

Flexible contract options to support the bank workforce during the COVID-19 period

Context

The impact of COVID-19 upon the NHS workforce has been widespread and varied. One staff group that has been particularly impacted are those employed exclusively on bank contracts. Without the ability to access the Job Retention Scheme (furlough), some bank staff have experienced a detrimental impact on their earnings as the availability of some work has reduced.

Options

Whilst many staff working only through their local banks choose to do so because of the flexibility it provides, employing organisations are encouraged to discuss with local staff side whether alternative flexible arrangements could be put in place to support those staff who would welcome a guaranteed level of income and access to NHS terms and conditions during the COVID-19 emergency in return for current or future capacity.

Local partnership discussions may explore the potential to provide bank staff with the option to move on to a range of flexible employment contracts to provide greater stability in income through periods of fluctuating demand. Such arrangements may also offer recruitment and retention benefits to employers including greater options for returners.

Options might include:

Option one: A minimum guaranteed hours per week NHS terms and conditions of service contract

This type of contract would establish a minimum guaranteed hours per week, based on, for example, the average number of hours previously worked. It could then be flexed if the employer had additional hours to offer and the individual want to take these on.

Employers may wish to approach this through the offer of a fixed term contract, noting the interaction with relevant employment law.

Option two: Short-term average hours NHS terms and conditions of service contract

This would be an average hours contract offered initially on a short-term trial basis, for example, one to three months. The contract would offer a specified number of

hours, based on, for example, the average number of hours previously worked, calculated over a locally agreed reference period.

Those hours would then be completed over a short or long-term basis with the employer and employee agreeing when they would work their hours on a mutually agreed basis, similar to that of the traditional annualised hours contract, but over a shorter period.

The length of the contract should be with the agreement of individuals. The contract would then be extendable for a further period by agreement noting the interaction with the relevant employment law. Where it is mutually agreed to make these arrangements more permanent, we would still advise that the hours are regularly reviewed using a reference period of, for example three months. This review will ensure that an individual does not inadvertently build up excessive hours owed, as well as discussing varying hours of work by mutual agreement.

Trusts may also wish to review the opportunity for encouraging and supporting bank staff to apply for substantive roles which would provide access to the full benefits of the NHS terms and conditions of service, development opportunities and career progression.

NHS Staff Council Executive

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