



HUMBERSIDE FIRE AND RESCUE SERVICE

People & Development

Temporary, Casual and Agency Workers Policy

Owner	Executive Director of People and Development
Responsible person	Head of Human Resources
Date Written	November 2016
Date of Last Review	October 2023
Date of next review	October 2026
EIA Completed	April 2023



What we must
do well



How we support our
communities



We value and support
the people we employ



We efficiently manage
the Service

CONTENTS

1. Introduction
 - Core Code of Ethics
 - National Guidance
2. Equality and Inclusion
3. Aim and Objectives
4. Associated Documents
 - Equality Impact Analysis
 - Legal References
 - National Guidance
5. Policy Statement
6. Application
7. Definition of Casual and Agency Workers
8. Temporary Employee (Including those on FTC)
9. Procedure & Guidance – Casual Worker
10. Pay – Casual Worker
11. Termination – Casual Worker
12. Procedure & Guidance – Agency Worker
13. Procedure & Guidance – Temporary Worker
14. Approval – Temporary Posts
15. Approval – Temporary Appointments

1. INTRODUCTION

From time to time Humberside Fire and Rescue Service (HFRS) may need to engage workers to fulfil immediate but relatively short-term needs. This policy aims to provide guidance to engaging temporary, casual and agency workers who are not subject to 'Grey book' conditions, the processes that should be followed, the necessary constraints which apply and underlines the respective responsibilities of the Line Manager and Human Resources (HR) Team.

Core Code of Ethics

HFRS has adopted the Core Code of Ethics for Fire and Rescue Services. The Service is committed to the ethical principles of the Code and strives to apply them in all we do, therefore, those principles are reflected in this Policy.

National Guidance

Any National Guidance which has been adopted by HFRS, will be reflected in this Policy.

2. EQUALITY AND INCLUSION

HFRS has a legal responsibility under the Equality Act 2010, and a commitment, to ensure it does not discriminate either directly or indirectly in any of its functions and services nor in its treatment of staff, in relation to race, sex, disability, sexual orientation, age, pregnancy and maternity, religion and belief, gender reassignment or marriage and civil partnership. It also has a duty to make reasonable adjustments for disabled applicants, employees and service users.

Temporary, Casual and Agency Workers have the right to protection against discrimination including age, gender, race, religion or religious or philosophical belief, gender reassignment, disability, sexual orientation, marriage and civil partnership, pregnancy and maternity or any other unjustifiable condition or requirement.

3. AIM AND OBJECTIVES

The aim and objectives of this policy are to inform managers about the process and considerations that should be followed when engaging staff on a temporary or casual basis.

4. ASSOCIATED DOCUMENTS

- [Equality Impact Analysis](#)
- Legal References
There are no specific legislative requirements relevant to this policy.
- National Guidance Reference
There is no specific National Guidance relevant to this policy.

5. POLICY STATEMENT

The engagement of Temporary, Casual and Agency Workers will be in accordance with the guidance and processes outlined in the documentation below.

6. APPLICATION

The policy applies to all employees of HFRS not subject to 'Grey Book' Conditions.

7. DEFINITION OF CASUAL WORKER AND AGENCY WORKER

A casual worker is engaged irregularly, as and when required, as work becomes available. Casual work should be offered to suitable persons for short-term periods which occur in irregular or unpredictable circumstances.

Agency workers are temporary workers supplied through a Recruitment Agency.

8. TEMPORARY EMPLOYEES (INCLUDING THOSE ON FIXED TERM CONTRACTS)

A temporary employee is engaged under a temporary contract created where the work offered to the temporary employee will cease either because:

- The specified task for which the person is to be appointed has been completed; or
- The future events specified on the appointment as the reason which would bring that appointment to an end actually occurs (substantive post holder returning from long term sickness/maternity or a review of the Section/Service etc.).

9. PROCEDURE AND GUIDANCE - CASUAL WORKERS

The underlying principle of casual work is that the Service and the casual worker have no feeling of being bound to each other. This means that the Service has no mutuality of obligation with the casual worker.

The Service has no obligation to provide or offer work and the casual worker has no obligation to be available for work or to accept an offer of work made.

Casual work should only be utilised in limited circumstances such as:

- The unforeseen and short-term absence from duty of a post holder and where no adequate cover can be provided by regular employees by overtime or temporary re-organisation of work.
- Unforeseen emergencies requiring the use of additional staff, until such time as management can predict the need for such additional short-term employment at which time casual workers should be replaced by employees on temporary contracts.

Casual workers should not be used to cover predictable periods of work in excess of 3 months such as:

- Maternity/adoption leave.
- Long-term sickness.
- In addition, at no time should a casual worker be engaged, where demand can be predicted in terms of hours per day or days per week, in advance.
- Where demand is predictable, and an establishment/people form has been fully authorised, temporary contracts should be used which will be prepared by HR, or alternatively an agency worker should be engaged, dependent primarily on the availability and cost of each option.

Agency workers or temporary employment contracts must be used where a casual engagement or casual requirement is to exceed 1 month.

Any casual worker whose engagement is likely to exceed a duration of 1 month, may be considered for engagement as a temporary employee, and provided they are successful through the appropriate selection process for the temporary role.

10. PAY – CASUAL WORKERS

It is a legal requirement to deduct appropriate PAYE payments and National Insurance contributions.

Employees who do not work regularly but who are engaged as and when required will be paid on the relevant National Conditions of Service for the hours actually worked.

11. TERMINATION – CASUAL WORKER

No formal notice of dismissal is required. The casual worker is offered work by the hour or period of hours and when the work has been carried out, the engagement ceases until such time as further work is offered.

12. PROCEDURE AND GUIDANCE - AGENCY WORKERS

Where a temporary worker is supplied through a Recruitment Agency; the Service pays a fee for their services. The line manager is responsible for the direct supervision and control when the temporary worker is actually working for the Service. In addition, the Recruitment Agency takes on a responsibility for providing a substitute for the agency worker if, for whatever reason, the relationship with the original worker discontinues.

Agency workers are a possible alternative to both casual engagements and temporary employees.

In considering the appropriate option it is necessary to consider the costs of using a Recruitment Agency to provide an agency worker, particularly if the engagement is likely to be for an extended period of time. It may be more cost effective to recruit a

Human Resources Temporary, Casual and Agency Workers Policy

temporary worker directly, but consideration should be given to both costs and time constraints. For further guidance and advice please consult the HR team.

Authorisation for filling a role via a Recruitment Agency needs to be authorised by the HR Team.

The Recruitment Agency selected will forward suitable CVs to the HR Team. In accordance with HFRS Recruitment and Selection Policy, the Line Manager, together with support from HR, will shortlist the candidates they wish to interview.

The HR Team will coordinate the interviews/selection process with the recruitment agency. At the end of the interviews/selection process, a suitable candidate will be chosen. If none of the candidates are suitable for the role, the HR Team will inform the Recruitment Agency as to why they were not suitable. The HR Team may give the Recruitment Agency further time to source more candidates, or it may be beneficial to use another agency.

If a candidate from a Recruitment Agency is selected to fulfil work for the Service, they should be fully inducted by their line manager on day one. This should include:

- What is to be expected of them.
- The days and hours that they will be expected to work.
- An explanation of HFRS's Core Code of Ethics
- Dress code.
- Health and Safety information (including DSE screen assessments if applicable).
- Fire Evacuation information.
- An introduction to other team members.
- Provided with relevant contact details (line manager's mobile number).
- Any other information deemed important to the role/team/Service.

If, after any period of time, the candidate appears to be unsuitable for the role then it is the Line Manager's responsibility to discuss any issues directly with the individual. If the problem is not rectified, or if the issue is of a serious nature, then the Line Manager needs to discuss the matter with a member of the HR Team. It may be that a decision is made to end the contact immediately and request another candidate from the Recruitment Agency or to utilise another Recruitment Agency.

A contract may be terminated at any time; although if it is because the work is coming to an end or the substantive post holder is returning to their role, then it is best practice to let the individual and the agency have as much notice as is reasonably possible (at least 5 working days).

13. PROCEDURE AND GUIDANCE – TEMPORARY WORKERS

Human Resources Temporary, Casual and Agency Workers Policy

Temporary employees should not be recruited except for duties recognised as seasonal or of a limited duration or fixed term, e.g. covering absences or special projects.

Temporary workers should never be given a contract which exceeds one year without the authorisation of the Executive Director of People & Development.

A further extension to a contract may be given to the temporary worker in line with the needs of the Service and subject to the authorisation of the Executive Director.

A distinction needs to be maintained between temporary employees and temporary posts. This distinction is important as, from a legal perspective, the employee status will be interpreted by the nature of the contract rather than the Service's designation of the post. This means that a temporary employee may occupy an 'established' position but for a temporary period. Likewise, a temporary employee may occupy a role that is authorised as a temporary role and is not an 'established' position.

Where an established position requires temporary cover or a temporary post is needed then a judgement will be made as to whether a temporary employment contract or agency worker is the appropriate option. In addition, where it is foreseeable that the position will require cover for a period not exceeding 12 months, temporary cover will be managed in line with the Recruitment and Selection Policy.

14. APPROVAL - TEMPORARY POST

The creation of a temporary post which increases the establishment level, will require authorisation by means of an authorised Establishment Form.

15. APPROVAL – TEMPORARY APPOINTMENTS

Temporary appointments that do not require approval of a temporary post (i.e. because the position already exists as a temporary or established post) must be authorised by the appropriate Head of Function.

**If you require any further guidance in relation to this policy,
please contact Human Resources.**