

Coronavirus update: health & social care sector

Tuesday 7 April 2020 v.1

This guidance looks at some of the most frequently asked questions from members in the health & social care sector. REC will continue to review and update this document.

1 Working in partnership with the NHS

1.1 Department of Health & Social Care

The REC Healthcare Team have been working closely with the Department of Health & Social Care (DHSC), NHS Improvement/England and the framework providers to ensure that specialist healthcare recruiters can continue to support the NHS at this crucial time. The DHSC have [written](#) to healthcare recruitment agencies, calling upon them to work in constructive partnership with the NHS during the coronavirus (COVID-19) pandemic.

1.2 Guidance for trusts on agency use during COVID-19 pandemic

Specific [guidance](#) has been issued to help agencies and trusts – this is a collaborative document by NHS England and NHS Improvement, working with DHSC, HealthTrust Europe and the Workforce Alliance. This guidance is subject to amendments and additions as the situation develops.

1.3 Can I supply staff to the NHS Nightingale Hospital London?

The staffing of the NHS Nightingale Hospital (ExCeL) will be managed by Barts Health NHS Trust – who currently use Bank Partners, NHS Professionals and various existing agencies. At this stage, our understanding is that they will continue to operate using their existing suppliers – but will obviously need more staff. It is likely that existing staff at Barts will be moved to NHS Nightingale, and agency and bank staff will be used to backfill their roles.

1.4 Profiteering during Covid-19

The [Competition and Markets Authority](#) (CMA) has set up a taskforce to investigate profiteering during the coronavirus crisis. Anyone with concerns about a business engaged in profiteering or harmful pricing practices (in any sector) should report it to the CMA. The CMA have a range of powers to tackle this, including fines. The REC is proud of the work that our members do to help ensure the NHS is properly staffed. But we have been clear from the start – agencies who unjustly profiteer from the NHS at this time will be rightly called out, and the REC will not defend bad practice.

2 Visas for NHS staff

As part of the national effort to combat coronavirus, doctors, nurses and paramedics will automatically have their visas extended, free of charge, for one year. The extension will also apply to their family members.

3 Right to work checks

Right to work checks have been temporarily adjusted due to coronavirus (COVID-19). This is to make it easier for employers to carry them out. As of 30 March 2020 the following temporary changes have been made:

- Checks can now be carried out over video calls.
- Job applicants and existing workers can send scanned documents or a photo of documents for checks using email or a mobile app, rather than sending originals.
- Employers should use the Employer Checking Service if a prospective or existing employee cannot provide any of the accepted documents.

4 Changes to standard and enhanced ID checking guidelines

In response to coronavirus (COVID-19), the Home Office and the Disclosure and Barring Service (DBS) have put temporary arrangements in place, to provide DBS checks and fast-track emergency checks of the Adults' and Children's Barred Lists free-of-charge. This will apply to healthcare and social care workers being recruited in connection with the provision of care and treatment of coronavirus in England and Wales, including some of those who have volunteered to help the NHS.

The DBS standard and enhanced ID checking guidance will be **changed** for a **temporary period**. The change will enable:

- ID documents to be viewed over video link
- scanned images to be used in advance of the DBS check being submitted

The applicant will be required to present the original versions of these documents when they first attend their employment or volunteering role. The change came into effect from 19 March 2020.

5 Agency Inspections during Covid-19

5.1 Employment Agency Standards (EAS) Inspectorate

EAS is **adjusting** its enforcement approach to give the recruitment sector the space it needs to deliver its business, whilst still ensuring that agency workers' rights are respected. Initially, where EAS has already been working with a business to achieve compliance on process or paper-based compliance issues, EAS plan to extend time limits for these businesses to make the required changes to their business practices, while offering space to enable them to focus on the job of supplying workers and supporting hirers.

EAS will adopt a compliance-based approach to the implementation of Key Information Document that will need to be provided to every new work-seeker signing on to an Employment Business from the 6th April 2020.

5.2 Framework inspections

The REC has raised the issue of framework inspections with NHS Improvement. As it stands, 'remote' inspections are not available.

6 Job Retention Scheme

The REC legal team have updated our [Guide to the Job Retention Scheme for Furloughed Workers](#). This guide includes an FAQ section based on questions we are receiving to the legal helpline. Our Legal Team have also produced furlough [template agreements](#) for employees and workers.

7 Supplying to the public sector

The Cabinet Office have made some recent announcements on public bodies continuing to pay their suppliers during the coronavirus outbreak. For agency workers who are being supplied in 'long term' assignments (where agency workers are or were due to be currently out on assignment) to the public sector, they should be paid 80% of their salary (to a maximum of £2,500 per month) for the remainder of their assignment. All statutory payments and margins remain payable. Please note, this is a separate arrangement to the Job Retention Scheme. This [guide](#) from the REC outlines what this means for members.

8 Statutory Sick Pay

What measures have the government announced to support businesses in relation to SSP?

Workers that meet the qualifying criteria will be able to claim SSP (for Coronavirus sick leave) from day one. The SSP will be backdated to Friday 13 March.

The government has announced that all employers with 250 or less employees can recover SSP for absences related to the Coronavirus. The refund will be limited to two weeks per employee.

Many healthcare agencies will be small businesses in terms of internal staff (recruitment consultants etc...) but will have large numbers of temporary workers on their books which means that they will be over this threshold. At present this means that the SSP refund provisions will not apply to many agencies, therefore the current SSP provisions present a huge financial risk to these agencies.

A more detailed note on the changes to SSP can be found in our [Coronavirus guidance](#) which we are updating as changes are announced.

9 Good Work Plan

As of 6 April 2020, the provisions in the Agency Workers Regulations known as the 'Swedish derogation' that previously allowed agency workers to be paid between assignments, instead of receiving equal pay after working for 12 weeks for the same client in the same role, will now be unlawful.

Other changes that came into effect on 6 April 2020 include:

Agency workers are now entitled to a 'Key Information Document' when they register with an employment business, outlining essential information such as:

- the type of contract they are on
- the identity of the business paying them
- their pay rate
- holiday entitlements and other benefits.

The REC and TUC have produced a [factsheet](#) which aims to make more agency workers aware of the changes, as well as reiterate the rights that they already have. It also contains tips for choosing a compliant recruitment agency, and steps they can take if they have a complaint. This will help to protect and empower these workers moving forward, even during these times of crisis. Further information, including documents that members can use, can be found on our [Good Work Hub](#).

10 Are Health & Social Care recruiters 'key workers'?

The government have issued a list of key workers; the children of whom will be able to continue attending school. The guidance includes a section on Health and social care:

This includes but is not limited to doctors, nurses, midwives, paramedics, social workers, care workers, and other frontline health and social care staff including volunteers; the support and specialist staff required to maintain the UK's health and social care sector; those working as part of the health and social care supply chain, including producers and distributors of medicines and medical and personal protective equipment.

As we understand the rules, health and social care recruiters would only classify as a key worker if they were unable to do their job from home. As most (if not all) recruiters could work from home, we would expect the majority of individuals to not fall within this definition.

11 Where can I find further information?

11.1 REC Coronavirus (COVID-19) hub

The REC Coronavirus (COVID-19) hub is updated at least twice daily responding to the latest developments and announcements from Government.

To help you stay informed, we're also producing a **podcast** twice weekly, as well as **regular** 'Fit for the new dawn' [webinar](#) every Thursday at 10am, aimed at recruitment business owners to help you navigate these uncertain times effectively.

We are committed to supporting all recruiters at this time of uncertainty. Help us understand the issues that are most urgent to your business via this [survey](#) - this will directly influence the content we produce, as well as our messages to Government.

Some of these resources are available exclusively to REC members - to find out more about joining the REC, please contact Sharon Mughal: sharon.mughal@rec.uk.com / 020 7009 2100.

11.2 Health & Social Care Webinar

We have a special webinar scheduled on 22 April, where we will be joined by representatives from NHS Improvement/England, the Department of Health & Social Care and the framework providers – [sign up today](#).