

Recruitment and Selection - Managers Guidance

Using agencies for short term resourcing

When it has proved impossible to cover a requirement with existing resources, it is sometimes necessary to access extra resource on a temporary basis for a short time frame. In situations when it is more efficient than recruiting into the workforce on a permanent or fixed term basis, agency workers should be used to provide short term emergency cover e.g. a short term increase in workload or covering for an absent employee. They should not be used for long term needs.

Business Services

All requests for temporary business services resources including Comensura assignments must initially be raised with our in-house service Resources@Derbyshire who will then advise and co-ordinate requirements. Resources@Derbyshire is an internal pool of Business Services employees.

All placements should be requested by forwarding a completed "Placement Request Form" to resources@derbyshire.gov.uk. Resources@Derbyshire can be contacted on 01629 532707. The following documents are also available.

Resources@Derbyshire Guidance and information for ordering managers

Resources@Derbyshire BSA placement request form

Resources@Derbyshire weekly timesheet

New placement – induction checklist

Feedback form for managers

Feedback form for employees

Roles other than Business Services

For temporary requirements out of the Business Services job family, the council has an agreement with a broker – Comensura which simplifies the way agency workers are hired. Instead of directly contacting numerous agencies we only need to contact one broker (Comensura) who will contact all relevant agencies in our behalf.

Comensura should be used for all agency staff except Domiciliary Care and Teaching and Learning Assistants/School based staff – if employed by the Governing Body. You need to be a nominated Comensura user to order an agency worker. To place an order nominated users should log on to www.uk.comensura.net or alternatively contact the Comensura service centre 24/7 on 08712211678. To request to be set up as a nominated Comensura user, contact Resources@Derbyshire on 01629 532707.

On line e-learning training is available at the top of the screen when logged in to <https://uk.comensura.net/CNET5/Account/Login?returnUrl=/CNET5/>

Information you need to provide

To enable the Agency to provide a suitable worker you must clearly specify:

- The type of work they will be required to do
- The skills, knowledge and experience required
- Any qualifications required
- Any professional body, registration or other legal requirements
- If the role involves working with/having contact with children or vulnerable adults (e.g. working on school premises) the DBS disclosure and any other checks, clearance or authorisations required
- Any other particular requirements relevant to the assignment

You must ensure that any requirements specified are necessary for the work to be undertaken and are expressed in a non-discriminatory way (for example don't ask for someone to work in a "young office", as this could adversely impact on older workers).

Checks and clearances

The specified background checks such as references, DBS disclosures and eligibility to work in the UK will be carried out by the agencies (Comensura will audit this process). In roles where it is a requirement for a record of the relevant checks to be kept, the agency worker should be asked to bring the necessary documentation in for verifying when they start work.

Important things to note when using agency workers

It is important to remember that these workers are not Council employees. They are supplied by an agent to do work for the Council. Their contract is not with the Council and they do not have the same employment rights as Council employees. The use of agency workers should be reviewed at least monthly to ensure that the justification for using them is still valid.

When the agency worker starts work

You are responsible for ensuring that agency workers have the essential information they need to be able to carry out their work effectively and safely. This will include many of the usual points covered when inducting a new member of the team, including as a minimum:

- Tour of workbase/location including location of toilets and catering facilities
- Introduction to the team
- Car parking arrangements
- Layout of the workplace

- Fire regulations, drill, exits and assembly points
- Health and Safety at the work location and related to the specific work being undertaken (see separate guidance on your responsibilities)
- Security of the worker/belongings, organisation and clients
- Data protection – the need for confidentiality policy
- Code of conduct
- The Council's Equality and Diversity policy and what this means in practice
- Telephone system/photocopier/office equipment
- Duties and responsibilities
- They are also eligible to apply for the council's internal jobs whilst they are actually engaged to work for us. To do this they will have to apply off-line and you will need to make them aware of where they can access the internal vacancy bulletin.

You should assess the agency worker's business need for access to ICT system and use of special equipment, ID/security passes/keys, protective clothing etc. If needed you should then:

- Inform the IT Service desk of the agency worker's agreed requirements for ICT access and equipment with appropriate supporting information
- Specify the opening and closing dates of access/use required
- Keep a record of equipment issued to the agency worker
- Brief the agency worker as a part of their induction on the Council's Information Governance policies and procedures

You must not give the agency worker an ex-employee's email address or log on details to the Council's systems.

You are responsible for ensuring adequate supervision and monitoring of the agency worker to enable them to undertake the work assigned to them safely and effectively.

Agency workers are eligible to apply for internal vacancies from their first day of employment (this is an entitlement under the Agency Worker Regulations). Because agency workers are not employees they cannot register for internal vacancies on our Recruit system and they therefore have to apply off line for such vacancies. They should mark their applications clearly at the top to show their agency worker status. The other requirements under the Agency Workers Regulations can be found on dnet under Policies and Procedures, Human Resources.

It may be appropriate to provide agency workers with some basic training, for example, if using equipment specific to the Council for which they could not have been trained previously. However it would not usually be appropriate for the Council to make a more substantial training commitment to an agency worker.

When the agency worker finishes work

At the agency worker's end of contract, you should

- Contact the ICT Service Desk to confirm termination of ICT access
- Ensure that equipment which may include ID badges, security passes and keys, protective clothing etc in addition to IT equipment is recovered before the agency worker finishes their contract and that the worker's equipment record is updated

Important Dos and Don'ts

Agency workers are not Council employees; their contracts are with an agency not the Council. You must ensure that agency workers are managed in a way that does not give them grounds to claim employee rights. To maintain an effective and clear relationship between the agency worker and the Council;

DO

- Manage agency workers fairly and appropriately
- Ensure any concerns about the agency worker's performance, (for example time keeping or conduct) are raised with the Agency (Comensura Helpdesk) in the first place, not with the individual
- Remember that the agency worker is not an employee and the Council's employment terms and conditions and HR policies and procedures do not apply to them
- Ensure that any issues relating to leave such as maternity or parental leave, holidays or long term sickness are raised and dealt with by the Agency. If an agency worker is still required, you should discuss provision of a replacement worker with the agency (Comensura helpdesk). Do not attempt to vary the work of another agency worker to cover
- Ensure that if an agency worker is sick and unable to attend work that they contact their Agency (via the Comensura helpdesk) who will then inform the Council
- Keep an up to date note of any conversations or issues raised with the Agency in relation to an individual worker and retain any emails for future reference
- If there are any issues with the agency worker's capability, conduct etc., this should be dealt with by the Agency and not with the individual
- Ensure that you comply with Agency Worker regulations and Health and Safety legislation

DON'T

- Don't move an agency worker straight onto different work within the Council when the specific assignment that they are working on finishes (this may lead to them claiming continuity of service with the Council). The Agency who the worker's contract is with, is responsible for liaising with the individual to allocate their work assignments
- Don't give any guarantee or commitment to an agency worker that their job application for a post within the Council is likely to be successful. This contradicts the Council's commitment to recruit openly and fairly and may lead the worker to claim they were being treated as an employee.
- Don't forget to regularly review whether using an agency worker is still justified and monitor how long agency workers have been working for you. If you identify a need for ongoing work you should consider recruiting to a fixed term contract rather than let the agency contract become extended.

Remember, the longer a temporary agency worker continues to work for the Council, the greater the chance of them being seen as an 'employee' in an Employment Tribunal. If you identify a need for ongoing work, you should consider recruiting on a fixed term contract rather than let the agency contract become extended.