

## **Freedom of Information Request**

Internal review of FOI request – Temporary Bank Staff

### **Background**

An FOI request was received by Lancashire Care NHS Foundation Trust on 19.02.18 from Salman Kabir. The request related to changes made by the Trust to the terms of engagement/contract relating to the bank staff that the organisation retains on its Bank list. The response was returned to Mr Kabir on 15.03.18 and can be reviewed in the document titled Appendix 1.

On 17.04.18 Mr Kabir submitted a request for an internal review of the Trust's handling of his FOI request, stating that the 'request hasn't been fulfilled, there is still requested information outstanding'.

On 23.04.18 Chief Executive of the Trust requested that the Associated Director of Risk and Assurance undertook the review.

### **Review of FOI**

As part of the review, the original request was considered alongside the information that was released to Mr Kabir. As part of the review process, the reviewer spoke to the Temporary Staffing Manager who had supported the provision of information in relation to the original FOI request. Against each of the elements of the request, an outcome is recorded in terms of whether the reviewer considered that the request has been met.

**Element 1:** Please provide the document that you are requiring all bank staff members to sign.

**Trust response:** The Trust provided the letter that was sent out to all Bank Staff dated 18.01.18 informing them of the review of the Bank 'Terms of Reference' along with the 'Temporary Staff Bank – Terms of Engagement' document that each Bank staff member was requested to sign and return, retaining a copy for their own records.

**Outcome of Review:** The reviewer is satisfied that this element of the request was fulfilled.

**Element 2:** Please provide minutes of all meetings where the changes to bank staff terms were discussed.

**Trust response:** There are no minutes available.

**Outcome of Review:** The reviewer is satisfied that this element of the request was fulfilled.

**Element 3:** Please provide all documentation in relation to the decision making, consultation and implementation of this new document.

**Trust Response:** there was no requirement to consult with Bank workers as there is no mutuality of obligation between the Trust and the Bank worker.

**Outcome of Review:** The statement provided by the Trust is correct. In terms of the information provided in Appendix 3 of the FOI release, it does indicate that there was a process of internal consultation with Staff Side. It would be appropriate to broaden the Trust response statement to indicate that this took place in keeping with the information provided in Appendix 3. A broader statement to provide more context could be considered:-

In summer 2015, there was a need identified to refresh the Bank Terms of Engagement, partly due to the changes implemented following the move to a new software system but also as a result of the introduction of weekly pay for clinical bank shifts. A number of sections of the document were reviewed and updated to include more information. For example, the Hours of Work section was updated to provide more detail in relation to the European Working Time Directive regulations. In particular, it was felt that the sections on Policies, Rules and Procedures required review to provide clarity in terms of how Bank employee relations cases should be managed. The new Bank Terms of Engagement were developed in conjunction with the Trust Solicitor and Staff Side to ensure compliance with legislation and an improved level of protection for Bank workers.

**Element 4:** Please provide details of the sanctions and/or course of action that a bank staff member of staff will be subject to should they refuse to sign and return the new document.

**Trust Response:** We do apply the following courses of action: New members to the work bank are required to sign the TOE's in order to be engaged with the work bank. For existing members of the work bank that have had the new TOE's issued, following a grace period of 2 months for the member to read, sign and return the TOE, where the TOE has not been returned, a restriction is placed on the individual's BankStaff system record that prevents them from viewing and booking shifts until they contact the Temporary Staffing Team.

**Outcome of Review:** The reviewer is satisfied that this element of the request was fulfilled. One point that the reviewer does wish to raise is the way that the response to Element 4 is constructed. The sentence is extremely long and perhaps the information could have been presented in a more easy to read format.

**Reviewed by: Associate Director of Risk and Assurance**  
**23 May 2018**