



North West Ambulance Service **NHS**
NHS Trust

Delivering the right care, at the right time, in the right place

Bank Worker Procedure

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For use by	Managers and bank workers

This procedure is available in alternative formats on request.
Please contact the Human Resources on 01204 498400

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1. Introduction

- 1.1 North West Ambulance Service (NWAS or the Trust) utilises bank workers to provide an additional flexible resource to provide short term cover or assist the Trust in meeting peaks in demand. There is no obligation on the Trust to offer work to individuals registered on the bank register or for those individuals to accept any work offered but this procedure aims to ensure a clear and consistent approach to the application of the management arrangements for bank workers.

2 Purpose

- 2.1 The purpose of this procedure is to set out the arrangements in connection with the recruitment, utilisation and deployment of bank workers, enabling an individual to work on a casual/ad hoc basis by mutual agreement between the Trust and the individual and to receive appropriate payment in recompense for work undertaken.
- 2.2 Bank arrangements enable a large degree of flexible working for individuals who are unable to commit to fixed or regular hours and provides the Trust with access to an additional resource in order to react to organisational demands.
- 2.3 The purpose of the procedure is to ensure that there is an equitable and harmonised process in place with reference to the recruitment, management, maintenance of and removal of individuals from the bank register.
- 2.4 The procedure defines broadly the terms and conditions which will be applicable to bank workers across the trust, when they undertake work assignments for the Trust.
- 2.5 The procedure defines the relationship between the Trust and the individual and details the responsibilities of both parties when registering on the bank and entering into a bank worker agreement.

3 Scope

- 3.1 This procedure applies to all individuals registered on the bank and providing work on a casual basis and all applicants for registration on the bank.

4. Responsibilities

4.1 Line Managers/Senior Managers

Line Managers and Senior Managers are responsible for:

- 4.1.1 Ensuring the fair and consistent application of this procedure for all individuals registered on the bank in their area

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- 4.1.2 Utilising the bank appropriately in line with directorate procedures on the fair allocation of overtime
- 4.1.3 To monitor the health, performance and conduct of individuals who are undertaking assignments on the bank.

4.2 Human Resources

Human Resources are responsible for:

- 4.2.1 Providing guidance to managers on the administration of this procedure
- 4.2.2 To provide guidance on and administer the recruitment of individuals to the bank register, including the administration and issue of bank agreements

4.3 Bank Worker

Bank workers are responsible for:

- 4.3.1 Adhering to the terms of reference laid out in the bank agreement
- 4.3.2 To ensure that they raise promptly with the manager of their work assignments, any issues regarding any detrimental impact on their health or performance
- 4.3.3 To ensure that they undertake any required mandatory training to ensure that they can maintain competence to carry out work assignments and, where required, maintain professional registration.
- 4.3.4 To adhere to expected standards of conduct and applicable Trust policies, procedures and protocols, whilst undertaking work assignments on behalf of the trust.

5. Definitions

- 5.1 A **Bank worker** is defined as an individual undertaking work for the Trust on a casual or ad hoc basis (when mutually agreed at the organisation's behest) without any commitment to any fixed number of hours.
- 5.2 A **Bank agreement** is a framework agreement in place to cover individuals registered on the bank and undertaking work for the Trust on a casual basis and must be in place prior to any work being undertaken. The agreement is legally binding between the individual and the Trust and covers each individual assignment or period of engagement (i.e. shifts undertaken for the Trust). The agreement does not commit the Trust to offer work or the individual to accept any work offered.

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- 5.3 A **Work assignment** is an offer of work made by the Trust to a bank worker which the bank worker can refuse. Each work assignment will be treated as an entirely separate and severable engagement (an assignment). The terms of the bank agreement will apply to each assignment but there is no relationship between the Trust and the bank worker after the end of one assignment and before the start of any subsequent assignment.

6. Recruitment of Bank Workers

6.1 External recruitment

6.1.1 Where existing bank arrangements involving external staff exist, further bank recruitment will not require approval from the Vacancy Control Panel prior to recruitment. Where new bank arrangements are being established then there should be prior approval from the directorate lead, HR and Finance prior to recruitment.

6.1.2 Recruitment to the bank will be undertaken to the same standards as for employees. Bank workers will be required to complete all the pre-employment checks required to meet the NHS Employment checks standards to ensure the safeguarding of patients. External applicants will not be permitted to undertake any shifts until full checks have been completed and a bank agreement has been signed. External applicants will be expected to meet the costs of DBS checks and C1 driver training where appropriate.

6.2 Internal recruitment

6.2.1 In circumstances where existing employees seek to register on the bank in order to undertake bank assignments, for example in a different grade, advice should be sought from the HR Hub on the required application process and no bank assignments should be undertaken prior to a bank agreement being signed.

6.2.2 Where an employee wishes to resign or retire from their substantive employment contract and register on the bank instead, they should place this request in writing to their line manager who will discuss the terms associated with bank registration with the individual. If the individual wishes to proceed and the line manager is happy to support the application they should confirm this in writing, including provision of a written reference, to the HR Hub. The individual will be formally terminated from their employment position and will have to undergo appropriate pre-employment checks, where these have not been completed within an appropriate period or are not on file. Individuals would be required to have a minimum two week break between finishing in employment and the start of a bank worker agreement. The individual may undertake assignments on the bank in parallel with pre-employment checks subject to risk assessment by the line manager responsible and subject to signature of the bank agreement.

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6.2.3 Individuals cannot be registered on the bank in a closed grade, for example, an EMT2 who retires would only be able to register on the bank to undertake EMT1 work.

6.3 Progression

6.3.1 Bank workers will not be eligible to apply for internally advertised vacancies within the Trust, unless the advert expressly invites applications from bank workers or they hold a substantive contract alongside their bank contract.

6.3.2 It is expected that bank workers will normally be given access to substantive vacancies in the same role as their bank registration in advance of external applicants e.g. PTS bank workers will normally be given access to PTS vacancies prior to external recruitment.

7. Terms of Bank Engagements

7.1 Full details of the terms applicable to bank assignments are contained within the Bank Agreement which must be signed by the Trust and the individual prior to assignments being undertaken. The details of this agreement will be amended from time to time by the Trust and may be reissued to those registered on the bank for future assignments and will be shared with staff side.

7.2 Remuneration

7.2.1 Bank workers will receive an hourly rate only for the hours that are worked on each assignment. The hourly rate will vary depending on the grade of the work assignment being undertaken, for example, a bank worker undertaking an assignment on PTS will be paid according to whether the work being undertaken is a Band 2 or Band 3 role.

7.2.2 Individuals recruited externally onto the bank register will be paid at the bottom of the appropriate payscale. Individuals appointed following resignation from an employment position will be paid at an appropriate hourly rate taking into account their former service.

7.2.3 Bank workers will receive an annual incremental increase on their hourly rate of pay only where they have worked a minimum of 720 hours in the 12 months prior to the anniversary date of their registration on the bank and subject to satisfactory performance.

7.2.4 Individuals will be paid at a flat rate for all hours worked

7.2.5 If workers work evenings or at night or at weekends as part of an assignment, they will also be paid the enhanced rates for unsocial hours calculated in accordance with Annex E of Agenda for Change on a retrospective 13 week cycle.

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7.2.6 No other nationally agreed terms and conditions are applicable to bank workers. Local collective agreements will also not normally apply, unless there is express agreement to apply the terms or a variation of those terms to bank workers.

7.2.7 When registered on the bank individuals are entitled to be entered in the NHS Pension Scheme or the alternative qualifying scheme provided by the Trust, subject to satisfying the required eligibility criteria. Their pensions record will be closed down however, if no work assignments are undertaken for a period of 3 months although individuals will be eligible to re-enter the scheme when they undertake a further assignment.

7.2.8 As bank workers do not have a base then mileage will not normally be payable for bank workers to undertake an assignment. Where a bank worker agrees to travel a significant distance outside of the area in which they normally undertake assignments for the benefit of the Trust, the line manager may use their discretion to make appropriate excess mileage payments. This should be agreed at the point that the work assignment is agreed.

7.2.9 Bank workers will be afforded a 30 minute unpaid meal break when they undertake an assignment which is in excess of 6 hours. This will be taken at a time and location directed by the Trust and may be taken at a base ambulance station or at another suitable location. The meal break may be disturbed for the purposes of service delivery but if so will be reprovided where less than a 20 minute break has been afforded. In these circumstances only one 30 minute period will be unpaid. On occasion it is recognised that a bank worker may incur an additional expense as a result of the management of their meal break:

- Meal requested to be taken at a location other than start base and the bank worker does not have access to food brought with them, resulting in the need to buy additional food
- Meal disturbed and has to be replaced

In these circumstances a claim of up to £5 may be made by the bank worker but this must be supported by a receipt. On the rare occasions when it is not possible to afford a meal break due to exigencies of the service, the bank worker will be paid for the 30 minutes.

7.2.10 Bank workers will be entitled to claim any out of pocket expenses incurred during an assignment undertaken with the Trust e.g. parking, tunnel fees. All such claims, with the exception of tunnel fees, must be receipted.

7.3 Annual Leave

7.3.1 Holiday entitlement for bank workers will depend on the number of hours actually worked and will be pro-rated on the basis of a full-time statutory entitlement of 28 days' holiday during each holiday year (including the usual eight public holidays in

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England and Wales) based on a 7½ hour working day. The Trust's holiday year runs between 1st April and 31st March.

- 7.3.2 Bank workers will be paid in lieu of any accrued but untaken holiday at the end of each assignment.

7.4 Sickness and Maternity/Paternity Entitlements

- 7.4.1 For the avoidance of doubt, bank workers will not be entitled to either statutory sickness, maternity, paternity pay or occupational sickness, maternity, paternity pay. In the event that a worker is unable to complete a shift due to sickness, they will be paid only in respect of any hours completed.

7.5 Continuity of Employment

- 7.5.1 Any previous or simultaneous employment with the Trust or any other NHS organisation will not count as continuous service for the purposes of the bank agreement.

7.6 Requirements for maintenance of skills/professional registration

- 7.6.1 Individuals on the bank register, who are required to hold professional registration, must ensure that this is maintained. A failure to do so will result in removal from the bank register.
- 7.6.2. At recruitment bank workers will be provided with sufficient induction training free of charge in order to ensure that they are competent to carry out work assignments and are familiar with Trust procedures and protocols. Bank workers will be paid for the hours worked when attending induction training.
- 7.6.3 Individuals must also ensure that they undertake any mandatory organisational training identified and required by the Trust, unless they can demonstrate that this training has been met through other sources, for example other NHS employment. This would have to be verified by NNAS Occupational Learning department.

7.7 Adherence to Trust Policies and Procedures

- 7.7.1 During each assignment bank workers will be required at all times to comply with the relevant Trust rules, policies and procedures in force, including but not limited to areas such as:

- Confidentiality
- Operational procedures and protocols
- Working Time regulations
- Smoking policies

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- Alcohol and Drugs
- Equality and Diversity
- Health and Safety
- Incident reporting
- Standards of conduct
- Trust values

7.7.2 When undertaking assignments for the Trust, bank workers have personal responsibility to ensure that their duties are discharged in such a manner that no unnecessary risk is created either for themselves or others. They must therefore ensure they are familiar with the arrangements for safe working practices.

7.8 Performance Management

7.8.1 Local managers will have processes in place for managing the performance and development of bank staff. These processes will ensure that any specific training needs required for bank assignments are met, that feedback on performance on assignments undertaken is provided and that the bank worker is updated on organisational changes and role requirements.

7.9 Complaints

7.9.1 Individuals registered on the bank will be expected to observe the high standards of conduct expected of a professional service whilst undertaking bank assignments.

7.9.2 Any complaint or reported breach of conduct involving a bank worker will be investigated by NWAS. If a bank worker is the subject of an investigation they will be afforded the right to state their case before a conclusion is reached. As there is no obligation on the part of the Trust to offer any work assignments to a bank worker, the Trust reserves the right not to offer assignments during an investigation. All bank workers will be expected to cooperate fully in any NWAS investigation.

7.9.3 The outcome of the investigation will be notified to the individual concerned and this may include a warning regarding future conduct. NWAS reserves the right to cease using a bank worker where their conduct is felt to fall short of what is expected. Where the outcome of an investigation indicates that this may be the case then a meeting will be arranged, at which the outcome of the investigation will be presented and the bank worker can state their case before a final decision is made. The bank worker will have the right to be accompanied by a colleague or Trade Union representative at this meeting.

7.9.4 In the interests of natural justice an opportunity for a bank worker to appeal against any decision to remove them from the register will be afforded.

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7.10 Removal from the bank register

7.10.1 The bank agreement between the individual and the Trust may be revoked without notice by either party at any time, whilst the worker is not engaged on an assignment.

7.10.2 Where a bank worker wishes to withdrawn from the agreement they should place this decision in writing to the Trust, but they are under no obligation to work whilst their removal is being processed.

7.10.3 The bank register will be regularly reviewed and workers who have not undertaken any assignments for a period of 3 months may be removed from the register, unless it has been previously agreed with the line manager of the area in which assignments are worked. For example, where the bank worker has notified the local manager and CRU that they will be unavailable for a period of 3 months or more as a result of a holiday.

7.10.4 Bank workers who fail to comply with this procedure, the contents of the agreement or the Trust's standards of behaviour, policies or protocols or who fail to fulfil the requirements of the work assignment may be removed from the bank register.

7.11 Grievance

7.11.1 It is recognised that there might be occasions when a bank worker is unhappy about the way they feel they have been treated. In the first instance this would be raised verbally with the local manager or supervisor in the area where they undertake their work assignments. If the issue cannot be resolved through informal discussion, then the bank worker should be asked to put the matter in writing to the identified local manager. NWAS will review the issue and respond to the bank worker within 20 working days of receipt of the letter.

7.11.2 If the bank worker remains dissatisfied then they will be able to appeal against that decision to a more senior manager. The decision of that manager will be final.

8. Allocation of shifts

8.1 The allocation of work assignments must be undertaken in line with directorate agreements on the fair allocation of work to reserves and of overtime. In principle bank workers are to be used for short term and late cover arrangements or to assist the Trust in meeting short term and unforeseen increases in demand. It is not intended that Bank arrangements should be a replacement for permanent employment.

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- 8.2 In Patient Transport Services, individuals on the bank register will be offered assignments in line with the PTS Overtime Procedure
- 8.3 Individuals on the bank register may make their Team Leader or CRU aware of their availability but this does not commit the Trust to providing assignments on those available days.
- 8.4 Where the Trust has work assignments available, it will contact a suitable bank worker to confirm their suitability and availability for an assignment. The bank worker will be informed of the duties required, the dates and times of the work available and the location(s). The bank worker is under no obligation to accept any work offered by the Trust at any time. However, if they do accept an assignment, they must inform the Trust immediately if there is any unforeseen event that prevents them from completing it.
- 8.5 The Trust reserves the right to terminate an assignment at any time for operational reasons. In these circumstances a bank worker will be paid for all work done during the assignment up to the time it is terminated.

9 Procedure Review

- 9.1 The Human Resources Directorate will be responsible for co-ordinating the review of this procedure every three years and will re-issue amended copies subject to approval by the Executive Management Team.

10. Monitoring

- 10.1 The table below outlines the process for monitoring compliance with the NHSLA standards.

Areas for Monitoring	Monitoring Process
Correct payment of bank workers	Monitored quarterly and any variations from procedure reported to HR SMT.
Incidents involving bank workers	Monitored by exception through the relevant Health and Safety Committee.

11. Associated Documents

- 11.1 This policy should be read in conjunction with the:
- Bank Agreement

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- PTS Overtime Procedure

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