



## **POLICY & PROCEDURE FOR USE OF AGENCY WORKERS**

The Council recognises the importance of job security to all its employees and wherever possible, will seek to provide permanent employment. There are, however, occasions when it is appropriate and necessary to use Agency workers to afford managers flexibility in certain circumstances as detailed below. This policy is designed to ensure that the number of Agency staff engaged by the Council is kept to an absolute minimum consistent with considerations of flexibility and cost.

### **POLICY**

1. Agency workers should be used only for short-term appointments: for example to cover seasonal vacancies, long-term sickness, maternity leave or other unplanned extenuating circumstances. Extenuating circumstances are defined as short term unplanned events or projects which are crucial to the department or where specialist or additional resources are required for a definite period not exceeding six months.
2. Agency workers can be used from a period of one day up to a maximum period of six months. Extensions beyond six months must be approved by the relevant Director in writing indicating reasons why the post should be extended and the length of the proposed extension up to a maximum of a further three months. Extensions beyond the initial six-month period should be offered only in exceptional circumstances.
3. Vacancies which are not permanent but are expected to last longer than six months should normally be filled using a fixed term contract and advertised in the normal way.
4. Agency workers must not be used to fill permanent vacancies. Agency workers may apply for permanent vacancies as and when they arise in the normal manner.
5. Temporary vacancies must be properly managed to ensure that permanent employment is not in effect being offered to Agency workers without proper and established recruitment and selection procedures being followed. Hence the Human Resources Department must be involved in the recruitment and selection of all Agency workers.
6. In accordance with point 5 above, the Human Resources department must be informed prior to the actual appointment of any Agency worker. This is to ensure the best rates have been negotiated. Failure to notify Human Resources will lead to the submission of incomplete or incorrect returns to the Equality Commission.
7. Agency workers will remain employees of the Agency.



8. Agency workers are paid directly by the Agency and any dispute over payment should therefore be taken up by the worker with the Agency. Holiday and sickness benefits are also paid by the Agency.
9. Agency workers will not be entitled to free use of Council facilities.
10. Holiday entitlement will be determined by the Agency. However, Agency workers will be required to give advance notice of holiday arrangements to his/her Line Manager within Council to ensure sufficient cover for the service.
11. Agency workers should not be kept for any longer than necessary as, from a legal point of view, the longer an agency worker has been providing the same service exclusively to the same employer, the greater the risk that an employment tribunal will consider the worker to be an employee of the hirer. Thus Council is exposed to potential claims of unequal treatment, redundancy or unfair dismissal. In addition, utilisation of agency personnel is normally a high cost option for Council.
12. Any basic protective clothing required for the post (e.g. safety footwear or overalls) should be provided by the Agency, or an agreed charge made to the Agency by Council to provide same. Antrim Borough Council will provide any specialised safety equipment.
13. Any safety equipment provided by Antrim Borough Council which is damaged or not returned will be charged to the Agency concerned.
14. Disciplinary action is the responsibility of the Agency. If a worker is not suitable the Agency should be informed via the Human Resources and Training Officer and the worker's services terminated.



## **PROCEDURE**

1. When a department requires an Agency worker the Line manager should obtain written approval from the relevant Assistant Director/Director stating:

- the position
- the reason why an agency worker is required
- the proposed duration of the contract
- the proposed job description & personnel specification

A 'Recruitment Request Form' (attached) must be completed and forwarded to Human Resources in all cases.

2. All signed and approved requests should be forwarded to the Human Resources & Training Officer who will liaise with the department and assist in obtaining a suitable worker.

3. The Human Resources and Training Officer will action the request by contacting the selected/preferred Employment Agency to ensure suitable candidates are identified for consideration.

4. The Agency will on receipt of job details from the Human Resources and Training Officer forward copies of application forms from suitably qualified individuals. For reasons of equality the use of CV's should be avoided as far as possible. The Agency will check qualifications and obtain two references prior to the Council appointing an Agency worker.

5. As far as possible all Agency posts should be filled using the normal shortlisting and interviewing procedures.

6. A written agreement should be undertaken with the Agency agreeing duration of post (if known), rates of pay, agency fees and fees charged by the agency should the worker apply and be successful in a permanent post with Antrim Borough Council.

7. At the time of appointment the Agency will inform the worker of:

- The likely duration of the post
- The rate of pay
- Duties associated with the post
- The name and position of their immediate supervisor within Council.

8. The supervisor will allocate duties to the Agency worker as required.

9. The worker will be expected to carry out all reasonable instructions given by his/her supervisor and work in a safe manner.



10. The Assistant Director/Director should monitor the continued need for the agency worker. Human Resources will endeavour to issue a reminder on expiry of six months work.
11. It is the responsibility of the Agency worker to complete his/her own weekly time sheets and ensure these are approved by the immediate supervisor.
12. The re-engagement of an Agency worker is not permitted within three months of termination of his/her previous contract without prior approval of the relevant Director and should preferably be avoided in any event. This does not however preclude any Agency worker obtaining a permanent position with the Council should suitable vacancies arise.