

# Annual Report

## Nursing & Temporary Staffing BVG 2018



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## Mission Statement & Terms of Reference

**Mission Statement:** To benchmark and network, by sharing experiences, knowledge and ongoing best practice initiatives and innovations in order to facilitate the efficient delivery of the Temporary Staffing service.

**Terms of Reference:** To meet regularly to facilitate networking with peers.

To share information with like-minded groups and individuals.

*(This information to include : policies, guidance documents, organisational details, cost saving initiatives, performance information, etc.)*

To use the group as a networking facility between meetings supported by the NPAG Network function.

To discuss benchmarking and undertake regular benchmarking exercises.

To support the achievement of improved performance and value for money, whilst applying the broad principles of benefits realisation.

To identify good practice & develop service improvements.

To identify learning and knowledge needs and to identify the means to satisfy these – working with external experts e.g. NHS Employers, NHS Improvement, HMRC, Department of Health, Employment Law specialists (e.g. Shakespeare Martineau), etc

## Introduction

This has been another really excellent year for the Nursing and Temporary Staffing best value group and I have certainly enjoyed my association with it. Membership continues to be nationwide and now includes Northern Ireland.

The breadth of knowledge and experience that members bring continues to amaze me. This is probably why other agencies such as NHS Improvement and Department of Health and Social Care want to use the group as a national sounding board.

This report does not include every single topic and issue covered during the round but hopefully represents a good selection of these. Anyone wanting to see the full range can do so by referring to the minutes from each meeting held at NPAG HQ. A number of the items are regular features at each meeting but will only be shown as examples under one of the meeting sections.

The group meets 4 times a year but we have now embedded a significant amount of networking between meetings, including 'Inter Meeting Email Discussions' which enables members to ask questions amongst the group and to get answers very quickly – often the same day.

The first meeting of the new round which will be held on **Thursday 28 February 2019 in Birmingham**

This group goes from strength to strength but we are always keen to welcome new members.

We hope that you can join us.”

**Dale Atkins**

**NPAG Best Value Group Facilitator**

### Chair's View

I have been delighted to have had the opportunity to Chair the NPAG Best Value Group for Nursing and Temporary Staffing for the past year. This has been my second year of attending the group and I have found my membership to be an extremely valuable and rewarding experience. The networking opportunity within the group provides an invaluable support during what has been challenging times for managers of temporary workforces in NHS organisations.

There has been an array of interesting guest speakers and presenters who, with their variety of knowledge and expertise have provided informative and interesting information for the benefit of other NHS organisations. The group has found the introduction, and now continuing attendance of NHSI and DHSC, to each meeting extremely informative and useful. It's exciting to now be able to challenge and contribute to the development of policy and practice relating to the temporary workforces throughout our organisations

It is obvious that there is a clear need for a group such as the NPAG Best Value Group for Nursing and Temporary Staffing and it is one that I am very keen to promote. This group will continue to help and support its members in rising to the ongoing challenges of working within this field and will help to ensure that services, particularly those associated with temporary staffing, are delivered to the highest standard in the most efficient and effective way.

In addition, I am extremely grateful to have had the support of the group's facilitator, who provides such a valuable role in pulling together the agenda, arranging the guest speakers, and ensuring that this group meets its objectives.

It has been a pleasure to be able to enjoy the many benefits of being part of such a network of like-minded individuals and I would like to extend my thanks to all attendees, speakers and to the NPAG team for their invaluable input and support.

**Sam Roberts**

**Chair**

### Meeting Venues

Four meetings were held in this round, all in Birmingham:

- \* 1<sup>st</sup> Thursday 26 April 2018
- \* 2<sup>nd</sup> Thursday 28 June 2018
- \* 3<sup>rd</sup> Thursday 13 September 2018
- \* 4<sup>th</sup> Thursday 29 November 2018

# Meeting 1

### **HOT Topics Discussion**

*This has proved to be a very popular topic and features at every meeting. This is a round the table exercise where members are given the opportunity to raise issues that are concerning them or simply to ask advice from fellow members. The following are examples from the first meeting. Whilst it is a feature at each meeting it will only be shown here in this report.*

- i) G F – GDPR and the retention of files for bank staff. This was an issue for a number of members.
- ii) JN – going through a major merger process.
- iii) PS – has moved from being under patient services to now being under HR which is proving to be challenging. There mixed views from other members regarding the temporary staffing function sitting under HR.
- iv) AM – in process of revisiting Bank Staff policy and looking at the worker v employer issue. No one willing to commit within his trust. SR reported that in her trust they ‘shadow’ the overall trust employment policy. Suggested as a good topic for the June meeting at Shakespeare Martineau.
- v) YB – use of agency staff generally but also the poor quality of agency staff coming through was a major concern. This view was echoed by other members. Also needing to DBS checks is staff from off framework companies.
- vii) CM – getting bank and agency staff access to ESR. SR reported that she had managed this in her trust.
- viii) General item. Sharing of agreements/documentation re: a. rosters b. bank staff c. Terms and Conditions. It was agreed that DA should email all members to request their local copies and to then arrange for these to be put on the NPAG Members Area for general access.
- ix) GF - project manager at RNOH rolling out E-Roster. Looking for any help or advice from fellow members. GIF and AM both offered to help.
- x) SR – what do other members do when a bank or agency worker is banned? Do you put in a separate file or include in staff records. Came as an FOI. Members suggested that this would fall in to the ‘more than 18 hours of work category and that SR respond in this regard.
- xi) JK – how do other members monitor their training. Because of different systems being in place there is never one up to date statement. General suggestion was to pick a date and to go with that across all systems.

### **Working with Department of Health and Social Care (DHSC)**

*This item also featured on each agenda. Special thanks are extended to Marcus Riddell (then Lead for Temporary Staffing. Workforce Productivity. Dept of Health + Social Care) and subsequently Rose Willis, Sam Rodger and Oli Brown for their input to these items. The following is an extract from the first meeting. Whilst it is a feature at each meeting it will only be shown here in this report.*

#### DHSC National Priorities on Temporary Staffing

#### Context and Background

- Our vision is to have a high quality NHS that is an **attractive, modern employer**, responding to the changing needs of its workforce.

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- We need to focus on improving current levels of **workforce productivity**, as well as encouraging greater recruitment, **retention** and 'returners' to the NHS.
- We need to support trusts to provide care in the most efficient way, by having the right number of staff in the right place at the right time.
- The Carter report showed significant variation in **workforce efficiency** across trusts, estimating £2bn potential efficiencies could be delivered by 2020/21. It also identified considerable variation in how trusts roster shifts for staff, which can lead to increasing reliance on the use of costly agency staff.
- Between 2013/14 and 2015/16 NHS spending on **agency** rose by 40% from £2.6bn to £3.7bn. Whilst valuable progress has been made, reducing agency spend remains a priority to achieve **sustainable temporary staffing**.
- For trusts to reduce reliance on agency maximise use of their existing workforce, they need to be able to effectively develop and manage their **staff banks**, ensuring the bank presents an attractive offer for staff looking to work additional hours.

### Priority Programmes

#### NHS | Clinical and Workforce Productivity Programme

- Enhanced productivity data and analysis e.g. CHPPD
- Effective e-rostering and job-planning
- GIRFT roll-out

#### NHS | Agency and Bank programme

- Reducing unnecessary agency spend
- Reducing net temporary staffing volume and costs
- Enhanced transparency of data
- unnecessary agency spend

#### 3. Bank flexible working pilots

- Attractive bank working offers
- Effective and innovative bank technologies
- Trust collaboration and best practice

### What the Secretary of State for Health has said .....

October 2017: "They (staff) need to be able to work flexibly, do extra hours at short notice, get paid more quickly when they do and make their own choices on pension contributions. So today I'm also announcing that new flexible working arrangements will be offered to all NHS employees during this parliament. And we'll start next year with 12 trusts piloting a new app-based flexible working offer to their staff."

### NHS Improvement 2018-19 Temporary Staffing Strategy

#### **1. We will bear down on unnecessary agency spend**

- Additional scrutiny and sign off of high cost rates
- Renewed focus on Admin and Estates
- Reduction of off-framework agency usage

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### 2. We will focus on reducing net temporary staffing volume and cost

- Scrutiny of excessive bank rates
- Encourage use of bank over agency

### 3. More transparent reporting

- Enhanced reporting on the Model Hospital

We would like to learn from your experiences and are particularly interested in your views on the following:

- ✦ Different models of bank management (e.g. in-house and outsourced) – what works well and how you decide what approach to implement.
- ✦ Wider factors that influence your temporary staffing – such as local workforce economy and geography.
- ✦ The ‘profile’ of bank shifts – are there particular types / times / days which are often filled through the staff bank.
- ✦ Barriers and enablers for staff joining and working on the bank, and approaches that increase bank participation and bank shift fill rates.
- ✦ Getting the most from available technologies – such as e-rostering and shift-booking – the role of good technology, and main barriers and opportunities to using it.

What we could do at a national level to help provide support.

## Meeting 2

### Legal Session with Tom Long – Shakespeare Martineau

This session has become an annual summer event with the meeting being hosted by Shakespeare Martineau at their offices in Birmingham. *Special thanks are extended to Tom Long – Legal Director - Shakespeare Martineau*

Prior to the meeting members had raised the following questions:

1. *Please could we have a general update on Holiday Pay (including ‘rolled up’ pay)*
2. *A general discussion regarding bank agreements and the wording within.*
3. *Is there any clever way to create a binding agreement for staff to work without disrupting the terms and conditions?*
4. *Continuation of service claims for bank only workers, workers who have transferred from a substantive to bank only also following redundancy.*
5. *Could we have a brief account of the latest developments in employment law so we can decide if there is anything we need to look into.*  
*With this in mind it will be good if we could have an update, in general terms, on:*
  - a. *The general data protection regulations May 2018*
  - b. *Childcare voucher salary sacrifice schemes*
  - c. *The immigration skills change regulations 2017*
  - d. *Gender pay gap reporting*
  - e. *Apprenticeship levy*
  - f. *Trades union act*
  - g. *Minimum wage legislation*
  - h. *Child bereavement leave*

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6. Can we request a conversation about annual leave entitlements and whether service as Bank should contribute to the continuous service calculation if a Bank worker becomes an employee?

e.g. someone works Bank for 5 years and applies for a substantive post. Would they start from scratch or would the 5 years be considered? I assume this would be dealt with under the worker T&C's but I thought it might be worth asking.

7. Paying for Trust Induction. We currently pay for 2 days Trust Induction and then the individual does not work. Do we have to pay? Can we pay the Trust induction after they have worked 5 shifts etc.? Not sure what will be allowed from a legal perspective?

8. Is it possible to get a position on what are our legal responsibilities are in providing supervision and appraisal for bank staff?

9. Anything new with IR35 / Umbrella companies

10. GDPR - general discussion about things we have uncovered etc.

11. *Roddis v Sheffield Hallam University* - How does the outcome apply to both bank and agency workers? Do bank and agency workers have the same rights? Or would bank workers have a "comparable contract" with someone permanent in the Trust, whilst agency workers are uncontracted by the trust?

Tom had structured his session around these questions and also prepared a full set of supporting notes.

For the purposes of this report the following is only a selection of extracts from the session. As elsewhere, the full details are available in the meeting minutes.

### HOLIDAY PAY UPDATE

The key case on whether commission should be included in holiday pay calculations is *Lock v British Gas Trading Ltd*. In this case, the ECJ held that, where a worker's pay ordinarily includes commission, his or her salary should not be reduced to basic pay in periods following annual leave because he or she has been unable to earn commission while on annual leave because it would deter a worker from exercising his or her right to paid annual leave. The fact that the reduction in remuneration occurs after the period of annual leave was held irrelevant. The Tribunal subsequently held that the Working Time Regulations should be amended to ensure compatibility with the EU Directive. British Gas appealed to the EAT but was unsuccessful. The Court of Appeal subsequently upheld the EAT's decision and the Supreme Court refused permission to appeal.

### Workers wrongly refused holiday pay may claim for entire working period

In *King v The Sash Window Workshop Ltd and anor*

#### ECJ Decision

The ECJ made two key points:

- An employer that does not allow a worker to exercise his right to paid annual leave (for example, because it wrongly regards him as self-employed) must "bear the consequences" and pay the worker in respect of that annual leave entitlement without there being any limitation on the period for which the worker can claim. The fact that the employer wrongly considered that the worker was not entitled to paid annual leave is irrelevant.
- A worker does not have to take his leave first before establishing whether he has the right to be paid in respect of that leave. In other words, a worker has the right to be paid in respect of annual holiday to which he is entitled, whether or not he has actually taken that holiday. This is because it would be incompatible with Article 7 of the Working Time Directive (WTD) to force a worker to take leave without pay in the first place and then bring an action to claim payment for it.

Note that the decision applies only to the four weeks' annual leave set out in the WTD and not the additional leave under the WTR. This case will now go back to the Court of Appeal for a ruling on the appeal from the EAT.

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### Comment

This decision will have significant ramifications. It confirms that an individual who has been wrongly classed as an independent contractor and therefore not paid holiday pay may bring a claim for holiday pay in respect of the **whole** period he has worked for his employer. This will be of concern to organisations that engage people on a self-employed or contractor basis, particularly in light of the gig economy claims currently going through the courts and tribunals, as they may find themselves exposed to many years of backdated holiday pay.

In light of this important decision, it would be sensible for organisations that engage self-employed contractors to carry out a risk assessment to identify the extent to which they could be exposed and to consider whether there are any measures which could help mitigate the risks.

In essence, the more control the business retains, the more likely the individuals will be deemed employees or workers. In particular, the business should consider allowing individuals the following freedoms:

- The ability to choose how to carry out the work and their own hours.
- The freedom to choose whether to accept, or reject, work.
- The ability to set their own fee or price.
- The ability to market their services freely and to work for third parties (in reality).
- The ability to freely provide a substitute to carry out work.
- The freedom to use their own equipment.

### **Rolled up holiday pay**

Rolled-up holiday pay is the practice of not paying holiday pay while the employee is on holiday, but making an additional payment during the weeks that the employee works, representing pay due in respect of holiday periods.

After several UK decisions on the lawfulness or otherwise of rolled-up holiday pay, the issue was referred to the ECJ in *Robinson-Steele v PD Retail Services and other cases* [2006] IRLR 386.

The ECJ held that:

- It is contrary to Article 7 of the WTD for a payment for statutory annual leave to be made in the form of part payments staggered over the corresponding annual period of work and paid together with remuneration for work done, rather than in the form of a payment in respect of a specific period during which the worker actually takes leave.
- Member states must take appropriate measures to ensure that practices that are incompatible with Article 7 are not continued.
- However, sums already paid to a worker under a rolled-up holiday pay scheme could be set off against the holiday pay due to the worker, provided that the arrangements were sufficiently transparent and comprehensible and the sums represented an addition to pay for work done.

### **LATEST DEVELOPMENTS IN EMPLOYMENT LAW**

#### **The General Data Protection Regulation**

The most significant development in data protection law for many years, the General Data Protection Regulation (GDPR), came into force in May 2016 and had to be implemented by organisations by 25 May 2018. The GDPR increases individuals' rights and imposes greater obligations on organisations. Organisations that do not comply will be liable to hefty fines depending on the type of breach, potentially up to 4% annual worldwide turnover or €20m, whichever is the greater. The GDPR is implemented in the UK by the Data Protection Act 2018. The Act does not reproduce the text of the GDPR so the two documents need to be read alongside each other.

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The key changes in the GDPR can be summarised as follows:

### Higher standard of consent

Of particular importance to employers is the issue of consent. Many employers previously justified the processing of personal data based on employee consent. Under the GDPR, the threshold for valid consent is higher and valid only if it is given freely and is a specific, informed and unambiguous indication of the individual's agreement to the processing of his or her personal data. Free consent implies that it can be revoked at any time. The recitals to the GDPR state that consent may not be freely given where there is an imbalance of power such as an employer-employee relationship. This is borne out by Guidance from the Article 29 Data Protection Working Party (an advisory body comprising representatives from the data protection authority of each Member State, the European Data Protection Supervisor and the European Commission) which states:

### Increased transparency

More detailed privacy notices are required. For example, notices should include:

- ✦ the lawful basis of processing;
- ✦ how long data will be stored for;
- ✦ details of the individual's right of access, right of rectification, right to object to processing and to request erasure of personal data.

### Increased accountability

Organisations must report any data protection breach that is likely to result in a risk to the individual (e.g. identity fraud) to the Information Commissioner's Office within 72 hours. A report must also be made to the individual if the breach is likely to result in a serious risk to that individual.

### Enhanced rights for individuals

Enhanced rights include the following:

- Access rights - the £10 fee has been removed and individuals can seek access to their personal data free of charge. Organisations can refuse requests that are excessive or are manifestly unfounded.
- Rectification - the right for individuals to have inaccurate personal data rectified has been extended under the GDPR to have incomplete data completed. This is a valuable right as partial data can give a misleading or false impression.
- Erasure - where personal data is no longer necessary, an individual has the right to require its erasure. It also applies, for example, where an individual withdraws consent to its processing and there is no other ground on which it can be lawfully processed. Where an organisation has made the personal data public and is obliged to erase it, it must inform other data controllers. There are exemptions from the right to erasure e.g. where the data is needed for legal proceedings or for the purposes of securing freedom of expression.

### **Childcare vouchers**

On 29 March 2018, Regulations were made specifying 4 October 2018 as the date by which new entrants to existing employer-supported childcare schemes must have sacrificed salary and received childcare vouchers to be treated as an eligible employee (i.e. new entrants to salary sacrifice schemes will not be allowed after this date.)

Eligible employees can continue to sacrifice salary, on which no income tax or National Insurance contributions are payable, and receive tax exempt vouchers, provided that they remain with the same employer, the employer continues to run the scheme, and the employee does not take a break from receiving vouchers for a year or more. Existing childcare schemes were due to close to new entrants from April 2018. However, on 13 March 2018, the Government announced that closure would be deferred for six months.

Employees who are not eligible employees are instead entitled to participate in the replacement tax-free childcare voucher scheme that does not involve any form of salary sacrifice. The new scheme was announced on 19 March 2013 and launched on 21 April 2017.

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### Trade Union Act 2016

The Trade Union Act 2016 came into force on 1 March 2017. Some of the key provisions are:

- A requirement for a minimum threshold of a 50% turnout in all industrial action ballots, and an additional requirement, in specified important public services, of at least 40% of those entitled to vote having voted in favor of industrial action.
- New rules on the information to be included on ballot papers; including a summary of the matter(s) in issue in the trade dispute to which the proposed industrial action relates.
- Ballot result information must specify the number of individuals who were entitled to vote, whether or not the 50% turnout was met and, where the additional balloting rules on important public services apply, whether that threshold was also met.
- Employers must now be given 14 days' notice of any industrial action; unless the parties agree to seven days' notice.
- The mandate for industrial action expires six months after the date of the ballot, or for such longer period of time, not exceeding nine months, if the union and employer agree.

Other changes, including the increase in the length of the notification and clearer guidance on picketing, are also very much welcomed. Employers have longer to make alternative plans in light of the industrial action. Unfortunately, the proposal for employers to be able to use agency staff to cover striking employees was not introduced, so this restriction currently remains in place.

### Apprenticeship Levy

The apprenticeship levy came into force on 6 April 2017 and requires all UK employers which have an annual wage bill of £3 million or more to pay 0.5% of their annual wage bill towards the cost of apprenticeship training. Employers will receive an allowance of £15,000 to offset against their levy payment. Employers will then be able to access funding for apprentices through their account on the digital apprenticeship service. This has replaced the previous apprenticeship system.

### National Minimum Wage

The following hourly rates apply from 1 April 2018:

- The national living wage (workers aged 25 and over) is £7.83.
- The standard adult rate (workers aged between 21 and 24) is £7.38.
- The development rate (workers aged between 18 and 20) is £5.90.
- The young workers rate (workers aged under 18 but above the compulsory school age who are not apprentices) is £4.20.
- The rate for apprentices is £3.70.

From 1 April 2018, the accommodation offset will be £7.00 each day.

## Meeting 3

### NHS Employers Update

*This item has also featured on each agenda. Special thanks are extended to Max Liversuch from NHS Employers for his input here. Whilst it is a feature at each meeting it will only be shown here in this report.*

<http://www.nhsemployers.org/news>

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Those who need to keep track of developments on the changes to pay and conditions will need to read some of the latest information which the NHS Staff Council has produced. Some of the main documents to look at are:

- Ambulance staff changes to [unsocial hours](#) payments
- Preparing for the new pay progression system: [latest guidance](#)
- Closing band 1 to new entrants: [latest guidance](#)
- [Factsheet](#): what to expect from August payslips
- [Factsheet](#) on the deal as a whole
- [Infographic](#) to help you navigate the pay resources
- [Guidance](#) on how to read the pay scales
- Information on the [next steps](#) organisations will need to take
- A [checklist](#) to assist you in your preparation

The NHS Staff Council is proceeding with the work programme it agreed as part of the pay deal. It is giving priority to the following subjects:

Pay for apprentices

- Pay progression
- Closure of band 1
- Ambulance staff unsocial hours payments

The national collective agreement gave ambulance staff in post before 1 September 2018 the right to move to the system of unsocial hours payments used for nurses (Section 2). The work on unsocial payments for ambulance staff has led to the publication of three documents:

- A calculator to help staff assess the potential impact on their pay:
- Guidance for employers to help ensure consistency in the local application process in ambulance trusts: and
- A fact sheet to give staff full information about the two types of unsocial hours payment systems in the ambulance service.

See above for links to the latest information on pay progression and closure of band 1

<http://www.nhsemployers.org/your-workforce/2018-contract-refresh/ambulance-staff>

The Home Office has announced plans to further test the EU Settlement Scheme which was announced in June 2018. From 29 November 2018, EU citizens working in the health or social care sector will have the opportunity to access the scheme early and apply for settled status or pre-settled status, before it is fully operational from March 2019.

<http://www.nhsemployers.org/news/2018/10/eu-settled-status-scheme-update-and-preparations>

The national Mental Health at Work 2018 Report was conducted by You Gov, Business in the Community and Mercer for the third year running. The report is to encourage employers to raise awareness and take action in supporting good mental health and wellbeing in the workplace.

<http://www.nhsemployers.org/news/2018/10/mental-health-at-work-2018-report>

The Nursing and Midwifery Council (NMC) has launched a new consultation on how nurses and midwives can re-join or remain on the register after time away from practice.

<http://www.nhsemployers.org/news/2018/10/respond-to-the-nmcs-consultation-on-return-to-practice>

The Nursing and Midwifery Council (NMC) has changed the process for nurses and midwives trained outside of the European Economic Area (EEA), allowing them to apply to work in the UK immediately after qualifying. They will no longer have had to work for at least 12 months after qualifying before they can apply to come and work in the UK.

<http://www.nhsemployers.org/news/2018/10/changes-to-non-eea-nurses-and-midwives-requirements>

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### NHSI – UPDATE

*This item has also featured on each agenda. Special thanks are extended to Irfan Suleman from NHS Improvement for his input here. Whilst it is a feature at each meeting it will only be shown here in this report.*

#### Agency Negotiations Masterclass

Items covered in this slot:

- Preferred suppliers list (PSL)
- Leverage lead time to control supply chain (Tiering)
- Off-framework
- Agency management
- Framework operators (CPP, CCS, HTE)

This was very much a discussion/open forum slot with no specific presentation. It is also to be noted that many of the items were sensitive and therefore were not for noting.

The following are a selection of generic notes/suggestions for members to refer to in their negotiations with agencies.

- Introduction of new agencies – to ensure a new agency can add value ask for a list of all candidates available to work at the trust should the provider wish to engage.
- Reviewing the list of names against your current temporary workforce will stop agencies recruiting the same nurses within the trust.
- All new agencies should be introducing 'new' staff to the trust.
- The framework operators are paid an ABI fee to support the management of agency supply, raise concerns with the frameworks and ask the frameworks to be more hands on where needed.

#### Other Group Discussion Items

- Umbrella Companies. Some trusts had banned their use. NHSI do not recommend their use but do recognise that they may have a place in the market. Irfan recommended members check out FCSA as they regulate umbrella companies.
- Trusts do NOT need to back pay agencies for pay rise.
- Re IT staff – raised by AM. Irfan reported that NHSI was starting to look at these areas more and that a letter had recently gone out to CEOs on the same – e.g. IT starting off in a trust as consultants and then as project becomes embedded these staff are not made substantive.

## Meeting 4

### Inter Meeting Email Discussions

This was a new introduction for this round and has proved to be very popular and very well used.

How it works: if any member has a question to ask or information to share with the rest of group that member emails the details to the NPAG facilitator. The NPAG facilitator then sends this round to only the members of the Waste Management group. If it is a question and another member can help then that member simply replies to the member asking the question whilst also copying in the NPAG facilitator. The latter enables the responses to be collated and then be shared with the group as a whole. Often answers can be provided the same day!

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The following are anonymised examples from the first meeting. Whilst it is a feature at each meeting it will only be shown here in this report.

i) Question:

"Does anyone allow agencies access to self-book through Allocate? If so, have you encountered any problems?"

*Response:*

*"Yes, we have created user accounts for 10 Nursing and Healthcare agencies which has been incredibly beneficial on 2 counts:*

- 1. We don't operate a tiered agency system so as the duties are sent to agency and published to Bank Staff they are visible to all at the same time, which ensures fairness within our call off contract.*
- 2. We have seen huge efficiencies in the volume of e-Mail traffic between my teams and the agencies circa 1400 e-mails per month reduction as a result of not having to notify agencies via e-mail and deal with the responses.*

*No, we haven't encountered any problems with this method, although we still see some ghost-bookings, we can audit them more effectively now."*

ii) Question:

"Please can you tell me if you run any bank only focus group meetings, and if so how often you run them and what is some of the content of these meetings".

*Response:*

*"We don't have 'Bank Focus groups' as such but we are part of many different groups where Bank and E-rostering is discussed - we have a lot of these where all things Bank and rostering is discussed We are invited to Matrons/ Ward Managers/ Group Director meetings where Chief Nurse is in attendance We discuss incentives from time to time but the one last summer did not work and ideally you need to check that you are not paying more for what you already have – we discovered when offering to uplift the rate that all those eligible were already doing maximum hours anyway so we were just paying more for the same. We advertise and try to interview quickly for new bank workers and reduce paperwork etc. to make passage onto the Bank as easy as possible"*

iii) Question:

"If a member of Bank staff is assaulted by a patient and the resulting injury prevents them from working a booked shift the following day, do Trusts pay that shift? We're taking the view that this would constitute sick pay and as such we would not pay but I wondered what the groups thoughts were."

*Response:*

*"We do pay the shift and follow our sickness policies thereafter"*

*Response:*

*"We would pay too"*

*Response:*

*"We would look at each case as if they were off and unable to work for 7 days then this becomes RIDDOR reportable and so usually culminates in a TTR ( Table Top Review – not sure what you might call them ) I am not sure we would until we had established the course of action which may be Injury Benefit/Injury Claim ? sorry can't remember the exact name of it"*

iv) Question:

"Please could you share any job description's/person specifications for a temporary staffing coordinator - Band 4/5 "

*Response:*

*"We have Band 8/6/5/4/3 in the office - this is the Band 4 Team leader we have x3 one to cover Nurse Banka and x2 currently covering Docs but may look to re-structure to create an e-rostering team leader too"*

*>>>>>> See separate documents on file*

*Response from Denise:*

*"Let me know if you need anything else"*

*>>>>>> See separate documents on file*

## Nursing & Temporary Staffing BVG 2018

### GDPR + Other Agency Attendance

Within this slot the facilitator discussed with members issues relating to GDPR and the responsibility that NPAG had in this regard. This particularly related to the sharing of member information/contact details – e.g. re follow Up Emails, Inter Meeting Email Discussions, on NPAG website (Members Area), with NHSI, NHSE, DH&SC, etc, external commercial organisations, Shakespeare Martineau (special links). Members also discussed the overall issue of outside agencies attending the meetings

It was agreed that:

- all members would continue to share their respective contact details (i.e. emails, telephone no's, etc)
- members contact details would **not** be shared with outside agencies (other than NPAG) unless specifically agreed.
- members contact details would **not** be shared with commercial organisations unless specifically agreed.
- all trust documents (e.g. guidance, plans, policies, agreements) could be shared between members and [posted on the NPAG Members Area but not with anyone else unless specifically agreed.
- Max Liversuch/NHS Employers should be an exception to the above and continue to be on the standard circulation list.
- Framework organisations would not be invited to be members of the group

### Benchmarking

This item had been discussed at various stages during the round but due to time constraints had not been fully actioned.

The benchmarking proforma had been agreed at the previous meeting with the following amendments:

- Remove all references to *Pay Rates*
- Replace with simple question – '*Spot Rates*' or *A4C*
- In 'Narrative' section add in '*NHSI Reporting*'

Whilst some completed returns had been sent in there were insufficient for a meaningful analysis. Members were keen to progress this item and so it was agreed to carry this forward to the first meeting of the new round with all members being encouraged to complete the proforma in advance.

He also reminded members of what the current 'Master' sheet looked like – with data comparisons from 2015 to 2017 (where trusts had contributed)

The following amendments to the proforma were agreed:

As well as the pure KPI data, the 'softer' narrative data was also discussed in general – i.e. a) Recruitment Criteria by Band b) Induction by Band c) Ongoing Mandatory Training by Band. It was agreed that this was still useful and should be collected again. DA to present report on this in similar manner to previously.

The agreed data collection period would be April 2018.

### Commercial Presentation – Oceans Blue (Barnacle)

*The following is just a selection of slides from this slot. As with all presentations a full set of slides is sent out to all members following each meeting.*

## About us



- Workforce Business Intelligence..... [we love data](#)  
We've worked with NHS data for 15 years Angular Snip
- We align our work with Trust objectives, particularly CIP's
- System independent
  - It doesn't matter which e-rostering system you use
  - Data can be acquired externally – NHSP, Bank Partners, other agencies etc.
- BI as you want it, but have templates for quick delivery
  - Web dashboard – 'Barnacles'
  - Automated reporting - 'Sentinel'

## Solution Components



**Barnacles Data Audit** – an audit and data quality assurance dashboard, including safe staffing and compliance visualisations.



**Periscope Cloud Warehouse** – rapidly deployable cloud warehouse holding NHS corporate data providing "all in one" place executive reporting and enabling robotic process automation.



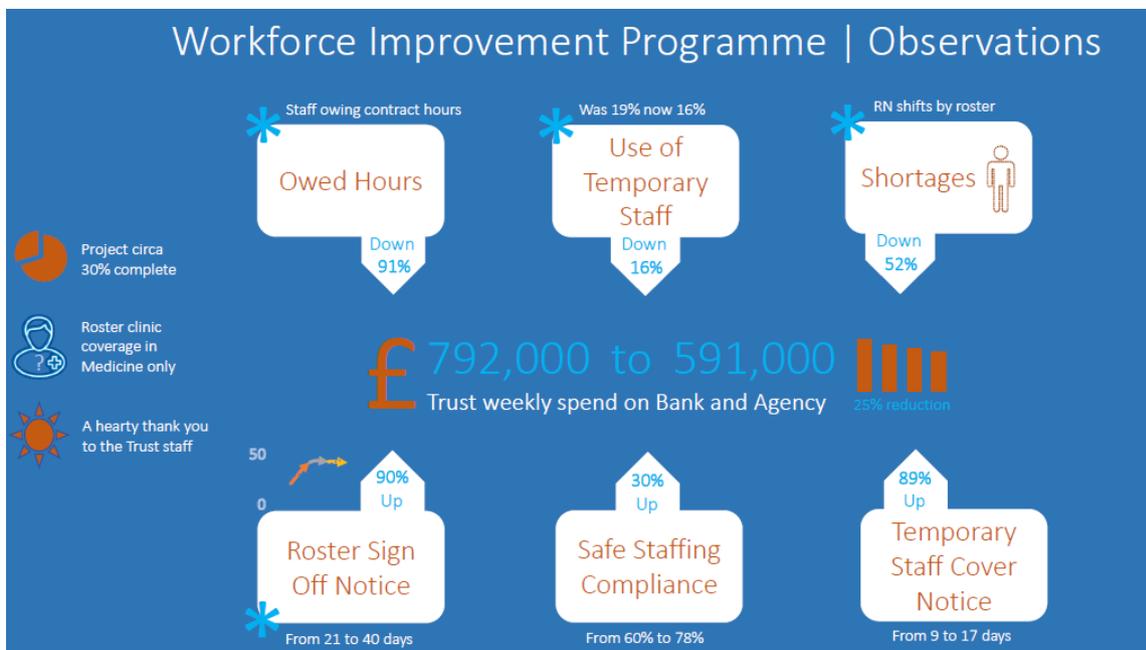
**Sentinel Automation** – robotic processes to automate repetitive, granular tasks and free staff to be more creative. Includes the scheduled creation of custom reports and alerts.



**Professional Services** – full service Project Management and transformational consultancy.

## A taster of the work at Sandwell

- Data Integrity – How reliable is the data?
  - See [Barnacles](#)
- Introduce change – a robust attitude towards transformation
  - Roster clinics - Supported at the highest level to ‘challenge the norm’
  - [Sentinel](#) – Roster lifecycle management
  - Monitor compliance through meaningful [KPI reports](#)
- Tackle causes of inefficiency
  - See Headroom analyser as an example



## Reducing bank & agency costs

- Roster clinics
  - Challenge roster quality & overstaffing – then monitor change
- Sentinel – Automated event based reporting
  - Bank/Agency usage scrutiny – senior management approval of bookings
  - Reduce agency bookings – increase notice periods through KPI’s monitoring
  - Check cover requests don’t exceed establishment, without approval

## Future Plans 2019

As the Nursing & Temporary Staffing group moves into the next round it will aim to continue its close working relationships with a key range of organisations and agencies including:

- ⇒ Department of Health and Social Care
- ⇒ NHS Improvement
- ⇒ NHS Employers
- ⇒ NHS Counter Fraud Authority
- ⇒ Shakespeare Martineau
- ⇒ ... as well as recognised commercial organisations that are able, apart from their products, to bring expertise and education to the group.

Moving forward into 2019 the Nursing & Temporary Staffing group will be looking at the following areas, in addition to the general liaison work with the above agencies:

- Bank Agreements / Staff Contracts
- Resource Benchmarking
- IR35
- Bank v Agency Staff
- Employment Law
- Training
- Appraisals & Induction
- Recruitment and Retention
- Agency Negotiations

## Group Membership 2018

Senior Nurse	Sandwell & West Birmingham NHS Trust
Office Manager	Sandwell & West Birmingham NHS Trust
Corporate Bank Manager	South Eastern Health & Social Care Trust
Temporary Staffing Manager	Royal National Orthopaedic Hospital
Practice Educator	Birmingham Children's Hospital
Practice Educator	Birmingham Children's Hospital
Head of Temporary Staffing	Birmingham Community Healthcare Trust
Temp Staffing and Compliance Manager	Birmingham Community Healthcare Trust
Professional Lead, Trust Bank	Dorset Healthcare University NHS Foundation Trust
Assistant Director of Nursing Registration Workforce	South Eastern Health & Social Care Trust
Bank Manager	The Royal Orthopaedic Hospital NHSFT
Matron for Temporary Staffing	NELFT NHS
Temporary Staffing Manager	Mersey Care NHS Foundation Trust
TSD Manager	Shrewsbury And Telford Hospitals NHS Trust
Workforce Information Manager	Leeds & York Partnership Foundation Trust
Head of Temporary Staffing	University Hospitals Birmingham
Safer Staffing Project Manager	South West Yorkshire Partnership Foundation Trust
Temporary Staffing Team Leader	Walsall Healthcare NHS Trust
Temporary Staffing Manager	University Hospitals Birmingham
Staffing Solutions Manager	Northumberland Tyne and wear NHS FT
Senior Programme Manager	TEWV NHS Foundation Trust
Staff Deputy Bank Manager	Newcastle Upon Tyne Hospitals NHS Trust
Staff Bank Manager	Newcastle Upon Tyne Hospitals NHS Trust

# NPAG Developments

### CPD Certification

The NPAG is a member of the CPD Certification Service. The Nursing & Temporary Staffing Best Value Group has received CPD approval for 2018-19.

CPD Certification is a formal recognition of the contribution that membership of the Nursing & Temporary Staffing Best Value Group makes to members' continued professional/personal development.

At the end of the annual round of meetings, members will receive certificates of attendance for all meetings attended during the year to evidence the contribution made as part of lifelong learning.

### NPAGNetwork

The NPAGNetwork provides the facility for members to ask questions of any individuals, group or groups within the overall NPAG membership. Questions can be sent to the NPAGNetwork Coordinator who disseminates them across the NPAG membership. Responses are collated and returned to the originator and others who declare an interest in the question asked.

### NPAG Library

The NPAG Library holds presentations from NPAG best value groups and conferences, together with policy and other documents sent in by members. Access to these items is via the NPAGNetwork Coordinator.

### NPAG Website

The NPAG website includes a private members Area for each of the NPAG BVGs. Through these sites, BVG members can access and download meeting agendas, minutes, presentations and survey forms. The areas are password protected.

# Discounts and Offers

**Members Referral Fee** – Introduce a friend and get 1 meeting for free.

A member referral resulting in another Trust / Organisation registering for full membership of the same group will result in the referring member qualifying for a one meeting discount\*

The discount applies to the full membership fee only (not applicable to the 2nd member rate). The discount will be applied once, at the start of the current meeting round. Mid round membership referral discounts will be processed at the start of the following year's membership round.

Multiple referrals will result in multiple discounts up to four referrals per meeting round.

*\*Equivalent to £149*

**Second Club Membership** - A 20% discount will be applied when an existing NPAG member joins an additional Group. This does not apply to the £295 second member rate.

Introducing our **Try Before You Buy** option. Simply attend the first meeting of a group's new round, see what it's all about and if you decide it's not for you walk away commitment free\*.

*\*Try before you buy option is available to new members only. New members must inform NPAG in writing that they wish to 'try before they buy' prior to first meeting attendance. If the new member continues membership beyond the first meeting then the full group membership fee applies.*

# NPAG Best Value Groups

The NPAG organises and facilitates a national network of Best Value Groups that enables members to share experience, identify good practice; innovation and information to assist individual managers develop their own service improvement action plans.

Clinical Engineering (North) BVG	National District Nurses Network
Clinical Engineering (South) BVG	NHS Car Parking and Travel Planning Network
Decontamination BVG	NHS Sustainability Leads Network
Estates Services (North) BVG	NHS Transport and Logistics BVG
Estates Services (South) BVG	Nursing and Temporary Staffing BVG
Facilities (North) BVG	Operating Theatres BM Group
Facilities (South) BVG	Resilience Development Network
Health, Safety and Risk Management Network	Security Network
Health Visiting and School Health Services DN	Telecoms
IT and Connectivity Network	Waste Management BVG
Mental Health Network	

For further information on the NPAG and our future activities, please contact Marie Cherry, Gemma Aitchison or Victoria Combes by telephone on 01245 544 600, or by e-mail on:

- [marie.cherry@npag.eastamb.nhs.uk](mailto:marie.cherry@npag.eastamb.nhs.uk)
- [gemma.aitchison@npag.eastamb.nhs.uk](mailto:gemma.aitchison@npag.eastamb.nhs.uk)
- [victoria.combes@npag.eastamb.nhs.uk](mailto:victoria.combes@npag.eastamb.nhs.uk)

### Some Group Testimonials...

*“Membership of the NPAG Nursing and Temporary staffing group has proven to be instrumental for our organisation in relation to decision making on both policy and process for temporary staffing. Regular direct engagement sessions with NHSI, CQC, NHS Employers and the Dept of Health provides an invaluable opportunity to ask topical questions and ensure that operational and strategic leads from the member NHS Trusts are the vanguard for the latest thinking and best practice.*

*For me, membership of the group provides clear and tangible benefits through the exchange of ideas and solution oriented strategies with colleagues from across the NHS with the added value of a legal perspective provided by Shakespeare Martineau and I would highly recommend the group to others.”*

#### **Workforce Information Manager Leeds & York Partnership NHS Foundation**

*“The group has proved invaluable in that it provides a forum where one can meet other NHS Temporary Staffing Managers throughout the UK allowing us to compare our services, share experiences, provide peer support and identify and develop areas of good practice. This can only assist in improving the quality of services we provide.*

#### **Nurse Bank Manager. Northumberland Tyne & wear NHS Foundation Trust**

*“I found it informative and reassuring to know that as a Temporary Staffing Manager I was not alone in dealing with some of the complex issues that surround temporary staffing. What I found useful was the resource of other managers that I could call on with questions if required and to understand how they “did it” in their Trusts. In addition I found the guest speakers were informative with key issues in relation to temporary staffing, I would have no hesitation in recommending this group to others”*

#### **Temporary Staffing Manager. Birmingham & Solihull Mental Health NHS FT**

# NPAGNetwork

Available to all members of NPAG Benchmarking and Best Value Groups, and individual subscribers, the **NPAGNetwork** provides the facility for members to ask questions of any individuals, group or groups within the overall NPAG membership.

The response to questions raised has been excellent. The **NPAGNetwork** provides a managed forum for colleagues to share information - saving time and money in not re-inventing the wheel!

Questions raised in the past month have included the following topics:

- ◆ Job descriptions and banding
- ◆ Staff parking charges
- ◆ Electric Vehicle (EV) charging
- ◆ Disposal of ionisation smoke heads
- ◆ HFSS food removal
- ◆ Reporting pressure ulcers
- ◆ DaVinci Robot use
- ◆ Pathology waste policy
- ◆ Pool cars
- ◆ Decontamination of portable medical equipment
- ◆ Use of latex gloves

For full details of how to use the **NPAGNetwork**, please contact the NPAG team on 01245 544600 or email: [npagnetwork@npag.east.amb.nhs.uk](mailto:npagnetwork@npag.east.amb.nhs.uk)

## Forthcoming NPAG Events

Please visit [www.npag.org.uk](http://www.npag.org.uk) for all our current course, workshops, training & BVG meetings.

Phone: 01245 544600 / email [gemma.aitchison@npag.eastamb.nhs.uk](mailto:gemma.aitchison@npag.eastamb.nhs.uk) or [marie.cherry@npag.eastamb.nhs.uk](mailto:marie.cherry@npag.eastamb.nhs.uk)

**6 March 2018 – Theatres and Decontamination Conference**

**February—April 2019 - Occupational Health Nursing Training Workshops**

**24 September 2019 - Clinical Engineering Conference**

**Across 2019 - Putting the Patient First – Customer Care and Communication Skills in the NHS Training (On-Site Workshop)**

## Contact Us

Phone: 01245 544600

Email: [npagnews@npag.eastamb.nhs.uk](mailto:npagnews@npag.eastamb.nhs.uk)

Join Us 

Follow Us 

East of England Ambulance Service  
NHS Trust  
Chelmsford Office, Hospital Approach  
Broomfield, Essex  
CM1 7WS

# REGISTRATION FORM

National Performance Advisory Group

## Nursing & Temporary Staffing BVG 2019

Organisation

Address


Are you a member of another NPAG Networking Group? (Please tick)

Y

N

**Member 1 for a £595 Fee (4 meetings)**

**Member 2 for a £295 Fee (4 meetings)**

Name

Job Title

Email

Special

Requirements

(Dietary / Access)

Phone No.

PA Details


### Registrations

Please send your completed registration form to:

**National Performance Advisory Group**

**East of England Ambulance Service NHS Trust**

**Hospital Approach**

**Broomfield, Chelmsford, Essex**

**CM1 7WS**

Tel: 01245 544600 Email: [gemma.aitchison@npag.eastamb.nhs.uk](mailto:gemma.aitchison@npag.eastamb.nhs.uk)

Web: [www.npag.org.uk](http://www.npag.org.uk)

### Invoicing

If the invoice address is different from that above please enter below:


### REGISTRATION CONDITIONS:

A VAT invoice will be issued. VAT Registration No. 654 9195 01. VAT applies to any NHS organisation outside England and to any non-NHS organisation.

Payment is due on receipt of invoice. DO NOT send payment in advance of receipt of invoice. When invoice is received, payment should be made to 'East of England Ambulance Service NHS Trust.'

ALL cancellations must be in writing. Cancellations received within 14 days of receipt of the registration form will receive a full refund. After this date refunds cannot be made. A substitute is acceptable. NPAG cannot be held responsible for any travel expenses or accommodation costs in the event of a cancellation or postponement of a meeting, workshop or event.

A 20% discount will be applied when an existing NPAG member joins an additional Group. This does not apply to the £295 second member rate. As a registered contact you will receive our monthly NPAG Newsletter. Additionally, we may also send you more general information about our services, new products and offers. If you would prefer not to be contacted outside of your membership please tick here

I confirm that I have read and accept the above REGISTRATION CONDITIONS and would like to register as a member of the 'Nursing & Temporary Staffing BVG 2019'. Please invoice me for payment .

Authorisation Signature ..... Purchase Order Number.....