A Guide to Agency Workers and Interim Contractors

Contents

Introduction

This guidance document has been written to support the Agency Workers and Interim Contractors end to end business process. Agency Workers and Interim Contractor processes are those that relate to Temporary Agency Workers (hourly paid) and Interim Contractors (day rate) who are engaged by an Agency and deployed to the University of Edinburgh.

The guidance has been written by stage in the process and with the key roles involved in the process in mind. The responsibilities of a Line Manager, Hiring Manager and School or Department Administrator may vary in this process between Colleges, Schools and Professional Service Group Departments. Line Managers should contact their local support team to understand the process and responsibilities within their own area.

For example, a School or Department Administrator could be performing tasks in the process of a Line Manager or Hiring Manager and where there is overlap, this is shown.

Glossary

Agency Worker	Under the Agency Workers Regulations 2010, an agency worker is an individual supplied by a temporary work agency to work temporarily under the supervision and direction of a hirer.
Agency Worker Job Catalogue	The catalogue contains a comprehensive list of job titles, profiles and grades which provides Hiring Managers the correct criteria for most temporary roles in order to enable them to ascertain the range of duties to be undertaken by the Agency Worker. https://www.ed.ac.uk/human-resources/recruitment-guidance/agency-worker-job-catalogue
Agency Worker Regulations (AWR)	'Equal treatment' entitlements and same rights as someone employed directly that relate to pay and other basic working conditions (e.g. pay, annual leave, parental time off, etc.) that comes into effect after an agency worker completes a 12 week qualifying period in the same job with the same hirer.
Agency Worker Request Form (AWRF)	The AWRF is a form that should be used when contacting the agency to request CV's. There is one form for requesting Interim Professional and IT staff and a separate form for requesting Admin, Manual, Domestic and Catering staff. This form should be attached to the requisition when requesting a PO.
Delegated Authority Schedule (DAS)	Approval limits within People and Money please see the Financial regulations webpage.

General Data Protection Regulation (GDPR)	The General Data Protection Regulation (GDPR) came into force on 25 May 2018 and replacing the Data Protection Act 1998. It regulates how the University collect, use, store and dispose of personal data. Moreover, the GDPR places the onus for proving compliance firmly on the University.
HMRC Check Employment Status for Tax (CEST)	A tool to determine if a worker on a specific engagement should be classed as employed or self-employed for tax purposes.
Interim Contractor	Interim professionals who are experts in their field and are contracted to see a job through until the end. This type of employment is normally for a shorter period, and salaries are often paid at a high day-rate.
Intermediaries Legislation/ Off-Payroll Working (IR35 or OPW)	A set of rules that can apply if a worker (sometimes known as a contractor) provides their services through their own limited company or another type of intermediary to the client. The rules make sure that workers, who would have been an employee if they were providing their services directly to the client, pay broadly the same Income Tax and National Insurance contributions as employees.
Mini-Competition	Inviting **ALL** Scottish Government Framework contractors when recruiting for agency workers.
Onboarding	Processes and activities arranged by the line manager/SDA for the agency worker's first day of employment.
People & Money (P&M)	The University's HR and Finance services online system.
Purchase Order (PO)	It is used to control the purchasing of goods and services from external suppliers. The University operates a 'No Purchase Order No Pay' policy.
Quote	Quotations should be obtained from the supplier in a written form and must be attached to the requisition as evidence. A quotation can be in the form of an attachment, or an email or screen shot of supplier website pricing.
Ranked Suppliers	The order of the contractors as per the Scottish Government Framework Agreement i.e. 1st, 2nd, 3rd or 4th. In this order the contractor(s) should be invited and awarded to fill the required vacancy.
Requisition	Adding the requirements of a job to People and Money to initiate the process of sourcing, selecting and hiring a candidate.
Scottish Government Framework Agreement	The Scottish Procurement & Commercial Directorate (SPCD) delivers innovative strategies and supplier relationships that enable public sector organisations in Scotland to access the goods and services they commonly need at market leading prices and terms. They do this through pursuing opportunities for collaborative procurement, and the implementation of leading practices, whilst promoting the economic and sustainable development of the wider Scottish market place. The objectives of the framework are to deliver Best Value to Scottish Public Bodies and Scottish Third Sector Bodies while maximising opportunities for suppliers of all sizes. The University works under this framework for the provision of temporary personnel services for administration and manual staff. Charge rates are pre-agreed.

Timesheet	An agency timesheet is used for tracking the amount of time an agency's employees spend on tasks and projects. Time entry requires the employees to enter the time they start and end work on particular tasks and projects. Once approved by the hiring manager, it is submitted for payment to the agency.
Visitor Registration System (VRS)	An administrative system, developed to record the presence of visitors on University property and provide them with access to a wide range of computer systems and facilities such as library services.

End to End Process Map

Please see this link for the End-to-End Process Map

Key Roles

Role	Description
Agency Worker	An individual supplied by a temporary work agency to work temporarily under the supervision and direction of a hirer and has a contract of employment or services with the agency.
Agency (Temporary Work Agency)	An employment agency that has been tasked with finding and submitting suitable candidates for open job requisitions. This may also be a training provider submitting candidates for Modern Apprenticeship opportunities.
Finance Ops/Accounts Payable Team	Accounts Payable are responsible for ensuring the correct and timely payment of all University of Edinburgh invoices and expenses.
Hiring Manager	Hiring Managers will have overall accountability for a set of job requisition actions and the associated job applications. The Hiring Manager is often the Line Manager but does not have to be.
HR Partner	A member of the HR Partnering team who can provide advice and guidance throughout the recruitment process.
HR Services Team	Members of the central HR team that own key transactional elements of the recruitment cycle, e.g. approving/rejecting job requisitions and job offers. Has visibility of job requisitions without being a member of the hiring team.
Interim Contractor	An individual supplied by the agency to provide services to the hirer. The contractor is not under the supervision of the hirer and has a contract for services with the agency.
Line Manager	All members of staff that have or will have direct or matrix style management responsibilities for the role being recruited. Line Managers may also be Hiring Managers. Line managers would be expected to review and approve the requisition as appropriate.
Procurement Ops Team	The Operational Procurement team is responsible for raising all purchase orders on People and Money, supporting all non-regulated sourcing and leading the activity to resolve supplier invoice queries.
Requestor	Staff within Schools / Departments with People and Money Procurement access which enables them to raise a Requisition for themselves or someone else. The requestor will need to goods receipt for the hours worked throughout the duration of the contract.
School/Department Administrator (SDA)	Staff that provide local administrative/operational support for the end-end recruitment process, including offline activity and practical arrangements.
Tax Team	The Tax Team is responsible for ensuring that the University complies fully with all relevant tax laws, rules, regulations, statutory reporting and disclosure requirements wherever we operate.

Before you start

Familiarise yourself with the [Contingent Labour Hiring Policy](#). Please also refer to the ['How to Buy'](#) ordering and payment process on the Procurement hub.

The University has adopted the Scottish Government Frameworks (April 2023 - April 2027) for Agency Worker and Interim Contractor recruitment. These frameworks are governed by Procurement and it is essential that only suppliers (Recruitment Agencies) on the Framework are used. No off-framework terms should be signed or agreed without consulting Procurement.

Step 1 – Identifying the Need for Agency Worker/Interim Contractor

The process in which the need for an agency worker/interim contractor is identified, and the offline discussion that will take place to agree the options. Hiring contingent labour, particularly for longer term assignments, must be considered carefully. Please discuss options with your HR team before proceeding. Initial consideration must be given to the scope and duration of the assignment as well as value for money. Contingent labour must only be used if a permanent hire, a fixed term contract or using the Talent Register is not appropriate.

Role	Hiring Manager/Line Manager/SDA	HR Partner
Tasks	- Discusses resourcing options with their HR team before proceeding - Identifies type of role i.e. interim professional, IT, admin or manual.	Supports HM/LM/SDA in decision making if it was appropriate to hire contingent worker.
Supporting Information	[Contingent Labour Hiring Policy](#).	

Step 2 – Job Description

The process for hiring managers to choose correct criteria to enable them to ascertain the range of duties to be undertaken by the Agency Worker/Interim Contractor.

Role	Hiring Manager/Line Manager/SDA
Tasks	• Uses Agency Worker Job Catalogue to find appropriate job profile. • Checks "How to Buy" pages for preferred suppliers as per Scottish Government Framework Agreement.
Supporting Information	Agency Worker Job Catalogue How to Buy Approved Suppliers

Step 3 – Status Determination – IR35

The process determines whether the intermediaries IR35 legislation applies or not to the engagement, and if the assignment sits under the control of the Hirer. This Status Determination will influence if the agency can provide an Agency Worker/Interim Contractor to undertake the assignment. Ultimate responsibility for determining the status of a temporary worker lies with the University as the end user. An incorrect Status Determination may leave the University exposed to tax liabilities in the supply chain. This process applies only to interim Professional and IT staff.

If temp admin, manual, domestic or catering staff is used, then no Employment Status check is required. However, if interim professional or IT related services are required, then questionnaire must be completed.

Role	Hiring Manager/Line Manager/SDA	Tax Team	Requestor
Tasks	• Completes the Employment Status Questionnaire based on the proposed requirements and the role specification • Sends the form to the Tax Team for review and consideration	• Reviews and assesses the questionnaire by using the HMRC's online tool Check of Employment Status for Tax (CEST) • Provides an outcome confirming either that "the intermediaries legislation applies" or "the intermediaries legislation does not apply" to the engagement • Provides a pdf copy of the decision or HMRC CEST test result	Attaches the decision/test result to the Requisition on People & Money in order to give the appropriate statutory notification to each Agency
Supporting Information	Employment Status Questionnaire Employment Status Check – Interim Professional / IT Staff Services Framework Employment/IR35 Status (Finance Hub)		

Step 4 – Appointing an Agency

The process where call-off contracts may be awarded in one of two ways:

   • by going to the 1st ranked Framework Contractor , or
   • by mini-competition (inviting ALL Framework Contractors)

The summary table below for the Scottish Government and TUCO Framework Suppliers provides detailed information about which option and Framework Contractor to use depending on the type and urgency of the role and the business hiring area.

Resource Needed	Framework Contractors & Contact Details	Process and Useful Links
Temporary Worker – Administrative and Manual Staff	1. Venesky-Brown Recruitment: professionalservices@venesky-brown.co.uk 2. Blue Arrow: Siobhan.Reilly@Bluearrow.co.uk 3. Brightwork Ltd: scotgov@brightwork.co.uk 4. ASA Recruitment: scotgov@asarecruitment.co.uk	The Framework can be used in one of two ways: **Option 1** - Framework contractors should be contacted in rank order (i.e. Venesky-Brown in the first instance), and if the first-ranked supplier is unable to fill your requirement, you can work through the other three suppliers (in rank order) until the requirement is met. **Option 2** - All four framework contractors on the list should be invited at the same time and all potential candidates recommended by them should be considered fairly and equally. The most suitable candidates for interview as well as the most suitable candidate for the post can be selected from any of the contracted agencies, regardless of their position in the rank. Agency Worker Request Form (AWRF) - Administrative and Manual or Domestic and Catering. Temporary Agency Workers & Interim Contractors Rates - Pricing for Scottish Government Frameworks - April 2023.xlsx
Temporary Worker – Domestic and Catering Staff (TUCO Framework)	Blue Arrow: Siobhan.Reilly@Bluearrow.co.uk	Contact Blue Arrow directly. Agency Worker Request Form (AWRF) - Administrative and Manual or Domestic and Catering. Temporary Agency Workers & Interim Contractors Rates - Pricing for Scottish Government Frameworks - April 2023.xlsx
Interim Professional Staff	1. Venesky-Brown Recruitment: professionalservices@venesky-brown.co.uk	The Framework can be used in one of two ways:

	2. ASA Recruitment: scotgov@asarecruitment.co.uk 3. Harvey Nash: scotlandpublicsector@HarveyNash.com 4. Lorien Resourcing: publicsector@lorien.co.uk	**Option 1** - Framework contractors should be contacted in rank order (i.e. Venesky-Brown in the first instance), and if the first-ranked supplier is unable to fill your requirement, you can work through the other three suppliers (in rank order) until the requirement is met. **Option 2** - All four framework contractors on the list should be invited at the same time and all potential candidates recommended by them should be considered fairly and equally. The most suitable candidates for interview as well as the most suitable candidate for the post can be selected from any of the contracted agencies, regardless of their position in the rank. Agency Worker Request Form (AWRF) - Interim Professional and IT Staff. Temporary Agency Workers & Interim Contractors Rates - Pricing for Scottish Government Frameworks - April 2023.xlsx
Interim IT Staff	1. Venesky-Brown Recruitment: it@venesky-brown.co.uk 2. ASA Recruitment: scotgov@asarecruitment.co.uk 3. Lorien Resourcing: publicsector@lorien.co.uk 4. Harvey Nash: scotlandpublicsector@HarveyNash.com	The Framework can be used in one of two ways: **Option 1** - Framework contractors should be contacted in rank order (i.e. Venesky-Brown in the first instance), and if the first-ranked supplier is unable to fill your requirement, you can work through the other three suppliers (in rank order) until the requirement is met. **Option 2** - All four framework contractors on the list should be invited at the same time and all potential candidates recommended by them should be considered fairly and equally. The most suitable candidates for interview as well as the most suitable candidate for the post can be selected from

Role			

	any of the contracted agencies, regardless of their position in the rank. Agency Worker Request Form (AWRF) - Interim Professional and IT Staff. Temporary Agency Workers & Interim Contractors Rates - Pricing for Scottish Government Frameworks - April 2023.xlsx

If Option 1 is selected, vacancies must be awarded to the 1st ranked supplier in the applicable supplier list. Where the 1st ranked supplier is unable to fill the requirement, the vacancy must then be issued to the 2nd supplier and so on. Only when the supplier is unable to fill the vacancy should the next ranking supplier be awarded the vacancy. Under no circumstances should contractual terms be agreed with an Agency or any candidate submissions accepted from an Agency outside the framework.

Any mini-competition via the frameworks for Interim Staff should be done so in isolation i.e. if you are running a mini-competition you should not be running a mini-competition at the same time under any other framework for the same assignment. Nor should you run a mini-competition via the Framework and invite a non-framework supplier to the same competition. If it is established that the Framework is unable to supply or meet your requirements, you can then run a separate competition or go to another supplier should you choose to do so.

Role	Hiring Manager/Line Manager/SDA	HR Partner	Agency
Tasks	• Identifies agency from University's preferred suppliers list • Completes the appropriate Agency Worker Request Form (AWRF) (Administrative and Manual or Domestic and Catering OR Interim Professional and IT Staff) and requests a quotation by return completion of the AWRF* indicating the price for the service.	• Provides advice and supports decision making for considering the option of mini-competition	• Confirms if they have potential candidates either via ranked process or mini-competition • Identifies potential candidates • Returns the AWRF to the hiring manager, this will act as the quotation*

	• Sends the form to the Framework Contractors in the ranked order, or • Invites all Framework Contractors for a mini-competition depending on the circumstances • Discusses mini-competition option with HR Partner prior to award		
Supporting Information	* A quotation must confirm / evidence the following. In this process the AWRF will be used to confirm this detail in section C of the form. -The name of the supplier including their address -Clear description of the goods / services -Prices including any additional elements such as delivery charges -Payment information e.g. stage payments or any up-front payments -Delivery date (if agreed)		

Step 5 – Selection and Hire

The recruitment and system process of the most suitable candidate(s) via an informal meeting, followed by raising the requisition in P&M.

Agencies should ideally be given at least one week to source suitable candidates for your assignment. The expectation is for most cases that the supply of security cleared staff will happen within 48 hours of request, and for all cases within 5 working days of request. All agencies are expected to acknowledge requests from the University within 24 hours.

Due to the specialist nature of some of these roles and the time required to source quality candidates, it is recommended that hiring managers request a short list of 3 candidates and conduct an informal meeting (10-15 minutes) to determine the best individual. No formal interview or testing must be conducted.

CVs provided by the agency must be kept only for as long as needed and must thereafter be destroyed in line with GDPR requirements.

The University's policy is not to engage Agency Workers for longer than 12 weeks. However, in some circumstances and in agreement with your HR team, assignments may be extended beyond this period if it makes commercial sense.

Role	Hiring Manager/Line Manager/SDA	Agency	Requestor	Procurement
Tasks	• On receipt of AWRF incl and CVs, provide prompt feedback to the agency on each candidate • Informal discussion with 3 shortlisted potential candidates • Selects candidate(s) and notifies agency • Gives local approval • Destroys CVs in line with GDPR requirements	• Sends a shortlist of 3 candidates • Provides a quotation by completing the relevant section of the AWRF and returning to the hiring manager • Confirms assignment with worker and ensures all PAYE/employer NIC is in place	• Raises requisition on People and Money and attaching AWRF for service and PDF of IR35 decision outcome, if applicable	• Raises Purchase Order (PO) number • Procurement Operations will aim to process requests for PO's twice weekly.

Raising the Requisition

Follow the Raising a Requisition user guide noting the points below:

- Raise the requisition as a 'Service' not a 'Good'. This allows for receipting to the billed value each period, so if it is less than planned (e.g. they individual takes a day off) the receipt can match.
- Include the Total cost breakdown for the work. If the exact price is not known then the requistioner should enter their best estimate of the likely total costs.
- Attach the AWRF which will act as the quote from the agency as 'proof of cost'.
- Attach the IR35 decision outcome if applicable.
- Raise a requisition line per billing/invoicing period, this allows each to be receipted and invoiced separately. Provide a name and delivery date appropriate for each delivery period line accordingly.

The requisition is subject to approval usually via your line manager and their reporting hierarchy as per the Delegated Authority Schedule (DAS).

To create a requisition within People and Money you must have Requestor (Procurement) role access. This can be requested by completing the [People and Money Access Form](#), note that approval from Head of College or Professional Service Group, College Registrar, Head of School or Department, Director of Professional Service or equivalent is required.

Step 6 – Onboarding

The processes and activities arranged by the line manager/SDA for the agency worker's first day of employment.

Following the qualifying period of 12 weeks, the Agency Worker acquires further entitlements to terms that are equivalent to employees' e.g. same rate of pay, overtime rates, working hours, break times. Please refer to the [Contingent Labour Hiring Policy](#) for more information.

If the Agency Worker/Interim Contractor is not suitable for the tasks please contact the Agency to manage and to arrange a suitable replacement. The Agency may charge an additional fee if the manager has requested the wrong job type.

Role	Hiring Manager/Line Manager/SDA	Agency Worker/Interim Contractor	HR Services
Tasks	• Using the [Visitor Registration System](#), arranges login ID, a University card, access to computer services and University vacancies, provides awareness of health and safety requirements, etc. • Raises Service Request (SR) to add Contingent Worker (CW) to People and Money if access is required • Completes People and Money user access form providing CW number • Ensures that appropriate induction is provided for the agency worker on their first day of employment	• Starts on first day of agreed employment	• Adds Contingent Worker onto P&M

Supporting Information	[People and Money Access Application Form](#)

Step 7 – Approval and Payment of Timesheets including Goods Receipt

The process for the agency worker, the agency and hiring managers to arrange payment for time worked by completing the timesheet.

Role	Hiring Manager/Line Manager/SDA	Agency Worker/Interim Contractor	Agency	Requestor	Finance Ops/AP Team
Tasks	• Approves time claimed • Responsible for ensuring hours worked are goods receipted on People and Money, using timesheets for this purpose.	• Submits timesheet	• Sends timesheet to hiring manager for approval • Sends Invoice for work completed to Procurement (usually fortnightly)	• The original requestor must goods receipt the invoice for the hours worked fortnightly for the duration of the contract.	• Pays supplier

Step 8 – Assignment Review / Change

The process to determine if the agency worker's contract needs to be extended beyond the 12-week period or to change any aspect of the purchase order including price changes.

As a guide, if the assignment will continue for a further 12+ weeks it may be appropriate to reconsider a FTC or a permanent hire.

Role	Hiring Manager/Line Manager/SDA	Requestor	Procurement
Tasks	- Contacts HR to discuss the anticipated duration of the extension and the impact on worker rights - Timetables any extensions for review before expiry to ensure compliance with employment law and procurement procedures - Contacts the agency to confirm extension or termination of the agency worker or interim contractor, if the assignment ends as anticipated.	- Initiate a Purchase Order change through People and Money to update the existing PO (this is then approved as per the Delegated Authority Schedule (DAS) and the Buyer. Note please do not raise a new PO as the agency should continue to bill against the original PO number - Alternatively, if unable to raise the change to PO via People and Money, raise a Unidesk ticket to contact the buyer in Procurement, any increase in value may require an additional quote and further approval. - Continues to Goods Receipt all hours worked	- Approves extension/change - Amends PO, if extension is required