How to: understand Government Procurement Service (GPS) framework agreements for the supply of health-related temporary staff
This guide has been produced to provide background information and answer frequently asked questions about Government Procurement Service (GPS - previously called Buying Solutions) framework agreements for the supply of health-related agency staff.

A joint production between the NHS Employers organisation and GPS, this guide provides an introduction to the framework agreements and signposts NHS organisations to sources of further information.
Background to Government Procurement Services (GPS)

GPS is an executive agency of the Cabinet Office. Its overall priority is to provide procurement savings for the public sector and to deliver centralised procurement for central government departments.

GPS is the largest professional buying organisation in the public sector and the only service with a legal remit to trade across the whole of the UK's public sector. GPS is a trading fund that uses a supplier-commission model, meaning that funding for the service comes from commission charged to suppliers signed up to the framework.

Essentially, GPS buys products and services in bulk on behalf of the public sector using specialised procurement skills to get the most cost-effective price possible for public money. Further information can be found in the about us section of the GPS website.

Framework agreements for the supply of health-related temporary staff

The framework agreements provide NHS organisations with best possible value for money when sourcing temporary staff from a commercial supplier. They offer assurance that temporary staff supplied are of sufficient quality, having undergone the required employment checks in accordance with mandatory NHS Employment Check Standards. Factors relating to patient safety and clinical governance were major drivers in setting up the framework agreements. All appointed suppliers undergo ongoing performance management through auditing procedures outlined below.

The frameworks set out terms of business such as the conditions of contract, and provide legal protection to NHS organisations. GPS framework agreements are pre-tendered and fully EU-compliant, saving time and money in procurement.

Using existing contracts and framework agreements can deliver significant efficiency savings for your organisation. By aggregating demand with that of other public sector organisations, NHS organisations can achieve highly competitive prices and benefit from standardised conditions that comply with the latest legislation. Contracts can be awarded under the framework agreement without the need to re-advertise and undertake a full procurement exercise.

There are four separate agreements currently in place. These are:

- medical locums (excluding GPs)
- nursing
- allied health professionals and health science services (AHP and HSS)
- non-medical, non-clinical staff (NMNC).

Under European Union procurement rules, each of the agreements can run for three years (which on occasion can be extended to four) before being reviewed. Once an agreement is in place new agencies are unable to sign up to the framework and must wait for the negotiation of the next agreement.

The GPS framework agreements are separate from others negotiated by professional buying organisations. GPS actively encourages NHS organisations to use its framework agreements to achieve best possible value for money and ensure that temporary staff supplied are of sufficient quality. Further information about each framework agreement can be found on the GPS website.
Each framework agreement has its own dedicated section on the GPS website and a list of links is included at the end of this guide. NHS organisations can access latest news, framework agreement documentation, agreed contract pricing, assurance and audit information and appointed supplier guidance. To speak to a member of the category team, contact the customer service desk on 0345 410 2222 or email info@buyingsolutions.gsi.gov.uk

Assurance for NHS organisations
Where a commercial supplier is used by NHS organisations to provide temporary workers, pre-placement employment checking is a shared responsibility. Irrespective of whatever duties the particular NHS organisation places on their chosen provider, the final responsibility for safe working practices lies with the NHS organisation to ensure that they have checked the relevant information on the temporary worker supplied, or are convinced through their own audit and monitoring that their chosen provider has reliably done so on their behalf.

As stated above, by using an agency under the framework NHS organisations are assured of a compliant workforce. However, this clearly cannot offer guarantees in terms of patient safety and standard of care.

As a minimum, all agency workers that come through agencies on any of the frameworks will meet the NHS Employment Check Standards, as well as meet additional standards such as having occupational health clearance and be immunised against MMR and Hep B.

The relevant terms and conditions of contract for each framework agreement can be found on the GPS website under the ‘framework documents’ section for each framework.

Auditing suppliers
To support NHS organisations to safeguard quality of services, manage governance and reduce the overall risk to patients, other staff and the public, Government Procurement Service is committed to:

• helping improve both the efficiency and reliability of the appointed suppliers
• assuring appointed supplier performance against framework agreement requirements via a programme of risk-based inspections and regular performance monitoring.

NHS organisations have primary responsibility for managing, ideally through a limited number of people, the day-to-day operational relationships with their chosen appointed suppliers.

Throughout the duration of the relevant framework agreement, Government Procurement Service:

• requires all appointed suppliers, as part of their quality assurance system/operational policies and procedures, to regularly undertake self-inspections of the supply contracts and certify/declare quarterly that having inspected a random sample of these supply contracts, they have all been, and shall continue to be, performed in accordance with the relevant terms and conditions
• requires all suppliers to provide evidence of their ongoing adherence to the relevant framework agreement’s professional indemnity, employer’s liability and public liability insurances
• on a random basis, will inspect the appointed supplier’s premises and working practices to monitor and assess their performance of the provision of the services in accordance with the relevant terms and conditions of contract.
The assessment of whether a supplier remains appointed to a framework agreement is based upon the information reviewed by GPS during the inspection visit. The inspection cannot however, guarantee all aspects of an appointed supplier’s systems, recruitment policies and procedures and cannot identify all instances of non-compliance.

NHS organisations should be sure to obtain a copy of the temporary worker placement checklist whenever using a framework agency, to ensure that the worker supplied meets all required standards. Should the NHS organisation choose not to use the relevant checklist, then another method for gaining current and future level of assurance should be sought.

Further information about the health assurance and audit procedure can be found on the health assurance pages of the GPS website.

To report concerns regarding the performance of an appointed supplier, or for further details about an appointed supplier’s inspected performance, please contact the customer services desk on 0345 410 2222 or email healthassurancefeedback@buyingsolutions.gsi.gov.uk

**Compliance with the Agency Workers Regulations (AWR)**

Principles that provide agency workers the same or no less favourable treatment, as if they had been recruited directly, are already incorporated within the national framework agreements for the supply of health related temporary staff. Where compliance with the AWR already applies, GPS does not plan to amend the relevant framework agreement’s agreed contract prices, including the basic hourly rates of pay to the temporary worker.

With respect to medical locums (excluding locum GPs), questions that may arise relating to comparator individual basic hourly rates and/or annual leave entitlements and/or out of hours adjustments once that temporary worker has completed the 12 weeks qualifying period, should be directly resolved with the hirer as part of that individual supply contract.

With regards to AHP and HSS staff, NMNC and nurses, there is a clear discrepancy between the current statutory Working Time Regulations (WTR), which allow for a total of 28 days paid holiday per year, and Agenda for Change (‘AfC’) annual leave entitlements on appointment of 27 days paid holiday per year plus eight public holidays. To meet the 12 week qualifying service requirements, the agreed contract prices under our framework agreements will be amended to include 35 days paid holiday, by amending the WTR payment element from 12.07 per cent to 15.56 per cent.

In addition, and in respect of the AHP and HSS and nurses framework agreements only, where relevant percentage uplifts for unsocial hours adjustments may currently differ from existing AfC rates, then to meet the 12 weeks qualifying service requirements these too will be amended to reflect AfC provisions.

Regarding additional requirements of the AWR legislation under day one rights, where existing framework agreement terms and conditions of contract do not currently provide for such provision, then they shall be amended, as appropriate, to facilitate or reflect the relevant legislation.

Any specific issues that may arise should be dealt with either through an organisation's own HR department or by seeking local legal advice.
Currently appointed suppliers
Each framework agreement provides NHS organisations with a variety of suppliers to meet their local requirements. A list of suppliers currently appointed on each framework agreement and/or further information about each one can be found on the following pages of the GPS website:

Allied health professionals:

Health science services staff:

Medical locums (excluding locum GPs):


Non-medical, non-clinical:

Nurses:


South Central: http://www.buyingsolutions.gov.uk/frameworks/contract_details.html?contract_id=978

South East Coast: http://www.buyingsolutions.gov.uk/frameworks/contract_details.html?contract_id=979
GPS does not currently retain any information centrally about individual appointed suppliers' fill rates. However, NHS organisations may request this information directly from suppliers.