Impact of changes to the Agency Rules on Administration & Clerical and Estates & Facilities Recruitment Process

**Vacant admin & clerical or estates & facilities post/shift**

Try to recruit substantively (including permanent recruitment via an agency) or redeploy existing substantive staff

Not possible

Try to recruit via bank

Not possible

Try to recruit/cover through fixed term contract

Not possible

**Is the role for a VSM at a rate of £750 per day or more?**

NHS trusts and foundation trusts need to apply to NHSI/E to appoint an interim VSM. The guidance and application can be found in the link below*.

**Is the worker needed as part of a special project?***

Yes

Exempt from restrictions

Inform NHS/E using special projects form*

Within the scope of NHSE/I restrictions

Procure via an on framework agency

Within the scope of NHSE/I restrictions

Procure via an on framework agency

**Will there be an "exceptional risk to patient safety" if the shift is unfilled? ****

Yes

Exempt from restrictions

Procure via an on framework agency *

Within the scope of NHSE/I restrictions

Procure via an on framework agency

**Is the role part of IT or information management?**

No

Yes

Exempt from restrictions

Procure via an on framework agency

**Is the role needed as part of a special project?***

Within the scope of NHSE/I restrictions

Procure via an on framework agency

**Procure via an off framework agency**

Off framework agency workers paid above price cap must be signed off by the trust CEO

Notes:

*Further details on all of the above can be found here: https://improvement.nhs.uk/resources/reducing expenditure-on-nhs-agency-staff-rules-and-price-caps

**Capitalised spend is not within the scope of this process/the Agency Rules.

***Special projects should be highly important short-medium term projects requiring resource or skills/expertise that the trust does not have. A definition of 'special projects' can be found p15 of the Agency Rules https://improvement.nhs.uk/documents/5424/Agency_rules__changes_for_2019.pdf

****Where not filling a shift would present an exceptional risk to staff safety, we would consider this to be in the long run a risk to patient safety as well and therefore exempt.

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