

Managers Guide to Using Agency Workers

1. Introduction

Barnardo's uses temporary agency workers to help meet the requirements of delivering services and to cover absences or peaks in workload. Any manager considering hiring a temporary agency worker should read this guide first.

2. Background

The Agency Worker Regulations 2010, (Northern Ireland, 2011) apply to all temporary workers in the UK. The Regulations give rules on how employers and employment agencies work together and how they use temporary workers.

Full details on the Regulations can be found [here](#) and for NI [here](#). This guide gives managers all the information regarding the use of agency workers in Barnardo's.

3. Barnardo's Master Vendor Contract

Barnardo's has a contract with REED employment agency that is known as the "master vendor" contract. This contract means that we will place all bookings for temporary agency workers with REED in the first instance. This gives us one supplier who is responsible for monitoring and ensuring that we work within the Agency Worker Regulations and that all our agency workers meet minimum standards.

Reed (including a tier 2 provider for Reed) will do all the pre-engagement checks needed for the level of post you are recruiting to and will ensure you, as the hiring manager, are informed of any changes in the agency workers status that might impact on their placement e.g. a criminal conviction.

REED (including a tier 2 provider for Reed) will also provide an agency worker with a Welcome Pack (located on Inside.Barnardo's) to read before the start of an assignment. This pack includes Barnardo's Basis and Values, Equality & Diversity Code of Conduct, Safeguarding Code of Conduct, a Confidentiality Agreement and a Declaration which requires the agency worker's acceptance to these terms. Agency Workers are required to confirm their acceptance to the 'Declaration' to Reed before commencing an assignment. Any breach may result in the placement being terminated.

Barnardo's service level agreement with REED means they have to provide you with an agency worker within agreed timeframes following a booking request.

If REED cannot supply an agency worker directly, or meet our timescales, they also have other employment agencies they can go to when needed. These will be approached by Reed on Barnardo's behalf.

3.1 Regulated Activity/Work - Family Placement

To ensure that the requirements of Barnardo's Obtaining Referencing policy and the Inspectorate's requirements are met, Reed will take up references covering a candidate's full employment/work history (including volunteering) where they have worked with children and/or adults at risk, and which include the reason for leaving.

Reed will strive to obtain full and satisfactory information as to why an applicant's previous post ended where they have worked with children and/or adults at risk. If full and satisfactory information regarding a candidate's reason for leaving cannot be established, Barnardo's will not engage the individual's services.

Reed will obtain a verbal validation from each referee and record any additional information provided (if relevant) and record the date and time of the validation.

Reed will provide you with copies of the references (via the portal) with confirmation of the validation, details of which will need to be logged onto the contingent worker record, (see Section 8 – Setting up a Contingent Worker Record), along with a note to confirm that Reed have verbally validated the reference and/or a note in the comments if they felt that a further call was necessary.

For further information, please refer to the Barnardo's Obtaining References Policy and Additional Reference requirements, available on Inside.Barnardo's.

Using agencies outside of the Reed contract should only be **in exceptional and agreed circumstances**, following approval from the Head of Procurement or Director of Change Programmes, as there are a number of associated risks i.e. legal, commercial, safeguarding. Such risks will need to be assessed and managed by you as the hiring manager. In doing so, it is your responsibility as the hiring manager to notify the agency of Barnardo's referencing requirements and safeguarding pre-engagement checks including Barnardo's Welcome Pack (see Welcome Pack).

Welcome Pack

Temporary agency workers recruited from alternative agencies (outside of the Reed contract) will need to be provided with an Agency Worker Welcome Pack by the hiring manager (available on Inside.Barnardo's). It is the responsibility of the hiring manager to obtain a signed declaration from the agency worker ideally before the start date of the assignment, or on the day itself before any assignment is started, and securely retain a copy of the declaration.

If a temporary agency worker is recruited from an alternative employment agency the hiring manager should contact their Local People Team so that this can be recorded (for the purpose of monitoring the Reed contract) and to seek advice, if required.

4. When can agency workers be used and for how long?

Barnardo's uses temporary agency workers to provide additional resources and allow for flexibility on a short-term basis from time to time to cover events such as:

- Occasional work, such as one-off projects
- Seasonal peaks
- Set up of new services, or sudden increases in demand for services
- The unplanned (or planned if necessary) absence of employees, for example, because of sickness.

An agency worker should be with us for no longer than 10 weeks to ensure compliance with Agency Worker Regulations. If you have an exceptional requirement for an agency worker for a longer period you must obtain approval from your Region/Nation/Department Director.

After 12 weeks' service, agency workers are entitled to additional rights and benefits that are explained below. With this there are additional costs to Barnardo's for example, with the equalising of annual leave. If an agency worker has an assignment at more than one Barnardo's service or department, or starts another assignment shortly after another, it can count towards the 12 week period. REED will monitor this and you can also get advice from your Local People Team.

5. Process for obtaining an agency worker

Booking an agency worker is done online via the XMS system. Click [here](#) for the XMS user guide. The guide gives you all the practical information you need to know about how to book an agency worker via XMS and authorise timesheets etc. Using XMS ensures there is a clear audit trail and bookings can be quickly escalated if there is a problem securing an agency worker within the SLA. All bookings are controlled by a Central Support Team and they will contact your local branch on your behalf. Please do not contact the local Reed branch yourself.

You will need a login and password to access the system. If you require support or have not yet been provided with this information please email Barnardos.Recruitment@reedglobal.com-

For any out of hours requirements please contact the Reed team on 0333 240 8540 Please note that only out of hour requirements should be made by telephone all bookings within normal business hours should be via the XMS system.

6. Information you must give REED

As the hiring manager the following information must be entered into XMS to ensure the right agency worker is sourced:

- Your contact details, the service/department and the requirements of the role
- Start date and duration of work (which will not normally exceed 10 weeks)
- Position, location, hours, and any identified health and safety risks and steps taken to control them
- Ability, experience, training, qualifications and authorisation you require or are required by law or a professional/registration body for the job.
- A pre-populated catalogue of the main roles within Barnardo's is available within the system and also a suggested pay-rate range for the role as guidance.

7. Information REED must give you

REED cannot supply an agency worker to you unless it has reasonably checked:

- Right to Work
- Evidence of ability, experience, training, qualifications, authorisations and ability which you consider necessary or which are required by law or professional/registration body for the job
- Confirmation that the agency worker is willing to work in the position

REED will only supply workers that have been [checked and vetted](#) to the standard and process agreed in the master vendor contract.

8. Setting up a contingent worker record

If an agency worker requires access to Barnardo's I.T. Systems for their placement
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and/or requires a criminal records check via the Disclosure & Barring Service, Disclosure Scotland or Access NI as they will be engaging in regulated activity, then a contingent worker record must be created in Oracle. Managers must complete a [contingent worker request form](#) and email the form to their Local People Team who will create an Oracle record for the worker. Within the record, the result of the criminal records check must be recorded, along with the worker's registration details (if applicable) and, the name of the agency and branch, (if that information is known), within the office details, should there be a need to refer back to the agency.

9. Unsuitable workers

REED must inform you without delay if they receive information or has reasonable grounds to believe that an agency worker is unsuitable for the position you have recruited them for and to discuss the next steps to be taken based on the individual circumstances.

10. Managing temporary workers and rights from day one

As the hiring manager you are responsible for the day to day direction and supervision of the agency worker. REED is the agency worker's employer and is responsible for the overall management of the agency worker. Below is a table which explains what events you should manage and what you should refer back to REED as employer:

Barnardo's	REED
Day to day management, direction and supervision	All aspects of poor work performance, misconduct and sickness absence
Health and safety risk assessment for new and expectant mothers (including agency workers who are breastfeeding or have given birth in the past 6 months)	All disciplinary and grievance issues
Agreeing time off to attend antenatal appointments	Paying wages and agreeing pay increases
Working time limits and appropriate rest breaks	Payment for annual leave taken.

Agency workers supplied from Reed will complete an online timesheet in XMS. This needs to be approved by the hiring manager no later than 5pm Tuesday following the week worked. Failure to approve this timesheet could result in the temporary worker going unpaid. For any expense payments required for the temporary worker please contact Barnardos Recruitment@reedglobal.com.

Barnardo's and REED are both responsible for ensuring that agency workers are not discriminated against because of sex, gender reassignment, pregnancy and maternity, marriage or civil partnership status, race, religion or belief, sexual orientation, age or disability.

From day one of their assignment, you should make your agency worker(s) aware of any collective facilities that are available for Barnardo's employees and ensure they can access them, examples would include car parking, kitchen facilities, or showers. You must also make arrangements to ensure agency workers are informed about relevant vacancies within Barnardo's. All vacancies will appear on Barnardo's Careers

site and therefore you should ensure that your agency worker(s) have access to this.

10. Rights after 12 weeks

After 12 weeks with the same employer, agency workers are entitled to the same basic terms and conditions as Barnardo's employees, including:

- Pay,
- Working hours
- Night work
- Rest periods and rest breaks
- Annual leave

Other terms and conditions are excluded:

- Occupational sick pay
- Pensions
- Maternity, paternity or adoption pay
- Redundancy pay
- Notice pay

REED will monitor the length of time an agency worker is with us and will inform you if their rights change. You can also ask whether the agency worker has performed another role in Barnardo's that might give the 12 weeks' service.

11. Temporary to permanent

Where an agency worker has been placed within Barnardo's for longer than 12 weeks, there will be no temp to perm fee payable if they then become a permanent employee. However, our policy for recruitment and selection of staff will still be applicable to all appointments.

12. Information requests

Agency workers have the right to request information about their rights from day one of joining, or their rights if they have worked for 12 weeks or more. There are time limits you have to reply within so it is important to respond to any requests via email or letter promptly. As a general rule you must reply within 28 days of receipt of the letter and you should speak to your Local People Team to get advice as soon as you receive the request.

13. Further Information

For further information please contact your Local People Team or recruitment.support@barnardos.org.uk on 0151 488 1155, who will advise or seek further clarification on your behalf.