



Policy Review

The owners of this Policy will review this document should the legislation change or there is a further need to develop the Policy further. However, our Policy review group will annually review this policy to ensure it remains compliant with key changes nationally.

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| POLICY NAME | Bank Workers Policy | VERSION NO. | 1 |
| Date Written | October 2024 | Date Signed Off | |
| Owner (s) | HR | Next Review Date | October 2027 |

Revision History.

| Version | Date | Page Number | Details of Change | Author |
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Contact Information.

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1. Policy Purpose and Aim

- 1.1. The purpose of this policy is to provide guidance and support to Managers of Milewood on the usage of bank workers.
- 1.2. Consideration should be given to viable alternative options before bank workers are engaged.
- 1.3. This policy should be read in conjunction with Milewood’s Recruitment & selection Policy and other employment related policies.

2. Objectives

2.1. The objectives of this policy are to:

- Minimise agency and temporary staffing costs ensuring value for money and compliance with the guidance on the use of agency staff.
- Improve monitoring systems/governance processes
- Ensure that the health, safety and welfare of people who use our services is not compromised by ensuring appropriate pre-engagement safeguarding checks (such as Disclosure and Barring Service (DBS) & Identity checks) are completed before joining the bank.
- Ensure that Milewood is compliant with current employment law.

3. Policy Statement:

3.1. Milewood recognises that operational services may need to utilise bank workers in order to maintain safe services. It is imperative that any decision to engage a bank worker is made in line with Milewood’s Recruitment and Selection Policy and process.

4. Scope

4.1. This policy applies to all bank workers across the Milewood Group and substantive staff who are also registered on the bank.

5. Responsibilities

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| 5.1. Managers | <ul style="list-style-type: none">• Are responsible for overseeing the dissemination and implementation of this policy across services at any time• Must ensure all workers have the necessary checks completed to ensure |
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| | <p>compliance with the Recruitment & Selection Policy and CQC guidelines.</p> <ul style="list-style-type: none"> • Ensure that bank workers receive the appropriate training, including refreshers, to carry out their duties. • Ensure plans are in place to reduce the need for bank workers i.e. robust annual leave and absence management systems in place • Ensure any bank workers receive a local induction and signed off copies of local induction programmes to be recorded on file. • Ensure bank workers have rest breaks and/or compensatory rest breaks in line with Working Time Regulations. • Ensure bank leaver process is appropriately managed, ensuring equipment including keys and ID are returned, and IT accesses are revoked • Responsible for making referrals to the disclosure and barring service, and/or professional bodies if criteria for referrals is met. |
| 5.2. HR | <ul style="list-style-type: none"> • Provide advice and guidance to managers on the implementation of this policy. • Review and amend the policy as necessary. |
| 5.3. Bank Worker | <ul style="list-style-type: none"> • Comply with all requests from the recruiting manager for information and submit information relating to employment checks in a timely way • Provide the recruiting manager with hours of availability. • Contact the Service as soon as possible before the period for duty if they are unable to work with 24 hours minimum notice period when possible. • Ensure they understand the agreement for bank workers; seek clarification of any |

points not understood; sign and return the document to the recruiting manager prior to undertaking an assignment.

- Ensure they attend all statutory and mandatory training relevant to the role.
- Ensure they comply with all Milewood policies during their assignment.

6. Monitoring and Review

6.1. This policy will be formally reviewed every three years or earlier if new legislation or guidance is published, or if new research, monitoring or auditing suggests that a review may be required.

7. Procedure

7.1. Bank workers should only be engaged as a last resort after considering other staffing alternatives. Bank workers should never be used as an on-going staffing solution. All requests for bank workers should be affordable within the funded establishment.

7.2. Bank workers should not automatically be booked to cover annual leave, short-term sick leave. This leave should be managed to ensure adequate cover from existing staff unless there is a vacancy factor to be considered.

7.3. There should be a justifiable service reason for requesting a bank worker which includes:

- when there is a vacant post with funding available and the work cannot be covered from within the existing workforce
- when the service will be at risk, including service user safety, or targets for delivery are compromised
- an unexpected increase in the volume of work (i.e. due to a flu crisis, pandemic or heat wave) when there are adverse effects on the health and safety of staff.

7.4. Prior to deciding whether there is a need to book a bank worker, individual managers should:

- review rosters, including considering flexible working options to enable existing staff to cover the shifts and offering additional work to part-time staff (at standard hourly rate)
- offer additional hours and time off in lieu to full-time staff without compromising working time regulations.

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- 7.5. Substantive staff with bank contracts should note that all substantive contracted hours should be worked before a bank shift is accepted. If substantive hours are owed to company, then the bank shift time frame should be reduced to allow the working of the owed contracted hours.
- 7.6. Team managers of staff with substantive and bank contracts should be aware of the current status of staff contracted hours owed to the company.
- 7.7. Where an employee wishes to resign from their substantive position but remain / take up a bank role, they are required to resign from their substantive position prior to taking up the bank role. There MUST be a minimum of 1 complete week (a week is measured Sunday to Saturday) break in service between the employment contract ending and the bank contract starting.
- 7.8. If a bank post is advertised the recruitment will follow Milewood's Recruitment and Selection Policy and all pre-employment checks will be undertaken in line with this policy.

8. Management of Bank Workers

- 8.1. It is essential that all bank workers within Milewood receive an induction that is appropriate to their role and planned length of engagement for each service they work with. This should include an orientation, information about local policies procedures and introductions to relevant colleagues. Copies of the completed induction form to be saved to their personnel file.
- 8.2. Milewood will provide Mandatory Training, and if required more specialised service specific training .
- 8.3. Local managers are expected to plan what functions are to be undertaken and monitor Bank staff performance while at Milewood.
- 8.4. Managers should raise concerns with regard to performance of any bank worker to HR where matters cannot be resolved or are of sufficient seriousness to potentially prevent future use. Managers have a responsibility and duty of care to ensure that concerns are raised and addressed where appropriate. It is not sufficient just to release an unsatisfactory worker without explanation.
- 8.5. Where a bank worker has failed to undertake any assignments, without any known justification, over a 6-month period or fails to keep training up to date, Milewood reserves the right to remove them from the bank register. In such cases, the relevant manager will formally write out to the bank staff member to notify them of this action.
- 8.6. Where a Bank worker may be in contravention of a Milewood Policy or Procedure and it has not been resolved locally the relevant manager should report the incident to HR for support with relevant policy interpretation and guidance and whether an investigation is required. The local manager will be responsible for liaising with HR.

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8.7. Where a staff member has a substantive role and a Bank role and they are subject to formal or informal Milewood procedures in one or more of their roles, it may be appropriate for action to be considered in both the substantive role and Bank role; for example in disciplinary and safeguarding investigations. Where a staff member is suspended from their substantive role their Bank shifts will also need to be reviewed and cancelled where appropriate pending the outcome of any investigation and conclusion. The local manager should seek advice from HR in such instances.

8.8. Where Milewood has reason to believe that Professional or other Codes of Conduct have been breached, this will be reported to the relevant professional or other body by the line manager, with support and advice from the Operations Manager and HR.

8.9. In cases where there is concern that the staff member may be a danger to service users, Milewood has an obligation to inform such other organisations, of any restriction on practice or exclusion and provide a summary of the reasons for it. The line manager must liaise with the Regional Manager and HR before contacting the professional regulatory body.

8.10. Managers of staff with substantive and bank contracts should be aware of the current status of staff contracted hours owed to the company and the bank bookings that are being requested. Contracted hours owed to the company should be worked by staff with bank contracts first, with an option for bank working once the contracted hours are worked.

8.11. The leaver process for bank workers must be appropriately managed, including ensuring the return of equipment as per the Leavers Policy and process.

9.0. Bank Worker Agreement

9.1. Bank workers will be engaged on a Bank Worker Agreement. This Agreement is not a contract of employment and does not confer any employment rights for bank workers. It does not create any obligation on Milewood to provide work, nor does it make any promise or guarantee of a minimum level of work.

9.2. Thus, there is no mutuality of obligation between Milewood and a bank worker at any time.

9.3. The bank worker agreement will set out the following terms of engagement:

- Rates of pay
- Annual leave
- Sickness
- Information Governance, Data protection and Confidentiality
- Policies and procedures
- Termination of agreement
- Training and development
- European Working Time Directive
- Conduct matters

10.0 Monitoring

10.1. Management information concerning use of bank staff will be supplied by managers as requested. The information supplied will be used to monitor individual Service use of Bank staff.

10.2. Managers should review assignments on an on-going basis. This review should address:

- the continuing need for the work
- whether alternatives have now become available that can be considered
- the standard of work performance
- the expenditure incurred

| CQC Fundamental Standards | |
|--------------------------------------|---|
| Regulation Number | Regulation Details |
| 19 – Fit & Proper Persons | The employment of 'fit and proper' staff who are able to provide care and treatment appropriate to their role and to enable them to provide the regulated activity. |
| 18 - Staffing | Having sufficient numbers of staff who are suitably trained, skilled and experienced on duty to meet the needs of the users of the service |

RELATED POLICIES AND OTHER REFERENCES

This policy should be read in conjunction with our other Policy Guides:

Recruitment and Selection Policy
Leavers Policy
Agency Usage Policy

Authorisation and Signature

This Policy is the authorised version agreed by the Owners. The policy is also Authorised by the CEO of Milewood Health Care and their associated organisations. All employees are expected to follow this policy and failure to do so could result in disciplinary action.

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| Approved by Owner Head of People & Culture - Signature: |  |
| Date: | 11/10/2024 |
| Approved by Owner, Head of Quality- Signature: | |
| Date: | |

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