

The Procurement & Management of Temporary Workers

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Version History

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| 1 | Introduction |
| | <p>In August 2011, the University launched its own in house employment agency under a Unitemps franchise. Unitemps provides temporary job opportunities which meet the temporary staffing needs of university administration and service departments. This replaces the previous arrangements that were in place with Blue Arrow.</p> <p>Since its introduction, Unitemps has enabled savings on VAT and streamlined processes while other benefits have also been realised. The University now intends to extend efficiencies to other areas, to ensure one process for all temporary workers, by replacing the casual payroll with Unitemps.</p> |
| 1.1 | Purpose |
| | The purpose of this policy is to guide hiring managers through the process of identifying when a temporary member of staff is appropriate, as well as how to book, manage and pay the temporary member of staff for their work. |
| 1.2 | Scope |
| | The Policy applies to all current staff that procure temporary workers along with prospective temporary workers. |
| 1.3 | Definitions |
| | 'Unitemps Surrey' means the division of the University of Surrey that acts as an Employment Business. |
| | 'Temporary Worker' means someone working for Unitemps under a contract for service. They are not part of the established workforce but supply their services on an irregular or flexible basis and as such are engaged on a Contract for Service. They are paid on an hourly basis. Temporary workers include individuals previously employed under casual staff arrangements. |
| | 'Hiring Manager' is the manager who books the temporary worker and approves their hours. |
| 1.4 | Legislative context |
| | The proposals outlined in this Policy will ensure the University remains compliant with all relevant Employment Law, HMRC and Eligibility to Work Regulations including the Agency Workers Directive 2010. |
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| 2 | Policy |
| 2.1 | Principles |
| | The responsibility for the cost of the temporary worker to a department and for controlling the extent and scope of a temporary assignment will remain with the booking department. The Unitemps staff will assume the authorised hiring managers have the necessary budget available for any booking. |
| | Internal University departments will be charged the full cost of the temporary worker (including the cost of annual leave, but excluding sickness costs) but will not be charged any 'mark-up' when placing bookings. Costs of sickness will be met by Unitemps on a trial basis, reviewable after 6 months. |
| | For the purposes of this policy, Surrey Sports Park, Students' Union and any other wholly owned (or closely associated) company will be treated as external clients and mark up rates will need to be agreed with Unitemps on a commercial basis. |
| | Agency Worker Directive 2010 Regulations require that temporary workers hired through Unitemps receive equal treatment (i.e. the same entitlements) to basic working and employment conditions that are available to an employee recruited directly by the University to do the same or comparable job. Hiring Departments will be expected to meet the cost of these entitlements, many of which will apply from the first day of a temporary worker's assignment. However, some benefits are subject to a 12 week qualifying service. Full details of these entitlements are available in appendix 1 of this policy. |
| | Unitemps will provide consistent guidance to hiring managers and temporary workers on |

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| | assignment roles, benefits, pay rates and terms & conditions. |
| | Unitemps should primarily be filling short term or adhoc vacancies. Where the role is on-going and has regular hours, hiring managers should consider recruiting for an established position if the role has been carried out by a temporary worker on assignment for approaching 12 months. |
| | Staff who have left the University after accepting voluntary severance will not be allowed to register or work as temporary workers for a period of 12 months from the date of their severance. |
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| 2.2 | Criteria for using temporary workers |
| | <p>This document is not intended to be totally prescriptive about the criteria for allowing the use of temporary workers. However, although this list is not exclusive, examples of circumstances allowing the use of temporary workers agreed by the University are:</p> <ul style="list-style-type: none"> • Specialist expertise or recent experience, or input from specialist practitioners, is required that is not already available within the institution. • To cover staff absence as appropriate, such as maternity and adoptive leave, long-term sickness, sabbatical leave etc. • To cover brief unplanned increases in workload or absence, where cover cannot be provided by a member of staff. • Where the post is funded by a temporary funding source for which a date has been identified when, with significant certainty, it is believed that the funding will cease. • Where assignments/ shift are sufficiently irregular to make employing an established member of staff difficult or impossible. |
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| 2.3 | Procedures |
| 2.3.1 | Registering a Temporary Worker |
| | Temporary workers may register at any time online (www.unitemps.co.uk). Registered temporary workers will then be sent details of relevant jobs and may apply. Once they have been accepted onto an assignment they must visit the Unitemps office in person to complete the registration process where the necessary ID checks will be made and payroll form completed. |
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| 2.3.2 | Setting up Hiring Managers/ Approvers |
| | Unitemps will only process the booking if the Hiring Manager is on a list of approved 'Temp Workers Hiring Managers'. Hiring managers can only be added to the list if they have been authorised by a Faculty Manager / Unit Head. If the hiring manager is not on the approved list when a booking is made, Unitemps staff will revert back to the appropriate Faculty Manager / Unit Head for the necessary authorisation. Further information and guidance is available from Unitemps staff. |
| | When the hiring manager is first set up they will be sent a user name and password to use at www.unitemps.co.uk where they will be able to approve timesheets online and have access to some management reports. |
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| 2.3.3 | Booking a Temporary Worker |
| | Unitemps must always be contacted in the first instance to establish whether the assignment can be fulfilled internally. If this is not the case, an external, second tier, agency will be contacted by Unitemps staff to supply temporary workers if the correctly qualified / experienced worker cannot be supplied by Unitemps. |
| | In certain circumstances, Unitemps staff may refer the Hiring Manager directly to a second tier agency in order to find a specialist temporary worker. |
| | Before a booking can be made the hiring manager must already be set up (see 2.3.2 above). |

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| | <p>Booking a temporary worker can be done either by phone to the Unitemps Surrey office or online in which case someone from the office will call back to confirm the booking details. To ensure accurate recharging, no bookings will be accepted without the correct Agresso cost centre/ project code details.</p> <p>When setting up a new assignment the hiring manager will need to provide Unitemps with the following information:</p> <ul style="list-style-type: none"> • Name of role e.g. payroll administrator • Brief role description (this can be used to determine the grade in conjunction with the hiring manager) • Pay rate and associated grade • Estimated duration • Hiring manager and deputy for approving the timesheet(s) • Department that hiring manager and deputy work for • Hiring manager's phone number and email address • Agresso Cost centre/Project code |
| | <p>If the hiring manager has a particular temporary worker in mind for a job the temporary worker will need to be registered with Unitemps and set up on payroll before they start work. If Unitemps find the temporary worker they will ensure that this has already happened.</p> |
| | <p>Jobs are advertised online and suitably qualified/ experienced temporary workers are sent the details by e mail or text. For low skilled jobs at short notice, the first of these to reply will be offered the job. With a greater lead-in and for jobs of a more specialist nature, Unitemps can produce a shortlist of candidates from which the one best suited to the requirement can be chosen by the hiring manager. Alternatively Unitemps can make a selection on behalf of the hiring manager.</p> |
| | <p>The hiring manager will be sent confirmation and terms once the suitable temporary worker has been selected and notified.</p> |
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| 2.3.4 | Confirming grade and pay rates for Temporary Workers |
| | <p>A schedule of grades and pay rates has been produced that is aligned to the University pay scale. As well as showing the base rate for each grade, the schedule also describes the likely duties of a temporary worker in that role. The hiring manager should refer to this schedule when setting up a temporary worker assignment. The Unitemps team are available to discuss this with the hiring manager to ensure that similar temporary workers are working at similar grades across the university.</p> |
| | <p>Hiring managers will be asked to clearly justify any variations to the standard rates of pay for temporary workers. Unitemps staff will advise on appropriate rates for any particular assignment.</p> |
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| 2.3.5 | Setting up a “bank” of Temporary Workers |
| | <p>In some cases the hiring manager will only want to offer jobs/shifts to a defined group of temporary workers. In this instance, the hiring manager will provide Unitemps the details of the temporary workers to be booked against these jobs. The temporary worker must already be registered with Unitemps. The hiring manager will then be sent confirmation and terms and conditions. When the hiring manager then wishes to find a temporary worker for a particular shift, they must inform Unitemps who will send an e-mail to everyone in this “bank” of temporary workers.</p> |
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| 2.3.6 | Authorising Hours and Paying the Temporary Worker |
| | <p>Responsibility for creating timesheets and entering hours worked lies with the temporary worker and must be completed online (www.unitemps.co.uk)</p> |
| | <p>Only managers who have been authorised to become a 'Hiring Manager' can sign off timesheets in this way. Other individuals may be authorised to sign off timesheets in order to</p> |

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| | cover sickness / leave absences but only with approval by their Faculty or Departmental Finance Manager / Unit Head. Any hiring managers who expect to be away when a timesheet needs approving should contact the Unitemps office to ensure that an alternative approver is set up. |
| | Timesheets are best approved on a weekly basis. If any timesheets are still unapproved at the payroll cut-off date (see payroll date schedule) then an e-mail will be sent to the Hiring Manager to remind them to approve hours for any temporary worker(s) working on their assignments. |
| | Any disputes over temporary workers hours must be dealt with by the hiring manager. |
| | In exceptional circumstances, Unitemps will have the option of processing timesheets for a temporary worker in the absence of authorisation from a Hiring Manager but only to avoid hardship on the part of the temporary worker and only when the Hiring Manager is unable to approve (e.g. because they are off sick). |
| | The temporary worker will be paid on a monthly basis. |
| | Some other benefits are subject to 12 weeks qualifying service. |
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| 2.3.7 | Complaints about a Temporary Worker |
| | If the hiring manager is not satisfied with the performance of a temporary worker they must contact the Unitemps office who will seek to find an alternative. |
| | If the hiring manager has a temporary worker who has not shown up for an assignment on two or more occasions then Unitemps can ensure that that temporary worker is not offered to the hiring manager again. |
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| 3 | Governance & Directory Requirements |
| 3.1 | Responsibility |
| | Business Support Services has the overarching responsibility for the Policy and for ensuring it is effectively implemented, that progress is monitored and that the Policy is regularly reviewed. Budgetary responsibility lies with the individual department that procures the temporary worker. |
| 3.2 | Supporting documentation |
| | Unitemps Q&As for Hiring Managers and temporary workers |
| | Unitemps Grade Guidance Schedule |
| | Payroll Date Schedule |
| | Internal client terms |
| | Contract for Service |

Appendix 1: Information on the Agency Workers Regulations and their application at the University of Surrey

The Agency Workers Regulations came into force on 1 October 2011. The purpose of the Regulations is to give basic working and employment conditions to temporary agency workers that are equivalent to those of an employee recruited directly by the University to do the same or comparable job.

The Regulations set out which terms and conditions are applicable from day one of a role, and which are applicable after 12 weeks qualifying service.

An agency worker is someone who works for the University, under university supervision and direction, but who has a contract with, and is paid by Unitemps, or another temporary work agency who supplied them.

The self employed and other contractors are not covered by these Regulations.

Entitlements

The table below provides a guide as to what University terms and conditions fall within the scope of the Agency Workers Regulations and which do not apply.

The University has agreed that the following terms and conditions will apply from day one of the temporary role (unless stated), and in many cases this is an enhancement to the Agency Worker Regulations. Some terms and conditions are subject to the 12 week qualifying service (as outlined in the Regulations) due to the calculation method involved.

| Entitlement | Applicable to agency workers? |
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| Basic pay | Yes. An agency worker's pay rate should be the same as that of a comparable university employee, taking account of the individual's experience and qualifications. |
| Amenities and facilities | Yes. This includes on-site restaurants, child care facilities and car parking. Access can only be refused on objective grounds and this may include long waiting lists making it impractical to offer access to Agency Workers (which may be the position with CampusKids, the workplace nursery). |
| Job Vacancies | Agency workers can apply for internal and external jobs advertised by the University. This does not include posts that are ring fenced as part of an organisational restructure. |
| University holiday entitlement (in excess of statutory entitlement) | Yes |
| Closure dates Floating day (1 day) 6 fixed days | Yes. The 6 fixed days are treated in a different way, and in order to work out the payment due are subject to a 12 week qualifying service. Any additionally awarded closure dates (including during adverse weather when the University is closed for business) will be treated in the same way to the fixed days. |
| Overtime payments | Yes (although enhanced rates are only applicable once the normal 36 hour working week has been completed, as per University policy). |
| Occupational pension contributions or schemes | No |
| Maternity / paternity / adoption pay | Yes, but statutory only. |
| Protection during pregnancy | Time off for ante-natal appointments should be paid. A risk assessment will be carried out as soon as an agency worker |

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| | notifies the University that they are pregnant or are breastfeeding. If a risk is identified and suitable alternative work cannot be identified, the agency worker has the right to be paid by the agency for the remaining expected duration of the original assignment. |
| Statutory Redundancy / redeployment / notice pay | No |
| PRP | Yes, if the Vice-Chancellor determines the scheme will operate that year, agency workers will be eligible to be considered for a PRP award subject to normal criteria. |
| Annual increments | Yes, subject to normal University qualifying periods which is the completion of six months continuous service in the role as at 1 April with satisfactory performance. The qualifying service under the Regulations are applicable and explained further below. |
| Expenses | Yes, in line with University Benefits and Expenses Manual. |
| Training and Development | Yes, training and development opportunities are available to temporary workers, subject to the agreement of the person directing and supervising the agency worker. |
| UCEA pay awards | Yes, these are applied to the Unitemps payscale. |

Qualifying Service

Under the Regulations service accrues in calendar weeks, not by hours worked each week. The continuity of qualifying service would be broken when:

- There is a break of six weeks or more during or between assignments in the same role or
- Upon commencement of a new and substantively different role within the University.¹

There are circumstances where absence will only pause the qualifying period. These include when the temporary worker has a break:

- Of up to 28 weeks because they are incapable of work due to sickness or injury;
- To take annual leave;
- Of up to 28 calendar weeks to allow them to perform jury service;
- Caused by a regular and planned shutdown of the workplace
- Caused by industrial action within the organisation.

The qualifying period continues if the break is due to pregnancy, childbirth or maternity leave, and during any period of paternity or adoption leave.

Equal treatment

There are procedures that a temporary worker can follow if they consider they are not receiving equal treatment. Temporary workers are encouraged to talk to Unitemps in the first instance as they will often be able to resolve difficulties without resorting to formal procedures, or to liaise with the University to ensure the temporary worker receives the information. Where an informal route has failed, the procedure will vary depending on the issue to be raised, and these are set out below:

Access to collective facilities or job vacancies

An agency worker who believes that they may not have been treated equally in respect of access to collective facilities or relevant vacancies should, in the first instance, make a written request to their local HR representative at the University for further information. The HR representative is required to provide a written statement within 28 days to the agency worker setting out the relevant information relating to access to collective facilities and / access to vacancies and reasons for the treatment of the agency worker in relation to access to collective facilities and/or access to vacancies.

¹ This would not break continuity of service when calculating closure dates.

Basic employment and working conditions

An agency worker who believes that they may not have been treated equally in respect of basic employment and working conditions should, in the first instance, make a written request to his/her agency for further information. The agency is required to provide a written statement to the agency worker setting out the relevant information relating to the basic working and employment conditions of the organisations employees and workers. The agency has to do this within 28 days of receiving the request.

If the agency worker has not been provided with a statement from his/her agency within 30 days of making the request, he/she can make a written request to the local HR representative at the University for a statement setting out the relevant information, relating to the basic working and employment conditions of the organisation's employees and workers.

In these circumstances, the HR representative will provide a written statement within 28 days of receiving the agency worker's request containing information relating to the relevant basic working and employment conditions or the organisation's workers.

Information to Trade Unions

Where the University is obliged to provide relevant information on an employment situation to trade unions, this will also include relevant information on the use of agency workers. This would include collective redundancy and Transfer of Undertakings (TUPE) situations.

The information must include:

- The total number of agency workers engaged
- The areas of the business in which they are utilised
- The type of work they are contracted to undertake.

It does not include information on agency workers terms and conditions

Recruiting staff via Unitemps: new rules

The University maintains its Unitemps staffing agency to manage the placement of temporary staff, normally students, into roles where a clear funding exists and a compelling need arises. In 2013/14 Unitemps managed temporary assignments for University departments worth more than £4m which includes a significant number of non-critical administrative assignments. These new rules are being introduced to reduce this spending.

Expectations

Departments are expected to manage their staffing requirements within their budgeted resources and to absorb all short term and non-critical administrative staffing needs within their existing teams. Unitemps should only be used to recruit, deploy and pay staff when a compelling short term and budgeted (and therefore foreseen) need arises. The Unitemps team have been asked to ensure that all assignments they fulfil comply with these new requirements.

When should Unitemps be used?

Unitemps will continue to accept bookings from current hiring managers with no additional authorisation for the following purposes:

- To staff trading areas in faculties and CSAS
- To staff essential temporary assignments that are planned in advance and budgeted such as exam invigilators, annual fund telephone campaign and the summer cleaning programme.
- To pay external assessors
- To staff major events that are planned and budgeted in advance such as Open Days, Applicant Days and Graduation Ceremonies.

When should Unitemps not be used?

Unitemps should not be used to recruit and deploy staff to any non-critical administrative assignment or for any long term role without prior authorisation from either the VC's Recruitment Group or their EB member. Short term administrative requirements should be covered from existing departmental resources; long term requirements, if they cannot be absorbed, should be approved via the weekly VC's Group using the same process for securing authorisation to recruit permanent staff.

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Summary of options available for covering temporary staffing requirements

| Staffing requirement | Cover from existing dept. resources | Unitemps with VC's Group Approval | Unitemps With no further approval |
|--|-------------------------------------|-----------------------------------|-----------------------------------|
| Maternity cover | ✓ | ✓ | |
| Short term sickness absence (<1 month) | ✓ | | |
| Long term sickness absence (>1 month) | ✓ | ✓ | |
| Major events (eg Open Days) | ✓ | | ✓ |
| Staffing in trading areas | ✓ | | ✓ |
| To staff short term budgeted campaigns and initiatives (eg annual fund telephone campaign) | ✓ | | ✓ |
| Student demonstrators | ✓ | | ✓ |
| Exam invigilators | ✓ | | ✓ |
| Gaps between leavers and new starters | ✓ | | |
| Any long term admin requirement (> 1 month) | ✓ | ✓ | |

Summary guidance for determining how to fill new temporary recruitment requirement

