

SUBJECT:	Agency and Self-Employed Workers Policy
MEETING:	CABINET
DATE:	March 2019
DIVISION/WARDS AFFECTED:	All

1. PURPOSE:

The purpose of this report is to introduce the Agency and Self-Employed Workers Policy.

2. RECOMMENDATIONS:

That the Agency and Self-Employed Workers Policy be accepted, and approved by Cabinet.

3. KEY ISSUES:

Monmouthshire County Council recognises its responsibilities to provide job opportunities to internal and external applicants on a fair, consistent and equitable basis. However, in certain circumstances the Council may need to engage agency workers or self-employed worker to comply with statutory responsibilities and to meet the demands of the service.

It is the policy of the Council that an agency worker will only be used when there is a sound financial and business need to do so. It is accepted in principle that the employment of agency workers should only be used for short term cover, up to 6 weeks. This policy and procedure provides a framework for managers to use when they have a short-term or business need to engage the use of external agency workers or self-employed workers. Agency workers on assignment with the Council are not employees of Monmouthshire County Council they remain the employee of the supplying agency.

4. REASONS:

The Council wants to limit the use of agency workers in order to protect the employment of existing staff and to manage costs. Where there is a requirement to engage agency workers for short term cover, this will be based on the following reasons: emergency cover, last minute sickness, business continuity or specialist skills and recruitment and retention difficulties in the short term.

A worker's employment status i.e. whether they are employed or self-employed is not a matter of choice. We categorise people into employed or self-employed status according to the terms of engagement. HMRC have strict conditions for determining whether someone is employed or self-employed and MCC has to comply with these conditions. All workers - whether they are employees, agency or self-employed

are covered by the Equality Act 2010 and the Employment Rights Act 1996 and the Agency Worker Regulations 2010 and HRMC Legislation April 2017 (IR35)

5. RESOURCE IMPLICATIONS:

None

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

The Equality Impact Assessment is attached.

7. CONSULTEES:

SLT/All recognised trade unions

8. BACKGROUND PAPERS:

None

9. AUTHOR:

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10. CONTACT DETAILS:

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