

Use of Temporary Staff Policy - All Staff Groups (Excluding Medical Locums)	Policy Register No: 10124 Status: Public
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Developed in response to:	Temporary Workers Management Best Practice/European Working Time Directive
Contributes to CQC Outcome number:	13

Consulted With	Post/Committee/Group	Date
Staff Side Representatives Managers	HR Policy Sub Group/JCNC	September 2014 February 2015
Bank Partners	Bank Manager and Regional Manager	December 2014
Lyn Hinton	Deputy Chief Nurse	August 2014
Professionally Approved By	Bernard Scully Director of HR	February 2015

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Author/Contact for Information	Colleen Hart, Head of HR
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1.0 Purpose

- 1.1 In order to maintain a quality of care and service provision, it is recognised that there may be occasions when the Trust needs to use a temporary member of staff. This may be as a result of circumstances such as establishment vacancies, activity initiatives or unplanned absence.
- 1.2 Mid Essex Hospital NHS Trust have outsourced temporary staffing banks to:
- Bank Partners for the provision of Nurses, Healthcare Assistants, Midwives and ODPs as well as all Allied Health and Scientific staff, and non-clinical staff;
 - Medacs for the provision of locum doctors.
- 1.3 This policy relates to the service provided by Bank Partners, operating in MEHT as the Mid Essex Staffing bank.
- 1.4 All requirements for temporary staff must be managed in accordance with the processes set out in this policy.

2.0 Aims

- 2.1 The aim of this policy is to set out the operational management processes required, to ensure the effective management of temporary staff, in line with the Trust's contract with Bank Partners.

3.0 Scope

- 3.1 The policy covers the management of all temporary staff, including substantive staff who have a Bank contract, pure bank staff and agency staff.
- 3.2 This policy excludes locum and agency doctors.
- 3.3 This policy does not form part of any employment contract.

4.0 Equality and Diversity

- 4.1 At Mid Essex we are committed to achieving a greater understanding of all matters relating to equality and diversity. MEHT is committed to the provision of a service that is fair, accessible, and meets the needs of all individuals. An Equality Impact Assessment is attached as Appendix 2.

5.0 Responsibilities

5.1 Bank Service Provider

- 5.1.1 It is the responsibility of Bank Partners to:
- Operate the bank service as per the summary of service below
 - Use the MAPS system as required by the Trust
 - Recruit substantive staff to enable them to work additional hours in their own unit or another unit that suits their skills and ability
 - Recruit external staff to the bank, in the skill sets required by the Trust, to cover temporary requirements

- Ensure all bank staff are recruited to the agreed levels of compliance as per the NHS Employment Check Standards and any specific requirements of the Trust. No individuals will be allowed to start work without full compliance in place or, in exceptional cases and only for some of the pre-employment check criteria, when there is an appropriate written waiver in place
- Fill as many shifts as possible with bank staff (as opposed to agency staff) in line with the agreed key performance indicators
- Minimise any requests going out to pre-agreed preferred agencies but when this is necessary, to do so with the appropriate permissions and in line with the NHS Framework Agreement
- Brief any booked bank staff on any key information about the unit they will be working in and to ensure start times/dates have been confirmed
- Ensure that an Agency Worker Placement Checklist document is received (prior to working) and retained on file for any agency staff that work in the Trust, as detailed in the Trust's Recruitment and Selection Policy
- Check all agency invoices for the staff groups covered and pass to the Trust for payment within the agreed time limits
- Provide monthly reports on fill rates
- Have monthly contract review meetings at the Trust
- Flag any concerns relating to the bank to the appropriate senior members of Trust staff

5.2 Service Users

5.2.1 It is the responsibility of service users to:

- Request temporary staff in accordance with the principles of this policy
- Request temporary staff using the agreed MAPS system
- Flag any short notice/urgent requests to the bank team
- Place known requests for temporary staff onto MAPS as far in advance as possible and no less than 4 weeks before the date of the shift required
- Complete a local induction with any bank or agency staff member arriving for duty who has not worked in that unit before/has not worked in the unit for a while
- Ensure that adequate handovers and instructions are given to any bank or agency staff member so they are able to perform duties required to the best of their ability
- Flag any issues, incidents, complaints or concerns to the Bank Business Partner or Contract Manager through the agreed channels in a timely manner
- Not contact any agencies directly or to communicate directly with agencies in any way other than when explicitly agreed with the Staff bank team
- Provide any system or unit specific training

5.3 Human Resources Department

5.3.1 It is the responsibility of the Human Resources Department to:

- Meet with the bank Contract Manager on a monthly basis to monitor progress on agreed activities and fill rates
- Communicate any internal Trust information relevant to the bank team
- Ultimately own the contractual relationship with all bank staff through the issued Trust terms of engagement
- Set pay rates in partnership with JCNC

5.4 Procurement Department

5.4.1 It is the responsibility of the Procurement Department to:

- Meet with the bank Contract Manager on a regular basis to monitor progress on agreed activities and fill rates
- Set up and centrally manage the contractual relationships with preferred agencies supplying temporary staff to the Trust
- Monitor that the commercial terms of the agreement with Bank Partners are being adhered to
- Monitor fill rates, pay rates and work productivity with Bank Partners to improve effectiveness of the Bank function

5.5 All Temporary Staff

5.5.1 It is the responsibility of all temporary staff to comply with the provisions set out in this policy, and associated procedures and processes.

6.0 Summary of Service Provision

6.1 The Staffing Bank covers the following staff groups:

- Nursing and Midwifery (including healthcare assistants and theatre staff)
- Allied Health and Scientific Staff (incorporating any non medical/non nursing clinical posts)
- Non-clinical

6.2 The Staffing Bank operates 7 days a week between 7am and 8pm (Monday to Friday) and between 8am and 6pm on weekends and bank holidays, the Staffing Bank does not operate on Christmas Day or New Years Day Outside of these hours, any matters relating to temporary staff should be directed to the Bed Managers.

6.3 The Staffing Bank includes personnel in the following roles:

- Bookings
- Recruitment (for applicants joining the bank externally as well as substantive staff)
- Payroll
- Business Partner (responsible for working with wards and departments to ensure they understand the service and how it can best be applied to their needs)

6.4 The team is managed by a dedicated Contract Manager, who reports into the Bank Operations Manager, and who is accountable to the MEHT Deputy Director of Human Resources, the Assistant Director of Procurement and Deputy Chief Nurse for Nursing & Midwifery.

7.0 Considerations prior to ordering Temporary Staff

7.1 If a Unit is considering using a member of temporary staff, the following should be considered prior to making a request:

- That requests should not be made unless the costs can be accommodated within the budget

- That annual leave and a level of sickness are included in establishment figures therefore if the establishment does not have any vacancies, temporary staff should not be used to cover either of these. The only exception may be for an unprecedented level of permanent staff sickness.

7.2 If there is a potential requirement for temporary staff cover for an unplanned absence, managers should consider the following:

- Can the rota be altered and the shift covered without needing a bank or agency staff member?
- Can the rota of another unit within the division/Trust be altered and the requirement covered without needing a bank or agency staff member?
- Are there any part time staff willing to do extra hours to cover the shift?

7.3 If the manager is confident that the requirement is still necessary then they should proceed to making a request for a temporary member of staff.

8.0 Acceptable reasons for using Temporary Staff

8.1 The following reasons are considered acceptable for using temporary staff, as per the reason codes available for selection within MAPS:

- Additional Clinic
- Airway Management
- Contingency Beds Open
- Deprivation of Liberty
- Discharge Planning
- Establishment Vacancy
- Falls Initiative
- High Acuity
- Increased Capacity
- Sickness

9.0 Who is authorised to order Temporary Staff?

9.1 Trust staff at Band 7 or above who manage teams, and who may at some point need to make a decision as to the use of a temporary member of staff, are authorised to make a request.

9.2 Access to MAPs is set up by the System Administrators who can be contacted on extension 5288 or by email at maps.support@meht.nhs.uk. A MAPs user access form will need to be completed before access can be granted (see Appendix 1).

10.0 How to make a Request

10.1 Requests for temporary staff are made through the MAPS system, which is linked directly to the eRostering system.

10.2 The process to be followed for requesting cover to fill a gap in the rota is set out in the 'Sending Duties to Bank' instruction sheet, which can be accessed via the Intranet by clicking on 'Clinical Pages – E-Rostering- MAPs.' Where there is a need to request cover for shifts that are over the establishment, the department would need to email maps.support@meht.nhs.uk, to enable the additional shifts to be inputted, and the Bank

Office notified that they are ready for allocation. Authorisation from a Band 7 or above member of staff would be required.

11.0 If a Request is no longer required

- 11.1 If a request is no longer required and no temporary cover has yet been identified, the manager may cancel the request by following Section D in the 'Sending Duties to Bank' instruction sheet.
- 11.2 If the request is no longer required and temporary cover has already been identified, the manager must contact the Bank team at the earliest opportunity to notify them so the Bank team can seek to redeploy an individual elsewhere (if they are Bank staff) or notify the agency of the cancellation.
- 11.3 If the request is cancelled at two hours or less before the duty is due to start and the bank or agency worker cannot be redeployed elsewhere, a two hour fee to cover time and expenses is applicable, charged back to the relevant department.

12.0 Who is authorised to Instruct that a request is to go out to Agencies?

- 12.1 Other than when there is a fixed agreement already in place, authorisation to approach an agency with a temporary requirement can only be received from a Lead Nurse, Head of Nursing, Bed Manager or Head of Department. Notification will be recorded in writing for an audit trail.
- 12.2 The authorisation of requirements to go to agencies will be reviewed on an on-going basis.

13. Bank Recruitment and Pre-employment Checks

- 13.1 The Bank Team are responsible for recruiting suitably qualified external staff to support staffing needs within the Trust.
- 13.2 Advertising is undertaken using the Mid Essex Hospital brand and/or the Mid Essex Staff Bank brand. All applicants to the Bank will receive a response to their application unless the advert stipulates "unless you are contacted by x date you should assume your application has been unsuccessful". All applicants will be "pre-screened" against a series of key criteria applicable for the post prior to invitation to attend interview/ assessment centre, and those who do not meet the criteria will not have their application progressed.
- 13.3 Minimum entry level requirements for Bank staff, including length of time an applicant needs to have previously worked in the NHS in an acute hospital, are in place for some of the Bank posts. This is in recognition of the fact that, particularly in a Ward environment, Bank Nurses and Healthcare Assistants are unlikely to have a similar level of supervision to a permanent member of the team and therefore have to fulfil an agreed level of skill and experience in order to reduce the risk of any incidents or issues. These are regularly reviewed.
- 13.4 Student Nurses who have completed six months of their training programme are eligible to apply to work on the Bank in unqualified Nursing roles.
- 13.5 Newly qualified Midwives who have been qualified for a period of six months are eligible to apply to work on the Bank.

- 13.6 All Bank staff are subject to an interview to determine their suitability for a bank post. This includes work history and competency questions. All clinical staff are also assessed by a clinical interviewer. If successful, the Bank Recruitment Team will complete all the necessary pre-employment checks which will include verification of the individual's identity and right to work in the UK, the required references, Disclosure and Barring service check, pre-employment health screening, and the checking of any professional qualifications/registration. The Bank Office will also undertake periodic checks to ensure professional registration is maintained. All clinical staff must complete mandatory training including basic life support, moving & handling and health & safety before they can work through the Bank. All Bank staff must attend a Trust induction.
- 13.7 Only in very exceptional circumstances will any pre-employment checks be waived. The Bank Office must seek authorisation from the Deputy Chief Nurse and Deputy Director of Human Resources prior to waiving any pre-employment checks.
- 13.8 Bank staff will be set up on both ESR for their payment (see below for further details on payroll) and also on the Bank Partners IQX system to enable recruitment and compliance tracking.

14.0 Expected Standards of Temporary Staff

- 14.1 Managers should expect temporary staff from either the Bank or the agency to adhere to the following behaviours. This list is not exhaustive. Bank staff will be issued with a handbook regarding the following and other important information:
- Shifts/assignments should only be accepted if the individual can be confident they can honour the booking
 - Short notice cancellations (less than 48 hours) are not acceptable other than in exceptional circumstances and restrictions may be applied to those who fail to follow this instruction
 - No Bank or agency staff should breach the European Working Time Directive regulation regarding the 48 hour working week
 - Any Bank or agency worker requested to make a reasonable move to another unit in order to maintain safe levels of staffing is expected to cooperate with this request
 - All Bank and agency staff should comply with Trust requirements relating to uniforms and dress codes
 - All bank and agency staff should ensure that their timesheet is filled out and signed at the end of every shift
 - All payroll queries should be directed to the Staff Bank or the agency as appropriate
 - Mobile phones are not permitted to be used during working hours. In the event of needing to receive an urgent phone call, Bank or agency staff should seek permission from the Trust line manager
 - Bank and agency staff are expected to arrive in good time for their shift and to return promptly from breaks
 - Bank and agency staff are not permitted to sleep while on paid duty under any circumstances unless they are on their break
 - If a Bank or agency worker wishes to raise a complaint, concern or incident relating to temporary working at MEHT they should do so through the Staff Bank or through the Trust's Whistle Blowing policy, or in the case of agency staff, through their agency and their agency's Whistle Blowing policy. The Bank grievance procedure is detailed in the Bank Worker Handbook.

15.0 Temporary Staff Performance Management

- 15.1 Any concerns regarding a Bank or agency worker's conduct or capability for the role they have been placed in to, should be immediately reported to the Bank Business Partner or Contract Manager. Initial information will be gathered by the Bank Business Partner/Contract Manager to ascertain the facts regarding the complaint or incident and the relevant next steps identified. In the event of what is considered to be a serious allegation, the Bank Business Partner/Contract Manager, in consultation with the complainant and relevant Directorate HR Manager, will decide whether the Bank or agency worker should be temporarily 'blocked' from working with immediate effect pending the outcome of the preliminary investigation, and whether this should apply to one unit or across the Trust.
- 15.2 If the nature of the allegation merits it, the next step where the alleged performance breach involves a bank member of staff (either the Trust's own staff working through the Bank or a 'non substantive' Bank worker) is that the Bank Business Partner/Contract Manager will, in discussion with the relevant Directorate HR Manager agree whether the matter should be dealt with informally, or formally under the Trust's Disciplinary procedure.
- 15.3 If it is agreed that the formal Disciplinary procedure is to apply, a formal investigation is to be carried out by a nursing member of staff of relevant seniority and has responsibility for the area where the alleged performance breach occurred. The Investigating Officer will be supported by HR as per the Disciplinary procedure.
- 15.4 If the nature of the allegation merits it, the next step where the alleged performance breach involves an agency member of staff, is that the Bank Business Partner/Contract Manager will contact the relevant agency and the incident will be managed through the processes set out in the LPP framework. The complainant will be kept informed of developments and outcomes.
- 15.5 The Staff Bank Complaints/Feedback and Incidents guidelines provides further details on the above process and is available from the Bank Office.

16.0 Short Notice Cancellations and Non Attendance for Booked Shifts

- 16.1 The process set out below will be followed for Bank and Agency short notice cancellations:
- 16.1.1 The first instance of short notice cancellation will be logged by the Bank Office, an explanation taken, and a reminder given to avoid further instances;
- 16.1.2 The second instance of short notice cancellation will be logged by the Bank Office, an explanation taken, a strong reminder given to avoid further instances, and a follow up letter will be sent;
- 16.1.3 The third instance of short notice cancellation will be logged by the Bank Office, an explanation taken, and the individual will be advised that as this is the third occurrence they will be contacted by a member of the Bank Office to discuss the matter. The Bank Office will contact the individual within 2 - 3 days, and will follow up the key points of the discussion in writing, stressing that the individual has one last chance;
- 16.1.4 The fourth instance of short notice cancellation will be dealt with by applying restrictions, and individuals will be managed on a case by case basis. Thereafter, individuals will be

withheld from working until they have attended a face to face meeting and provided assurances that there will be no further occurrences;

- 16.1.5 If there are any further instances, individuals will be removed from working through the Staff Bank, unless there are major extenuating circumstances.
- 16.2 The process set out below will be followed in terms of individuals failing to arrive for a booked shift for both Bank and Agency staff:
- 16.2.1 The Bank Office will ask the individual to provide an explanation as soon as possible. The individual will be withheld from working on the Bank until an explanation has been provided;
- 16.2.2 Depending upon whether the outcome is satisfactory, restrictions may be applied or no further action will be taken;
- 16.2.3 The second instance of failure to arrive for a shift and where no satisfactory explanation is given, will result in the individual being withheld from working until they attend a face to face discussion and provide assurances that there will be no further occurrences;
- 16.2.4 The third instance of failure to arrive for a shift with no satisfactory explanation will result in the individual being removed from the Staff Bank.
- 16.3 All cases will be logged and reports produced on a monthly basis.

17.0 Appraisals and on-going Training and Development

- 17.1 Details regarding arrangements for appraisals and on-going training and development are detailed in the Bank Worker Handbook.

18.0 Sickness Management of Temporary Staff

- 18.1 All sickness must be reported via the Bank office or, out of hours, the Bed Office.

18.2 Substantive Bank staff

- 18.2.1 If a substantive member of staff cancels a bank shift due to sickness, the Bank team will inform the relevant department to ensure this is recorded and to take advice on any restriction to be applied to future Bank working.

18.3 Non-substantive bank staff

- 18.3.1 If a non-substantive Bank member of staff cancels a bank shift due to sickness then subsequent shifts may also be cancelled dependent on the nature of the condition.

18.4 Agency staff

- 18.4.1 if an agency member of staff cancels a shift due to sickness then it will be the responsibility of the agency to advise whether future shifts need to be cancelled.
- 18.5 In the event of an outbreak in a clinical area of noro virus or other infection control incident, the Bank will inform all staff that have worked temporary shifts there in the previous period, to ensure they do not work elsewhere and that they are given instruction regarding showing any symptoms.

18.6 All staff will be expected to be symptom free for a minimum of 48 hours before undertaking any work at the Trust.

19.0 Payroll

19.1 Bank workers are paid through the Trust after submitting a signed timesheet and delivering it to the Bank office/into one of the Bank post boxes prior to the published deadlines.

19.2 Timesheets

19.2.1 Timesheets should only be signed by Trust staff authorised to do so, and must contain the MAPS reference number.

19.2.2 Timesheets are keyed in by the Bank payroll team. Subject to timeframes, any Bank staff that submit a timesheet that cannot be processed due to a query, will be contacted and every effort made to resolve any queries and process payment on time.

19.2.3 Completion of timesheets by all parties must be true and accurate. All payments are subject to the relevant income tax, national insurance and pension deductions.

19.2.4 Agency workers will complete timesheets for their individual agencies. These should also only be signed by those responsible for doing so.

19.3 Rates of pay

19.3.3 Rates of pay for all Bank staff are available from the Bank Office.

19.3.4 Agency pay rates are set in accordance with the GPS agency framework and in accordance with the framework, cannot be escalated or amended.

19.4 Holiday pay

19.4.1 All staff who work on the Bank will receive statutory holiday pay of 12.07% for all bank hours worked. This will be paid automatically and will be recorded as 'WTD' on pay slips.

19.5 Sick pay

19.4.1 Bank workers may be entitled to Statutory Sick Pay which is dependent upon sufficient national insurance contributions, and this will be paid directly by Payroll. For those Bank workers who do not qualify for Statutory Sick Pay, they will be sent an SSP1 form to apply to the Department for Work and Pensions for sickness benefits.

20.0 Agency Invoice Clearance

20.1 It is the responsibility of the Bank Team to check agency invoices against MAPS, the agreed agency rates, and pass to the Trust for payment to the agencies.

20.2 Agency timesheets must contain the MAPS reference number.

20.3 Any invoices received directly by a manager should be returned to Serco.

20.4 In the event of an agency invoice that does not match data on MAPS, the Bank Team will require confirmation from the Unit that a shift was worked, and an explanation on why this did not go through the agreed temporary staffing processes.

21.0 Bank Database Management

21.1 Trust substantive staff who do not work for a period of 12 months will have their bank assignment disabled.

21.2 Non substantive Bank staff who do not work for a period of 6 months will have their bank assignment disabled. Non substantive Bank staff who have not worked for a period of 3 months or more may be required to complete additional checks prior to being booked again.

22.0 Audit and on-going Compliance

22.1 Bank staff are subject to the following on-going compliance checks in order to maintain their eligibility to work on the Bank:

- Right to work in the UK
- Professional registration
- Mandatory training

22.2 The Staff Bank will be subject to regular auditing by the Bank Partners compliance and quality team, and the Trust's internal auditors.

23.0 Reporting

23.1 The Bank Team will provide the following reports on a monthly basis, circulated as instructed by HR and Procurement:

- Bank and agency spend and fill rate report
- Tracking of performance against agreed KPIs
- Bank recruitment report
- Any other reports as required by the Trust

23.2 The following reports will be provided to the bank:

- Mandatory training expires
- Any other reports as required by the Bank Office

24.0 Communication and Promotion

24.1 This policy will be circulated to all users of temporary staff with access to use MAPS. The Bank Team will also circulate a Service User Guide highlighting the key points and directing to this policy for further information.

24.2 The policy will be available on the intranet and website, and staff will be notified through the 'Focus' newsletter. The Bank Team will send copies to all new staff as part of their induction pack.

25.0 References

NHS Employment Check Standards
European Working Time Directive

Nominated User of MAPs- Set Up/Maintain User Access**Section One: New/Existing User Details**

Forename		Surname	
Ward/Department		Hospital Site	
Staff Grade		Does the user require training	Choose an item.

Section Two: User Responsibilities. Please clearly identify what type of access to the MAPs Rostering system your user requires and if they need access to rosters other than detailed above.

Does the user require access to another Roster	Choose an item.	If Yes please specify which Ward/Department	
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Please note that the access is related to bandings i.e. band 6 access will not be granted to band 5 staff members etc.

User Type	Access	Please tick to highlight which (Please select one option only)
Bank Requester	<ul style="list-style-type: none"> View the Roster Send a shift out to Bank Request a member of bank staff to fill a shift 	<input type="checkbox"/>
Ward Clerk/Band 5 Updater	<ul style="list-style-type: none"> View the roster Send a shift out to bank Request a member of bank staff to fill a shift Edit a roster that has been entered onto the system by adding sickness, annual leave etc. Swap and time adjust duties. 	<input type="checkbox"/>
Band 6 Updater	<ul style="list-style-type: none"> View the roster Send a shift out to bank Request a member of bank staff to fill a shift Edit a roster that has been entered onto the system by adding sickness, annual leave etc. Swap and time adjust duties Assign Overtime 	<input type="checkbox"/>
Band 7 Updater	<ul style="list-style-type: none"> View the roster Create a new roster Send a shift out to bank Request a member of bank staff to fill a shift Edit a roster that has been entered onto the system by adding sickness, annual leave etc. Swap and time adjust duties Assign overtime Approve a roster that has been created Finalise a shift that has been worked Pull reports on their ward Approve shift requests and annual leave requests. 	<input type="checkbox"/>
Read Only	An entirely read only account where all staff can view a real time account of the roster without being able to make any changes.	<input type="checkbox"/>

Section 3: Manager Authorisation

Please ensure that all sections of the form are completed otherwise access to the system will be delayed and the form returned to you. Once completed please email to maps.support@meht.nhs.uk

Managers Signature		Managers Name (Printed)	
Managers Designation		Date	

Actioned By (Office Use Only)

System Administrator		Date	
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Equality Impact Assessment (EIA) template.

Title of document being impact-assessed: Use of Temporary Staff Policy

Date of assessment: November 2014

Lead person on the assessment; Colleen Hart, Deputy Director of HR

Equality or human rights concern. (see guidance notes below)	Does this item have any differential impact on the equality groups listed? Brief description of impact.	How is this impact being addressed?
Gender.	This policy and procedure applies equally to all characteristics listed.	
Race and ethnicity.	This policy and procedure applies equally to all characteristics listed.	
Disability.	This policy and procedure applies equally to all characteristics listed.	
Religion, faith and belief.	This policy and procedure applies equally to all characteristics listed.	
Sexual orientation.	This policy and procedure applies equally to all characteristics listed.	
Age.	This policy and procedure applies equally to all characteristics listed.	
Transgender people.	This policy and procedure applies equally to all characteristics listed.	
Social class.	This policy and procedure applies equally to all characteristics listed.	
Carers.	This policy and procedure applies equally to all characteristics listed.	