



# TEMPORARY & INTERIM STAFF FRAMEWORK AGREEMENT HANDBOOK 2015 - 2018

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Procedural Note Approval			
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## Amendment History

Version	Date	Author	Section Changed	Add / Del / Amend	Short Description
1.1	02/07/15	AB	Various	All	<p><b>Background:</b> Various cosmetic changes, Data Protection added. Candidate Selection Document details.</p> <p><b>How do I use the Framework?:</b> Further information regarding mini competitions added.</p> <p><b>Admin and Manual &amp; Catering Framework:</b> Pertemps contact name, telephone number and email amended. Brightwork email address amended and out of hours contact number added for Manual &amp; Catering. ASA contact and email updated.</p> <p>IT &amp; Professional Staff: Parity, Spring, ASA and Harvey Nash contact email updated.</p> <p><b>Appendix A:</b> Maximum number of CVs added.</p> <p><b>Appendix B:</b> Service Area added, amendment to Criteria Weighting, maximum number of CVs added.</p> <p><b>Frequently Asked Questions:</b> Now page 20, more questions added.</p>
1.2	17/05/16	AB	Various	All	<p>Page numbers added. <b>Background:</b> Agency Worker Regulations – Annual Leave added and Checklists.</p> <p><b>How do I use the Framework?:</b> Various changes to Step 1, Step 3 and Step 7. <b>FAQs:</b> Removed previous Q6 &amp; Q7. Questions re-numbered. Pay Craft Operatives pay scale link added at Q2. Update to 'options' at Q8. Contact name at Q11 updated for Social and Care Staff framework. Q15 updated to include 'for project continuity'.</p>
1.3	16/08/16	AB	Various	All	<p><b>How do I use the Framework?:</b> Various changes to Step 1 + new link added to CC Reference Template. Step 3 – Details of new Pertemps PO process added. Step numbers updated. <b>Temporary Administrative Staff Framework:</b> Brightwork email address amendment. <b>Temporary Catering &amp; Manual Staff Framework:</b> Brightwork email address amendment. <b>Interim IT Staff Services Framework:</b> Contact details updated for Spring Technology.</p>

**COMMERCIAL IN CONFIDENCE – THIS INCLUDES COMMISSION RATES AND MUST NOT BE SHARED OUTWITH WLC****Table of Contents**

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## Background

Scottish Procurement and Commercial Directorate (SPCD) conducted a competitive procurement process, on behalf of the public sector in Scotland, for Temporary and Interim Staff for the period 13<sup>th</sup> April 2015 to 12 April 2018 with a twelve months option to extend (WLC Joined 24<sup>th</sup> April 2015).

There are 2 Temporary Staff Service Direct Buy Frameworks, Temporary Administrative Staff and Temporary Catering & Manual Staff Services.

Temporary Administrative Staff Services Frameworks	Temporary Catering & Manual Staff Services Frameworks
1. Pertemps 2. Brightwork 3. ASA	1. Pertemps 2. Brightwork 3. ASA

These are **ranked solution** Frameworks. This means that generally you must always go to the first ranked supplier and then work your way down the list in order, if the first supplier cannot meet your specific requirements.

However there is the option where appropriate, for you to run a mini competition (wider candidate search) inviting **all 3** Framework suppliers, if you think this approach would achieve a more effective outcome. If running a mini competition **all 3** Framework suppliers **must** be invited **and** informed that a mini competition is being undertaken. Further details in respect of mini competitions can be found under Step 1 (Page 8).

There are two further frameworks which cover Interim Staff Service requirements only (permanent and fixed term recruitment **are not** included within the scope of these Frameworks).

The Following categories/roles are included:

- Interim Professional Staff
- Interim IT Staff

Interim Professional and Interim IT Staff Services are two individual national Frameworks with 3 suppliers on each. Both are national frameworks covering all of Scotland.

Framework	Framework Suppliers (Wider Candidate Search via Mini Competition)
Interim Professionals	•ASA Recruitment •Harvey Nash Group plc •Parity Professionals Ltd
Interim IT Staff	•Harvey Nash Group plc •Parity Professionals Ltd •Spring Technology Staffing Services Ltd

A mini competition must be carried out every time you wish to place an Interim Professional or Interim IT worker. As mentioned previously, carrying out a wider candidate search means that you need to contact **all** of the suppliers listed on the Framework you are using.

Information on how to conduct a mini completion can be found under Step 1 (Page 7).

## Terms and Conditions

SPCD have previously agreed Terms & Conditions with Contractor's/Suppliers and are available on request from Anita Bainbridge.  
([anita.bainbridge@westlothian.gov.uk](mailto:anita.bainbridge@westlothian.gov.uk)).

## Job Roles

The job roles listed within each Framework are only example job roles. You can request roles within the specialism which are not listed.

## Wage Rates

Daily/hourly wage rates are not specified as part of the Framework Agreements, you have a choice, and you can either;

- a) include a proposed daily/hourly wage rate or a range you would be willing to pay when inviting CVs from Suppliers, or
- b) let the market determine the daily/hourly wage rate

## Commission Rates

The commission rates for these Frameworks are fixed fees, set at the tendering stage of the process. These will remain unchanged for at least the first 3 years of these Framework Agreements.

## Total Hourly/Daily Rates

You are advised to ask suppliers to provide a breakdown of the total hourly rate you will be paying for the temporary worker. This will then highlight the total being paid including wage rate, commission rate, national insurance, and working time payment. All total hourly rates should be requested excluding VAT.

In respect of Interim Professional/Interim IT workers, ask suppliers to provide a breakdown of their total daily rate. This will then highlight the total being paid including daily wage rate and commission rate.

## Permanent Employment by the Authority

SPCD do not view these Framework Agreements as a formal testing ground for potential permanent staff. West Lothian Council (WLC) must not give temporary workers/candidates any expectation that a temporary assignment through these Agreements will lead to permanent employment. However, it is recognised that the Contractor's temporary workers/candidates may seek permanent employment with WLC. Under these Agreements, the Contractor's temporary workers/candidates cannot automatically transfer to WLC, but must compete in any fair and open recruitment competition along with all other applicants responding to a public or internal advertisement, such as advertisements placed on the myjobscotland website.

Where a temporary worker/candidate of the Contractor is employed to a full-time or fixed-term post by WLC, following fair and open recruitment competition, the Contractor will not be entitled to charge a temporary to permanent fee, providing the worker has been assigned to WLC for 6 weeks. If the temporary worker/candidate is employed to a full-time or fixed-term post by WLC before 6 weeks has lapsed, please contact Anita Bainbridge ([anita.bainbridge@westlothian.gov.uk](mailto:anita.bainbridge@westlothian.gov.uk)) to obtain Contractor's information on temporary to permanent fees.

## Data Protection

If the temporary/interim worker is required to process Personal Data as part of your specific requirements, the Hiring Manager **must** complete a Model Contract Regarding Data Protection Directive 95/46/EC form. This form is available from Anita Bainbridge on request.

## Agency Worker Regulations - Annual Leave

Following the 12 weeks qualifying period, agency workers are entitled to the same annual and public holiday leave as per their Comparator.

## Checklists

When requested by suppliers, hiring managers are required to complete a Health & Safety checklist for agency workers.

## How do I use the framework?

**Step 1** – The Hiring Manager identifies a requirement for a temporary worker and refers to the handbook to identify the Framework that the temporary worker/candidate falls under, and contacts the first agency (if ranked), by phone or email. The Corporate Procurement Unit recommends that the following information be provided to the agency when requesting a temporary worker;

- name of organisation
- name of hiring manager
- service area
- specialism/job title
- description of role
- wage rate (if setting this rate). Please remember to ask the supplier for a breakdown of the total hourly/daily rate.
- estimated start date and duration of assignment including times of supply of service (e.g. 9am to 5pm, Monday to Friday)
- normal place of work
- any travel required
- essential skills, competences or qualifications
- desirable skills
- security requirements (e.g. Disclosure Scotland, PVG or other)
- details of interviews (if required)
- Deadline for responses/CVs (please allow a reasonable amount of time for responses)

A form has been created to assist you with providing this information at Appendix A.

If you are conducting a mini competition, you are required to apply Evaluation Criteria e.g. Price 50% (minimum), Quality 50% (including any sub-criteria). A form has been created to assist you with providing the information required when conducting a mini competition at Appendix B. You **must** issue your mini competition via the Quick Quote (QQ) facility within Public Contracts Scotland, please complete the required Corporate Contract (CC) Reference Number Template as applicable. A CC Reference Number Template can be found by clicking <http://intranet.westlothian.gov.uk/article/6994/Corporate-Procurement-Unit> and selecting the template within the 'Related Documents' section. Please ensure you enter **CC3190** within the '(IF MINI COMP) CC REF OF FRAMEWORK' field. Please enter **CATEGORY A – Mini Competition** within the 'Collaboration Type' field.

Please select the correct supplier contact email address as detailed within the relevant Framework when issuing your QQ to suppliers. A Candidate Selection Guidance document is available to users for Interim Professional & Interim IT Staff Service. It is not a compulsory requirement that you use this document to evaluate your mini comps. However, if you would like a copy of this document, please contact Anita Bainbridge ([anita.bainbridge@westlothian.gov.uk](mailto:anita.bainbridge@westlothian.gov.uk)).

**Step 2** – The agency will respond as requested.

**Step 3** – Hiring Manager or their representative raises an Advance Purchase Order on Pecos. The order should detail as a minimum the following;

- Description: Name of person being recruited including & Job Title/Role and estimated period of requirement e.g. 01/06/16 to 31/08/16.
- Qty: Number of estimated hours/days
- Price: Total hourly/day rate (excluding VAT)

When submitting an Advance Order, please remember to add an external comment, for example;

***“This is an advance order for an estimated number of hours/days. West Lothian Council does not guarantee to purchase the full quantity of the services stated”.***

***PLEASE NOTE THE NEW PO REQUIREMENT FOR PERTEMPS BELOW:***

### **New Order Setup**

Orders now require to be created with **one line** and the **value** of the order assigned within the **quantity** field and **£1.00** assigned as the **unit price**.

If you have agreed the services of a temporary agency staff member, the value of the order in the quantity field will equate to the number of hours the agency staff member will work in a week multiplied by the hourly rate, multiplied by the number of weeks they're required over a period. The order will then be created covering that period.

For example, if someone is required for 36 hours per week for 6 months and were charged out by Pertemps at £10.20 per hour, the value of the order quantity will equate to 36 hours x £10.20 x 26 weeks = £9,547.20. This could be rounded to a quantity of 9,600 with a unit price of £1.00.

The description can be used to explain the requirements, e.g. Mrs Smith, Receptionist, 36 hours per week for 26 weeks from 25 April 2016 to 24 October 2016 at hourly rate of 10.20GBP.

If you are unsure of the exact agency staff requirement at this time, it is possible to raise a blanket advance order with a quantity equating to the potential spend on agency staff over the period. This order can then be used for all agency staff requirements by your service unit. Pertemps should then be asked to reference the blanket order number on all invoices for temporary agency workers supplied to the service unit.

### **Receipt Processing**

To follow the council's three way matching process and enable invoice payment, a receipt of the hours worked by the agency staff member should be processed through PECOS. Instead of inputting the number of hours worked into the quantity field, you'll instead input the **value** of the hours worked. This will equate to the number of hours worked x hourly rate, i.e. in the example above this would be 36 x £10.20, which equates to a quantity of 367.20

It is very important that the quantity received is input correctly for the purposes of commitment accounting.

### **Invoice Import**

Invoices will be imported with the net value (total invoice value minus VAT) assigned to the invoice quantity field and the unit price of £1.00. This new method will minimise the number of invoice mismatches and effort currently experienced by invoicers and approvers.

### **Invoice Mismatches**

Based on the new order set up, invoices will only mismatch due to the following reasons:

1. Invoice is imported to order in advance of the receipt process being performed. The mismatch notification will be "Exception - Full match pending receipt" and the requisitioner will require to receipt the service on PECOS to clear the mismatch and enable payment.
2. Invoice is imported to the order after the order has already been invoiced in full. The mismatch notification will be "Mismatch between order and invoice (for non tolerance errors)" and the requisitioner will require to force settle the invoice to enable payment (following the processing of a receipt). A new order should then be created to cover the requirements for the next period, based on the set up instructions above.

Pertemps have agreed to replace the open order numbers currently assigned with the new order numbers transmitted. This will ensure that the invoices received by the council match exactly to the order and will assist with on time payment.

**Step 4** – Temporary/Interim worker commences placement and the recruiting manager or representative either signs a weekly timesheet or authorises an electronic timesheet online. The recruiting manager or representative then receipts the relevant number of hours/days from the order on Pecos.

An Agency Worker Record (Appendix 1) **must** be completed as soon as possible after placement begins and emailed to [hrsupport@westlothian.gov.uk](mailto:hrsupport@westlothian.gov.uk).

**Step 5** – The agency sends their invoice(s) into the pre agreed email address. The relevant WLC representative will match the invoice against the order and payment will be made (as applicable).

**Step 6** – On completion of the placement, please update the Agency Worker Record with the termination details and email to [hrsupport@westlothian.gov.uk](mailto:hrsupport@westlothian.gov.uk).

**Please note, If you intend extending a contract for an Interim Professional or Interim IT Staff who is on site, you must provide Anita Bainbridge ([anita.bainbridge@westlothian.gov.uk](mailto:anita.bainbridge@westlothian.gov.uk)) with the following information;**

- 1. CC Reference No. allocated at the time of the initial mini competition**
- 2. Name of Interim worker**
- 3. New Purchase Order No.**
- 4. Period of extension.**

***If your service does not raise a Purchase Order for Agency Staff due to the allocation of job numbers to specific projects, you must provide the information at points 1, 2 and 4 to Anita Bainbridge.***

If you experience any problems, please provide details to Anita Bainbridge.

## Temporary Administrative Staff Framework

### Ranked Framework (mini competition optional)

Temporary Administrative Staff Services Frameworks	Supplier Contact Details
1. Pertemps	Alan Paterson, Tel: 0131 225 7531, <a href="mailto:scottishprocurement@pertemps.co.uk">scottishprocurement@pertemps.co.uk</a>
2. Brightwork	Karen Bathie, Tel: 0141 272 8108, <a href="mailto:scotgov@brightwork.com">scotgov@brightwork.com</a>
3. ASA Recruitment	Joyce Frankish, Tel: 0131 226 6222 <a href="mailto:scotgov@asarecruitment.co.uk">scotgov@asarecruitment.co.uk</a>

### Fixed Commission Rates

The job roles listed are only example job roles and organisations can request roles within this specialism which are not listed below.

EXAMPLE ADMINISTRATIVE ROLE TYPES	COMMISSION RATE PER HOUR (ex VAT)		
	ASA Recruitment	Brightwork Ltd	Pertemps Recruitment Partnership Ltd
Mail Clerk	£0.65	£0.57	£0.49
Clerical Officer	£0.65	£0.57	£0.49
Customer Services Support Staff	£0.65	£0.57	£0.49
Receptionist	£0.65	£0.57	£0.49
Personal Assistant	£0.65	£0.70	£0.49
Administrator	£0.65	£0.54	£0.49
Technical Administrator	£0.65	£0.57	£0.49

## Temporary Catering & Manual Staff Framework

### Ranked Framework (mini competition optional)

Temporary Catering & Manual Staff Services Frameworks	Supplier Contact Details
1. Pertemps	Alan Paterson, Tel: 0131 225 7531, <a href="mailto:scottishprocurement@pertemps.co.uk">scottishprocurement@pertemps.co.uk</a>
2. Brightwork	Alison French, Tel: 0141 272 8106, <a href="mailto:scotgov@brightwork.com">scotgov@brightwork.com</a>  Out of Hours: 07730527626
3. ASA	Joyce Frankish, Tel: 0131 226 6222 <a href="mailto:scotgov@asarecruitment.co.uk">scotgov@asarecruitment.co.uk</a>

### Fixed Commission Rates

The job roles listed are only example job roles and organisations can request roles within this specialism which are not listed below.

EXAMPLE CATERING & MANUAL ROLE TYPES	COMMISSION RATE PER HOUR (ex VAT)		
	ASA Recruitment	Brightwork Ltd	Pertemps Recruitment Partnership Ltd
Janitor	£0.85	£0.68	£0.49
Refuse Worker/Collector	£0.75	£0.54	£0.49
Street/Road Sweeper	£0.75	£0.54	£0.49
Gardener	£0.75	£0.54	£0.49
Labourer	£0.75	£0.54	£0.49
Cleaner	£0.75	£0.54	£0.49
Driver (non HGV)	£0.85	£0.54	£0.49
Electrician	£0.75	£0.68	£0.49

**Temporary Catering & Manual Staff Framework** continued

<b>EXAMPLE CATERING &amp; MANUAL ROLE TYPES</b>	<b>COMMISSION RATE PER HOUR (ex VAT)</b>		
	<b>ASA Recruitment</b>	<b>Brightwork Ltd</b>	<b>Pertemps Recruitment Partnership Ltd</b>
Kitchen Supervisor	£0.75	£0.68	£0.49
Waitress/Waiter	£0.75	£0.54	£0.49
Catering Assistant	£0.75	£0.54	£0.49
Hospitality Representative	£0.75	£0.54	£0.49
Chef	£0.85	£0.68	£0.49
Executive Chef	£0.85	£0.68	£0.49

## Interim IT Staff Services Framework

### Mini Competition – Quick Quote to be issued

Supplier	Contact	Quick Quote (select appropriate email address within PCS)
Harvey Nash Group plc	Graeme McNaul Tel: 0131 460 4309	<a href="mailto:scotlandpublicsector@harveynash.com">scotlandpublicsector@harveynash.com</a>
Parity Professionals Ltd	Deborah D'Sa Tel: 0131 553 9112	<a href="mailto:scottish.interims@parity.net">scottish.interims@parity.net</a>
Spring Technology	Mike Fernandez Tel: 0131 524 9086	<a href="mailto:scottishministers@spring.com">scottishministers@spring.com</a>

### Fixed Commission Rates

The job roles listed are only example job roles and organisations can request roles within this specialism which are not listed below.

EXAMPLE ROLE TYPES	COMMISSION RATE PER DAY (ex VAT)		
	Harvey Nash Group plc	Parity Professionals Ltd	Spring Technology Staffing Services Ltd
Network Support Analyst	£9.00	£16.00	£16.00
Systems Analyst	£32.00	£25.00	£35.00
Business Analyst	£32.00	£29.00	£34.00
IT Support Officer	£9.00	£10.00	£10.00
IT Team Leader	£20.00	£19.50	£20.00
IT Specialist < £300 per day	£20.00	£21.00	£25.00
IT Specialist £300 - £500 per day	£40.00	£37.00	£38.00
IT Specialist > £500 per day	£70.00	£55.00	£55.00

## Interim Professional Staff Services Framework

### Mini Competition – Quick Quote to be issued

Supplier	Contact	Quick Quote (select appropriate email address within PCS)
ASA Recruitment	Joyce Frankish Tel: 0131 226 6222	<a href="mailto:scotgov@asarecruitment.co.uk">scotgov@asarecruitment.co.uk</a>
Harvey Nash Group plc	Graeme McNaull Tel: 0131 460 4309	<a href="mailto:scotlandpublicsector@harveynash.com">scotlandpublicsector@harveynash.com</a>
Parity Professionals Ltd	Deborah D'Sa Tel: 0131 553 9112	<a href="mailto:scottish.interims@parity.net">scottish.interims@parity.net</a>

### Fixed Commission Rates

The job roles listed are only example job roles and organisations can request roles within this specialism which are not listed below.

EXAMPLE PROFESSIONAL ROLE TYPES	COMMISSION RATE PER DAY (ex VAT)		
	ASA Recruitment	Harvey Nash Group plc	Parity Professionals Ltd
Procurement Manager	£14.00	£23.00	£37.50
IT Manager	£14.00	£32.00	£30.00
Facilities Manager	£14.00	£12.00	£15.50
Engineering Manager	£14.00	£8.00	£22.50
HR Manager	£14.00	£18.00	£22.50
Finance Manager	£14.00	£27.50	£32.50
Communications Manager	£14.00	£25.00	£22.50
Marketing Manager	£14.00	£17.75	£21.00
Programme Manager	£14.00	£45.00	£42.50

## Interim Professional Staff Services Framework continued

### Fixed Commission Rates

The job roles listed are only example job roles and organisations can request roles within this specialism which are not listed below.

EXAMPLE PROFESSIONAL ROLE TYPES	COMMISSION RATE PER DAY (ex VAT)		
	ASA Recruitment	Harvey Nash Group plc	Parity Professionals Ltd
Project Manager	£14.00	£35.00	£36.00
Policy Manager	£14.00	£15.00	£20.00
HR Administrator	£7.00	£12.00	£10.00
HR Specialist	£7.00	£15.00	£17.50
Procurement Administrator	£7.00	£12.00	£15.00
Procurement Officer	£7.00	£18.00	£23.00
Finance Specialist	£7.00	£18.00	£22.50
Market Analyst	£7.00	£12.00	£20.00
Strategic Buyer	£7.00	£15.00	£20.00
Other Professionals <£300 per day	£14.00	£20.00	£21.00
Other Professionals £300 - £500 per day	£14.00	£40.00	£35.00
Other Professionals >£500 per day	£14.00	£70.00	£55.00

## Appendix A - Request for Temporary Staff

<b>Scottish Procurement Collaborative Framework Agreement for Temporary Staff Services (West)</b>		Insert Framework Name e.g. Temporary Administrative Staff or Catering and Manual Staff Services ]
Client:	<b>West Lothian Council</b>	
Contact Name		
Contact Telephone Number		
Contact Email		
Contact Address		
Service Area	[e.g. Operational Services]	
Invoice Address (if different)		
<b>Requirements</b>		
Purpose:	[Insert name of customer organisation] is looking to award a contract for the provision of a [insert job title] to commence on insert date for insert days/ months.	
Specialism / Job Title		
Description of role		
Date(s) and times of supply of service	[e.g. 9am to 5pm, Monday to Friday]	
Normal Place of Work		
Any travel required		
Essential Skills, Competences or Qualifications		

Desirable skills	
Details of interviews if required (date etc.)	
Security Requirements (e.g. Disclosure Scotland)	
Any other security requirements	
Proposed Start Date	
Indicative End Date	
Service Levels (optional)	
Maximum No. of CVs to be issued	
Deadline for responses / CVs	
Name and Title of Hiring Manager	(please complete if different from Contact Name above)
Signature	
Date	

## Appendix B - Mini Competition

### Statement of Requirements

Organisation Name	<b>West Lothian Council</b>
Contact Name (Hiring Manager)	
Contact Telephone Number (Hiring Manager)	
Contact Email Address (Hiring Manager)	
Service Area	[e.g. Corporate]
Criteria Weighting  (e.g. 50% Cost (minimum)), 50% Quality of Candidate, <b>please list any sub criteria and % weighting (if applicable))</b>	
Specialism / Job Title of Required Role	
Description of Role	
Quantity	[e.g. One Worker - As appropriate]
Normal Place of Work	
Any Travel Required	[Insert details of travel commitments, if applicable. In particular if travel by car is required.]
Essential Skills, Competences, Experience and Relevant Qualifications	
Desirable Skills	
Required Level of Security Clearance / Background	

check	
Proposed Start Date	
Indicative End Date of Assignment	
Proposed date for Interviews (if applicable)	[Insert proposed date when interviews are likely to take place and where.]
HR Procedures	[Insert details of organisation's specific HR policies and procedures relevant to the role]
Maximum No. of CVs required	
Deadline for Submission of Response and CVs	

**Schedule 2: Supplier Response**  
**(To be completed by Supplier (s) putting forward the candidates)**

Information Requirement	Supplier's Response		
Number of CVs enclosed			
Recruitment Consultant name			
Recruitment Consultant contact telephone number			
Recruitment Consultant contact e-mail address			
	Candidate A	Candidate B	Candidate C
Is the candidate available to start on the date indicated in SOR?			
Is the candidate available for the full duration of the interim assignment indicated in SOR?			
Does the candidate match the appropriate skills, competences, experience and			

qualifications?			
	<b>Candidate A</b>	<b>Candidate B</b>	<b>Candidate C</b>
Does the candidate have the appropriate security clearance?			
State PAYE or Ltd Company Contractor			
Can the candidate work at the normal place of work; and travel (where required)			
Candidate Daily Pay Rate (£)			
<b>Applicable to PAYE Only</b>			
National Insurance (NI) and Working Time Regulation (WTR) Rate (£)			
Commission Rate per Day			
<b>Total Daily Charge Rate (excluding VAT) (£)</b>			

In addition please see attached the CV for each candidate being put forward for the position. As a minimum, CVs should contain details in response to the essential and desirable criteria noted in Schedule 1.

### Notes for suppliers

The customer shall award the Contract to the bidder which has submitted the most economically advantageous tender, on the basis of the mini competition award criteria.

### Declaration

I confirm that the proposal submitted for this call off requirement will be governed by the terms and conditions of the Scottish Procurement Collaborative **[Interim Professional/Interim IT/Administrative/Catering & Manual delete as appropriate]** Framework Agreement.

Signature \_\_\_\_\_ Name \_\_\_\_\_

Position \_\_\_\_\_ Date \_\_\_\_\_

## Frequently Asked Questions (FAQs)

**(Q1) I have a requirement for a job that is not on any of the lists?**

The lists are indicative only and are not intended to be a definitive list. By looking at the headings and jobs, determine which Framework your job is most likely to come under. If you have reviewed the lists but are still unsure as to which supplier(s) to contact, please email Anita Bainbridge ([anita.bainbridge@westlothian.gov.uk](mailto:anita.bainbridge@westlothian.gov.uk)) with your temporary/interim worker requirements.

**(Q2) How do I know what wage rate I should pay?**

If the role corresponds to an existing role within WLC and you do not know the wage rate paid, Pay Scale information can be found by clicking the link below;

Pay 14 Band Structure

<http://www.westlothian.gov.uk/article/2193/Pay-Pensions-and-Benefits>

Pay Craft Operatives

<http://www.westlothian.gov.uk/media/1330/Pay-Craft-Operatives/pdf/WLCCraft1.pdf>

If there is no WLC comparison you may have to benchmark in other ways. The market may, in some cases, determine an hourly rate of pay. Please note enhanced rates may apply for Public Holidays, Weekend Working, Nights etc.

Please note, following a 12 week qualifying period, the temporary/interim worker will be entitled to have the same basic terms and conditions of employment as if they had been employed directly by the Council. Please refer to the AWR Brief and Guidelines (page 24 onwards) for further information.

Agency Worker Record form is also available on MyToolkit, <http://www.westlothian.gov.uk/article/2195/HR-Forms>, select Agency Workers.

**(Q3) None of the agencies on any of the Frameworks are able to meet my requirements, what do I do next?**

Please ensure you have a good audit trail of your attempts to fill the post with the agencies and contact Anita Bainbridge for further advice.

**(Q4) One of my temporary workers is now entitled to have the same basic terms as their Comparator, does this include Flexi-Time?**

No, the temporary/interim worker is not entitled to flexi-time as this is seen as a 'perk' of permanency.

**(Q5) I am required to pay 'expenses' to the temporary worker, what should I be charged from the Agency?**

You should only be charged the amount that the temporary worker has incurred for example;

- Temporary/interim worker is claiming 100 business miles –  $100 \times £0.45 = £45.00$  to be charged by the Agency
- Temporary/interim worker is claiming Car Parking @  $£4.50 = £4.50$  to be charged by the Agency

Under no circumstances should any of the Agencies charge the Council a 'handling fee' in respect of expense claimed by the temporary/interim worker.

If you think you have been overcharged by one of the Agencies, please contact Anita Bainbridge, providing details of the suspected overcharge.

**(Q6) I am constantly receiving invoices for temporary/interim workers who I am not responsible for, what should I do?**

Please contact the Agency in the first instance requesting for your name to be removed as the contact for the specific temporary/interim worker. If the problem persists, please contact Anita Bainbridge.

**(Q7) What if the role I am looking to fulfil is not listed in the pricing schedule – how do I know the commission rate which will be chargeable?**

The process of placing roles is no different to that in the previous framework for these services. Previously and as with the new framework, due to the sheer volume of different job/role titles used by organisations in the Scottish public sector that may use these frameworks, it was impossible for SPCD to list every single job/role title and invite commission rates for those. Hence the limited job/role titles listed in the Temporary & Interim Staff Handbook – these were examples of previous roles from management information over the last 4 years under the old framework. This list is not exhaustive and it is acknowledged that the same job/role may be called many different things by different Collaborative Partner organisations. What is key to the assignment is the skill set, qualifications and tasks to be undertaken and these will determine where the role is best placed. To ensure a fair and open process especially where a mini competition is being undertaken, hiring/recruiting managers should follow the guidance below:

When inviting CVs and quotes for any assignment, it is important that the hiring manager provides as much information as possible to allow framework suppliers to source the correct candidate and quote accordingly. If the assignment/role to be filled clearly falls under one of the example job/role titles stated in the handbook, then the hiring manager *may* state this. However where a mini competition is being undertaken, to ensure a fair and open process, it is the responsibility of the hiring manager to provide each supplier being invited to quote with exactly the same information, which *may* include some or all of the following as appropriate:

- the skill set required to fulfil the assignment tasks;
- any specific qualifications required to meet requirements;
- an indication of the tasks the individual will be required to undertake;
- the title of the role being covered (whether this matches one of the example job/role titles in the handbook or not)

Framework suppliers will use their market knowledge and recruitment experience to match the requirements of the assignment to the most appropriate role/title example and submit a quotation (including the appropriate commission rate) as part of the mini competition process. If there is any uncertainty as to where the assignment sits, the framework supplier(s) and the hiring manager should discuss and agree the most common sense/pragmatic approach.

Hiring managers may not always quote the role/job title from the handbook but should always provide Framework Suppliers with the same information and sufficient information in respect of skills, qualifications and tasks to allow an accurate match of candidate to assignment (and as a result the appropriate day or hourly rate and commission rate). Framework Suppliers should not therefore insist that the hiring manager identifies an appropriate role/job title from those listed in the Handbook.

**Q8. I'm looking for a Clerk of Works and a Roads Engineer, which Agency should I use?**

You have one of two options;

1. Utilise the Interim Professional Staff Services Framework – Information available in the Temporary & Interim Staff 2015 - 2018 Handbook. **(This is the preferred option).**
2. Utilise the Professional Technical Services Framework – Please contact Catriona Peden ([catriona.peden@westlothian.gov.uk](mailto:catriona.peden@westlothian.gov.uk)) for further information. If you utilise this option you must notify Anita Bainbridge ([anita.bainbridge@westlothian.gov.uk](mailto:anita.bainbridge@westlothian.gov.uk)) of your intentions for reporting purposes.

**Q9. I'm looking for a Social Worker but can't find them in the Handbook, which Agency should I use?**

Temporary Social and Care Staff are covered by the Scotland Excel (SXL) Social and Care Agency Workers Framework. Please contact Gillian Bennett ([gillian.bennett@westlothian.gov.uk](mailto:gillian.bennett@westlothian.gov.uk)) for further information.

**Q10. I'm looking for a temporary Domestic Assistant for our Care Home, which contract should I use?**

Ancillary staff i.e. Cook, Assistant Cook and Domestic Assistant, are available from the following;

- Social and Care Agency Workers Framework (SXL Framework)
- Temporary & Interim Staff Framework 2015 – 2018: Catering & Manual.

**Q11. I recently had an interim worker from one of the Interim Professional agencies. I now require a further temporary worker, can I contact the same agency to see if the previous temp is available?**

Once an individual is no longer contracted to WLC, you cannot request the same individual back. Your contract is with the recruitment agency, not the individual. You must carry out a further mini competition to ensure the most suitable candidate is awarded the position.

**Q12. Can I limit the number of CVs I want to receive from an Agency?**

Yes, you can provide a maximum number you want to receive.

**Q13. Following a mini competition exercise I was unable to obtain the required temporary worker from the Framework suppliers. I subsequently issued a further mini comp on the instruction from CPU to non-contracted suppliers, of which one was able to provide me with temporary worker. I have raised my order to cover a period of 5 months, can I automatically extend this if I need to retain the temp beyond this period for project continuity?**

No, please contact Anita Bainbridge ([anita.bainbridge@westlothian.gov.uk](mailto:anita.bainbridge@westlothian.gov.uk)) for guidance.

## **AGENCY WORKER REGULATIONS 2010**

### **BRIEFING NOTE**

#### **SUMMARY OF REGULATIONS**

The Agency Worker Regulations 2010 came into force on 1 October 2011 giving 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. They are entitled to equal treatment across a range of employment terms but their status does not convert from agency worker to council employee.

Agency workers are also entitled to access to collective facilities and information on job vacancies from day 1 of working for the council.

#### **AGENCY WORKERS**

The regulations apply to “agency workers” as defined. Workers hired on a temporary basis from an employment agency to work under the council’s supervision and direction are covered. These will be the most common type for the council.

Workers who are genuinely self-employed are not covered. Individuals working in the council’s premises as a permanent or fixed-term employee of an outside contractor are not covered. Council employees who do other work through an in-house staffing bank are not covered.

#### **ENTITLEMENTS**

##### **Day 1 Rights for All agency Workers:**

As soon as an agency worker starts in a council role, the council is responsible for providing equal treatment for specified day 1 entitlements and is liable for any breach of this obligation.

##### Facilities

The council must ensure that all agency workers have access to our collective facilities from the first day of working with the council. These may include:

- Car parking facilities
- Toilets/shower facilities
- Transport services (eg local pick up and drop offs, transport between sites)
- Canteen or other similar facilities
- Staff rooms

These entitlements do not apply to pay, or to employee benefits or perks.

**Services hiring agency workers will have to consider how they can make arrangements to ensure that agency workers are aware of and have access to such facilities from day one e.g. organising parking passes etc. The council will have to make this information available to an agency worker as part of an induction process.**

Job Vacancies

The council must ensure that all agency workers have access to information on job vacancies from the first day of working with the council in the same way as do council employees.

Access to information is widely available to all through council bulletins posted on notice boards and jobs online.

If there is a restriction on the advertising of posts to council employees then that also applies to agency workers, since their right is to equal treatment, not to better treatment. This right does not apply where posts are ring fenced for redeployment purposes or internal moves which are a matter of restructuring and redeploying existing internal staff under workforce management procedures in order to prevent a redundancy situation.

**After 12 weeks in the same job:**

The equal treatment entitlements relate to pay and other basic working conditions and come into effect after an agency worker completes a **12 week qualifying period** in the **same job** with the council. They are:

- Key elements of pay (including basic pay, overtime payments, shift/unsocial hours allowances, payment for annual leave, vouchers or stamps which have monetary value e.g. child care vouchers)
- Duration of working time e.g. if working is limited to a maximum of 48 hours a week
- Night work
- Rest periods
- Rest breaks
- Annual leave

In addition, pregnant agency workers who have completed the 12 week qualifying period, will be entitled to paid time off for ante natal appointments.

The right in relation to pay does not include things like sick pay, pensions, redundancy payments, maternity pay, adoption pay and paternity pay.

Any employment rights requiring a period of service before the right arises (for example, the additional period of annual leave after five years' service) will be calculated from the date the qualifying period began e.g. an entitlement that requires 12 months service would require the agency worker to have 12 months service, not 12 months and 12 weeks.

**CALCULATING THE 12 WEEK QUALIFYING PERIOD**

The 12 week qualifying period would be triggered by working in the same job for the council for 12 weeks. A calendar week is any period of seven days starting with the first day of work. Calendar weeks will be accrued regardless of how many hours the worker does on a weekly basis – all that is required is that the individual works in a placement with the council at some point in the week in question.

The council should be aware that anti-avoidance provisions are in place, which prevent the council from using the same agency worker on a series of assignments which are structured so as to

prevent the worker from completing the qualifying period. A tribunal can impose a punitive award of damages if it decides that an employer has taken deliberate action to try to avoid the effect of the regulations.

The 12 week qualifying period will be broken if:

- the agency worker begins a new assignment with a new hirer
- the agency worker remains with the council but is no longer in the same role (for the qualifying period to be broken the work or duties which make up the whole or main part of a role must be substantially different and the council must notify the agency in writing)
- there is a break between assignments with the council of more than 6 weeks

The 12 week qualifying period will be 'paused' (continue to accrue on the workers return to the same post) if:

- for any reason there is a break of no more than six calendar weeks and the agency worker returns to the same role with the council
- there is a break of up to 28 weeks because the agency worker is incapable of work because of sickness or injury
- the agency worker takes leave to which they are entitled, including annual leave
- there is a break of up to 28 weeks because the agency worker is performing jury duty
- there is a break caused by a regular and planned shutdown of the workplace by the council
- there is a break caused by strike, lock out or other industrial action at a council establishment

The 12 week qualifying period will continue to accrue during:

- breaks due to pregnancy, childbirth or maternity which take place during pregnancy and up to 26 weeks after childbirth (case law indicates, that it may be discrimination in certain circumstances where a company fails to allow an agency worker to return to the temporary post which she had previously occupied, following absence due to maternity)
- any breaks due to the worker taking maternity leave, adoption leave or paternity leave.

In each of these cases the 12 week qualifying period will continue to accrue for the originally intended duration of the assignment or the likely duration of the assignment (whichever is longer).

## **ESTABLISHMENT OF EQUAL TREATMENT**

Deciding on what equal treatment means will usually be a matter of common sense – the requirement is simply to treat the worker as if he or she had been **recruited directly** to the same job.

For equal treatment on pay, each element of the pay package has to be looked at and compared individually – the council is not able to look at the overall package and decide that a deficit in one element is balanced out by some better treatment in another.

## **INFORMATION TO BE PROVIDED TO THE AGENCY**

The following information must be provided to the agency before an agency worker can be supplied:

- 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
- 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

In addition the following information must be provided to the agency promptly if and when an agency worker completes 12 weeks in the same role:

- 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 council operates (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

## **EXEMPTIONS TO THE REGULATIONS**

There is an exemption from equal treatment provisions on pay (and holiday pay) where an agency can offer an agency worker a permanent contract of employment and pay the agency worker between assignments. This means that after 12 weeks in a given job, the agency worker will not be entitled to the same pay as if they had been recruited directly.

All agency workers, including those covered by this pay between assignments exemption, are entitled to other new provisions under the regulations – in particular equal treatment in relation to the duration of working time, night work, rest periods and rest breaks and annual leave after 12 weeks (in these circumstances the entitlement is to time off rather than pay – the paid annual leave entitlement will be as set out in the contract of employment between the agency and agency worker).

Additionally, all agency workers must receive day 1 entitlements as these rights apply regardless of pay between assignment contracts.

## **INFRINGEMENT OF ENTITLEMENTS**

If an agency worker believes their entitlements under the Regulations have been infringed they are entitled to request information relating to such.

If it is in relation to day 1 entitlements the requirement to provide information lies with the

council and information can be requested any time after the start of the assignment. The agency worker should approach the council with a written request for information before making a claim. The council has 28 days to respond in writing from receipt of the request.

If it is about entitlements after the 12 week qualifying period then the requirement to provide information lies with the agency and the agency worker can only request information after the 12 weeks have elapsed. In this instance the agency worker can request a written statement from the agency about any aspect of equal treatment before making a claim. The agency has 28 days from receipt of the request to respond in writing. If an agency worker has not received a written statement within 30 days of making that request, the agency worker can then write to the council requesting the same information.

If an agency worker is unsatisfied with the response or does not receive a response they can bring a claim to an Employment Tribunal in relation to their rights under the Regulations.

Human Resources

April 2016

## **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.

12 September 2011

## Appendix 1 - AGENCY WORKER RECORD

To be completed for every agency worker placement as soon as possible after placement begins and emailed to [hrrsupport@westlothian.gov.uk](mailto:hrrsupport@westlothian.gov.uk)

WORKER DETAILS	
<b>Name:</b> Title/Forename/Surname	
<b>Employment Agency:</b>	

PLACEMENT DETAILS	
<b>Post Title:</b>	
<b>Service Area:</b>	
<b>Start Date:</b>	
<b>Expected End Date:</b>	

IS THE AGENCY WORKER FILLING A VACANT POST?				
<b>Yes</b> <input type="checkbox"/>	<b>Position Number of Vacant Post</b> <input type="text"/>			
<b>No</b> <input type="checkbox"/>	<b>Position Number of Comparator (if applicable)</b> <input type="text"/>			
<b>If No, please give reason for agency/contract placement:</b>	Maternity Cover	<input type="text"/>	Seasonal Work	<input type="text"/>
	Sickness Absence Cover	<input type="text"/>	Additional Workload	<input type="text"/>
	Vacancy Cover	<input type="text"/>	Extra Funding	<input type="text"/>
	Project Work	<input type="text"/>	Specialist Skills	<input type="text"/>
	Secondment Cover	<input type="text"/>		

<b>Manager's Name:</b>	
<b>Date:</b>	

Termination details should be completed at the end of the placement and updated form emailed to [hrrsupport@westlothian.gov.uk](mailto:hrrsupport@westlothian.gov.uk)

TERMINATION DETAILS	
<b>Termination Date:</b>	
<b>Reason for Termination:</b>	