

## **GENERAL PRACTICE STAFF BANK**

Guidance for Practices

This guidance should be read in conjunction with the Cornwall General Practice Staff Bank Terms and Conditions between Kernow Health and the General Practices in Cornwall and the Lantum Terms and Conditions. It provides operational guidance in relation to the General Practice Staff Bank.

We are trialling the use of a General Practice Staff Bank for Cornwall for 12 months and would welcome your feedback to help ensure the Bank works for you.

We have put together the full terms for the Bank based on feedback from Practice Managers to try and address concerns and opportunities of having a general practice staff bank. The relevant documents are:

- Business to Business Terms and Conditions (between Kernow Health and Practice)
- Casual Worker Contract (between Kernow Health and Casual Worker)
- Affiliation Agreement (between Locum Worker and Practice)
- Staff Acknowledgement Form

Full copies of all of the documents are available on our website (<https://cornwallcepn.co.uk/general-practice-staff-bank/> )

Agreed Terms:

**Assignment:** an individual shift or grouping of shifts at the same Practice made available to the Casual Worker via the Lantum Platform (uploaded as a single Assignment)

**AWR 2010:** the Agency Workers Regulations 2010

**Bank Worker:** a Casual Worker or a Locum Worker

**Casual Workers:** workers engaged by Kernow Health and paid through PAYE and who are approved by Kernow Health to provide services to Practices via the Lantum Platform and who is not an employee, but who is deemed to be an agency worker for the purposes of regulation 3 of the AWR 2010.

**Cornwall General Practice Staff Bank:** a pool of Bank Workers

**Fixed term Contract:** An employment contract for a specific period of time, to enable a worker to perform a specific task

**Lantum Platform:** the online workforce management platform operated by Lantum Limited.

**Locum Worker:** individuals who are self-employed or provide their services through a personal services company and who are approved by Kernow Health to provide services to Practices via the Lantum Platform to the Kernow Health General Practice Staff Bank.

**Qualifying Period:** 12 continuous Calendar Weeks, as defined in regulation 7 of the AWR 2010, subject always to regulations 8 and 9 of the AWR 2010

**Receiving Practice:** The Practice where the Bank Worker undertakes an Assignment.

**Staff Acknowledgement Form:** Form completed by Bank Worker and Practice where the Bank Worker is employed by an existing Practice.

**STREAM** (soon to be renamed PITCH) run by the CCG: An electronic based system for recording excellence, issues, concerns or patient safety incidents.

## **1.0 Access to Lantum**

1.1 Kernow Health has contracted with Lantum in order to provide a digital platform for the General Practice Bank staff in Cornwall to operate. Following allocation of successful retention funding, Kernow Health has funded the subscription to the Lantum Platform for each practice across Cornwall for a 12 month period. After a period of 12 months, Kernow Health will review the success of the arrangements and at this point, may introduce a charge for practices in order to continue the service. The cost to Kernow Health for the facilitation of the Lantum Platform for the 12 month period is at £50 per practice per month. All practices are eligible for access.

## **2.0 Obligations of the Practice**

The practice has the following obligations upon the commencement of the assignment:

- Ensure that an appropriate risk assessment is undertaken so a safe working environment is provided.
- Make the Bank Worker aware of any policies and procedures specific to the individual practice
- Provide any equipment, machinery or protective clothing to ensure that any health and safety legislation is complied with.
- Provide the Bank Worker with an initial induction to the premises and systems (including IT) at the start of an assignment including a named individual to provide direction during the assignment.
- Ensure that the Bank Worker is covered by the Crown Indemnity Scheme (some private work i.e. paid travel vaccinations are not covered) or the Practice Indemnity scheme.
- Be aware of all your contractual obligations as laid out in the Business to Business contract

## **3.0 Recruitment and assignments**

3.1 All Bank Workers must upload their supporting documents onto the Lantum Platform. The Lantum Governance team, review the documents for validity, but it is the responsibility of the Practice to ensure that the person they hire has the relevant qualifications for the role they need to be filled.

3.2 Individuals are able to post information on their competencies to their personal profile. Practices are encouraged to look at the individual competencies as well as the role, to see if a person is able to fill a shift.

- 3.3 Where a Bank Worker is working on a Casual Contract with Kernow Health, and is not working in an existing practice, Kernow Health will carry out a full recruitment process and will ensure that mandatory training is current.
- 3.4 Where a Bank Worker is currently employed by a Practice it is the Practice responsibility to inform Kernow Health of any capability or disciplinary concerns, if current or arises while on the General Practice Staff Bank.
- 3.5 Kernow Health will verify competence and experience where there is an accredited course which has been completed through the Training Hub or the Rolling Programme. If the practice wishes to engage a practitioner from outside of the General Practice Staff Bank via the Lantum Market Place, the responsibility for validation of competence and checks rests with the individual practice

#### **4.0 Hours of work**

- 4.1 The practice sets out the hours for the Assignment and the individual agrees to accept them via the Lantum Platform. Any additional hours which may be worked on the day, need to be agreed and the individual will add them to the timesheet. The Practice must then authorise payment of this through the Lantum Web Platform. When advertising a vacant shift, it is important to clarify whether the breaks are paid or unpaid to avoid any confusion.
- 4.2 Kernow Health will not encourage General Practice Bank Staff Workers working Assignments which would take them in excess of the 48 hour working week average over a 17 week period under the Working Time Regulations 1998.
- 4.3 Where an Assignment is 12 consecutive weeks or more, the Practice must give consideration to offering a Fixed Term Contract. If the Practice offers an Assignment for 12 consecutive weeks or more, as an Employment Business, Kernow Health is obligated under the Agency Worker Regulations and will contact the Practice to discuss employment arrangements.
- 4.4 Where an Assignment has been running for 9 weeks and is likely to continue for 12 consecutive weeks or more, Kernow Health must be informed to ensure compliance with the Agency Worker Regulations. If it is likely to continue for 12 consecutive weeks or more, the terms and conditions must be assessed against a comparable employee.
- 4.5 Where a Bank Worker works consecutively for 11 weeks and then takes a break (not for annual leave) and then returns to a new assignment the AWR would not be applicable.
- 4.6 It is recommended that all assignments which are normally provided in a Practice by a Practice employee are advertised with Comparable Terms and Conditions i.e pay rate is equivalent to the comparable worker, to avoid any disputes under the AWR.

## **5.0 Remuneration of Bank Workers**

- 5.1 Pay rates will be set by the receiving practice and agreed between the Bank Worker and the Practice via the Lantum Platform. There is the facility for messaging via the Lantum Platform, for any negotiation between the individual and the practice around pay rates.
- 5.2 The hourly rate will normally be the gross hourly rate payable, the Bank Worker is advised to seek clarity from the Practice should it not be clear.
- 5.3 The practice will be responsible for paying NHS pension contributions for Locum GP's only. Pension will not be paid by the Practice for any other staff member via Lantum. Where this is applicable, this should be stated in the shift details between the individual and the practice. Invoicing for pension contributions will be made from Lantum and payment of invoices will be in line with the Lantum terms and conditions.
- 5.4 If the individual is working for Kernow Health as a Casual Worker, Kernow Health will be responsible for making any pension arrangements via the NHS pension (if they are contributing member) or NEST pension where appropriate. Practices will be invoiced by Kernow Health for any hours, worked, travel disbursements, employee on costs and pension contributions payable.

## **6.0 Invoicing**

- 6.1 There is a Lantum fee of 1% on each individual invoice for any Cornwall General Practice Staff Bank worker booked. This fee is invoiced directly from Lantum and is payable directly to Lantum.
- 6.2 Practices need to be mindful of Lantum terms section 4.7 of the Lantum Terms – fees for short cancellation of assignments by a practice may incur a cost.
- 6.3 Kernow Health will invoice the practice retrospectively for any on costs associated with paying a Casual Worker through Kernow Health.
- 6.4 The Locum Worker will invoice the practice via the Lantum Web Platform.
- 6.5 If a practice is unable to fill a shift from the General Practice Staff Bank, access to the Lantum 'Marketplace' is also available. Practices are able to access those who are signed up to Lantum, but not part of the General Practice Staff Bank for a fee of 10% of the shift worked, rather than the 1% for the Bank Workers. This gives Practices the opportunity to access a wider pool of individuals, but those on the Marketplace have not signed up to be part of the Cornwall General Practice Staff Bank and therefore will not operate within the agreed terms.

## **7.0 Payment of mileage**

- 7.1 In order to encourage travel to more remote practices, mileage payment is made where a Bank Worker agrees to work more than 25 miles away from their home, (50 miles round trip). This must be agreed at the time the shift is accepted and logged on the Lantum Platform. Payment is made at the rate of 45p per mile for any miles travelled in excess of 50 miles in a round trip. Bank workers must include this payment in their timesheet to the practice for approval. Payment for mileage for Locum Workers will be made directly by Lantum and the practice will be invoiced by

Lantum. Payment for mileage for Casual Workers will be made by Kernow Health and Kernow Health will invoice the practice for any mileage payments claimed.

- 7.2 Additional hours will be incurred where travel takes over 1 hour from home to reach the base for the assignment. These details must be specified and agreed in the Engagement Details on the Lantum Web Platform prior to the assignment. The General Practice Bank Staff practitioner will complete their timesheet to this effect and raise an invoice for their assignment accordingly.

## **8.0 Employees already working in a practice**

- 8.1 Based on the feedback from Practice Managers, the following obligations have been included to protect Practices and their existing workers.

- Any individual wishing to join the General Practice Staff Bank must obtain written acknowledgement from their existing Practice via the “Staff Acknowledgement Form”.
- Where Bank Workers already have a substantive post with a practice they must inform Kernow Health of the hours they are contracted to work, and notify Kernow Health of any change in circumstances to ensure compliance with the Working Time Regulations 1998.
- It is a requirement that any Bank Worker, who is already employed by a practice, must not make themselves available for work on the Bank while they are on annual leave. When taking annual leave from their existing practice, the Casual Worker must ensure they are showing as unavailable on the Lantum rota system.

Practices are encouraged to inform Kernow Health should they be aware that this has happened. Kernow Health will address this with the Bank Worker.

## **9. Feedback**

- 9.1 Feedback is requested through the Lantum Platform on all Bank Workers on completion of a shift.
- 9.2 Where feedback provides sufficient grounds for removal or suspension from the Cornwall General Practice Staff Bank or there is a Safeguarding concern raised and that Bank Worker is employed by a Practice, Kernow Health will inform that practice as soon as is practicable.
- 9.3 If a Bank Worker has seen excellence, anything of concern, issues or patient safety incidents within the practice they are working in, this can be raised via STREAM (soon to be renamed PITCH) run by the CCG.
- 9.4 Where the Bank Worker has a serious concern about the practice they have been assigned, they may raise these concerns via the Practice’s or Kernow Health’s whistleblowing policy.