Cyngor **Abertawe**
Swansea Council

Report of the Director of Resources

Special Audit Committee – 10 March 2020

Employment of Agency Staff
Audit Report 2019/20

Purpose:	To report on actions arising from the Employment of Agency Staff Audit report.
Report Author:	Adrian Chard, Strategic HR&OD Manager
Finance Officer:	Janet Morgan
Legal Officer:	Tracey Meredith
Access to Services Officer:	Rhian Millar
For Information	

1.   Introduction

1.1   As a result of an internal audit on the Employment of Agency Staff carried out in 2019/, an assurance level of "Moderate" was given.

1.2   Actions have been taken to address the issues identified and appropriate implementation steps put in place.

1.3   This report highlights all the Medium Risk (MR) items only, with no High risk actions to note.

1.4   This action plan identified the following MR actions (Medium Risk)

2.1.3	**b) Confirmation of budget provision should be obtained and retained for all agency staff appointments.** *(Previous Audit Recommendation)*	**MR**
2.1.3	**HoS approval should be obtained and retained for all appointments by line managers.** *(Previous Audit Recommendation)*	**MR**

2.2.2	Confirmation of appropriate pre-employment checks should be obtained from the Agency and retained by the line manager. *(Previous Audit Recommendation)*	MR
2.4.2	a) Confirmation of further budgetary provision should be obtained and retained when agency workers contracts are extended *(Previous Audit Recommendation)*	MR
2.4.2	b) Written requests should be submitted to HoS for re-approval when agency workers contracts are extended. This should be in advance of the contract being extended. *(Previous Audit Recommendation)*	MR
2.4.4	Agency workers engaged by the Council for more than 12 weeks should be made aware that they are entitled to equal treatment on basic working and employment conditions. *(Previous Audit Recommendation)*	MR

2. Progress to date/Agree and updated actions-

2.1 An email was issued to members of the Corporate Management Team reminding Managers to ensure compliance with the Agency Worker Policy (Appendix A).

In particular, to *"ensure that, for all agency staff appointments;*

- *A business case is completed.*
- *Budgetary provision is obtained and retained, including when agency workers contracts are extended.*
- *HoS approval is obtained, including in advance of when agency workers contracts are extended.*
- *Where there is a requirement for DBS Checks and/or Social Services Registration; confirmation of appropriate pre-employment checks is obtained from the Agency.*
- *For Purchase Orders; all relevant details are recorded on the Oracle receipt, to include name of worker, dates of employment and hours worked.*
- *Agency workers engaged by the Council for more than 12 weeks are made aware that they are entitled to equal treatment on basic working and employment conditions."*

2.2 Managers were also reminded that our policy states *"that an Agency Worker will only be used when there is a sound financial and business need to do so. It is accepted in principle that the employment of agency workers should only be used for short term cover"*.

2.3 Although not reflected in the report, HR&OD send regular reminders to Managers to review the engagement of agency workers who have been engaged for over 12 months and Managers are required to confirm that it is still appropriate for the Council to engage an agency worker rather than employ someone in the post.

3.   Equality and Engagement Implications

3.1 There are no equality and engagement implications associated with this report.

4.   Financial Implications

4.1 There are no financial implications other than those set out in the body of the report.

5.   Legal Implications

5.1 The Agency Workers Regulations Act 2010 provide important rights for agency workers, concerning their basic working and employment conditions, from day one and after a 12-week qualifying period. These rights are reflected in our Policy.

5.2 There are no other legal implications other than those set out in the body of the report.

Background Papers: None.

Appendices:

Appendix A -   Agency Workers Policy