

AGENCY WORKER REGULATIONS 2010

GUIDELINES FOR SERVICES USING AGENCY WORKERS

The Regulations

When recruiting agency workers the council is required to comply with the Agency Worker Regulations 2010.

The regulations give agency workers the entitlement to the same basic employment and working conditions as if they had been recruited directly, if and when they complete a qualifying period of 12 weeks in the same job. Agency workers will also be entitled to access to facilities and information on job vacancies from the first day of their placement.

General Guidance

Services using agency workers must ensure that they do not act out with the regulations by following the guidelines below:

1. When recruiting agency workers the following information must be provided to the recruitment agency:
 - the council's business and location
 - start date and duration of assignment
 - job role, responsibilities and hours
 - the experience, training, qualifications and any authorisation which the council considers are necessary, or which are required by law, or by any professional body in order to work in the position (eg PVG Scheme membership)
 - any risks to health or safety known to the council and what steps the council has taken to prevent or control such risk
 - any expenses payable by or to the agency worker
2. On placement of an agency worker the manager must complete an Agency Worker Record Form (Appendix 1) and forward to Human Resources. Any prior placements as an Agency Worker with the council should be ascertained to enable further entitlements on completion of 12 weeks of work to be identified.
3. The Agency Worker must be advised of the following entitlements on Day 1 of their placement with the Council:
 - how to find out about and apply for internal vacancies and their rights to apply for them
 - right to make use of any collective facilities available such as parking facilities and how to access them, staff rooms, transport services (eg pick up & drop off), shower facilities etc (but not employee benefits such as discounted nursery vouchers)
4. If the Agency Worker continues in the same/similar position with the council for 12 weeks the following information must be provided promptly when requested by the employment agency:

- the level of basic pay (based on the annual salary an agency worker would have received if recruited directly), if and when there are overtime payments and shift/unsocial hours allowances or risk payments for hazardous duties
- types of bonus schemes the employer operates relevant to this post (not applicable to the council for equal pay reasons)and how individual performance is appraised and information on annual pay increments)
- if the council offer any vouchers which have monetary value
- annual leave entitlement

It may be clear at the start of an assignment that it will last for more than 12 weeks, in which case the employment agency may ask for the above information at an early stage or even in advance of the placement starting.

5. When the placement comes to an end, the manager must update the Agency Worker Record Form (Appendix 1) and forward to HR.

Further information on the Agency Worker Regulations and use of Agency Workers can be obtained from Human Resources.

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