

RM6281 Workforce Alliance Clinical and Healthcare Staffing framework

User guide

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Framework Duration	3 + 1 years
Contract End Date	
Framework Owner	NHS London Procurement Partnership
FTS Reference Number	2023/S 000-004371F
Version	Version 2.0

Contact Details

Access to the Framework Agreement is managed and supported through Framework Managers. Contact details are listed below.

Framework Manager Contact List	Email Address
NHS London Procurement Partnership	lppworkforcesupport@lpp.nhs.uk
NHS Commercial Solutions	NHSCS.agency@nhs.net
East of England NHS Collaborative Procurement Hub	workforce@eocph.nhs.uk
North of England NHS Commercial Procurement Collaborative	enquiries@noecpc.nhs.uk
Crown Commercial Service	info@crowncommercial.gov.uk

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1. Who are we?

Nobody is better placed to help you meet the challenges of NHS staffing than the NHS Workforce Alliance. As the biggest public procurement partnership in the UK, we bring together a wealth of trusted procurement and commercial expertise and are motivated by a genuine desire to make the NHS better.

You can trust us to act in the best interests of the NHS – always putting patient care first.

That's why we take the time to personalise our service, offer bespoke workforce solutions and use our influence to shape policy on your behalf. It's why we insist on the highest quality and compliance in every contract, and why we always demand the best value for the public purse.

Not because it's the commercial thing to do, but because it's the right thing to do.

So we promise you won't get a sales pitch from us, and we won't tie you into costly long-term contracts.

Instead, you'll get to work alongside a team of experts – your own peers – who understand the NHS inside out and share your values.

Together we will help you develop a workforce strategy fit for today and tomorrow.

Together we will get the right people placed in the right jobs, quickly and safely.

Together we will get it right for our NHS.

2. Contract term

The framework commenced Wednesday 15th May 2024 for a contract term of three years, with an option to extend the framework agreement up to a further one year period from the end of the initial term. The maximum duration of the framework shall be four years in total.

3. Introduction to the framework

The Clinical and Healthcare Staffing framework provides Buyers with an open, fair and transparent route when hiring clinical temporary staff that also delivers value for money. The NHS Workforce Alliance partners procured, through an open procedure, a framework agreement for a panel of suitably experienced and qualified suppliers of Clinical and Healthcare Staffing to provide expert guidance to NHS and other public sector organisations.

This new framework will be the second iteration of the NHS Workforce Alliance Clinical Staffing framework with the present agreement viewed as a market leading flagship. The replacement framework will contain all the elements that have led to its present success, with the necessary amendments to facilitate growth, and improve ease of use for all parties.

The pricing enables compliance with the NHS England agency price caps, and pay bands are in line with the NHS Agenda for Change pay scales. All suppliers are required to conduct worker compliance checks in line with the NHS Employers Check Standards and are subject to the NHS Workforce Alliance's Health Assurance Audit programme.

The framework agreement was let in full compliance with the Public Contract Regulations 2015 and the Sourcing Playbook and is therefore compliant with all current procurement policy.

4. Contract structure

The framework provides five lots comprising of:

Lot Number	Lot Name
Lot 1	Nursing and Midwifery
Lot 2	Medical Staffing
Lot 3	AHP, HSS and Emergency Services
Lot 4	Social Care Staffing
Lot 5 Vendor and Managed Service Provision	
Lot 5a	Master Vendor
Lot 5b	Neutral Vendor

5. Contract benefits

When you choose to work with us, we want you to feel confident at every stage of the process. Joining our framework grants access to a wide range of experienced Clinical and Healthcare Staffing organisations, that are all awarded by us to ensure a framework wide standard of quality. Within our framework we ensure the following benefits:

- A framework that will be easy to navigate, with Buyers able to find suppliers capable of varying services at a glance
- A fair, equitable and transparent route for escalation/break glass

- All suppliers listed on the framework have passed a technical evaluation demonstrating that processes to validate candidates against NHS Employment check standards
- Knowledge that suppliers will be tested on social value and other policy issues to help them achieve their own objectives on social outcomes and SME development
- Competitively tendered pricing
- Framework terms and conditions are aligned with the broader public sector. Reducing duplication of procurement across the public sector
- A legally compliant framework so that Buyers can quickly gain access to suppliers and a wide range of clinical roles
- Additional capacity so patients can be treated quicker
- Regularly audited agencies result in high clinical standards
- Contracts can be awarded either by a single trust or cohort of trusts working together in a collaboration.

6. Out of scope

Requirements for permanent labour should be procured through other NHS Workforce Alliance framework agreements. This framework does however accommodate temp-to-perm. Please refer to the transfer fees guidance within the Buyer user pack should you want to offer a temporary worker a permanent position. If your requirements fall outside the scope of this agreement, you need to use an alternative route to market. See link to our alternative NHS Workforce Alliance Agreements.

7. Who can access the framework:

All NHS Workforce Alliance contracts are open to use by NHS Contracting Authorities and all other public sector bodies including Central Government, Universities, Charities and Blue Light Services. A full list can be found in Appendix A.

8. Accessing the contract:

When a contracting authority has viewed the relevant framework documentation from the NHS Workforce Alliance, those

wishing to confirm access are required to complete the framework/Buyer access agreement.

We would also request that a copy of the call-off order form or purchase order (PO) be sent to the organisation you have accessed the framework through. This will allow us to monitor usage of the framework and any documentation shared will be treated as commercial in confidence and will not be shared outside of the organisation.

9. NHS England Approved Framework Agreement

NHS England (NHSE) requires NHS Buyers to appoint all temporary staffing via NHSE-approved framework agreements.

All NHS Workforce Alliance agency frameworks, including RM6277 – Non-Clinical Staffing, have NHSE approved status. This means that they comply with the price caps, and pay is in accordance with Agenda for Change (AfC) pay scales. It also means that the agreements are let in full compliance with the Public Contract Regulations. We work closely with NHSE to support NHS policy and best practice, enable value for money, and assure quality of supply under our framework agreements through our robust Health Assurance Audit regime.

In November 2015, NHSE introduced caps on the total amount NHS providers can pay per hour for an agency worker. NHSE capped rates are now the default position, with maximum framework rates provided to control the override position in cases where patient safety is at risk and staff cannot be sourced within NHSE capped rates.

Suppliers must always offer whichever is lower of either the price cap or the framework rate.

10. NHS Health Assurance Audit

NHS Workforce Alliance runs a robust Health Assurance Audit process to ensure that workers provided by suppliers through our frameworks are compliant with the NHS Employers Check Standards as well as the obligations set out in the individual framework agreements. These include ensuring relevant policies, processes and practices are in place to manage ongoing compliance of workers and subcontractors. The process is designed to identify potential issues and work with

suppliers to support safer recruitment practices and help reduce risk to patient safety.

Agencies from across the whole portfolio of agreements can be audited, with a focus on driving the most effective processes for managing worker vetting across the industry.

PWC is our current delivery partner for the Health Assurance Audit process. They will notify suppliers of their audit date, conduct the audit, inform suppliers of their result, and create the audit report. Following the audit, suppliers will be marked as follows:

- Pass
- Pass – Requires Improvement
- Fail

The NHS Workforce Alliance supports PWC in the Health Assurance audit function and will work with suppliers to support their actions to remediate any findings as promptly as possible to reduce disruption to our Buyers.

Suppliers receiving a fail outcome will immediately be suspended from the relevant frameworks and are unable to supply new workers or engage in new work whilst suspended. The suspension period is currently set to a minimum of seven calendar days plus the time taken to fully remediate and receive NHS Workforce Alliance approval of framework reinstatement.

Throughout the life of our frameworks, suppliers have an ongoing obligation to compliance, and audit inspections can be carried out on both a pre-selected and ad-hoc basis. On the occasion that a supplier demonstrates repeated failures and does not engage with remedial steps, they may be permanently removed from the framework.

The Health Assurance Audit process is constantly evolving and improving and is, therefore, subject to change throughout its duration.

11. Use of the contract

The Clinical and Healthcare Staffing framework has been designed to provide maximum flexibility and choice to Buyers when deciding how to deliver their workforce requirements.

Buyers can choose to work with one or more suppliers to source temporary workers as and when required without commitment to volume or value, or to appoint fixed term workers on to your payroll. We also offer managed service models, such as Master or Neutral Vendor, where you will appoint one provider to deliver all your temporary clinical and healthcare staffing needs, and output based delivery for project-based requirements.

You can also choose to either use this contract to source a supplier that meets the individual needs of your organisation, or source in collaboration with neighbouring trusts which allows you to aggregate spend and maximise volume discounts. Whichever method you choose, the Alliance is available to assist you when needed.

We understand that specific requirements for solutions will vary between contracting authorities. The award of a contract under the framework agreement would be made in one of the following ways:

Direct award: This is the recommended approach for single or small groups or workers.

A direct award can be made to a supplier on the condition that the contracting authority can demonstrate the selected supplier offers the most economically advantageous supply using the framework tender information.

Careful consideration is needed to ensure that selection is transparent and fair, maintaining a clear audit trail documenting how the contract award was reached. More information on making a direct award can be found within Framework Schedule 7 – Call Off Award Procedure.

Resources are available to support you in making a direct award, including:

- Rate card and award support tool (both NHS and other sector versions)
- Supplier skills, regions and branches matrix
- Simplified short order form

Further Competition: This is the appropriate approach where the terms and conditions laid down in the framework agreement require adjustment, or where you believe that commercial benefits can be achieved by testing the market.

We do not recommend using this approach for single or small groups of workers as suppliers are unlikely to participate in further competitions for smaller requirements due to the large number of suppliers awarded under each lot.

The award of a contract would follow the output of a Further Competition process between all capable suppliers under the framework agreement. In these circumstances, the Further Competition would be used to establish the most economically advantageous tender in order to meet the specific requirements of the contracting authorities as laid down in the further competition documentation.

Each Further Competition invitation to tender process would reflect the precise nature of a contracting authority's local requirement, albeit in accordance with the permitted scope of service as outlined within the over-arching framework agreement.

12. How to run a further competition:

- 1) Identify the lot which applies to your needs
- 2) Invite all suppliers who can meet your requirements to bid
- 3) Send further competition documents to all capable suppliers, leaving reasonable time for them to return their tenders. You can choose to run this process using your internal procurement resources or get in touch with your local Alliance contact to have a discussion on what support we can offer
- 4) Evaluate the tender using the fair and transparent criteria in your bid pack
- 5) Award the supplier with the most economically advantageous tender on the basis of the criteria.

No award: NHS Workforce Alliance Buyers are entitled at all times to decline to make an award. Nothing in this framework agreement shall oblige any contracting authority to place an order.

More information on managing a further competition can be found within Framework Schedule 7 – Call Off Award Procedure.

13. Pricing and fees

The pricing for this framework is built around the NHS Agenda for Change pay bands, with all suppliers quoting a fixed fee against the pay bands.

Since the introduction of the NHSE price caps mentioned above, any trust using the framework must be offered the lowest rate between either the cap rate or the framework rate.

If the framework rate is above the NHSE cap rate, this can only be used to secure a worker if patient safety is at risk. However, this should then be reported to NHSE by the trust as an override of the price caps. Such a mechanism must be on a shift basis. There are no other means of escalation within the framework.

For a complete breakdown of the total charge, please see the framework rate card.

The framework prices include all costs and expenses (excluding VAT) relating to the services provided to you and no further amount is payable by you.

Suppliers provided unsocial hours and high-cost area supplements to pay rates as part of their tender response. Maximum levels were set at Agenda for Change rates. Please refer to the rate card for further details.

14. Award Criteria for Further Competitions under the framework agreement

Weightings	Minimum weighting	Maximum weighting
Price	20%	60%
Quality	30%	70%
Social value	10%	30%

Contracting authorities should note that NHS Workforce Alliance framework agreements are awarded in accordance with PPN 06/20, and evaluation included a social value element. If you are required to apply social value award criteria at call-off, our framework agreements enable this. More guidance on using the Social Value Model [can be found online](#).

The specific sub-criteria applicable to the further competition should reflect the nature of the contracting authority's specific requirement.

The actual criteria weightings for any further competitions shall be determined by the contracting authorities and should be communicated within the further competition invitation to tender documentation in line with the ranges outlined above.

Buyers may choose to include a financial assessment of bidders as part of their award procedure. More information can be found in Schedule 10 - Financial Difficulties of the Terms and Conditions.

15. Rate cards

The rate card gives you all the information on costs for hiring agency workers and accounts for the NHS England price caps. Users can enter a candidate payrate into the rate card and it will calculate a full charge rate for whichever supplier is selected. This includes all costs for hiring a temporary worker using this agreement.

If you have undertaken a further competition, then your rate card will reflect the prices of the suppliers that have bid in your tender.

As a part of the rate cards, the Alliance has included a support tool which will enable Buyers to locate which suppliers can provide different roles in different regions and specialisms. This will rank the eligible suppliers that can fulfil the criteria in price order to enable Buyers to select the most economically advantageous tender. This rate card and tool document can be provided by requesting it from your NHS Workforce Alliance contact.

16. Off-payroll working legislation (IR35)

When appointing a temporary worker under any circumstances, including via this framework agreement, you need to ensure that you are adhering to the off-payroll working legislation (IR35). Detailed information on IR35, including your own obligations, can be found on the [government website](#).

17. Terms and conditions

The terms and conditions of contract have been agreed with all suppliers as part of their award onto the framework.

The framework agreement and each resultant call-off contract is based on the Public Sector Contract. Copies of the core terms and

associated schedules can be obtained from your NHS Workforce Alliance contact. A simplified short order form is also available.

The call-off terms and conditions, the specification and associated appendices, together with any special requirements, will form the basis of the resulting contract between a framework supplier and contracting authorities.

When preparing the call-off terms and conditions for use in a further competition process, only minor changes are permitted to be made by contracting authorities. Any changes should be highlighted clearly so all suppliers are aware of them.

Once a contract has been concluded under the framework, a fully signed copy must be executed and retained.

TUPE

Where you believe that TUPE may apply to the contract transfer, the contracting authorities should request from the incumbent supplier a list of employees who are likely to be eligible for TUPE. This should be provided as part of the further competition process. More information can be found in Appendix A of the terms and conditions.

GDPR

Where the supplier is involved in the processing of personal data under or in connection with this contract, the parties shall complete the data protection protocol. More information can be found at Schedule 14 of the terms and conditions.

18. Awarded suppliers

Full details of the suppliers awarded to the agreement, including information on lot coverage, and full contact information, can be found on our website or via your NHS Workforce Alliance lead contact.

Appendix A

The below-listed participating authorities are eligible to access the resulting framework – subject to NHS Workforce Alliance approval.

NHS Workforce Alliance member bodies and any additional new NHS Workforce Alliance members including wholly owned companies and subsidiaries, may utilise this framework agreement during the contract term.

The entities eligible to utilise this framework agreement include but will not be limited to Acute; Foundation; Ambulance; Community; Care; Primary Care; Clinical Commissioning Groups, Mental Health Trusts, Integrated Care Systems (ICSs) and includes any charitable trusts to the foregoing, and other contracting bodies, such as but not limited to Strategic and Special Health Authorities, Fire and

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Rescue, Police, Police Commissioners, Charities, Government, Local Government, Local Authorities including Commissioning and Social, Prisons, Education/Higher Education, Social Care and the Voluntary, Community and Social Enterprise (VCSE) sector, including any successor organisations or changes to the provision of the services or the responsibility/ownership of the aforementioned organisations, such as responsibility resting with local authorities changing to local government/other government or other publicly funded bodies.

The framework is for the benefit of existing and emerging organisations during the life of the agreement, which includes but is not limited to providers, commissioners, delegated commissioners and support organisations.

Listings of entities eligible to utilise any resulting agreement(s), subject to the approval of Workforce Alliance include any other NHS/Public Sector bodies located in England, Wales, Scotland, Northern Ireland, including any of the Crown Dependencies and NHS Collaborative Procurement Organisations:

The NHS in England (National Health Service for the United Kingdom) including but not limited to:

Foundation Trusts, Acute (Hospital) Trusts, Ambulance Trusts, Mental Health Trusts, Care Trusts, Community Trusts listed at:
<https://www.nhs.uk/servicedirectories/pages/nhstrustlisting.aspx>

Clinical Commissioning Groups:
<https://www.nhs.uk/ServiceDirectories/Pages/CCGListing.aspx>

Area Teams: <https://www.nhs.uk/ServiceDirectories/Pages/AreaTeamListing.aspx>

Special Health Authorities:
<http://www.nhs.uk/ServiceDirectories/Pages/SpecialHealthAuthorityListing.aspx>

NHS England: <https://www.england.nhs.uk/>

Department of Health: <https://www.gov.uk/government/organisations/department-of-health>

Arm's Length Bodies: <https://www.gov.uk/government/publications/how-to-contact-department-of-health-arms-length-bodies/department-of-healths-agencies-and-partner-organisations>

Integrated Care Systems (ICS's) NHS England » Integrated care in your area

NHS England: <https://www.england.nhs.uk/> and other organisations involved in commissioning primary care services via Clinical Commissioning Groups supported by Commissioning Support Units as well as any successor bodies of any of the above entities which are responsible for commissioning most aspects of NHS care (or equivalent body established pursuant to legislation enacted as a result of, or in connection with, the White Paper, Equity and Excellence:

Liberating the NHS published July 2010.

CCG: <https://www.nhs.uk/ServiceDirectories/Pages/CCGListing.aspx>

The Clinical Commissioning Board, Area Teams <https://www.nhs.uk/ServiceDirectories/Pages/AreaTeamListing.aspx> and other organisations involved in commissioning and/or overseeing General Practitioner services, GP consortia, GP Practices and any other provider of primary medical services:

who are a party to any of the following contracts:

General Medical Services (GMS)

Personal Medical Services (PMS)

Alternative Provider Medical Services (APMS) and/or

Commissioned by NHS England or other organisations involved in commissioning or overseeing General Practitioner services, as described above.

The NHS in Wales, Scotland and Northern Ireland including but not limited to Primary care services - GPs, pharmacies, dentists and optometrists, Hospital services, and community services, including those provided through community health centres and mental health services at:

NHS Wales (National Health Service for Wales): including but not limited to Welsh Health Boards, NHS Trusts and Public Health Wales: <http://www.wales.nhs.uk/nhswalesaboutus/structure>

NHS Scotland (National Health Service for Scotland) including but not limited to Regional NHS Boards, Special NHS Boards and public health body at: <https://www.nhsinform.scot/care-support-and-rights/health-rights/european-cross-border-healthcare/national-contact-point-health-boards>

Health and Social Care Services in Northern Ireland: (National Health Service for Northern Ireland) including but not limited to Health Trusts, Social Care Board and other HSC Agencies: <http://online.hscni.net/>

Social Enterprise UK: <https://www.socialenterprise.org.uk>

Local Authority Councils in England, Scotland and Wales: county, unitary, district, borough, and metropolitan councils (parish/community councils)

Local Councils in England, Scotland and Wales: <https://www.gov.uk/find-local-council>

Local Authority Councils in Northern Ireland: <https://www.nidirect.gov.uk/contacts/local-councils-in-northern-ireland>

Isle of Man (IoM) Government and associated IoM based public bodies, including all IoM Government Departments and Cabinet Office, including but not limited to: Department of Health & Social Care: <https://www.gov.im/about-the-government/departments/health-and-social-care/>

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The States of Jersey Government and administration including all Government Departments including but not limited to: Health & Social Services: <https://www.gov.je/Government/Departments/Pages/default.aspx>

The States of Guernsey (Parliament and government) including but not limited to the Committee for Health & Social Care: <https://www.gov.gg/article/152954/Health-and-Social-Services-Department>

Educational Establishments in England including schools and colleges: <https://get-information-schools.service.gov.uk/>

Schools in Wales: <https://gov.wales/education-skills>

Further Education and 6th Form Colleges in the UK: <https://www.aoc.co.uk/about/list-of-colleges-in-the-uk>

Higher Education Recognised or listed bodies in the UK offering degree-level courses: <https://www.gov.uk/check-a-university-is-officially-recognised>

Schools in Scotland including primary, secondary and special schools: <https://education.gov.scot/parentzone/>

Educational Establishments in Scotland: <http://www.gov.scot/Topics/Statistics/ScotXed/SchoolEducation/SchoolEstablishments>

Schools and Educational Establishments in Northern Ireland: <https://www.education-ni.gov.uk/topics/schools-and-infrastructure/types-schools>

Higher Education Universities and Colleges in Northern Ireland: <https://www.nidirect.gov.uk/articles/universities-and-colleges-northern-ireland>

UK Police Forces in England, Northern Ireland, Scotland and Wales including National Special Police Forces. <https://www.police.uk/pu/find-a-police-force/>

England Fire and Rescue Services <https://www.nationalfirechiefs.org.uk/fire-and-rescue-services>

Scottish Fire & Rescue Services <https://www.firescotland.gov.uk/>

Welsh Fire & Rescue Services <https://www.mawwfire.gov.uk/> and <https://www.southwales-fire.gov.uk/>

Northern Ireland Fire & Rescue Service <https://www.nifrs.org/areas-districts/>

UK Maritime & Coastguard Agency <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency/about/access-and-opening>

Registered charities in England and Wales: <https://register-of-charities.charitycommission.gov.uk/>

Registered charities in Scotland: <https://www.oscr.org.uk/charities>

Registered charities in Northern Ireland:
<http://www.charitycommissionni.org.uk/charity-search/>

Ministry of Defence (MOD): <https://www.gov.uk/government/organisations/ministry-of-defence>

Registered social landlords, government funded, not-for-profit organisations that provide affordable housing, including housing associations, trusts and cooperatives.

- England: <https://www.gov.uk/government/publications/current-registered-providers-of-social-housing>
- Scotland: <https://www.sfha.co.uk/our-members>
- Wales: <https://chcymru.org.uk/membership/housing-associations>
- Northern Ireland: <https://www.nidirect.gov.uk/contacts/housing-associations>

Organisations referenced above can be found detailed in either the NHS Act 2006, and/or the Public Contract Regulations 2015, and/or the Government Departments, Agencies and Public Bodies: <https://www.gov.uk/government/organisations>

- Ministerial Departments (25 including Agencies and Public Bodies)
- Non-Ministerial Departments (21 including Agencies and Public Bodies)
- Agencies and Other Public Bodies (376)
- High Profile Groups (78)
- Public Corporations (10)
- Devolved Administrations (3)