

Short term resourcing needs policy

Managers are responsible for ensuring that temporary or short term resourcing needs are met in a cost effective and efficient manner. Managers must be mindful of all cost implications, in particular, when using agency workers or consultants. There must be a clear business case based on the urgency of service needs, potential scarcity of skills and the impact insufficient staffing would place on the service prior to engaging a temporary worker.

Options for covering a short term need

A short term need can include peaks in demand, sickness absence, maternity cover or emergency staffing shortages. To meet the needs of your business in the most cost-effective way, there are a number of options that can be considered.

Re-allocation or re-scheduling of work within your existing team

This could be managed by:

- Adjusting the priority work areas of existing team members to cover the temporary period
- Providing time off-in-lieu (if necessary)
- An acting-up payment for employees covering all of the duties of a higher graded post for a continuous period of between four weeks and six months
- An honorarium for an employee undertaking some of the duties of a higher graded post
- Additional hours or overtime – see below for further information

Engaging a bank worker

- This could be a known bank worker for your existing team or identifying a bank worker known to a comparative team elsewhere in your service

A fixed term appointment

- If a fixed term appointment is considered the most appropriate action then this can be by:
 - A fixed term contract employee (for more than 1 month) – engaged via our recruitment process
 - A consultant* – must be engaged via Procurement
 - An agency worker (includes Ltd company workers) – must be engaged via Adecco

*The definition of a consultant, is a company who engages directly with the council to provide a service, unsupervised and the fee for the whole project is agreed up front.

The use of additional hours or overtime

The Council's Reward policy seeks to avoid the need for employees to be required to work hours in excess of their normal contractual hours (overtime). In most cases, when additional

hours are worked, time off in lieu (TOIL) must be considered first. For example whenever possible any employee who is required to remain on duty in a residential home beyond the hours "rostered", should be given equivalent TOIL over the ensuing seven days.

Where insisting upon TOIL is impracticable you may authorise payment for additional hours but you should satisfy yourself that the additional expenditure represents the most cost effective solution. Additional payments should only be paid if TOIL is genuinely impractical for business reasons.

As a hiring manager, you are accountable for controlling staffing costs. This includes controlling expenditure on additional hours. Approval for these hours should be authorised in advance.

Additional hours can become contractual where the hours are considered to be established, consistent and expected. It is important you understand the implications involved where the use of regular additional hours poses the risk of the hours becoming contractual. Contractual hours are included in any calculations required for pay e.g. to determine holiday or sick pay. However the additional contractual hours are only included for pensionable pay when the contract states explicitly that they should be.

Controls you can put place to manage this risk include:

- Monitoring monthly claims for additional hours and overtime to check whether staff are regularly working
- Consider when additional hours are claimed – times of day, particular days of the week – and recruit to cover such shifts through bank workers or part time workers.
- Review your establishment to check that it continues to be appropriate for the workload and service user needs
- Review your vacancies to consider how these should be filled e.g. splitting 1 FTE into smaller roles
- When additional hours are worked, consider providing time off in lieu (TOIL) rather than payment for additional hours.
- Ensure that additional hours worked are on a voluntary basis
- Build a bank worker pool the team can call to cover gaps in the rota.

The use of agency workers

What do you need to know?

At Surrey County Council, we have a contract with Adecco to supply agency workers.

The use of agency workers is associated with high costs. Agency workers should mainly be used as a short term solution to provide cover for unplanned or emergency staffing shortages. Such shortages may include sickness absences, unexpected increases in workload, or covering a vacancy while you go through a formal recruitment process.

Maternity leave is a planned absence and should be back-filled by the usual recruitment process for fixed term positions, not with an agency worker

If agency workers are being used in excess of 6 months, you should re-consider the business needs and work through the above options. The HR team will monitor tenure of agency workers and will highlight those exceeding 6 months and brought to the attention of the Head of Service for review.

Monitoring agency worker usage

As part of service workforce planning, targets will be set for the appropriate level of agency worker usage. These targets will take into account the level of flexibility services require, the variability of work, recruitment challenges and any levels of change services are experiencing. Excessive spend or workers with extended service will be highlighted to Heads of Services

Governance arrangements will be put in place to help services monitor their usage. HR will work with services to support these plans with the aim of reducing agency worker usage.

The rights of an agency worker

The individual has the legal rights of a worker (e.g. the right to a safe place of work) from the first day of assignment and after 12 weeks in the same role has the rights and entitlements of a permanent employee.

There is not a contract of employment between SCC and the agency worker, however this status can change and the agency worker may gain employee status depending on a number of factors. This includes a long-term agency placement where an implied contract may arise between the agency worker and the organisation.

Where the need for the agency worker is longer term, a transfer to permanent work should be considered. If the agency worker applies for an advertised permanent post, and is successfully appointed, there is no fee to transfer the worker. If the worker does not apply, and we request they transfer from an agency worker to a permanent employee, there will be a fee applicable if they are within the first 14 weeks of their assignment as an agency worker, thereafter, there is no charge. For more information on this process, please contact the HR Contracts team.

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