

Guidance for suppliers during COVID-19 pandemic

Following the letter you will have received from the Minister of State for Care on 23 March 2020, we wanted to expand on a number of key points for clarity. Please note that we are also communicating with NHS trusts on these same points. This is a collaborative effort by NHS England and NHS Improvement, working with DHSC, HealthTrust Europe and the Workforce Alliance (Crown Commercial Service (CCS) & NHS Procurement in Partnership (PiP) formerly known as the NHS National Collaborative Procurement Partnership (CPP) to align a single shared guidance for providers to enable agency staff to be placed efficiently, whilst maintaining essential compliance, to support in the provision of a safe and high-quality temporary workforce.

Avoiding off-framework

There is an expectation that Trusts continue using NHS England and NHS Improvement approved frameworks for flexible and agency staff. These incorporate the majority of the bank and agency market and are designed to support the NHS in getting high quality clinical and non-clinical candidates via an approved and compliant route (with embedded supplier assurance and support).

Challenging rate escalation

Instances of rate escalation under 'COVID-19 Rate Cards' will not be accepted, and we will be taking a firm line in resisting any such attempts at profiteering on behalf of the supply base. The NHS is looking to the framework suppliers to support us at this challenging time, by taking responsibility to manage worker pay expectations and partnering with Trusts to help meet their resourcing needs. Framework operators will be scrutinising supply market behaviour and will be addressing any issues directly with suppliers and their industry/professional body, where appropriate.

Short notice cancellations

The frameworks have strict contractual obligations relating to short notice cancellations. Typically, these require the agency provider to source an alternative candidate at short notice. It is essential that both candidates and agencies are taking a strong line on this and framework suppliers are asked to support the NHS by ensuring candidates are arriving on time at this period of high pressure.

Measures to support rapid onboarding of staff

As the need to achieve rapid onboarding of NHS staff grows, the following approach has been agreed with framework suppliers to enable efficient processes, whilst maintaining essential compliance:

- Given the current rules on social distancing prevent face-to-face training, it is expected that suppliers must send candidates on distance learning alternatives. A waived period of 3 months will be allowed for expiring training.
- Video conferencing solutions will be accepted as a short-term solution for candidate interviews on the condition that:
 - i. Suppliers are required to robustly evidence that diligence has been applied to checking original documentation
 - ii. Recruited candidates are required to verify their identity upon arrival for their first shift at a Trust
 - iii. Face to face meetings are resumed as 'business as usual' at the first opportunity
- The Government is carefully considering the requirements around manual Right to Work checks and hope to get a message out on this in the near future.
- Candidates are required to be asked, specifically, about their willingness to work in wards impacted by COVID-19 and that conversation is to be logged, kept on file and shared with Trusts at application stage.
- Candidates are also required to complete a risk assessment document to be shared with Trusts at application stage, to include as a minimum:
 - i. Whether the candidate is showing any COVID-19 symptoms (in which case the candidate cannot be placed)
 - ii. Whether they have, in the last 7 days, been in immediate contact with anyone who is proven to have COVID-19
 - iii. Any trips to countries outside of the UK when the candidate has returned in the last 4 weeks (or from 25th Feb)
 - iv. Any underlying health conditions that might affect the work they could undertake

- During such a critical time it is important to ensure DBS checks are kept up to date and are active. In line with the latest update from the Disclosure and Barring Service, temporary measures are agreed for DBS applications to allow ID documents to be viewed over video link and scanned images to be used in advance of the DBS check being submitted. The applicant will still be required to present the original versions of these documents when they first attend their employment.
- Temporary measures are agreed for candidates to supply a minimum of two references that are representative of two assignments within the period of the last 18 months. One reference must be with an NHS provider.
- Temporary measures are agreed for candidates to supply scanned copies of Professional Registration and Qualifications in the application stage. The applicant will still be required to present the original versions of these documents when they first attend their employment.

Agency staff working from home/remotely

For otherwise healthy staff who are at higher risk of severe illness from COVID-19 required by PHE's guidance to work from home, please consider how they can support the provision of telephone-based or digital / video-based consultations and advice for outpatients, 111, and primary care. For non-clinical staff, please consider how they can continue to contribute remotely. Further guidance will be made available

For staff members at increased risk according to PHE's guidance (including pregnant women), if necessary, NHS organisations should make adjustments to enable staff to stay well and at work wherever possible. Adjustments may include working remotely or moving to a lower risk area. The Royal College of Obstetrics and Gynaecology will provide further guidance about pregnant women.

Statutory sick pay (SSP)

- SSP is payable by the agency where they are the employer (there will be exceptions, e.g. where umbrella company is used and possibly direct engagement models).
- Agencies with 250 staff or fewer will be reimbursed for SSP by the government <https://www.gov.uk/government/news/coronavirus-covid-19-guidance-for-employees-employers-and-businesses>

Government changes

There are some changes being made by the government in response to COVID-19. All suppliers and trusts should be aware of the below changes.

NHS staff returning to the register

You may have seen that DHSC and NHSE/I have moved to re-register many recently retired clinicians via the NHS Portal (<https://www.england.nhs.uk/coronavirus/returning-clinicians/nmcfagscovid19/>). NHSE/I, working with professional regulators, have an established process whereby these returning staff will be placed through regional hubs. As such, we do not expect agencies to have a role in placing this cohort.

DBS Checks

Please see guidance above. In summary, ID documents can be viewed over video link and scanned images are to be used in advance of the DBS check being submitted. The applicant must present original documents when they attend the post in the first instance.

Pensions

The Government is waiting for Royal Assent of the COVID-19 Bill at the end of the March which contains a clause to suspend the following rules in the NHS Pension Scheme;

- The 16-hour rule in the 1995 Section which currently prevents staff who return to work from working more than 16-hours per week in the first month following retirement.
- Abatement for special class status members in the 1995 Section
- The requirement for staff in the 2008 Section and 2015 NHSPS to reduce their pensionable pay by 10% if they elect to 'draw down' a portion of their benefits and continue working

All trusts should be aware of these changes from the point of the bill receiving Royal Assent.

Other

- PHE is looking to establish NHS targeted staff testing for symptomatic staff who would otherwise need to self-isolate for 7 days.

- For those staff affected by PHE's 14 days household isolation policy, staff may be offered and have the option to accept staying in NHS-reimbursed hotel accommodation while they continue to work.
- Staff may be asked to work beyond their usual disciplinary boundaries and specialisms under these difficult circumstances, and they will receive appropriate induction and support to do so. More information about this can be found here- https://www.aomrc.org.uk/wp-content/uploads/2020/03/0320_letter_supporting_doctors_in_COVID-19.pdf

Contact details

We believe that framework suppliers have a vital role to play in coming days, weeks and months and encourage the development of true 'partnering' relationships that can serve to support the NHS at this time. If suppliers have any questions on the above or offers of support that they want to make, they can contact their framework operator.