

This Policy sets out how we will manage agency workers within the Council in accordance with the Agency Workers Regulations 2010.

This policy will cover the following areas:

1. The purpose of the policy
2. Key definitions
3. The Agency Workers Regulations 2010
4. Guiding Principles
5. Scope

## **1. The purpose of this policy**

1.1 The purpose of this policy is to ensure:

- we adhere to the Agency Worker Regulations 2010;
- that agency workers assigned to Fife Council are treated no less favourably;
- we have a cost effective and efficient approach when using agency workers;
- the use of agency workers is appropriate and kept to a minimum;
- there is a consistent approach in the use of agency workers throughout the organisation, and
- the Council can accurately monitor and report on its use of agency workers.

### **Who should use this policy, and when they should use it?**

1.2 We may experience staffing difficulties in responding to peaks in demand or complying with statutory minimum staffing ratios. This policy is for managers who, after considering all staffing options, need to use agency workers to maintain service delivery.

1.3 Agency workers should normally be used for up to 20 working days. Exceptions can be authorised for up to a maximum of 11 weeks. An agency worker must never be used as a long term staffing solution (e.g. 6 months).

1.4 An agency worker should only be used in circumstances where one or more of the following can be demonstrated:

- it is financially cost effective and generates savings for the Service;
- it prevents us from breaching statutory minimum staffing levels;
- It prevents long term disruption to service delivery.

1.5 We should examine the use of agency workers when undertaking workforce planning and restructures.

## **How to get help and advice if you are using this policy**

- 1.6 This policy covers the main principles of how we use agency workers. More detailed guidance is available in the procedure to support this policy.
- 1.7 You can also get advice from HR Direct.

## **2. Key definitions**

### **Agency Workers**

- 2.1 These are workers employed by an employment agency and supplied to us to undertake work. Fife Council's contractual relationship is with the employment agency and not with any individual agency worker. The terms and conditions are provided by the agency and the individual remains the employee of the agency.

### **Agency**

- 2.2 An "agency" is an employer who employs staff for the purposes of selling their staff's services on a temporary basis to another organisation.

## **3. The Agency Workers Regulations 2010**

- 3.1 The Agency Worker Regulations 2010 (AWR) entitle agency workers to the same or no less favourable treatment to basic employment and working conditions after a 12-week qualifying period.
- 3.2 If an agency worker remains on assignment for 12-weeks, they will then be entitled to receive the same pay as if they had been recruited directly by us to do the same role. The agency workers will also be entitled to the same working conditions such as annual leave and some benefits.
- 3.3 An agency worker can access and apply for internal only vacancies from the first day of their assignment.

## **4. Guiding Principles**

- 4.1 Agency workers should only be requested from employment agencies that are on our preferred supplier list.
- 4.2 The use of agency workers must be accurately reported to HR to enable corporate scrutiny and reporting.
- 4.3 An individual should not normally be employed as an agency worker in the same post for more than 11 weeks unless authorised.
- 4.4 When a request for an agency worker is submitted, it should be in line with our Recruitment & Selection Guidelines.
- 4.5 You must be satisfied that all agency workers have had appropriate pre-employment checks carried out before starting their assignment with us. These checks are done by the agency.

## 5. Scope

- 5.1 This Policy applies to all areas of the organisation with the exception of Fife Constabulary and uniformed Fife Fire and Rescue.

*Agreed at JNCF on 14 September 2011  
Produced by Fife Council Human Resources Section  
1 October 2011: Issue 1.0*