



**CARDIFF COUNCIL**

**FAIR WORK (LONG TERM AGENCY WORKER)  
POLICY**

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## **SECTION 1 - INTRODUCTION, ROLES AND, RESPONSIBILITIES**

### **INTRODUCTION**

- 1.1 Decent work can help achieve a stronger, modernised, more inclusive economy. It contributes to national growth and prosperity and assists in addressing inequality, reducing poverty and promoting well-being. In March 2019, The Fair Work Commission published 'Fair Work Wales', which defines fair work, identifies levers for promoting it, and includes recommendations to help deliver it in Wales.
- 1.2 Fair work is defined in Wales where workers are fairly rewarded, heard and represented, secure and able to progress in a healthy, inclusive environment where rights are respected.
- 1.3 Cardiff Council made a commitment as part of its 2022/25 Corporate Plan to be a 'Fair Work' employer by reviewing long-term agency placements and taking appropriate actions to reduce the use of agency workers on long-term assignments.
- 1.4 This policy is intended to set out the actions the Council will take in order to reduce Long Term Agency Workers.
- 1.5 The Council will not depart from this policy without a variation to the policy agreed directly by Cabinet or through an agreed delegation.

### **ROLES AND RESPONSIBILITIES**

- 1.6 It is important that everyone clearly understands their roles and responsibilities within this process.
- 1.7 Manager's must ensure the details within the policy are adhered to without any deviation.
- 1.8 HR People Services will monitor the consistent application of this policy and oversee the contractual changes required for Agency Workers.
- 1.9 The Policy will be commended to School Governing Bodies.

## **SECTION 2 - THE POLICY**

### **PURPOSE OF POLICY**

- 2.1 The purpose of this document is to outline the Policy and Procedure on long term agency workers.

### **SCOPE**

- 2.2 The policy applies to all eligible temporary employees of the Council, and eligible Agency workers engaged by the Council, irrespective of age, disability, gender reassignment/affirmation, marriage and civil partnership, pregnancy and maternity (including same sex), race, religion or belief, sex, sexual orientation and Welsh language.
- 2.3 The policy will be commended to school governing bodies..

### **KEY PRINCIPLES**

#### **TEMPORARY CONTRACT EMPLOYEES AND PERMANENT STATUS**

- 2.4 In accordance with Legislation, Cardiff Council treats employees who have been employed on continuous temporary contracts for 4 years or more, as if they were permanent employees. Also, if an employee has been employed in the same role, on a temporary basis, for 4 years or more, they will be classed as permanent in that role and given a defined permanent contract of employment.

#### **AGENCY WORKERS WITH MORE THAN 4 YEARS CONTINUOUS ASSIGNMENT WITHIN A SERVICE AREA**

- 2.5 Agency Workers with 4 or more years continuous assignment in the same or very similar role (with breaks equivalent to annual leave) will be offered a permanent contract of employment with the Council. The offer will be subject to relevant pre-employment checks such as Right to Work, Occupational Health, and where appropriate, a DBS check. Under normal circumstances there would be no requirement for references, except in circumstances where references, or confirmed employment checks are a recruitment requirement for the role, such as employment in social care.
- 2.6 Previous Agency service will not be taken into account for any national or local terms and conditions, and polices, which relate to continuity of service, with the exception of service counting towards permanent employment.

## **AGENCY WORKERS WITH MORE THAN 12 MONTHS BUT LESS THAN 4 YEARS CONTINUOUS ASSIGNMENT WITHIN A SERVICE AREA**

- 2.7 Agency Workers with more than 12 months but less than 4 years continuous assignment in the same or very similar role (with breaks equivalent to annual leave) will be offered a temporary contract of employment with the Council. The offer will be subject to relevant pre-employment checks such as Right to Work, Occupational Health, and where appropriate, a DBS check. Under normal circumstances there would be no requirement for references, except in circumstances where references, or confirmed employment checks are a recruitment requirement for the role, such as employment in social care.
- 2.8 Once the employee has completed 4 years (taking into account their agency service and temporary contract service) they will be treated as permanent as detailed in 2.5 above.
- 2.9 With the exception of point 2.8 above, previous Agency service will not be taken into account for any national or local terms and conditions, or polices, which relate to continuity of service.

## **MANAGERS RESPONSIBILITIES WHEN CONSIDERING AGENCY WORKERS ASSIGNMENTS**

- 2.10 There is a requirement on managers not to engage Agency Workers on assignments that they believe will be for longer than 12 months, but instead to advertise the role through the Council's normal recruitment channels. The only exception to this is where the normal recruitment channels have been exhausted.

## **SECTION 3- STATEMENT OF INTENT**

- 3.1 The Council will formulate, publish and keep under review this policy.

