

Safe Use of Agency and Bank Staff 7 Minute Briefing (December 2024)

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Background

The reason for this briefing is:

- a) An incident involving a bank member of staff, employed to work with adults who have care and support needs had been posing as someone else.
- b) To raise awareness with all providers to understand the risks around Modern-Day Slavery and exploitation in the health and care sector.
- c) To raise awareness with all providers of their responsibilities when using bank and agency staff, in line with legislation and guidance.

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Why it matters.

To ensure the safety of patients and service users, providers must assure themselves that anyone working in their service is competent and safe to do so. This includes staff who are employed via the bank and agencies. It is the law that persons employed for the purposes of a regulated activity are 'fit and proper'. The CQC advise that, when using agency or bank staff, employers still have the responsibility for checking that staff are 'fit and proper'. This is defined as: "(a) be of good character, (b) have the qualifications, competence, skills and experience which are necessary for the work to be performed by them, and (c) be able by reason of their health, after reasonable adjustments are made, of properly performing tasks which are intrinsic to the work for which they are employed."

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Further sources of support

Trafficking gangs are dangerous criminals; therefore, it is vital you do not attempt to act on suspicions which may put you or the possible victim(s) at risk. Should you come across anyone you believe could be a victim of Modern Slavery, an agency or bank staff member that raises your suspicions, or forced labour concerns, you can call the Modern Slavery helpline on 08000 121 700. If there is an immediate risk of harm to an adult or child, contact the police via 999. Or, for non-urgent cases contact the police via 101 or the [Greater Manchester Police 'Report a Crime' webpage](#).

A [Greater Manchester Services Directory](#) is available to help you support victims.



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Indicators of exploitation

Signs of exploitation are often hidden. Victims can be any ethnicity, gender, nationality, or age. Some common signs can include victims' legal documents (passport, ID, DBS) being held by someone else. They may be forced to use false documents. They may look tired, unkempt, malnourished, appear withdrawn, unable to answer questions about themselves or give inconsistent answers. They may be dressed inappropriately for the work.

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Questions to consider

- Do you record actions taken to evidence safe use of bank and agency staff?
- Are you confident you are compliant with the CQC regulations?
- Are there any indicators that the person may be a victim of Modern-Day Slavery?
- Is a new bank/agency being used?
- Have safety checks been undertaken before accepting the person for a shift?
- Have you undertaken a welfare conversation?
- Do you know how to signpost victims to further support?

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Best Practice

- Use an agency you are confident complies with the requirements for fit, proper staff.
- Check the person arriving on shift matches the bank or agency profile on your record.
- Check written references and DBS.
- If in doubt about fitness to practice speak to the agency to obtain details of previous employers.
- Where possible, request agency/ bank staff whose competence is already established.
- Raise a safeguarding alert where there is an allegation of abuse or neglect, report any practice concerns to the agency and/or professional body.
- Observe practice.

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Responsibilities of the care provider

- Satisfying themselves that bank and agency staff have been recruited appropriately (including reference checks and Disclosure and Barring (DBS) checks) and are inducted and trained and provided with ongoing supervision.
- Checking the online NMC website to ensure nurses are registered.
- Keep an agency/bank staff profile system which includes a photograph of the worker and their key information.
- Policy & procedures for managing adult abuse, or the risk of abuse including whistleblowing procedures are followed.
- Managing allegations against persons working with adults at risk, including reporting to professional bodies in relation to misconduct