



Cardiff & Vale University Health Board

Medical and Dental Staff Bank Terms and Conditions

1.0 Status of Bank Workers and Accountability

- 1.1 This agreement governs the arrangements under which your name will be maintained on a list of persons available to carry out work as and when required by the Health Board (“the Bank”) and the terms in which any work is carried out.
- 1.2 There is no obligation on the Health Board to offer work to the Bank Worker and no obligation on the Bank Worker to accept work via the Bank. Each offer of work by the Health Board which is accepted by the Bank Worker (“an assignment”) is an entirely separate engagement and there is no relationship between the Health Board and the Bank Worker after the end of one assignment and the start of another unless it is specifically stated in this agreement (such as in relation to confidentiality).
- 1.3 The fact that the Health Board has offered work to a Bank Worker or offers work on more than one occasion does not confer any rights on the Bank Worker and in particular, should not be regarded as establishing any entitlement to be offered any further work. The work is “as and when”. There is no obligation on the Health Board to ensure that any available work is distributed fairly between Bank Workers or otherwise than as the Health Board in its absolute discretion.
- 1.4 Nothing in this document constitutes an employment contract, it is a Bank Workers terms of engagement. If a Bank Worker is also an employee of the Health Board, that employment contract is entirely independent of and separate to any Bank Workers terms of engagement.
- 1.5 Terms and conditions of employment for doctors working in the NHS do not apply to Bank Workers, including during a Bank assignment. Any time during which a person is registered on the Bank does not count towards reckonable service, maternity increments or pay progression for the purposes of any NHS employment contract.
- 1.5 Bank Workers are accountable to the Health Board’s Medical Director, and whilst working are responsible to the manager of the area in which they are working (“the Assignment Manager”).

2.0 Pay & Annual Leave

- 2.1 Bank Workers are paid in accordance with the rates defined within the Health Boards Medical Temporary staffing policy & pay rate (as amended from time to time). These rates are inclusive of annual leave pay and are recorded on the Bank Workers payslips.
- 2.2 Annual leave for Bank Workers will be calculated on a regular basis in accordance with the statutory minimum entitlement. The current statutory entitlement to paid annual leave under the Working Time Regulations is 5.6 weeks.
- 2.3 Entitlement to annual leave is accrued as hours are worked. The holiday entitlement of 5.6 weeks is currently calculated as 12.07 per cent of hours worked over a year.
- 2.4 The Bank Worker is responsible for ensuring that all paid annual leave is requested and taken within the leave year.

- 2.5 Holiday pay will be calculated & paid according to the relevant law from time to time which is currently calculated at 12.07%.
- 2.6 Payment for work will be made weekly or monthly in arrears by bank credit upon submission of electronic timesheet and timesheet approval.
- 2.7 All Bank Work must be claimed for via submitting hours on the Health Board on-line timesheet system. If a Bank Worker is unclear about the timesheet system, they should contact the Medical and Dental Bank team.
- 2.8 There is a 3 month cut off date for claiming pay for hours worked from the date of the completed shift hours worked. After that date the Assignment will be closed.

3.0 Allocation of Work

- 3.1 The Assignment will specify the location and specialty/duties of work for the assignment, but the Bank Worker may be required to work at any of the other Health Board locations or ward(s) if the Assignment Manager or the Health Board consider that it is reasonably necessary to meet the needs of patients.

4.0 Hours of Work

- 4.1 The Health Board will set out the start time and end time of any Assignment and the Bank Worker will be required to complete the assignment. The Bank Worker may be required to work past end time of the Assignment if the Assignment Manager considers that it is necessary to meet the needs of the service or is necessary for patient care, but the Assignment Manager will also have regard to any other clinical commitments of the Bank Worker before making such a request.
- 4.2 A Bank Worker must not work such number of hours in excess of 48 or any other excess of hours as permitted for medical and dental staff from time to time within the Working Time Regulations. The health and safety of the Bank Worker and patient safety is paramount at all times.
- 4.3 A Bank Worker is entitled to an unpaid break of 30 minutes for every 6 hours worked. Bank workers must liaise with the Assignment Manager to agree the most appropriate time to take a break. It will be assumed that breaks are taken during an assignment.
- 4.4 Bank Workers should also ensure they have a minimum of an 11 hour rest period between shifts or as applicable to medical & dental staff from time to time.

5.0 Absence

- 5.1 Bank Workers who cancel an assignment should notify the Bank team as soon as possible, and ideally not less than 24 hours prior to the start of the assignment (if working outside of normal office hours the duty manager through the Health Board switchboard should be contacted).

6.0 Registration

- 6.1 A Bank Worker must provide evidence of their professional registration and notify the Health Board/Medical & Dental Staff bank team immediately of any changes to their registration status. The Bank Worker must be a fully registered medical practitioner or registered dental practitioner, as appropriate, at any time that they are undertaking an Assignment. (The only exception being a doctor with provisional registration undertaking FY1 equivalent duties).
- 6.2 A Bank Worker must immediately inform the Health Board/Medical & Dental Staff bank if they are subject to any disciplinary or professional body investigations.

7.0 Uniforms / Parking Permits.

- 7.1 Bank Workers are expected to conform to the Health Board Uniform and Dress Code Policy.
- 7.2 All ID badges remain Health Board property and must be returned if registration with the Bank ceases for any reason.

8.0 Health & Safety at work

- 8.1 Bank Workers are required to conform to and operate under the HB policies and procedures (to include current Coronavirus procedures) designed to provide a safe working environment for all employees, workers, patients and visitors. The HB will provide the necessary communication, training and support to enable the Bank Worker to meet the HB's legal responsibilities.
- 8.2 Bank Workers have a duty to be fit when attending for Bank Work and workers should report any circumstances where themselves or colleagues maybe unable to operate in a healthy and safe working environment. Procedures are in place for this to be confidential.
- 8.3 Health Boards have a right to disengage a Bank Worker "without Pay" if they consider the Bank Worker is unfit for duty in respect of shifts the Bank Worker has already accepted. Thereafter the HBs have no duty to offer the Bank Worker any further shifts.
- 8.5 A pre engagement screening may be required to be registered on The Bank. The HB may require Bank Workers to be medically examined by a nominated doctor or by occupational health staff at any time while they are registered on The Bank.
- 8.6 Bank Workers must inform the HB as soon as possible if they are pregnant so the HB can put in place any necessary risk assessments.
- 8.7 Bank Workers must inform the HB immediately of any other health hazards.

9.0 Conflicts of Interest

- 9.1 Bank Workers are responsible for the Health Board property, for avoiding loss, for economy and efficiency in the use of resources and for conformity with the requirements of Standing Orders and Standing Financial Instructions.
- 9.2 The Bank Worker must follow the Health Boards Bribery & Corruption policy in respect of accepting gifts while on Assignment.
- 9.3 Bank Workers warrant they are not undertaking any external work, interest or activity which may be prejudicial to the work performed on behalf of the Health Board.
- 9.4 Bank Workers must declare on appointment to the Bank and keep regularly updated the Declaration of Interests Form on ESR to include any business interest, position of authority in a charity or voluntary body in the field of health and social care, and any connection with a voluntary or other body contracting for NHS services that may cause a conflict of interest in providing services through the bank register.

10.0 Liability for Personal Property

- 10.1 The Health Board will not accept liability for loss or damage to personal property on Health Board premises.

11.0 Code of Confidentiality.

- 11.1 Bank workers must at all times be aware of the importance of maintaining confidentiality of information gained by them during the course of their duties. It is the Bank Workers responsibility to treat all personal data according to the NHS Information Governance Principles whereby information must be obtained fairly and efficiently; recorded accurately and reliably; held securely and confidentially; used and shared appropriately and lawfully. Detailed guidance can be found on the Information Governance intranet.

Bank Workers must treat all information in a discreet and confidential manner and particular attention is drawn to the following:

- Confidential information regarding service users must not be disclosed either verbally or in writing to any unauthorised persons. It is particularly important that Bank Workers should ensure the authenticity of any telephone enquiries received.
- Written records, computer records and correspondence pertaining to any aspect of the Health Boards activities must be kept securely at all times and Information Governance & Data Security policy followed at all times.
- Bank Workers have an obligation to ensure that computer systems which they use are protected from inappropriate access within the direct area of practice e.g. by ensuring that personal access codes/passwords are kept secure.

- If it is necessary to share information in order to effectively carry out work, a Bank Worker must make sure that as far as is reasonable this information will be exchanged on a strictly „need to know“ basis, using the minimum that is required and be used only for the purpose for which the information was given.
- If unsure Bank Workers must seek advice from the assignment line manager, the Medical Staff Bank, the Health Boards Caldicott Guardian or the Information Governance Team.
- Conversations relating to confidential matters affecting service users should not take place in situations where they may be overheard by passers-by both inside and outside work, e.g. in corridors, reception areas, lifts, cloak rooms and car park or other public areas.
- Communication with the press or media, whether in response to an approach or at the instigation of the Bank Workers, should only be made through the Communications Team.
- Bank Workers who have a genuine and reasonable concern about practices or unlawful acts at work and wish to report this to the Health Board, should do so by using the Health Boards Raising Concerns Policy and Procedure.
- The GDPR/Data Protection Act 1998 (as amended) governs personal information recorded on computer and unauthorised disclosure of such information is unlawful.
- The same confidentiality must also be observed in dealing with work related matters pertaining to work colleagues.
- Bank Workers are not permitted to view or access their own personnel or patient record unless due process through Information Governance is followed.
- Unauthorised entry to computer records constitutes gross misconduct which may lead to formal action under the Health Boards Disciplinary and Appeals Policy for employees. Where a Bank Worker behaves in such a manner, this could lead to removal from the Bank. The Health Boards Disciplinary and Appeals Policy does not apply to Bank Workers, however the Health Board may if it considers it appropriate conduct such investigation as it considers necessary, and the Bank Worker must cooperate with any such investigation. The Principles as appended will be followed.
- Bank Workers will not at any time during their registration with the Bank (except as so far as is necessary in the course of their work) or afterwards, disclose to any person any information as to the business, dealings, practice, accounts, finances, trading, software, know-how, affairs of the Health Board of any of the Health Boards patients or prospective patients, distributors, firms, or companies otherwise connected with the Health Board.
- All information held about the Health Board or in connection with the Health Board and any of the above is to be regarded as confidential. All notes, memoranda, records and other documents of the employer and in the possession of the bank worker are and shall remain the property of the Health Board and shall be handed over by the Bank Worker to the Health Board from time to time on demand and, in any event, upon termination of registration. Bank Workers should understand that a breach of this clause may lead to removal from the Bank register. Should a Bank Worker breach this clause after their registration has ended, the organisation may take legal action against them.

12.0 Record Keeping

Bank Workers are responsible for any records that they create, use or handle and should be aware of the importance of good information security. The Data Protection Act 1998 (as amended) and GDPR places statutory restrictions on the use of person or patient identifiable information. Any disclosure of information without consent of the data owner or for purposes that are not compatible with the original purpose or not classed as fair and lawful processing may result in a breach of confidentiality under the guidelines of the Data Protection Act/GDPR and could result in removal from The Bank.

13.0 Computer Use, IT Security, Email and Internet Access

13.1 It is the responsibility of the Bank Worker to use the Internet and Email facilities in an acceptable and appropriate way as defined in any Health Board IT user and Social Media Policy. Copies of the policies and guidelines relevant to Email and Internet use can be found on the Health Board intranet

13.2 Breach of the relevant policy may result in removal from the Bank.

14.0 Equality and Diversity

14.1 The Health Board promotes equality and diversity at work. Bank Workers are expected to adhere to the Health Boards Equality and Diversity policy.

15.0 Disclosure and Barring Check and Processing of Data

15.1 Bank Workers will be subject to a Disclosure and Barring check (DBS) if the position requires one to be completed.

15.2 Bank Workers will be required to complete a DBS check annually or maintain DBS through the DBS update service. This will be at the Bank Workers own cost.

15.3 Any Bank Worker who has been arrested on a criminal charge must report the incident to the Bank. Failure to do so could result in removal from the Bank. Any conviction, caution or reprimand must also be reported and if it is considered by the Health Board to be of a serious nature may also lead to removal from the Bank.

15.4 The Health Board will collect and process information relating to a Bank Worker in accordance with the privacy notice which is on the digital gateway. A Bank Worker must notify the Bank if there is any change to their circumstances.

16.0 Training and Development

- 16.1 Bank Workers are expected to supply or complete a specialty specific local Induction programme and undertake the on-line induction modules (where relevant)
- 16.2 Bank Workers are required to sign in when attending mandatory training in order that a record of attendance can be recorded by the Health Board
- 16.3 Bank Workers are eligible to attend, in their own time and without reimbursement, any of the Health Boards training and development programmes, which are applicable in the view of the Medical/Dental Bank and with his/her authorisation.
- 16.4 Bank Workers must be up to date with all mandatory training or they may be subject to removal from the Bank register.

17.0 Conduct & Performance Issues

- 17.1 Should any problems be identified during the engagement on The Bank with regard to performance, capability or conduct, these will be discussed with the Bank Worker by the Bank Manager.
- 17.2 A fair process will be followed as underpinned by the ACAS Code of Practice on disciplinary matters and as set out in the Bank Register Principles (attached).
- 17.3 The Health Board where necessary will act in accordance with all statutory, safeguarding professional codes and any health and safety procedures.
- 17.4 If the issues are deemed to be of a serious nature, this may lead to removal from The Bank and/ or the Bank Worker being reported to the appropriate Professional Body/ GMC.
- 17.5 No Bank Worker has any entitlement to be registered on The Bank. The Health Board has full unfettered discretion to deem who should remain or be removed from The Bank, following a fair process in line with that set out in the Bank Register Principles.
- 17.6 A Bank Worker is required to inform the Bank at the time of registration on the Bank or at the time of being offered a shift if later if a family member or friend work in that location or has line management responsibility for that service.

18.0 Raising Grievances/Concerns

- 18.1 Any grievances that the Bank Worker has should be raised with the designated Bank Manager or the manager on duty who may follow the Principles and/or the informal Respect and Resolution policy
- 18.2 Bank Workers are encouraged to follow the Raising Concerns procedure should they have any whistleblowing issues.

- 18.3 For the avoidance of doubt the Bank Worker may report concerns/issues to the Bank Manager in the first instance in confidence, who will be able to advise on the course of action to take.

19.0 Deductions/Overpayments

The Health Board/Trust reserves the right to withhold payment or make deductions from payment in respect of over-payment to the Bank Worker. Whenever monies are to be recovered, the Health Board/Trust will aim to do so in a fair and reasonable manner. The Bank Worker will be notified of any deduction together with a brief explanation of how the overpayment occurred.

20.0 Eligibility to work in the United Kingdom

All Bank Workers are required to provide evidence of their eligibility to work in the UK in the form of a passport (or other documentation) or a valid work permit. Periodical checks will be made to ensure that this action has been taken, but should it be found that the work permit has not been renewed the Bank Workers will be removed from the Bank with immediate effect. However, if the Bank Worker is in the process of renewing their work permit and they have documentation to prove that they have sent an application to the Home Office to renew their permit, then they may be able to continue to be available for work.

21.0 Termination of Registration

- 21.1 The Health Board reserves the right to terminate this agreement and an individual's registration without notice and at the discretion of the Medical/Dental Bank at any time.
- 21.2 The Bank Worker is required to notify the Medical/Dental Bank if they are no longer available for work, in writing. The Bank Worker will then be removed from the Health Boards Medical/Dental Bank.
- 21.3 If records show that the Bank Worker has not accepted work for a period of 6 months it will be assumed that the Bank Worker no longer wishes to remain on the Bank and will be removed.
- 21.4 Should the Bank Worker decide to leave the Bank and register themselves with an outside Agency the Bank will operate a cooling off period of "12 weeks" to allow the Bank Worker back onto the Bank. A policy will operate to offer work to registered Bank Workers first and there is no guarantee any work will be offered to any outside Agencies. The Health Board/Trust reserves the right not to offer work to agency workers that have left the Health Board/Trust during the 12 week period.

I hereby accept the offer of registration to the Medical/Dental Bank on the terms and conditions as set out above. I acknowledge my responsibility to familiarise myself with the Cardiff & Vale University Health Board's Policies and Procedures.

(If a signed copy is not received within 14 days of the date above it is assumed that these terms and conditions are agreed)

I (insert name in capitals) am pleased

To join the Medical/Dental Bank for Cardiff & Vale University Health Board and understand and accept the terms and conditions.

Signed

Date

Appendix

The Bank Register Principles

1. The Bank Register (“The Bank”) exists:

- To support the service to ensure that safety and quality of standards in patient/client care are maintained;
- To provide cover at all times as required including in the event of staff absence and in times of increased activity;
- To provide reliable and flexible cover.

By its very nature work is ad hoc, not permanent and workers are required at short notice often to provide emergency temporary cover.

2. Discrimination and the Equality Act 2010

It is likely that Bank Workers will be deemed workers under the extended definition in S230(3) of the ERA 1996 and protected under the Equality Act 2010.

The NHS recognises the diversity of its workforce. Our aim is to provide a safe environment where all employees are treated fairly and equally and with dignity and respect.

3. Conduct Issues

3.1 Registered Medical Doctors are expected to follow the General Medical Council (GMC) Code of Conduct “Good Medical Practice” and ethical guidance. Failure to do so may lead to referral to the GMC.

3.2 Registered Dentists are expected to follow the General Dentist council (GDC) Code of Conduct and ethical guidance. Failure to do so may lead to referral to the GDC.

3.3 Registered Nurses and Midwives: Registered Nurses and Midwives are expected to follow the NMC Code: Professional Standards of Practice and Behaviour. Failure to do so may lead to referral to the NMC.

3.4 Registered Allied Health Professionals are expected to follow the HCPC Standards of Conduct, Performance and Ethics. Failure to do so may lead to referral to the HCPC.

3.5 All staff should follow their internal organisations standards of behaviour.

4. Procedure

4.1 Should any misconduct or capability issue, whether by a registered practitioner or other Bank Worker occur, the case will be dealt with in a timely manner, within one month of the initial assessment, unless there are exceptional circumstances. There will not be any need for a formal investigation report although a thorough examination of the known facts will take place. An investigating officer will not, therefore need to be appointed, but in serious cases may be.

Examples of misconduct (which is NOT exhaustive) include:

- Failure to comply with working procedures
- Refusal to carry out reasonable instructions given by an authorised person.
- Failure to maintain registration with relevant mandatory professional body
- Serious instances of professional misconduct e.g theft, fraud, assault.
- Personal behaviour conducted either inside or outside of work or working hours that, results in bringing the NHS Organisation or any of its employees into disrepute.
- Serious failure to meet required standards of performance and behaviour as expected within the employee's role and responsibilities.

4.2 If the Bank manager feels that there is a complex issue it should be discussed internally in respect of professional or safeguarding escalation procedures and risks assessed accordingly. If the concerns follow a safeguarding route, then it is important that the outcome of any safeguarding investigation is considered as part of the process outlined in 3.6 & 3.7 below.

4.3 If concerns arise, that are related to a medical student or a student undertaking a Health related university course such as Nursing, Midwifery or Allied Health then there must be clear agreed process as to which route the fact finding is following and the lead organisation.

4.4 If the concerns occur when the student is on their agreed student clinical placement, then any concerns would be risk assessed by the relevant university and progressed in line with relevant university Fitness to Practise procedures. The university may need to disclose the concerns to the Health Board if they are sufficiently serious that the Health Board may need to consider temporary stopping of shifts, pending university processes.

4.5 If the concerns occur when the student is working as a Bank Worker during a booked shift in the Health Board, then the concerns would be risk assessed by the Health Board and progressed in line with this process. The Health Board may need to disclose the concerns to the university, if they are sufficiently serious that the university may need to consider temporary stopping of placements, pending Health Board processes.

4.6 Both organisations would need to be mindful of relevant processes and timescales in managing the concerns

4.7 Appropriate action might be to:

- take no action
- issue an informal warning
- issue a formal warning which goes on the Bank Worker's file
- Removal from the Bank Register

4.8 A fair process should be followed in line with that set out in the ACAS Code of Practice on disciplinary and grievance procedures. This includes:

- Establishing the facts of each case
- Informing the Bank Worker of the problem
- Allowing the Bank Worker to be accompanied to any meeting
- Deciding on the appropriate action
- Providing an opportunity to appeal

5. Respect and Resolution

Bank Workers have recourse to the informal resolution stages of the All Wales Respect and Resolution policy. They shall be supported and encouraged to seek resolution using the tools set out in the Respect and Resolution Policy toolkit.

It is hoped any issues can be resolved by using the “toolkit”. Should a grievance not be resolved then the Bank Worker shall be able to follow a fair process in line with that set out in the ACAS Code of Practice on disciplinary and grievance procedures.

This includes:

- Let the NHS Organisation know the nature of the grievance
- Hold a meeting with the Bank Worker to discuss the grievance
- Allow the Bank Worker to be accompanied at the meeting
- Decide on appropriate action
- Allow the Bank Worker to take the grievance further if not resolved