



Department
of Health &
Social Care

*From Helen Whately MP
Minister of State for Care*

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July 2021

Dear all,

I am writing to you to emphasise the importance of using on-framework flexible staffing to meet demand surges expected during the COVID-19 recovery period, to ensure value for money and safe patient care.

I wanted to start by thanking you all for your hard work and commitment, particularly in how you have responded to the huge challenges of the past 16 months.

As we focus on elective recovery, and place paramount importance on the wellbeing and recovery of our workforce, it is more important than ever that you have robust workforce plans and make efficient use of the flexible workforce to meet demand. I am delighted to have seen so many of you adapt your staffing models to the changing nature of demand, grow the size of your staff banks over the past year, and to hear about the progress towards reducing your use of off-framework and non-price cap compliant agency bookings.

I know that agency workers will continue to provide an essential service for many of you during the challenging years ahead, and I am writing to remind you of the importance of adhering to the agency rules and of the support on offer from NHS England and Improvement (NHSE/I)¹ and the framework operators.²

I wrote to the agency sector in March and December 2020 making it clear that one of our priorities in the NHS is to eliminate off-framework spend by 2022, as off-framework spend is not a sustainable, cost-effective use of taxpayers' money and creates risks to standards of care. I am pleased that most recruitment agencies supplied staff efficiently and on framework over the past year. However, agency rates are increasing again, and I know that some agencies are applying pressure on Trusts by using unreasonable negotiation tactics and driving price above cap or off framework.

I want to assure you that NHSE/I are continuing their work on eliminating off-framework spend and are ready to support any Trust that feels targeted in this way. NHSE/I have also provided a list of actions below that Trusts should implement to help plan for workforce demand that ensures less

¹ NHSI.agencyrules@nhs.net

² [NHS England » Agency rules: list of approved framework agreements for all staff](#)

reliance on agencies.

- **Implement workforce deployment systems to help plan for fluctuations in demand.** These systems include e-rostering software, e-job planning software, and scheduling apps, all of which can be integrated with collaborative bank software. Trusts should prioritise substantive and bank staff for shifts and make it easier for these staff to book shifts by using the full set of functions in this software and by linking different apps and systems together. For example, linking collaborative bank software with e-rostering and shift booking apps will make it much easier for bank staff across a system to be alerted to and book shifts.
- **Only use on-framework agencies.** By making this commitment, either through collaboration with other Trusts in the region, or by individually taking a clear stance against off-framework, we collectively leave agencies with no choice but to move onto approved frameworks if they want to continue supplying staff to the NHS. The contractual terms and conditions of the framework agreements protect you against poor agency behaviour which is both detrimental to our healthcare system and the rest of the agency market. Framework operators are ready to support you should you have any concerns or difficulties in implementing the guidance.
- **Offer flexible employment solutions to your staff and have conversations about the benefits of joining the NHS substantively or through a bank.** This can improve retention and reduce the necessity of agencies to meet demand. NHS England has provided some guidance on the benefits of flexible working on [NHS England » We work flexibly](#). They have also set up the NHS Flex for the Future programme which is a modular programme on improving access to flexible working for all staff. This is taking place from September- March with places for up to 100 NHS organisation and the full details can be found on [NHS Flex for the Future programme \(england.nhs.uk\)](#).
- **Reinforce this message.** I have also written to recruitment agencies reminding them that we will not tolerate off-framework agency supply or profiteering. Please use this letter to reiterate this message across the system.

Further support is also available by contacting the NHSE/I Agency Rules Team by emailing NHSI.agencyrules@nhs.net. Framework operators are also available to help you bring spend on-framework, re-negotiate rates, develop your bank, work with regions on setting up collaborative banks and help support with concerning agency behaviour amongst other services.

Finally, NHSE/I will send out further information to Trust HRDs with updates on the off-framework elimination project and framework operators will also provide additional guidance you may find helpful in due course.

Thank you.

HELEN WHATELY