experiences of bank workers.
- 5.4** If informal action does not bring about an improvement, or the misconduct or unsatisfactory performance is too serious to be classified as minor, formal action will be taken. The level of severity will ultimately be determined by the temporary staffing lead or a senior nurse from the Nursing and Quality Directorate for any matters relating directly to patient safety.

6.0 Formal Action

- 6.1 Bank Workers:** The Temporary Staffing Lead or nominated deputy will write or email to the bank worker setting out what they have allegedly done wrong and the reasons why the behaviour/performance is not acceptable. The bank worker will be asked to provide a statement, in response to the complaint. The email will also invite the bank worker to attend a meeting at which the problem can be discussed. The bank worker may wish to be accompanied by a trade union official, or a colleague, and the bank worker should be given copies of any documents that will be produced at the meeting. Should the bank worker or representative not able to attend the meeting, please see section 9 in this protocol.
- 6.2** The People Operations (HR) representative for bank will attend the meeting. At the meeting, the Temporary Staffing Lead or the nominated deputy shall explain the complaint against the bank worker and go through the evidence that has been gathered. The bank worker shall be allowed to state their case and answer the allegations that have been made. The bank worker shall also be allowed to ask questions, present evidence, and be given an opportunity to raise points about any information provided by witnesses.

- 6.3** Following the meeting the Temporary Staffing Lead or the nominated deputy will decide what action is justified and, if so, what form this should take. The Temporary Staffing Lead or the nominated deputy will take into account the evidence, the bank worker's conduct and general record, length of service, actions taken in any previous similar cases, the explanations given by the bank worker and whether the intended action is reasonable under the circumstances. Where the bank worker's deficient performance or misconduct, or its continuance, is sufficiently serious, for example because it is having a serious adverse effect on the Trust, it may be appropriate to issue a final warning. The People Operations (HR) representative will support the Temporary Staffing Lead to ensure that action is just and appropriate, in line with process.
- 6.4** ***In cases of gross misconduct/gross incompetence, the Trust may decide to remove the bank worker from the Bank even if they have not previously received a warning for misconduct/incompetence.***
- 6.5** **Agency Workers:** The Temporary Staffing Lead will inform the Agency of the allegation against the worker and begin the fact find process. The agency will liaise with the worker to request a statement to contribute to the fact find process. Once the fact find, including all relevant evidence has been collated, reviewed by Temporary Staffing Lead, the outcome decision (Informal or formal) will be communicated to the Agency who will share this with the worker and facilitate for any actions such as training/reflection to be completed. The Agency representative will inform the Temporary Staffing Lead on completion of actions. In the event an outcome leads to a return to shifts, the worker may not return until all outcome decision actions are completed. Agency workers are not invited to attend a meeting with the Trust as they are registered with the Agency not the Trust.
- 7.0** **Formal Outcomes**
- 7.1** **First formal warning - unsatisfactory performance**
- 7.1.1** Following the fact find process, a worker who is found to be performing unsatisfactorily will be given a written notification setting out the performance problem, the improvement that is required, the timescale for achieving this improvement, review dates and any support trust will provide to assist the worker.

- 7.12 The worker will be informed that this notification represents the first stage of the formal procedure and that failure to improve could lead to a final warning and, ultimately removal from the Bank or disengagement from agency work with the Trust.
- 7.13 A copy of the notification will be kept for monitoring and reviewing performance for a period of 12 months (although the Trust reserves the right to extend this in an appropriate case).

7.2 First formal warning - conduct

- 7.2.1 Where a worker is found to have committed an act of misconduct, the first step will usually be to give the worker a written warning setting out the nature of the misconduct and the change in behaviour required.
- 7.2.2 The worker will be informed that the warning is part of the formal process and what the consequences will be of a failure to change behaviour. The consequences could be a final warning and, ultimately removal from the Bank or disengagement from agency work with the Trust.
- 7.2.3 A record of the warning will be kept but will be disregarded after a period of 12 months (although the Trust reserves the right to extend this in an appropriate case).

7.3 Final warning

- 7.3.1 Where there is a failure to improve performance or change behaviour in the timescale set at the first formal stage, or where the offence is sufficiently serious, the worker will be issued with a final warning - but only after they have been given a chance to present their case at a meeting (as above, meetings are not offered to agency workers).
- 7.3.2 The worker will not be offered any assignments pending the outcome and conclusion of the investigation.
- 7.3.3 The final warning will give details of, and grounds for, the complaint and will warn the worker that failure to improve or modify behaviour may lead to removal from the Bank or disengagement from agency work with the Trust.
- 7.3.4 The final warning will be disregarded after a period of twelve months (although the Trust reserves the right to extend this in an appropriate case).

7.4 Deregistration/Removal from the Bank/De-allocation from Agency Work with the Trust

- 7.4.1 If the worker's conduct or performance still fails to improve, or the allegations are sufficiently serious and the Trust feels that further action against the worker is necessary, the following procedure will begin after sufficient investigation has taken place.

7.5 Removal Procedure

- 7.5.1 This procedure applies to all issues that are considered formal and where there is a realistic potential for the worker to be removed from the Bank register or disengaged from agency work with the Trust.

7.5.2 Step 1 - Written Statement

The Temporary Staffing Lead or nominated deputy must write to the worker (or to the Agency where the allegation is against an agency worker) setting out what the worker has done or failed to do that may result in removal from the Bank/Disengagement from agency work with the Trust and invite the worker to provide a written statement.

7.5.3 Step 2 – Meeting (Bank Workers only)

The meeting should be at a reasonable time and location and the bank worker must take all reasonable steps to attend. The bank worker has a right to be accompanied by a colleague, or Trade Union official. The meeting should be organised to allow sufficient time for the bank worker to carefully consider the concerns/issues raised by the Trust and prepare a response, but it should not be unduly delayed.

- 7.5.4 After the meeting, the Temporary Staffing Lead or nominated deputy must inform the bank worker about any decision in writing.

- 7.5.5 Agencies are informed of the outcome following a review of the fact find and statements provided without the requirement for a meeting.

Please note, when engagement with the Trust is discontinued, all Trust equipment including but not limited to ID card & Uniform MUST be returned to the Harplands Hospital Reception immediately. This must be addressed to the Temporary Staffing Team.

9.0 Delays

9.1 This applies to the formal stage of the procedure. If the bank worker, or the person the bank worker has chosen to accompany them cannot make the date of a meeting, another reasonable date must be fixed which should be no more than seven (7) working days later than the original date. If this second meeting is missed, the procedure will be at an end and the Trust will proceed in their absence and based on the information available, a proportionate decision will be reached.

10.0 Types of Conduct

10.1 The following are examples of conduct which will normally lead to formal action being taken. The list is not exhaustive:

- Bullying and Harassment.
- Workers are expected to combine prompt and efficient service with respect for the feelings of others, including patients, visitors, and colleagues in line with the Trust values.
- Workers refusing to carry out duties of their role.
- Workers must be open, honest, and truthful in all their dealings with patients, colleagues, and the public.
- Workers are expected to attend for duty for the hours booked.
- Being absent without permission. (In cases of sickness or sudden domestic emergency, workers must notify the Nurse in Charge, or ward management prior to leaving). In the case of absence prior to the shift, the ward should be notified within 36 hours where possible.
- Misuse of social media affecting the reputation of the Trust or causing colleagues distress/offence.
- Workers must carry out reasonable instructions.
- Anyone undertaking other employment outside their registration with the Trust must ensure that it does not hinder or conflict with the interests of their bank agreement with the Trust or their duty to abide by relevant professional codes of conduct or have any adverse effect upon their work performance. Bank workers are required to report to the Temporary Staffing Lead any activity which may present a conflict of interest with the Trust prior to accepting any Bank work offered.
- Breach of confidentiality.

- Misuse of authorised access to information and systems, unauthorised access to information and systems, and any activity that could breach the security of the Trust ICT Infrastructure and any other breach of the Trust Information Security Policy.
- Sleeping on duty. (this does not include sleeping during agreed breaks or out of hours arrangements)
- Workers are expected to comply with health and safety requirements.
- Workers are expected to treat Trust facilities and property with respect.
- Workers must inform the Temporary Staffing Lead of any charge, caution, or conviction, relating to acts committed on or off duty, at the earliest possible opportunity.
- Failure to maintain professional registration where it is a requirement of the role.
- Workers should at all times undertake their work in accordance with Trust and departmental policies and procedures and, where appropriate, their professional codes of conduct.
- People are expected to display positive attitudes and supportive behaviours in line with Trust values in their interactions with other people.
- Breaches of professional codes of conduct and Trust policies.
- Behaviour outside of work that could affect the professional reputation of the individual or the reputation or operations of the Trust.

102 Gross Misconduct

10.2.1 The following are examples of gross misconduct which will normally lead to instant removal from the Bank/Disengagement from agency work with the Trust. The list is not exhaustive:

- Serious lack of care to duties or other people which could result in serious loss, damage, or injury ('gross negligence')
- Theft.
- Fraud.
- Deliberate falsification of records or documents.
- Working without valid "Right to Work" documentation.
- Working without statutorily required qualifications.
- False declarations made during the recruitment process.
- Receipt of money, goods, favours, or excessive hospitality in respect of services rendered while working for the Trust.
- Physical violence.

- Verbal abuse.
- Harassment or bullying
- Unlawful discrimination
- Being unfit for duty through the effects of alcohol or drugs
- Abuse, misuse or deliberate damage of Trust property or equipment.
- Serious breach of data security requirements, any activity that could breach security of the Trust ICT Infrastructure and any serious breach including serious misuse of authorised access / unauthorized access to information and systems.
- Serious breach of Health and Safety and other statutory rules
- Serious breach of a professional code of conduct as determined by the professional body.
- Failure to act impartially or to declare interest in a contract or business in which the Trust is engaged or considering.
- Scientific Misconduct - Fabrication, falsification, plagiarism, or deception in proposing, carrying out or reporting results of research.
- Serious breach of trust and confidence - Any act which causes irreparable damage to the relationship of trust and confidence between the worker and the Trust.

10.3 Police and Safeguarding Investigations

10.3.1 Where a matter or incident has been referred to the police, or safeguarding agencies, the worker may be stopped from working shifts until an investigation has been concluded. Workers will not be paid for shifts not worked. the Trust has no influence over the timescales of the police investigation.

11.0 Additional Support

11.1 In addition to any support offered by the Temporary Staffing Team, there is a wide range of support available to workers, details of which can be found on CAT.

For Bank Workers Only

- Staff Support and Counselling Service
- ([Staff support and counselling service - CAT \(combined.nhs.uk\)](https://combined.nhs.uk/staff-support-and-counselling-service))
- Monday–Friday 9am–5pm Phone: 0300 124 0104
- Email: staffsupportandcounsellingservice@combined.nhs.uk
- Staff side e.g.
 - Unison (<https://www.unison.org.uk/>)
 - RCN (<https://www.rcn.org.uk/contact>)

- The “Together we’re better Staff psychological wellbeing hub” (<https://cat.combined.nhs.uk/news/together-were-better-staff-psychological-wellbeing-hub/>)
 - Available Monday-Friday 9am – 5pm
 - E-mail: staffwellbeinghub@staffsstoke.icb.nhs.uk
 - Telephone: 0300 303 5406 is also available
- All Age Wellbeing Portal (<https://combinedwellbeing.org.uk/>)

Bank & Agency Workers

The Access to Work Mental Health Support Service is a free service funded by the Department for Work and Pensions. They provide advice, information, support, and tools to help support staff with mental health conditions.

[Support for mental health at work | Able Futures Mental Health Support Service \(ablefutures.co.uk\)](#)

Freephone Able Futures: 0800 321 3137

[Access to Work Mental Health Support Service \(maximusuk.co.uk\)](#)

Freephone Maximus: 0300 456 8114

[NHS England » Support available for our NHS people](#)

12.0 Raising a Concern

- 12.1** Workers are not held to the Trust’s Disciplinary Policy for employees, and as such there is no right of appeal in the Conduct and Performance Procedure for Bank and agency Workers.
- 12.2** Bank workers or agency workers are unable to raise a grievance under the Trust’s Grievance Policy. In lieu of this, they are encouraged to follow the below processes.
- 12.2** Any complaint you may have should be raised with the relevant manager in the first instance, i.e. if the issue relates to the work base raise with the nurse in charge, if the matter relates to your terms of registration/pay then raise with your line manager, the Temporary Staffing Lead. The Trust will follow a reasonable process to resolve any complaint.
- 12.2** If you to raise a concern about anything you feel is preventing us from delivering excellent care, you can do so via the Trust’s Freedom to Speak Up Guardian, the Temporary Staffing Lead or by emailing erostering.tempstaffing@combined.nhs.uk and the team will ensure appropriate action is taken.

Appendix A - Safeguarding

In cases of allegation of abuse involving vulnerable adults or children, the issue should be reported immediately to a senior manager.

These cases must be managed in line with the interagency policy and procedures for Safeguarding Vulnerable Adults and Children in Stoke on Trent and Staffordshire. The senior manager will make an appropriate referral to the relevant agencies/Local Authority Designated Officer (LADO) in line with these procedures.

The senior manager should consider whether it is appropriate for the worker to continue to work. Cessation of bank duties or agency shifts should not be seen as an automatic response to an allegation and all cases should be individually considered. It may not be apparent whether cessation is necessary until wider information sharing and discussion between agencies has taken place. It may also be appropriate to seek an opinion of the LADO on the appropriateness of a cessation of duties.

Cessation of duties should be considered in any case if:

- there is cause to suspect a child or vulnerable adult is at risk of significant harm
- there is any possibility of further incidents or abuse
- the allegations warrant investigation by the police
- the allegation is so serious it may constitute gross misconduct
- continuing to work might compromise evidence; would adversely affect the worker, colleagues, or service users, or if it might increase the suspicions or concerns.

Where cessation of duties is deemed appropriate the individual should be notified that they are being removed from duty "pending an investigation into a safeguarding matter." Further details of the alleged offence should be given only after the strategy meeting (which should take place 2-4 working days after the incident) has been concluded and it is clear that to provide further details will not compromise any other investigation. Details of the allegation will usually be released at the initial investigation meeting, unless otherwise agreed with Strategy meeting leads.

No fact find / investigation should be commenced prior to a referral to agencies and Designated Officers as stated in the Safeguarding Procedures and a resulting Strategy discussion /meeting has been held (where deemed necessary). Proceeding with a premature investigation may compromise evidence and adversely affect other formal investigations.

Appendix B - Letter, temporary cessation of bank shifts pending investigation.

Ref:
Date:

Name
Job Title
Address e.g. – Lawton House (HQ)
Bellringer Road
Trentham Lakes South
ST4 8HH

Tel 0300 xxxx xxx ext xxxx
firstname.surname@combined.nhs.uk
PA details (if applicable)

Dear {name}

Please see below concerns that have been sent to the Temporary Staffing Team in relation to your conduct while working within the {Unit} on {date}.

{Incident details}

Please ensure that you provide as much detail as possible in your statement and any concerns that led up to the incidents. I have included guidance and statement form for you to complete. Please return your completed statement within five working days of receipt of this letter.

{only to be used where immediate cessation of shifts is required due to seriousness of allegation}

As an organisation, a decision has been made to temporarily restrict you from working from the bank at North Staffordshire Combined Healthcare NHS Trust. This temporary restriction will remain in place until the allegation has been thoroughly investigated. All upcoming shifts has been cancelled and your access to Allocate Loop to book shifts has been temporarily removed.

Temporary restrictions from the bank does not imply any judgement of guilt or wrongdoing against you. If at any stage during the investigation it is deemed that there is no case to answer your restrictions will be removed.

However, where the allegation(s) an outcome to our investigation may result in your permanent removal from the bank if it is considered appropriate to do so.

As a Trust we endeavor to minimise any potential impact on workers involved in our investigation process.

- Feeling informed and supported is key during and after this process has concluded, therefore please do get in touch with me or the Temporary Staffing Team should you need any support.
- In addition, you will be supported and have access to our Occupational Health provider, Optima Health available [here](#)) and the Trust's Staff Counselling Service, further information available at [Staff support and counselling service - CAT \(combined.nhs.uk\)](#).

Should you have any questions or require my assistance in accessing further support please give me a call on the number below or reply to this email.

Yours sincerely

Name

Job title

Appendix C – Statement Form

Full Name			
Job Title		Band	
Registered Practitioner (Please circle)	Yes/no	If yes	NMC Number: GMC Number: HCPC Number: Another registrant:

All information may be shared as part of an informal fact find, just culture review, any subsequent formal proceedings under Trust policy or procedure, and if this information needs to be provided to professional and regulatory bodies. By returning your statement and signing each page you are giving your consent for this information to be used.

Please ensure that you sign and date each page.

Guidance

1. You have been requested to provide a statement to support an investigation of concerns.
2. The process being conducted must be considered confidential in nature however, we recognise that it may be necessary for you to talk through this incident. You can talk to the Temporary Staffing Team, or you might want to contact your union representative/professional advisor, should this be the case. For further guidance, please discuss with the Temporary Staffing Team.
3. It is important that you record your recollection of the incident(s) honestly, accurately and in as much detail as you recall the situation at the first opportunity. If, however, following submission of your statement, you recall further details, then you should contact the Temporary Staffing Team to discuss.

Anything that you said or observed should be disclosed and recorded accurately. Non-disclosure of information, which is subsequently identified as information withheld, may be viewed negatively.

4. In preparing your statement, please ensure that you:
 - ☐ Use the full name(s) and title(s) of any Trust employees involved / present.
 - ☐ Use only the initials of any service users (patients) or carers involved / present.
 - ☐ Include the dates and times of incidents and issues.
 - ☐ Describe what happened in as much detail as possible to provide the investigation with a good understanding of what took place.
 - ☐ Use additional sheets if necessary and remember to number them.
 - ☐ Sign your statement in the box provided – You can do this electronically.
 - ☐ Date the form.
 - ☐ Retain a copy for your own records

Incident Details	
Date of incident	
Department	
Nature of Incident	

I hereby give my consent for the information that I provide at this investigation meeting to be used as part of any investigation, at a disciplinary and appeal hearing, and in the event that this information needs to be provided to regulatory bodies

Signed

**Date form
completed:**

Appendix D – Decision Checklist

Temporary Staffing Lead Checklist Decision making methodology for triaging Temporary Worker Conduct and Performance Procedure Cases

The purpose of this checklist is to ensure that a comprehensive and consistent decision-making methodology is applied in response to a concern or incident that provides for full and careful consideration of context and prevailing factors when determining next steps.

This is consistent with the application of 'just culture' principles, which recognise that it is not always appropriate or necessary to invoke formal management action, such as suspension or disciplinary investigation, in response to a concern or incident.

This checklist responds to one of the requirements from the NHSEI review into improving people practices, in light of the tragic circumstances of Amin Abdullah, to ensure the health, safety and wellbeing of our people within a restorative and just culture context.

Even though the just culture decision tree relates to patient safety incidents, the Trust believes that the decision-making methodology is transferable and applies to all concerns and incidents; particularly as all of our people contribute to patient care whether that be directly or indirectly.

Checklist	Y/N	Rationale / findings summary
1. Are you clear on what the issue is? • Starting with asking what has happened rather than who is responsible • Is the issue is related to a wider engagement, *cultural or environmental issue across the team rather than a small number of individuals? • Conduct (will not do) or capability (cannot do)? • Or grievance or raising concerns or Bullying & Harassment at Work? • If it is a conduct issue, decide whether a fact find is necessary? • Would a quiet word / informal action resolve the matter and be appropriate, subject to severity? • Is it a safeguarding and / or police matter? • Has MHPS been considered if medical staff member? *Cultural issue – e.g. team dynamics work related culture or relating to a protected or non-protected personal characteristic, including (but not limited to) religious, ethnic, national, or cultural group, ability/disability, sexuality, gender, or gender identity)		
2. Have you reviewed the NHSI Just Culture guide and website to inform your decision making?		

i. Deliberate harm test ii. Health test iii. Foresight test iv. Substitution Test v. Mitigating circumstances		
3. Would you benefit from an informal review? • Where it is uncertain whether a full fact find is unnecessary or appropriate, a manager may benefit from trying to find this out first. Usually this would be limited to gathering appropriate initial evidence on the matter, e.g. witness statements		
4. Have you fully considered all of the above to inform your decision?		Delete as appropriate or specify if other. - Informal action - Temporary cessation of all duties while a fact find is completed. - Temporary cessation of duties in an area or directorate while a fact find is completed. - disengagement of agency worker / de-registration of bank worker.

Appendix E – Bank Terms of Registration

Recruitment Team

Lawton House
Bellringer Road
Trentham
ST4 8HH

DATE

Private and Confidential

Your Ref:

Dear,

TERMS OF REGISTRATION OF BANK STAFF

Name:

1. The Bank

1.1 The Trust shall place you on a register of individuals who may make themselves available to work on an ad hoc basis to meet a temporary need ("the Bank").

1.2 The Trust is under no obligation to offer you any work and the Trust reserves the right to offer such work to other individuals registered on the Bank as it may elect in cases where the work is suitable for more than one individual. The Trust shall incur no liability to you should it fail to offer you any work.

1.3 You are under no obligation to accept any work that is offered to you under the Bank. Any work offered to you on the Bank is temporary work only and there will be periods when no work is offered.

1.4 In registering on the Bank you are not and not to be treated or to hold yourself out as an employee of the Trust under these terms and nothing in this document is intended to create an employment relationship between you and the Trust.

1.5 All duties you will be required to undertake if any work is offered and accepted on the Bank will be in accordance with the then current appropriate job description for the work so offered and accepted.

1.6 As a Bank worker you will be expected to be flexible and accept that this will include movement to other appropriate work or to another work base during a shift as may be necessary at short notice, for example because of service need.

2. Duration

2.1 Your registration on the Bank will operate from xx/xx/xxxx

Your name may be removed from the Bank at any time and for any reason at the absolute discretion of the Trust.

3. Payment for Bank work

3.1 You will be paid at the Trust Bank Rate current at the time of, and appropriate to the work undertaken on each engagement.

3.2 The current pay rates for Bank work are in line with Agenda for Change pay rates, and the starting pay point will take into account previous NHS service.

3.3 All Bank staff will be eligible for an incremental uplift if they have worked more than 488 hours in 12 months, from the date of commencement, or within each 12-month period thereafter, until the top of the band is reached.

3.4 Hours will be paid at basic rate plus enhancements for unsocial hours in accordance with Agenda for Change terms and conditions.

3.5 A percentage payment of 12.07% is also added to this rate to account for annual leave entitlement (in line with the Working Time Directive).

3.6 Any work carried out on the Bank will not be classed as continuous or count towards aggregated NHS service.

3.7 You will be paid in the month following the month in which the bank shift is worked. Shifts are finalised on the electronic rostering system for payment. Payment is subject to the bank worker signing the attendance sheet on the ward worked. This must be signed on every shift worked.

4. Working Time Regulations

4.1 The maximum hours that may be worked is 48 hours per week (over a 17-week reference period) in line with the Working Time Directive (WTD). This includes work on the Bank and any other employment. If you have other paid employment, you must advise the Temporary Staffing Co-ordinator of this and must ensure that you do not exceed an average of 48 hours per week in total.

4.2 If workers wish to work in excess of 48 hours per week, then a Working Time Directive opt out form must be completed. You should ensure that you observe the rest periods contained in the WTD and must ensure you are fit to undertake the shifts for which you are booked. The Trust reserves the right to ensure that you do not work excessive hours to protect the safety and well-being of both you and our clients.

5. Sickness Absence

5.1 If you have accepted an offer of work on the Bank but cannot undertake it because of sickness you must notify the Ward/Department in which you were due to work as early as possible on the day that you are due to attend.

5.2 Bank workers are not entitled to occupational sickness payments. You may be entitled to Statutory Sick pay depending on the average number of hours worked on the Bank. This will be calculated by Employment Services in accordance with HMRC rules. Relevant sickness

certificates must be provided in order to claim sick pay, and you may also become eligible to pay National Insurance contributions.

5.3 It is not appropriate for permanent staff to accept any Bank work if they are on a phased return following long term sickness absence. Permission of the substantive line manager must be gained before accepting any Bank work offered following any period of intermittent sick leave.

6. Maternity Leave

6.1 You must notify the Temporary Staffing Co-ordinator if you are pregnant, so that an appropriate risk assessment may be carried out.

6.2 Further notification of maternity leave should be submitted utilising the standard documentation contained within the Maternity Policy.

6.3 Bank workers are not entitled to occupational maternity payments. However, you may be entitled to Statutory Maternity pay depending on the average number of hours worked on the Bank. This will be calculated by Employment Services in accordance with HMRC rules.

7. Annual Leave

7.1 As a worker you will be entitled to Statutory Annual Leave under the Working Time Regulations. Because the nature of Bank work means you do not normally work a regular amount of hours each week, payment for annual leave will be paid as an additional percentage, currently 12.07%, on top of your normal hourly rate of pay which will be shown as a separate item on your payslip under the heading "Annual Leave".

8. Removal from Bank registration

If you no longer wish to be offered work on the Bank, please notify the Temporary Staffing Co-ordinator

If your Bank registration ends you must return immediately all Trust property or documentation. Failure to return property or documentation may result in the Trust withholding part or all of the monies due to you.

If you have not worked any bank shifts for 6 months, you will automatically be removed from the Bank, and your Bank position will be terminated.

If you have a temporary situation which is stopping you from working but wish to remain on the bank, then please inform the temporary staffing office, this will ensure you are not automatically removed from the Bank.

9. NHS Pension Scheme

9.1 Upon registration on the Bank, you will be automatically enrolled into the NHS Pension Scheme unless you choose to opt out. Bank Worker contributions are determined by the level of your salary and will be deducted at the appropriate percentage rate, pro rata to the hours you have worked each month, up to a maximum of one whole time equivalent overall if you have more than one appointment in the NHS. If you do not wish to join the pension scheme you should contact the Pensions Manager at the time of your commencement.

9.2 Members have the option to increase their benefits and transfer pension scheme rights from other organisations. Information and advice on these options plus full details of the NHS pension scheme are available from the Pensions Manager.

10. Issues of Conduct, Capability, Harassment or Bullying

10.1 The Trust expects all workers to observe a high standard of personal conduct and performance. The Trust affirms that harassment or bullying in any form is wholly unacceptable and stress that all workers have a personal responsibility to treat their colleagues with consideration, dignity, and respect.

10.2 Where any concerns are raised, the Trust will follow a reasonable process for investigating and/or dealing with the issues raised, which may include cancelling pre-arranged shifts, informing the Bank worker that they will not be requested to undertake work for the Trust until further notice or removal from the Bank.

11. Complaints

11.1 Any complaint you may have should be raised with the relevant manager in the first instance, i.e. if the issue relates to the work base raise with the nurse in charge, if the matter relates to your terms of registration/pay then raise with your line manager, the Temporary Staffing Manager. The Trust will follow a reasonable process to resolve any complaint.

12. Deductions and overpayment

12.1 In cases of overpayment of remuneration or any other payments, made by mistake or through misrepresentation or otherwise, the Trust reserves the right to require you to repay any of the said losses. This may be either by deduction from remuneration, or deduction from any other monies owing to you for which your authority is deemed by acceptance of this contract. The means by which deduction will be made will be discussed with you and confirmed in writing.

13. Conflict of Interest / Other Employment

13.1 The Trust recognises that Bank workers will often have other interests, work, or employment outside the Trust. Outside interests, work or employment must not affect your job performance with the Trust. You are required to report to the Temporary Staffing Co-ordinator any activity which may present a conflict of interest with the Trust prior to accepting any Bank work offered.

14. Intellectual Property Rights

14.1 From time to time during your working time, you may generate intellectual property. This intellectual property can be in the form of inventions, discoveries, surgical techniques or methods, developments, processes, schemes, formulae, specifications, or any other improvements which may give rise to patents, copyright, design rights, trademarks, or know-how. The ownership of such intellectual property belongs to the Trust, unless agreed otherwise in writing between you and the Trust.

15. Health and Safety

15.2 All workers have a responsibility to abide by safe practices and codes prepared by the Trust and have an equal responsibility with managers for maintaining safe working practices for the health, safety and welfare of themselves and others.

16. Confidentiality & Data Protection

16.1 It is a condition of your registration that you will not disclose any information of a confidential nature relating to the Trust, its patients, officers, employees, contractors or any third party obtained in the course of your work.

16.2 Bank workers who have access to personal data have obligations under the Data Protection Act to maintain confidentiality of information. Full details of the Data Protection Act are available on the Trust's intranet.

16.3 It is essential that patients and employees are kept informed of the uses to which information about them may be put. If the nature of that use changes, then the person to whom the information relates must be informed and consent obtained before the information is passed on.

16.4 As a Bank worker, you are required to follow and sign the appropriate protocols relating to confidentiality of information.

16.5 Unauthorised disclosure of confidential information or contravention of the Data Protection Act may result in the Bank worker's registration being revoked.

17. NHS Indemnity

17.1 The Trust is legally liable for negligent acts and omissions of any persons acting in a professional capacity in the course of their NHS work (the principle of vicarious liability). However, should you engage in professional practice outside the scope of your NHS work you are advised to obtain professional liability cover for that work.

18. Professional Registration

18.1 Where applicable you are required to be professionally registered whenever you undertake work for the Trust and to maintain your professional standard of competence in accordance with the recommendations of your professional registering body and to abide by the relevant codes of professional practice. You also have a duty to inform the Trust if you have any current restrictions placed on your practice.

18.2 Failure to maintain your professional registration or to inform the Trust of any restrictions may result in temporary or permanent removal from the Trust's Bank.

18.3 If you fail to abide by the principles of your relevant professional registration, the Trust reserves the right to report matters to the professional body for action where necessary.

19. Smoking

19.1 The Trust is a smoke free working environment.

20. Equal Opportunities

20.1 The Trust is committed to providing equal opportunities for all its staff, patients, and visitors. It is the aim of the Trust to ensure that individuals should not receive less favourable treatment, directly or indirectly, on the grounds of gender, marital status, race, colour, nationality, ethnic or national origin, disability, sexual orientation, gender reassignment, HIV status, religion, beliefs, domestic circumstances, age, social or employment status or political affiliation or trade union membership. You must be familiar with and at all times comply with the principles of the Equality Act 2010. Discrimination on any of the above grounds or harassment of any kind against any person in connection with Trust business, may result in the Bank worker that they will not be requested to undertake work for the Trust until further notice.

21. Medical Fitness

21.1 Your registration on the Trust Bank will be subject to satisfactory medical clearance from the Occupational Health department, or if you are already in the employment of the Trust on a permanent basis, it will be subject to your ongoing medical fitness and you may at any reasonable time be required to undergo a medical examination.

22. Personal Effects

22.1 Your attention is drawn to the fact that the personal effects of workers are NOT covered by any insurance taken out by the Trust and you are recommended to make appropriate arrangements for your own personal insurance.

23. Infection Control

23.1 In accordance with the Health Act (2006), you must actively participate in the prevention and control of infection within the capacity of your role. This includes attending Infection Prevention and Control training on induction, regular updates and taking responsibility for the practical application of the training in the course of your work.

24. Safeguarding – Promoting the Welfare of Children and Vulnerable Adults

24.1 The Trust is committed to safeguarding and promoting the welfare of children and vulnerable adults and is signed up to Stoke-on-Trent Safeguarding Children Board Procedures, Staffordshire Safeguarding Children Board Procedures and the Staffordshire and Stoke-on-Trent Safeguarding Adults Partnership Procedures. All Trust staff and Bank workers must be familiar with, and adhere to, these procedures. It is your responsibility to attend the Trust's mandatory Safeguarding Training and follow the relevant Trust Policies and Practice Guidance.

25. Statutory & Mandatory Training

25.1 When initially recruited, all bank workers are required to undertake Statutory and Mandatory training and role-based training prior to undertaking any bank work for the Trust. Payment will be made for the training on submission of timesheets following successful completion of all required training.

25.2 In order to remain on the Bank and be offered work in the Trust you will be required to attend and participate in at least one Statutory/Mandatory Training Programme each year and role-based training. Failure to attend and complete a full Statutory Training Programme within 3 months could result in your Bank registration being revoked.

26. Criminal Offence

26.1 Should you be charged with any criminal offence, whether connected with your Bank work or not, this must be reported immediately to Temporary Staffing Co-ordinator the People Operations Team (HR).

27. Disclosure and Barring Service Clearance

27.1 In order to protect the public, the majority of posts within the Trust are exempt from Sections 4(2) of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

27.2 Standard disclosure checks and enhanced disclosure checks are carried out through the Disclosure and Barring Service as appropriate to the post. An Enhanced Disclosure with a barred list
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check will also be conducted for workers carrying out regulated activity.

27.3 All information will be treated in confidence. Where a criminal record is disclosed, it will not necessarily prevent you from continuing your registration with the Trust, however you will need to discuss the information with the appropriate Manager and People Advisor, who will determine whether you can proceed with your registration.

28. Raising Concerns, Freedom to Speak Up

28.1 If you have any concerns about a risk, malpractice, or wrongdoing at work you are expected to raise these concerns at the earliest opportunity, either with your current manager, lead clinician, or the Temporary Staffing Co-ordinator. This may be done verbally or in writing. As a result of raising a concern under the Trust's Freedom to Speak Up procedure, you will not be at risk of losing your Bank registration or suffering any detriment (such as a reprisal or victimisation) provided you are acting in good faith and the matter is not raised maliciously. Please refer to the Freedom to Speak Up Policy for further information.

Registration Agreement authorised by:

Name:

Designation:

Date:

FORM OF ACCEPTANCE

DO NOT DETACH

I agree to the above terms for registration, and engagement when work is offered and accepted.

Signed: Date:

Copies to: Bank worker

Bank worker's personal file.

Chairperson: Janet Dawson

Chief Executive: Dr Buki Adeyemo

www.combined.nhs.uk

Follow us on Twitter: [@CombinedNHS](https://twitter.com/CombinedNHS) Follow us on Facebook:
www.facebook.com/NorthStaffsCombined



On-Call Policy

Document level: Trust

Code: 3.37

Issue number: 3

Lead executive	Chief People Officer
Authors details	Senior People Advisor

Type of document	Policy
Target audience	This policy applies to the posts of all employees covered by the Agenda for Change Terms and Conditions of Service, regardless of pay band. It does not cover on-call payment arrangements for Executive Directors, Medical and Dental posts, or the posts of workers not employed by the Trust. Refer to individual Terms and Conditions of employment for further information if required.
Document purpose	This policy sets out the Trust's local arrangements for the payment of on-call work under the national framework of Agenda for Change. The Trust is committed to the operation of contractual on-call arrangements and payment systems that are fair, consistent and equitable.

Approving meeting	PCDC	Meeting date	4 th December 2023
Implementation date	Policy Ongoing	Review date	31 st December 2026

Trust documents to be read in conjunction with	
3.25	Flexible Working and Employment Break Policy
3.19	Retirement Policy
2.16	Expenses Policy
3.06	Pay Protection Policy
3.11	Supporting Attendance at Work Policy

Document change history		Version	Date
What is different?	- Move to new template - Update of team names - Minor refresh in line with the principles for harmonised on-call arrangements contained in Section 2 and Annex 29 of the NHS Agenda for Change Terms and Conditions of Service Handbook.		

Appendices / electronic forms	- NA		
What is the impact of change?	- Minimal as minor updates		

Training requirements	None
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Document consultation	
Directorates	Partnership working groups, JNCC and JLNC
Corporate services	Partnership working groups, JNCC and JLNC
External agencies	Partnership working groups, JNCC and JLNC

Financial resource implications	
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External references
1. Agenda for Change Terms and Conditions of Service

Monitoring compliance with the processes outlined within this document	The Chief People Officer will be responsible for monitoring the implementation of this policy and will arrange for the process to be periodically audited. This policy will be reviewed 3 yearly or earlier in light of new national guidance/other significant changes.
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Element to be monitored	Process/ Method	Responsible individual/ group/ committee	Frequency of monitoring	Responsible individual / group/ committee for review of results	Responsible group/ committee for monitoring action plan
Sessional Rate	Uplift the 'less than 1 in 12' sessional rate	Chief People Officer	Annually in line with pay award	Finance, Performance and Estates Committee	People Operations Team
Compliance of rotas to this policy	Rota analysis against payroll	Service Line Manager or equivalent for non-clinical teams	Not less than 3 times per year	Finance, Performance and Estates Committee	People Operations Team

Equality Impact Assessment (EIA) - Initial assessment	Yes/No	Less favourable / More favourable / Mixed impact
Does this document affect one or more group(s) less or more favourably than another (see list)?		
– Age (e.g. consider impact on younger people/ older people) – Disability (remember to consider physical, mental and sensory impairments) – Sex/Gender (any particular M/F gender impact; also consider impact on those responsible for childcare) – Gender identity and gender reassignment (i.e. impact on people who identify as trans, non-binary or gender fluid) – Race / ethnicity / ethnic communities / cultural groups (include those with foreign language needs, including European countries, Roma/travelling communities) – Pregnancy and maternity, including adoption (i.e. impact during pregnancy and the 12 months after; including for both heterosexual and same sex couples) – Sexual Orientation (impact on people who identify as lesbian, gay or bi – whether stated as 'out' or not) – Marriage and/or Civil Partnership (including heterosexual and same sex marriage) – Religion and/or Belief (includes those with religion and /or belief and those with none) – Other equality groups? (may include groups like those living in poverty, sex workers, asylum seekers, people with substance misuse issues, prison and (ex) offending population, Roma/travelling communities, and any other groups who may be disadvantaged in some way, who may or may not be part of the groups above equality groups)	No No No No No No No No No No	
If you answered yes to any of the above, please provide details below, including evidence supporting differential experience or impact.		
If you have identified potential negative impact: - Can this impact be avoided? Staff are required to complete mandatory education to ensure a safe service provision - What alternatives are there to achieving the document without the impact? Can the impact be reduced by taking different action?		
Do any differences identified above amount to discrimination and the potential for adverse impact in this policy?	No	
If YES could it still be justifiable e.g. on grounds of promoting equality of opportunity for one group? Or any other reason	NA	
Enter details here if applicable		

Where an adverse, negative or potentially discriminatory impact on one or more equality groups has been identified above, a full EIA should be undertaken. Please refer this to the Diversity and Inclusion Lead, together with any suggestions as to the action required to avoid or reduce this impact.

Discussed the above with the Inclusion & Diversity Lead – adjustments offered and made ensured equality and inclusion.

For advice in relation to any aspect of completing the EIA assessment, please contact the Diversity and Inclusion Lead at Diversity@combined.nhs.uk

Was a full impact assessment required?	No
What is the level of impact?	NA

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1 Scope

- 1.1 This policy is written in line with the principles for harmonised on-call arrangements contained in Section 2 and Annex 29 of the NHS Agenda for Change Terms and Conditions of Service Handbook.
- 1.2 This policy applies to the posts of all employees covered by the Agenda for Change Terms and Conditions of Service, regardless of pay band. It does not cover on-call payment arrangements for Directors, medical and dental posts, or the posts of workers not employed by the Trust
- 1.3 These procedures should be applied equitably to all employees ensuring that there is no discrimination on the grounds of age, disability, race, ethnicity, gender, gender identity, sexual orientation, religion, belief, offending background, trade union activities, marital or family circumstances or domestic/care arrangements.
- 1.4 This policy supports the application of our Trust Values which guide our actions and behaviour as an employer and provider of services.

These are Proud to CARE:

Compassionate	Caring with compassion, it's about how we listen, what we say, what we do
Approachable	Friendly, welcoming, sharing ideas and being open
Responsible	Taking personal and collective responsibility, being accountable for our actions
Excellent	Striving for the best, for high-quality safe care and continually improving

2 Duties

- 2.1 It is the responsibility of the **line manager** to ensure that:
 - On-call arrangements match service requirements and are reviewed regularly in the light of changing service needs;
 - Employees understand their contractual obligations in participating in the on-call arrangements;
 - A rota is published in advance to enable participants to plan;
 - The frequency and type of each employee's commitment is equitable;
 - All participants in the on-call arrangement are fit for work (in accordance with their Professional Code of Conduct and Trust attendance rules) during and immediately following a period of on-call working;
 - To make any changes to frequency of commitment as required;

- To notify Pay Services of all changes to the availability payment to be paid and of all time worked on call outs;
- To spot check and authorise all payments made for work undertaken whilst on-call.
- To ensure that individual staff are not undertaking a disproportionate/ inappropriate level of on-call by way of providing cover for other staff on the on-call rota.
- To adhere to this Policy.

2.2 It is the responsibility of **employees** to ensure that:

- They are fit for work (in accordance with their Professional Code of Conduct and Trust's Supporting Attendance at work policy) during and immediately following a period of on- call working;
- To adhere to the Trust's attendance and absence reporting requirements in accordance in the Supporting Attendance at Work policy;
- Where necessary to ensure service continuity, to swap on-call availability with a colleague and inform the appropriate person(s) of the change (e.g. line manager, switchboard)
- They undertake on-call responsibilities in accordance with the agreement.
- They accurately record all instances of work undertaken whilst on call.
- To adhere to this Policy.

2.3 It is the responsibility of the People Operations team to support Managers in the appropriate implementation of this policy and the monitoring of their rotas.

3 Definitions

Availability Payment	Payment received for being available to undertake on call duties.
Bank/Public Holiday	Defined as 00:00 – 23:59 on the relevant date
Compensatory Rest	Individuals will receive compensatory rest for working time/work done, in accordance with section 27 of the Agenda for Change Handbook
Daily Rest	The break between working days in accordance with the Working Time Regulations. Daily rest is not required to be uninterrupted.
Frequency	Determined by the line manager with reference to the number of individuals included within the on-call working arrangements (included on the on-call rota).

Frequency periods/sessions	The unsocial hours period is split into 9 frequency periods of at least 12 hours as appropriate for the needs of the service (see table below) For example, the on-call periods may be 5 frequency periods of weekday evening/night, 4 frequency periods over a weekend and 2 frequency periods within a Bank/Public Holiday (please see the definition of a Bank/Public Holiday above).
Normal individual working hours	Hours which are regularly worked by an individual and fixed by contract of employment.
Normal dept. working hours	The hours within which the department/service provides its usual services.
On-call arrangement	A contractual arrangement between the employer and employee for the employee to be available for on-call work, either at the workplace, at home or elsewhere and to work as and when required. A member of staff is on-call when, as part of an established arrangement with their employer, they are available outside their normal working hours, either at the workplace, at home or elsewhere, to work as and when required.(NHS Employers Annexe 29 point 2)
On-call work	Work of an urgent/emergency nature which arises outside normal department working hours.
Overtime	Defined by Agenda for Change Terms and Conditions of Service Section 3. This on-call policy does not incorporate any agreement for guaranteed overtime.
Periods and availability payments	

Day	Periods	Availability payment per session
Session 1 – Monday	17:00 - 09:00	1 payment at availability rate
Session 2 - Tuesday	17:00 - 09:00	1 payment at availability rate
Session 3 – Wednesday	17:00 - 09:00	1 payment at availability rate
Session 4 – Thursday	17:00 - 09:00	1 payment at availability rate

Session 5 – Friday	17:00 - 09:00	1 payment at availability rate
Session 6 – Saturday	09:00 – 21:00	1 payment at availability rate
Session 7 – Saturday	21:00 - 09:00	1 payment at availability rate
Session 8 – Sunday	09:00 – 21:00	1 payment at availability rate
Session 9 - Sunday	21:00 - 09:00	1 payment at availability rate

Unsocial hours Defined by Agenda for Change Terms and Conditions of Service Section 2.

Week Seven calendar days as set out in the department/service on call arrangement (usually Monday – Sunday inclusive)

Working Time/Work done Time spent working. Unless it is part of a specific sleeping-in on-call arrangement, time spent sleeping (either at home or in Trust accommodation) whilst being available for work as part of an on-call arrangement **is not** working time/work done.

4 Framework and Participation in on call duties

- 4.1 The normal individual and departmental working hours of a department/service must be determined locally with reference to service need.
- 4.2 Whether or not an on-call arrangement is required is determined by the workload of the relevant department/service. The specific details of each on-call arrangement are to be determined by each department/service with reference to service need.
- 4.3 All employees with the relevant skills are automatically included in their department's/service's on-call arrangements unless they have a written variation of contract excluding them for specific health or legal reasons.
- 4.4 The frequency of the on-call arrangement will be reviewed whenever there is a fundamental change in the number of participants in the on-call arrangements, and in any event no less than in accordance with the Trust's Policy cycle.
- 4.5 Superficial changes in the rota are expected to be filled by the remaining participants in the on-call arrangements on a short-term basis.
- 4.6 Employees may request to cease participation in an on-call rota via the Trust's [Flexible Working and Employment Break Policy](#). Alternatively the request may be as a result of health related reasons linked to the Equality Act 2010, or as part of Flexible Retirement/Step Down arrangements. Please see the [Flexible Working and Employment Break Policy](#) and the [Retirement Policy](#) for more information. All requests will be given due consideration by the employee's line manager and/or with Occupational Health guidance (if needed).

- 4.7 In certain circumstances (e.g. where an employee is pregnant or has a health condition) it will be necessary to refer to Occupational Health for advice and/or to carry out a risk assessment of their on-call duties to ensure that their health and safety needs, including reasonable adjustments, are considered.
- 4.8 When a Bank/Public Holiday between Christmas and New Year falls on a Saturday or Sunday, arrangements will need to be made to ensure that the right of staff to three Bank/Public holidays in the Christmas and New Year holiday period is preserved. Annex Y of the Agenda for Change NHS Terms and Conditions handbook sets out what applies when staff work on a Bank/Public Holiday during this period

5 Availability Payment

- 5.1 Each employee participating in an on-call arrangement will be paid an availability payment for their role in recognition of being available to work / on standby to undertake on call duties
- 5.2 This availability payment recognises the employee's availability to provide cover and any advice given by telephone during periods of on-call availability.
- 5.3 The availability payment is paid in the current month as recognition of an employee's participation in the on-call arrangements for their department/service.
- 5.4 The availability payment is not uplifted for availability on general Bank/Public holidays.
- 5.5 During periods of absence the employee will not continue to receive the availability payment. Where other employees on the rota undertake additional on call sessions due to the absence of other members of staff, the availability payment will change when the frequency of on-call increases as defined in section 6.6 below.
- 5.6 The availability payment will usually be dependent upon the intensity of the on-call rota for each individual in line with the following table:

Frequency of On-Call	Value of Enhancements as % of Basic Pay
1 in 3 or more frequent	9.5%
1 in 6 or more but less than 1 in 3	4.5%
1 in 9 or more but less than 1 in 6	3.0%
1 in 12 or more but less than 1 in 9	2.0%
Less than 1 in 12	Local Agreement (Flat Rate or Percentage)

- 5.7 Subject to Trust agreement, it may be appropriate for an alternative availability payment to be made; this could be a percentage payment or a flat rate payment, which may or may not vary depending on the session worked. Any alternative arrangements for availability payments would also be discussed with Staff Side colleagues in advance of being implemented.

Where a flat rate payment is agreed, the rates will be as follows:

Day	Period	Availability Payment per session
Period 1 – Monday	5pm – 9am	£15.00
Period 2 - Tuesday	5pm – 9am	£15.00
Period 3 – Wednesday	5pm – 9am	£15.00
Period 4 – Thursday	5pm – 9am	£15.00
Period 5 – Friday	5pm – 9am	£15.00
Period 6 – Saturday	9am – 9pm	£20.00
Period 7 – Saturday	9pm – 9am	£20.00
Period 8 – Sunday	9am – 9pm	£20.00
Period 9 - Sunday	9pm – 9am	£20.00
Bank/Public Holiday	9am – 9pm	£25.00
Bank/Public Holiday	9pm – 9am	£25.00

- 5.8 Each employee participating in an on-call arrangement with an intensity of less than 1 in 12 will be paid an availability payment, where the rate will be agreed by the Trust; such arrangements would be discussed with Staff Side colleagues in advance of being implemented.
- 5.9 Where an availability payment is a percentage payment, this will be paid monthly; where the availability payment is a flat-rate, it is claimed via a monthly timesheet as and when worked and will be paid a month in arrears. Where part time staff participate in an on-call rota, the level of participation should be proportionate to the whole time equivalent worked i.e. managed and based on their contractual hours.
- 5.10 It is expected that the flat rate availability payment will be reviewed alongside national pay increases, where it is expected that benchmarking with local Trusts will also take place. Any increases to the flat rate availability payment will need to be agreed in accordance with the principles of partnership working.

6 Payment for Call-Outs

- 6.1 Payment for work done for employees will be made at time and a half with the exception of Bank/Public holidays, which will be paid at double time. However, reference is to be made to individual Terms and Conditions of employment for overall clarity on this matter

6.2 Physical Attendance at Work Premises

- 6.2.1 Any work undertaken in excess of 30 minutes will be paid as Work Done in line with paragraph 6.1
- 6.2.2 Where there is more than one call out within the same period of working time, only one payment will be made.

6.3 Telephone Advice and Internet Based Support

- 6.3.1 Any advice given by telephone in response to a call out will be paid in 15 minute blocks. Where there is more than one call out within the same 15 minutes of working time, only one payment will be made. Alternatively this time may be taken in lieu. See section 8 below.
- 6.3.2 Where further calls are received outside a 15 minute period, a new 15 minute period will begin.

7 Recording and Authorising Working Time

- 7.1 All time taken to complete a call-out must be recorded on a timesheet. All timesheets must be authorised for payment by the relevant line manager.
- 7.2 Travelling time must be clearly recorded on the timesheet for monitoring purposes.

8 Time Off In Lieu (TOIL)

- 8.1 Due to personal circumstances including tax credit thresholds, or maintaining a good work/life balance, some staff may prefer to take TOIL rather than payment for work done.
- 8.2 In place of payment for time worked, participants in on-call arrangements may make a genuine choice to take TOIL at plain time rates in accordance with the Agenda for Change Terms and Conditions of Service Section 3, paragraph 3.5. The timing of this is to be agreed between the manager and the individual. It is preferable that TOIL is rostered to ensure that it is taken within 1 month of being worked. However, where the TOIL cannot be taken for genuine operational reasons within 3 months of being worked payment must be made at the rate applicable to when the work was done.

9 Compensatory Rest

- 9.1 The requirements of the Working Time Directive and the Agenda for Change Terms and Conditions of Service Section 27 must be adhered to, specifically:
 - Daily Rest
All adult workers are entitled to at least 11 consecutive hours daily rest in every 24- hour period. Young workers (those aged under 18) are entitled to

a consecutive rest period of not less than 12 hours daily rest in every 24-hour period.

- **Weekly Rest**

All workers are also entitled to an uninterrupted weekly rest period of 35 hours (including the eleven hours of daily rest) in each seven-day period. Where this is not possible, they should receive equivalent rest over a 14-day period, either as one 70-hour period or two 35 hour periods.

- 9.2 No worker will suffer any detriment because they have exercised their rights under the Working Time Regulations
- 9.3 The Working Time Directive recognises that in a health setting, due to the need to maintain patient care, it may not always be possible for an individual to achieve the necessary rest break whilst on-call. In these circumstances the employee is entitled to unpaid compensatory rest within a reasonable period. This may be achieved by amending the start and finish times for the employee's next shift, or rostering a day off after every period of on-call availability.
- 9.4 The employee and the line manager will mutually agree where the appropriate amount of daily rest has not been possible, and the employee is entitled to compensatory rest within a reasonable period. This may be achieved by amending the start and finish times for the employee's next shift, or rostering a day off after every period of on call availability. If start and finish times are adjusted individuals are still required to work their contracted hours for the day in question and lone working arrangements may need to be considered.
- 9.5 Managers need to ensure that any changes to working hours or compensatory rest taken should be recorded via the Easy system.

10 Travel Time

- 10.1 Travel time **is not an automatic payment** for each call-out as the individual may already be at work. However, if the employee is required to physically attend their work premises as part of the call out, it is anticipated that a maximum of 30 minutes travel time will be paid each way between home and work unless the maximum distances or periods of travel time are specified otherwise by each department/service as appropriate for the needs of that service.
- 10.2 Travel time will be paid at the same rate as work done when on-call and must be claimed separately on the timesheet as travel time.
- 10.3 Where call-outs require an employee to travel between work premises, travel time will be classed as work done and must be recorded on the timesheet as part of the time claimed to complete the call-out.

11 Travelling Expenses

- 11.1 Travelling expenses will be paid for the journeys from home to work and vice versa, and for any travel required to complete a call-out. Refer to Trust Travel expenses and subsistence manual.
- 11.2 Lease car users must note that claiming of mileage expenses incurred whilst on-call may have a personal tax implication that will not be off-set by the Trust. Lease car users are advised to contact Pay Services and/or HM Revenue & Customs directly for the most up to date guidance.

12 Wash down time

- 12.1 It is possible that in the course of completing on-call duties, employees may require a 'wash down' at the completion of their tasks. In these circumstances, employees may claim an additional 15 minutes to cover this time, to be recognised as Work Done and paid in line with paragraph 6.1

13 Accommodation

- 13.1 Where an employee is part of an on-call arrangement but is unable to meet the relevant Home to Work Distance/Time requirement, that employee is responsible for arranging and paying for their own accommodation. The Trust does not provide sleeping accommodation for on-call arrangements and will not reimburse any costs incurred by the employee.

14 Public and Bank Holidays

- 14.1 The length of a Bank/Public holiday is defined by section 13 of Agenda for Change Terms and Conditions of Service as 7.5 hours
- 14.2 Payment for work done on a general public holiday is double time, as set out in paragraph 2.43 of the Agenda for Change Terms and Conditions of Service.
- 14.3 Employees who are required to be available as part of an on call arrangement over a public holiday are entitled to a maximum of 7.5 hours back in lieu or pro rata for part time workers. See section 8 above.

For example, if a member of staff is on call for 17 hours on a public holiday and works for 5 hours they will be paid the availability payment plus the payment for 5 hours work and get 7.5 hours back.

- 14.4 Covering public / bank holiday will attract a day in lieu in accordance with paragraph 13.4 of the NHS terms and conditions of service handbook, irrespective of work done.

15 Pensionable Pay

- 15.1 The availability payment is classed as pensionable pay for members of the NHS Pension Scheme, but payments made for work done are not pensionable.
- 15.2 Guidance on “pensionable pay” can be found on NHS Pensions websites at: www.nhsbsa.nhs.uk/pensions for staff and employers in England and Wales;

16 Pay protection

- 16.1 Organisational Change
When on call arrangements are changed as a result of an organisational change process, individuals may be entitled to receive pay protection for a period of time in accordance with the Trust’s [Pay Protection Policy](#).
- 16.2 Ill Health
If an employee is not medically fit to participate in an on-call, no on call pay protection will apply in these circumstances.

Training Needs Analysis for the policy for the development and management of Trust wide procedural / approved documents Please tick as appropriate

There are no specific training requirements- awareness for relevant staff required, disseminated via appropriate channels. (Do not continue to complete this form-no formal training needs analysis required)	☐
There are specific training requirements for staff groups. (Please complete the remainder of the form-formal training needs analysis required- link with learning and development department.)	

Staff Group	☐ if appropriate	Frequency	Suggested Delivery Method (traditional/ face to face / e-learning/handout)	Is this included in Trust wide learning programme for this staff group (☐ if yes)
Career Grade Doctor				
Training Grade Doctor				
Locum medical staff				
Inpatient Registered Nurse				
Inpatient Non-registered Nurse				
Community Registered Nurse				
Community Non Registered Nurse / Care Assistant				
Psychologist / Pharmacist				
Therapist				
Clinical bank staff regular worker				
Clinical bank staff infrequent worker				
Non-clinical patient contact				
Non-clinical non patient contact				

Please give any additional information impacting on identified staff group training needs (if applicable)

Please give the source that has informed the training requirement outlined within the policy i.e. National Confidential Inquiry/NICE guidance etc.

Any other additional information

Completed by	People Operations Team	Date	23/08/23
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