

Guidance notes on the provision of temporary staff

Key points:

- Hire a student via Careers & Employability Centre if possible
- Check evidence of right to work in the UK (and when to notify Human Resources)
- Consider a fixed term appointment if more than 3 months
- Use Office Angels if unable to use Careers & Employability Centre
- Obtain approval before providing purchase order number to Office Angels

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SECTION A

1. Introduction, background and summary

The guidance in the following paragraphs sets out the points to be considered when there is a requirement to cover a particular staffing need for a short period. It also outlines the steps to be taken if a temporary worker is needed.

It is the University's practice to enhance student employment opportunities and, to this end, the Careers and Employability Centre (CEC) advertises temporary and normally part time work to existing students of the University (see paragraph 5 below for more details).

The University also has a preferred agency agreement (with Office Angels) for the provision of temporary employees/agency staff where CEC cannot be used. The preferred agency agreement is mainly for the provision of temporary administration staff to cover staff shortage, absence or give general assistance to individual departments at peak times (see paragraph 4 below for more details).

Additional arrangements are also in place in the event that specialist staff are required.

When employing temporary staff (other than through Office Angels) it is essential to check that **all staff** have the right to work in the UK, not only those from outside the UK. Please see section 4 for full information.

2. Steps to be considered when there is a need for temporary cover

How many hours each week is the short term need for?

For work of 15 hours or less each week, consideration should be given to (i) employing a student, via CEC (if the work is appropriate) or (ii) using existing staff, for example, by agreeing additional hours for part-time staff or by agreeing time off in lieu for full-time staff. Office Angels may be used if these options are not viable.

For work of between 15 and 20 hours each week, consideration should be given to (i) employing a postgraduate student, via CEC (if the work is appropriate) or (ii) using existing staff, for example, by agreeing additional hours for part-time staff or by agreeing time off in lieu for full-time staff. Office Angels may be used if these options are not viable.

How long is the short term need?

If the work is likely to last for longer than 3 months, consideration should be given to (i) advertising the temporary vacancy and appointing to a fixed term contract (CEC can be used to advertise to recent Sussex graduates) or (ii) using it as a secondment opportunity. Office Angels may be used if these options are not successful.

If the work is for less than three months, consideration should be given to (i) employing a student, via CEC (if the work is appropriate) or (ii) using existing staff, for example, by agreeing additional hours for part-time staff or by agreeing time off in lieu for full-time staff. Office Angels may be used if these options are not viable.

Please remember that where a temporary agency worker's assignment is expected to last longer than 12 weeks, an agency worker will, after the 12 week qualifying period, be entitled to the same basic terms and conditions as if they had been recruited directly as a member of staff. This will significantly increase the agency fee. Managers are therefore encouraged to consider at the outset whether another casual and/or short-term resourcing method would be more appropriate. Advice can be sought from Human Resources. Please note that if the temp has been working in a similar role in another area of University, their time in this role may count towards the 12 week qualifying period.

SECTION B

3. Using the Careers & Employability Centre (CEC)

In order to enhance student employment opportunities, the first option for obtaining temporary staff should be to contact CEC. This offers temporary and normally part time work to existing students of the University as well as to recent graduates (in which case the work may be full-time).

CEC promotes work experience opportunities, vacation work, part time paid work, placements and full time graduate posts. Advertisements appear online at <http://www.sussex.ac.uk/careers/jobs/>.

For a number of years the University has operated the policy of employing students on campus in temporary jobs, where it is possible to do so, to provide students with the opportunity to work on campus alongside their studies. In an average year CEC advertises around 100 part-time vacancies on campus and acts as a vacancy dissemination broker with opportunities which are suitable for either our current students or recent graduates.

No pre-selection services are carried out as part of this service but CEC monitors all vacancies before they are promoted to ensure that they meet equality and diversity legislation and the minimum wage.

CEC has an on-line vacancy database which students can access for temporary work. University heads of department and other staff with the power to hire are encouraged to recruit temporary student and recent graduate staff through this service by submitting information to CEC in the following ways:

Online: <http://www.sussex.ac.uk/careers/aboutus/employers>

Email: careersjobs@sussex.ac.uk

Phone: 01273 678429 Fax: 01273 678846

Post: Careers and Employability Centre (CEC), The Library, University of Sussex, Brighton, BN1 9QL

CEC asks that all employers (including University departments and services) advertising with its service agree to its Code of Practice, which is available at: <http://www.sussex.ac.uk/careers/aboutus/employers>

Please refer any enquiries to Andrea Wall on (87) 3384.

4. Checking evidence of the right to work in the UK

Line managers should always ensure that anyone who will be offered a work assignment directly by a school/division (rather than via Human Resources) has the (suitable) right to work in the UK.

All staff need to provide sufficient evidence, not only those from outside the UK / EEA. **You should undertake these checks before any work is carried out and no work should commence until the original documentation has been seen.**

Nationals from the countries listed in the table below are free to come to the UK to live and seek work here.

Austria	Belgium	Bulgaria	Cyprus	Czech Republic
Denmark	Estonia	Finland	France	Germany
Greece	Hungary	Iceland	Ireland	Italy
Latvia	Liechtenstein	Lithuania	Luxembourg	Malta
Netherlands	Norway	Poland	Portugal	Romania
Slovakia	Slovenia	Spain	Sweden	Switzerland
United Kingdom				

Please see <https://www.gov.uk/government/publications/acceptable-right-to-work-documents-an-employers-guide> for guidance on what evidence can be accepted.

You will need to satisfy yourself that the person presenting the passport, national identity card and/or Biometric Resident Permit **is** the person named in the passport, that the document is genuine and then take copies as follows:

- the front cover of the passport or relevant national identity card, any inside cover pages with passport number / security features, and the page showing the person's personal details and photo (**all individuals**)
- the registration certificate (purple, blue or yellow) which they should already hold (and cannot work without) (people from **Croatia**)
- the visa documentation in the passport *or* the biometric card (both sides of the biometric card) (**individuals from countries not specified above**).
- Marriage / deed poll certificate if the name on the documents above is different.

The copies should then be marked '**original seen and verified**', and be signed, named by the document checker. Please indicate that '**the documents were checked on DATE**'. Without there being a record of when the check is undertaken – this may not satisfy Home Office rules and provide the University with a statutory excuse. HR can provide a template evidence header sheet, so that document checkers only need to add name, signature and date/time rather than manually writing on each document.

These documents and records should be retained by the department for the duration of employment and for a period of 2 years after the employment has ceased.

Please see page 6 & 7 of this document for guidance on what **additional documents and checks are required for student visa (Tier 4) holders.**

People with visas or biometric cards:

For anyone with a **visa or biometric card** - additional certified copies should be made and sent to Human Resources to human.resources@sussex.ac.uk or hard-copy to the 'HR Compliance Officer in Room 338, Sussex House' for recording and monitoring visa expiry dates.

Once HR has entered the details on their right-to-work monitoring spreadsheet **the documentation will be destroyed**, so please ensure that you retain your original copies.

For employees holding a visa you will need to send to the Human Resources Department information about what work the individual is undertaking. Please attach this to scans of certified document copies to the email address: human.resources@sussex.ac.uk:

We require the following information:

- Job title
- Line manager / Supervisor
- Date the work / temporary assignment commences from
- Date the work / temporary assignment finishes (*a provisional date is better than no date if not known at start of assignment*)

HR can provide a template table for the above information and to request this please email human.resources@sussex.ac.uk in advance to obtain a copy of this.

- **Any valid visa stamp must be held within a current passport** – a combination of expired/cancelled passport with visa stamp, and a separate current valid passport is not proof of right to work in the UK*.

**With the exception of the EEA Family member permit – which cannot be transferred to new passport or biometric card and thus is acceptable in an expired passport.*

- Where someone has **indefinite leave to remain (settlement)** in the UK they can legally work full time hours with no restriction
- Where someone has a **Tier 2 skilled workers visa** – you will need to check with Human Resources whether this person is legally permitted to undertake the work on this visa before you confirm a start date – Tier 2 visas are issued for a specific role/sponsor, and any additional/supplementary work must be for the same type and level of job.

- When someone has a **Tier 5 temporary workers visa** – you will need to check with Human Resources whether this person is legally permitted to undertake the work (This is not likely to be permitted for casual work, as again – Tier 5 sponsorship is usually for specific activity/work).
- Where someone has a **dependent/spousal visa** they can legally work full time hours with no restriction. However, these visa's will usually have an expiry date that will need to be recorded and monitored.
- Where someone has a **Tier 4 (student) visa** they must not:
 - work for more than **20 hours per week** if they are a **university student** unless their placement is part of their studies, has been agreed with their educational institution and leads to a degree or qualification awarded by a nationally recognised examining body;
 - work for more than **10 hours per week** if they are a **student at a further education college, or undertaking a course below degree level**;
 - work at all if they are another type of student (i.e. visiting student);
 - work in full-time, permanent position.

The maximum hour limits on student visas are for their **total number of hours permitted per week**, so if the individual is working at another role at the University, or in a job outside the University, they should be reminded that it is their responsibility to ensure they do not exceed their permitted total hours as detailed on their Visa, and asked if they are undertaking any other work aside the assignment you are offering them. This maximum hours will also include any 'voluntary work' so please be mindful of this.

The University calculates the 20 / 10 hour weekly maximum on a Monday to Sunday week basis and this is how the student should keep a record of their hours to ensure they do not exceed their restriction.

Whether the student is permitted to work any **additional hours during defined holiday periods or after their studies have been completed** will be dependent upon their type of course and current study status, so please ensure you check with Human Resources for guidance before offering any work over the maximum weekly hours stated on their visa/biometric card.

For detailed guidance about working whilst on a student visa please see <http://www.sussex.ac.uk/academicregistry/academic-registrars-office/compliance/working> - please direct the student employee to this guidance if they are not clear about their working rights and responsibilities.

For all student visa holders, it is a legal requirement for employers to obtain **proof of the employees student status** from the relevant University/College or School, as well as confirmation of that institutions **vacation times** (*available on the University website*). For *University of Sussex students* this can be confirmed in writing by Student Systems and Records Office or Research Student Administration.

For Tier 4 students at other educational institutions it will be expected that the student worker arranges a formal letter with the required information and

provides this original letter with their passport/biometric card. **This is a legal requirement and must be produced before any work is carried out.** HR Can provide a template to the individual for them to request the correct information from their sponsor.

Where someone has a **Tier 4 Doctorate Extension visa** they will be permitted to work full time hours for the duration of this visa, in any role.

If you are unsure about any of the evidence documentation provided or the current University process - please contact Dan Bowden, HR Compliance Officer or Jackie Saywell-Hall, HR Manager in Human Resources for advice on document checking, and you may also wish to check the following websites:

Permitted Paid Engagement visa

There is a visa category for non-EEA nationals who will be engaged for up to 1 month, for specific permitted **paid** activity.

This could include: **Guest Lecturers, External examiners, External supervisors** who do not have the right to work in the UK without a working visa.

Full information can be found on: <https://www.gov.uk/permitted-paid-engagement-visa/overview>

If you will be inviting any experts / guest lecturers or any other permitted type of person, please advise Human Resources as soon as possible after you have identified the person. We will be able to support you in writing a suitable invitation letter to support their Permitted Paid Engagement visa application and entry to the UK.

Examples of how documents should look

- <http://www.consilium.europa.eu/prado/EN/homeIndex.html>

UKVI Guidance on checking right-to-work

- <https://www.gov.uk/check-job-applicant-right-to-work>

SECTION C – USING OFFICE ANGELS

5. Preferred agency

For all requirements not serviced by CEC the University has a preferred agency agreement with Office Angels for the provision of temporary employees/agency staff for the majority of University requirements.

The agreement will remain in force for a period of three years, with potential for an extension of a further two years awarded on an annual basis, subject to mutual agreement.

6. Procedure for approval and ordering

Before a temporary agency worker is engaged, the hiring manager must complete the 'Request to engage or extend a Temporary Agency Worker' form <http://www.sussex.ac.uk/humanresources/documents/request-for-temp.doc>. The form must specify an end date for the assignment and must be signed off by the relevant Head of School or Professional Services Director.

Purchase orders should always be raised when booking a temp from Office Angels to ensure there is sufficient budget provision and to facilitate tracking of temporary staff use. Office Angels have been asked not to accept bookings for temps without such a purchase order. The purchase order should specify the number of weeks and total cost. Further approval should be obtained and a further purchase order raised in the event of the temporary need continuing.

7. How to book a temp from Office Angels

Requests can be made to Office Angels in the following ways:

- Phone (preferred): Cheryl Cumber, Account Manager, 01273 737554.
- Email: cheryl.cumber@office-angels.com

On day one of the assignment the temp should be provided with the 'Notes for Temporary Agency Workers at the University of Sussex' found at <http://www.sussex.ac.uk/humanresources/documents/notes-for-agency-workers-at-the-university-of-sussex.pdf>.

This document provides temporary agency workers with information about access to facilities which they are entitled to on day one of their assignment under the Agency Workers Regulations 2010. More information is available in the 'Agency Workers Process' document on the HR website at <http://www.sussex.ac.uk/humanresources/personnel/policies>

8. Timesheet and invoice arrangements

The temp's timesheet should be authorised on-line by the relevant line manager or nominated deputy at the end of each working week (or at the end of the booking if less than a week). The invoice will be sent to the named person on the purchase order. The budget holder should sign the invoice and pass it to management accounts for processing. Detailed guidance about on-line timesheet arrangements will be given to the temp bookers at the time of placing the order.

9. Management of agency contract

Human Resources, with Procurement, have responsibility for managing the contract with Office Angels. Half-yearly contract review meetings are held. The agenda includes management information on level of usage, customer satisfaction (from client service evaluation questionnaires), complaints made as well as ad hoc matters. Office Angels will also inform the relevant line manager when a temp has completed 10 weeks of the assignment so that arrangements can be made to ensure compliance with the Agency Workers Regulations.

10. References and other checks

Temporary staff at Office Angels have a contract of employment with Office Angels, that is they are employees of Office Angels, not of the University. Office Angels request full employment references for the previous 2 years and if there are gaps in the employment history they request character references for those periods. Office Angels also check that individuals has the right to work in the UK.

11. Suitability of temporary staff

The University reserves the right to reject the placement of any particular individual, without stating reasons, or to require the immediate withdrawal of an individual once a placement has commenced.

Should an individual supplied prove to be unsatisfactory (in terms of ability to carry out the duties to a satisfactory level or unreliable in timekeeping or accuracy of work), the charge for the time worked by that individual will be reduced or cancelled provided that the individual leaves the assignment immediately and the University notifies Office Angels within 7 hours of the start of the assignment (or within 2 hours if the assignment is for 7 hours or less). Notification must then be confirmed in writing within 5 days. In the event that an individual becomes unsatisfactory later on in the assignment you should notify Office Angels as soon as possible to agree next steps.

12. Complaints procedure

In the event of a complaint about an Office Angels temp the standard procedure is for the local line manager to raise the issue with our dedicated account manager at Office Angels who is responsible for tracking the issue through to resolution. The complaint will be logged, and escalated if unable to be resolved locally, and HR and procurement will be informed.

SECTION D

13. Frequently asked questions

Can we do 'temp to perm' or do we need to advertise?

If the vacancy that the temp is covering becomes either permanent or longer term, the post should be advertised, at the very least on the University's website. There is no provision for 'slotting in' an agency or other temp without a proper recruitment process having been gone through.

Is it a hard and fast rule that if the vacancy is for more than 3 months it should be covered on a fixed term contract?

No, but it is best practice, particularly covering maternity leave when the vacancy could be for up to one year. You will also need to consider how quickly you need the temp and what the costs are for the different options.

Can I take on an agency temp to see if they 'work out'?

This is not acceptable. You should not use the temp on trial. The University's probation procedure is designed for this purpose.

Do Office Angels temps get holiday pay?

Yes, they receive the statutory holiday entitlement, currently 28 days which includes public holidays.

If I make a booking for 4 weeks, how can I guarantee the temp will not take a week's holiday in that period?

Office Angels would ask the candidate if they were available for the whole period.

Do Office Angels temps get sick pay?

Yes, they received Statutory Sick Pay from the fourth day of sickness.

Should I ask the temp to sign a confidentiality form?

This depends on the nature of the work, although it is good practice to do so. This is particularly important if the work that the temp is carrying out relates to an externally funded project in which there will be intellectual property considerations or where the temp is developing software code and there needs to be clarity about the ownership of the coding. In such cases you should seek the advice of the Research & Enterprise Division.

Is an approval form still needed if I want a temp through CEC?

You will still need sign-off from your Finance Manager.

What are the arrangements for paying holiday pay to students recruited through CEC?

Holiday pay at the appropriate rate (12.1% from 1 April 2009) is added on a weekly basis automatically by payroll. The holiday is then taken at a time when the student is not working for you.

If someone works for more than one part of the University, do all line managers have to carry out the check on their right to work in the UK?

Yes. This is to ensure that the University is complying with its UKVI (Home Office) duties in this respect.

If the employee has a restriction on the number of hours they can legally work, it is important to remind them not to exceed their total hours between roles (based on a Monday to Sunday working week)

Can the check on the right to work in the UK be done retrospectively, for instance if someone is taken on at the last minute?

No. Line managers must always undertake this check **before** someone starts working. The appropriate form and guidance on nationalities/evidence documents is on the HR web pages at:

<http://www.sussex.ac.uk/humanresources/personnel/forms/otherforms>

Human Resources staff can also advise managers of the University right-to-work checking processes to ensure we are UK Visa & Immigration compliant with all our employees.

If your school/division/team requires training related to Right to work / UKVI please email human.resources@sussex.ac.uk. Human Resources staff can also support you with audits of your casual employee records.

What do I do if I want to engage a volunteer, and what requirements are there?

Please contact your HR Adviser firstly to ascertain whether a voluntary arrangement will be suitable for any activity.

If so, we would advise that an identity check is undertaken before the start date using the same documents as a right to work check. As well as checking the individuals identity, and ensuring they have the right to volunteer, this process will also identify any individuals on a visa status that either does not allow volunteering / voluntary work (Some refugee statuses can mean this is not permitted), or means that any voluntary 'work' would form part of a weekly maximum number of hours permitted (Student visa holders).

What if I have specialist requirements that Office Angels can't meet?

For specialist requirements such as accountants, ad hoc catering staff etc. the University has in place arrangements with other specialist providers. Please contact the Procurement Office for more information.

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