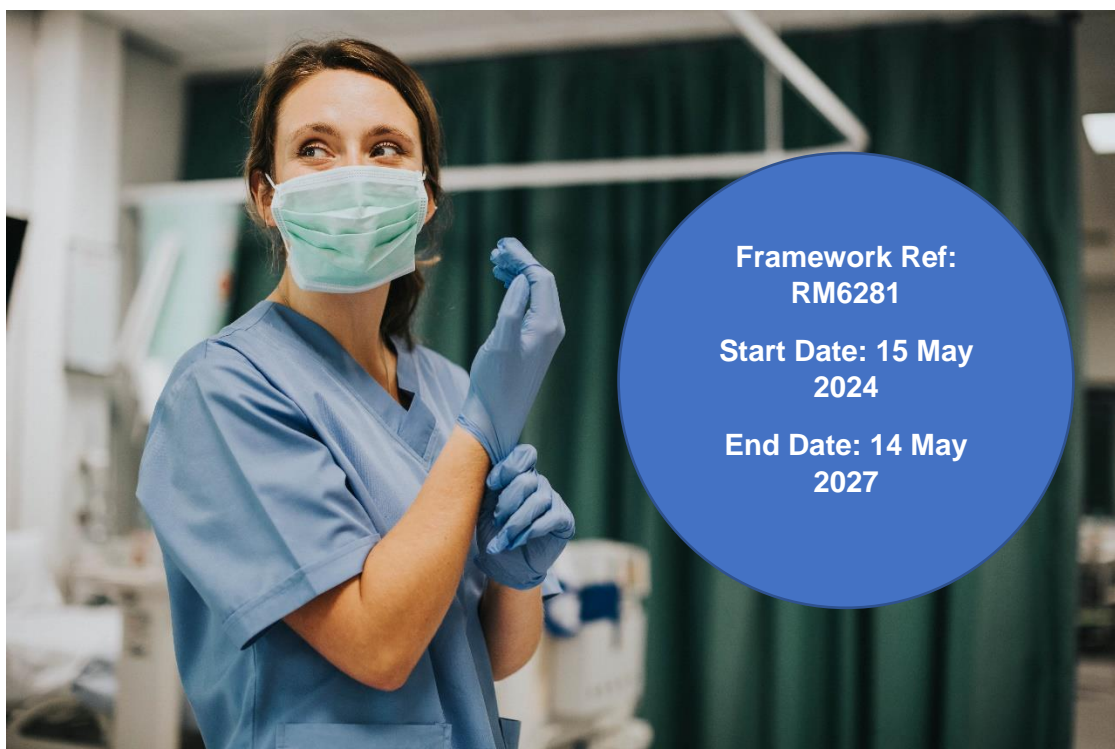


# Frequently Asked Questions (FAQs)

## NHS Workforce Alliance Clinical and Healthcare Staffing Framework



Nobody is better placed to help you meet the challenges of NHS staffing than the NHS Workforce Alliance. As a team of health workforce experts, we 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.

In this document, you will find a list of helpful questions and answers, split into separate sections for NHS colleagues and suppliers, to help you familiarise yourself with the NHS Workforce Alliance and this specific framework and how it can support you. If by the end of the document you have any queries, please don't hesitate to [get in touch with us](#).

## All Buyers

### • Who can use this framework?

Any buyer based within the UK or Crown dependencies can use the framework. Whilst the framework is aimed at the NHS, it can be used by anyone within the public sector - which includes higher education, emergency services, libraries and the third sector (charities).

### • What is the scope of this framework?

The NHS Workforce Alliance Clinical and Healthcare Staffing agreement provides access to temporary or fixed term clinical staff, from the most junior to the most senior.

Services may be accessed transactionally or via holistic models such as a Master/Neutral Vendor and a Managed Service providing value added services.

### • What is the lot structure of this framework?

There are five lots under the framework agreement:

Lot description:

- Lot 1 – Nursing and Midwifery
- Lot 2 – Medical Staffing
- Lot 3 – AHP, HSS and Emergency Services
- Lot 4 – Social Care Staffing
- Lot 5
  - Lot 5a – Master Vendor
  - Lot 5b – Neutral Vendor

### • Is there any management charge on this agreement?

Suppliers on this framework will be required to pay a management charge to NHS Workforce Alliance at a rate of 0.75% of total charges - this is 3% for direct engagement. Provision for this fee will have been factored into the suppliers' costs and there should therefore be no additional costs associated with the management charge passed on to the buyer or the temporary worker.

### • Is this framework in line with NHS England strategies and policies?

This framework has been developed to align to NHS England policies and strategies, supporting adherence to NHS Employers Check standards and Agency Price caps.

The NHS Workforce Alliance has been approved by NHS England as a Central Commercial Function Accredited Framework Host. [More information here.](#)

### • Does each supplier have valid experience of sourcing staff?

All suppliers were required to demonstrate previous experience of supplying healthcare and clinical roles to healthcare providers in scope of the relevant framework lots.

### • Which suppliers are listed on this framework?

A full list of Suppliers on this framework can be found on the NHS Workforce Alliance website.

• **Is there a rate card and award support tool?**

The NHS Workforce Alliance has developed an award support tool to enable buyers to identify suppliers that fulfil their requirements. To request access to this tool, please email [lpworkforcesupport@lpp.nhs.uk](mailto:lpworkforcesupport@lpp.nhs.uk) or contact your NHS Workforce Alliance partner hub.

• **What is the benefit of using the rate card and award support tool?**

The award support tool can be used to direct award to a supplier without the need for a mini competition as it runs a price competition based on the criteria input. When running a further competition, the tool can also be used to help decide which suppliers to invite to bid. For more information on this, please contact a member of the team.

• **How do the pay bands work?**

This framework replicates the national Agenda for Change and medical pay scale mechanisms. Buyers are able to select temporary workers according to pay scales and have full transparency on the components that make up the total charge rate.

• **Does the pricing take into consideration a higher rate of pay required for fringe, outer and high cost area-based workers?**

In line with Agenda for Change, temporary worker pay rates can be uplifted in line with the NHS Employers High Cost Area Supplement (HCAS) provisions. Any uplifts should be applied to the worker pay (and associated costs) only and there should be no uplift in supplier fees. Details of the HCAS geographical boundaries [can be found here](#).

• **What does the framework deem to be unsociable hours?**

The framework reflects national guidance on unsociable hours, with an uplift given to the worker if they work unsociable hours. Agenda for Change deems unsociable hours to be all of Saturday (midnight to midnight) and any weekday after 8pm and before 6am. There is a further uplift for working Sundays and Bank Holidays. Full details [can be found here](#).

Non-NHS Buyers should include any uplift they wish to pay candidates for unsociable hours in the 'pay to worker' rate.

• **Is there a 'Break Glass' mechanism within the framework?**

In line with NHS England Agency Rules and only for patient safety reasons, the trust may negotiate the worker pay to increase. However, it is important to note that the supplier fee will remain the agreed fee for that band/grade and will not increase with pay escalation, i.e. suppliers cannot increase their commission charges; break glass can only occur as a result of an increase in worker pay.

• **Do suppliers have to adhere to NHS England agency price caps?**

Yes. For NHS buyers, all suppliers are required agree to this as part of the tender process.

If patient safety is deemed to be at risk, then a buyer can choose to go above the capped rate. This is called "breaking glass" and can only be done with written permission from a trust.

Suppliers are required to work with buyers to innovate and cut cost wherever possible to aid NHS trust compliance to NHS England rules and regulations and any other regulatory requirements.

If framework rates are below the capped rates, this is not a licence for suppliers to increase their fees. It should always be the cheaper option out of the cap rate or the framework rate that is offered to buyers. The price caps are incorporated into an NHS specific rate card.

## • How do I decide between direct award and further competition?

Both direct award and further competition are enabled via this framework agreement. Buyers can find this information within Framework Schedule 7 – Call Off Award Procedure which sets out the requirements of the routes to market.

Buyers may direct award if it is clear from the contract documents that there is one supplier who can meet your needs and provides you with the best value for money. Buyer requirements need to be fully covered by the framework specification.

Buyers should use further competition if you want to adjust the specification or terms. Buyers may also achieve better value for money through running a further competition. We do not recommend using further competition for single or small groups of workers. Suppliers may choose to not take part in competitions for smaller requirements.

## • How do I direct award?

Buyers can direct award on all lots and do this in line with your local Public Contract Regulations 2015 compliant sourcing process.

- Develop a clear statement of requirements
- Apply the direct award criteria to the suppliers' maximum rates and deliverables as set out in Framework Schedule 1 (Specification) and Framework Schedule 2 (Framework Tender) for all suppliers capable of meeting the statement of requirements in order to establish which supplier provides the most economically advantageous solution
- On the basis set out above, award the call-off contract with the successful supplier.

We recommend that buyers use the Framework Schedule 7 – Call Off Award Procedure to identify the route to market and the award support tool to identify the supplier with the most economically advantageous offering, however the ultimate decision to award remains with the buyer.

## • How do I run a further competition?

You can run a further competition on all lots using the Framework Schedule 7 – Call Off Award Procedure. This is the recommended approach for awards under lot 5a and 5b. You can do this in line with your local Public Contract Regulations 2015 compliant sourcing process.

- Identify which suppliers are capable of meeting your requirements
- Issue written/electronic tender documentation to all capable suppliers, with a reasonable time limit for return of tenders. You can modify award criteria, providing they derive from the original award criteria and the capable suppliers are notified of this. Award criteria that is completely new cannot be introduced in a further competition. Transparently state your award criteria including percentage weightings
- Evaluate the returned tenders against your stated award criteria.

Award to the supplier(s) with the most economically advantageous offer, represented by the highest score.

• **Can the buyer use their own procurement or tendering portal documents?**

Buyers may use their own procurement documents, procurement portal and/or their own local sourcing processes, provided the award made is compliant with public contract regulations and the award procedure under the framework agreement.

• **What documentation do I need to complete?**

Buyers should complete an order form that can be found on our website. Within the order form, buyers should clearly state all the requirements needed from the supplier and the candidate including any training, the level of disclosure and immunisations. The order form can also be used to award holistic/managed models and agree rates and SLAs applicable to order for an agreed period of time.

Suppliers are expected to return an assignment checklist to confirm all of the relevant candidate details pre-placement. All documents needed are located on our website.

• **Can a trust request additional training for work seekers?**

Yes. You may request additional training for a worker due to undertake a role, however this must be within reason. If it is very unique to your trust and/or has a large cost element (above and beyond the cost of standard/mandatory training) this should be discussed with the supplier in advance, with an option to offer support of the cost if necessary.

• **Can I award multiple suppliers?**

Yes. You should make the scope of each awarded contract clear and make clear that individual suppliers do not have exclusivity.

• **Is there an option to extend the call off contract?**

Extension options are available under any call off contracts signed through this framework. These options should be included in the provisions of the contract at the time the contract is established.

• **What employment checks are carried out on workers?**

The framework states that employment checks should be in line with the NHS Employment Check Standards. Details of the checks [can be found here](#). Or if in Scotland, details [can be found here](#).

Non-NHS Buyers can agree levels of checks within a signed SLA with the supplier.

• **How does the NHS Workforce Alliance assure candidate compliance?**

Suppliers under this framework are subject to the Health Assurance Audit. This independent audit seeks to assure that framework agencies administer their framework duties with respect to worker compliance checks in accordance with the terms of the framework agreement and, in particular, with the NHS Employers Check Standards.

• **Can a buyer inspect suppliers?**

Buyers may conduct worker compliance checks with respect to their own call off contracts.

It is recommended that buyers conduct due diligence checks.

• **Can I make a worker permanent, or move them to a different agency, and what are the fees involved?**



RM6281 is for the supply of temporary and fixed term workers and should not be used as a tool to fill permanent positions. However, if you do wish to make a worker permanent, you can transfer to the internal staff bank or transfer to another agency or outsourced bank, then agree to an extended hire period to avoid paying fees.

There is a 12-week minimum period to be worked. From week eight onwards, you are required to provide the agency with four weeks' notice in writing that you wish to make the worker permanent or transfer them. If you are unable to provide this notice, then a fee will be payable. There is a tab within the rate card that can help you calculate what this fee will be.

## • What is the complaints procedure?

Within two business days of a written request by the authority, the supplier shall provide further reasonable details of the complaint to the authority. This includes details of the steps being taken to progress its resolution and, following its resolution, details of how and when the complaint was resolved.

## • Who is the NHS Workforce Alliance?

Crown Commercial Service and NHS Procurement in Partnership have been working together since 2019 as the NHS Workforce Alliance.

As the biggest public procurement partnership in the UK, we bring together a wealth of trusted procurement and commercial expertise to benefit the NHS.

NHS Procurement in Partnership is a collaboration of four procurement hubs:

- NHS Commercial Solutions
- East of England NHS Collaborative Procurement Hub
- NHS London Procurement Partnership
- NHS North of England Commercial Procurement Collaborative

Crown Commercial Service is an executive agency of the Cabinet Office, and the biggest public procurement organisation in the UK

## • How can the NHS Workforce Alliance help you?

The NHS Workforce Alliance RM6281 Clinical and Healthcare Staffing framework is free to use for all NHS organisations, public and third sector bodies with the options of a direct award or a further mini-competition. Where NHS organisations are challenged in filling their requirements, there is an opportunity to break glass for patient safety purposes.

We can provide subject matter expert advice and support in making an award under the framework agreement, including use of the award support tool, advice on completing award and procurement documentation. There are circumstances where assisted procurement is available.

We also offer market insight and data to support development of your workforce strategies and can support in engagement with suppliers under management where appropriate.

## Non-NHS Buyers

### • How do I understand the Agenda for Change pay bands?

The framework has 10 pay bands. The first nine of which are based around the NHS Agenda for Change Pay Bands. We added a tenth band to cover roles that require a rate of pay that is higher than the Agenda for Change pay scales allow. This is usually used for senior interims.

For non-NHS buyers, please note that each band within the rate card contains an NHS pay range which is used to calculate the total charge rate. In order to identify the appropriate charge rate for your requirement, you should identify which NHS banding is applicable to the role profile you require. Note that this should relate to the role profile and not necessarily the pay rate.

Non-NHS Buyers are able to determine how much you wish to pay the workers. This can then be used in our calculator, alongside the supplier fee for the identified appropriate banding, and the calculator will produce a total charge rate based on the supplier that you decide to use.

**• Some of the framework requirements aren't relevant to my department, what should I do?**

If there are requirements that aren't relevant to you such as NHS Employers employment checks, you can stipulate your exact requirements within a call-off contract and put into writing what services you do or do not require from the supplier.

## Suppliers

**• How will we be informed that a buyer is using our services under the RM6281 framework agreement?**

Suppliers will be informed of this via the NHS Workforce Alliance beneficiary notices which will be sent out regularly.

**• Can suppliers supply workers under Lots that they have not been awarded to?**

Suppliers may engage with a buyer directly **ONLY** under the lots to which they are appointed. Sub-contracting is enabled under the framework agreement.

**• Can suppliers be terminated from the framework?**

Yes, we can terminate for a number of reasons. Please see the framework terms and conditions for more information. Most reasons for termination from the framework agreement also apply to termination of a call off contract.

**• Can suppliers who have not been awarded a place on the framework supply?**

Suppliers may sub-contract their obligations under the terms of this framework agreement via a framework awarded supplier, provided it has the buyers consent to do so.

The terms of the sub-contract must be no less onerous than the terms of the framework agreement/call off contract, and framework supplier ultimately remains responsible for ensuring its obligations under the terms of the framework agreement/call off contract are met.

## • Who is responsible for employment checks if a supply chain is used to fill a position?

The lead supplier on the framework is responsible for ensuring all candidate employment checks are carried out to the required standards, whether they are using their own workers or using their approved supply chain.

## • Can suppliers offer discounted rates to buyers?

The rates recorded in the tender against pay bands are the maximum that the supplier can charge for that band, however, suppliers are able to offer reductions to buyers.

The pay rate to the worker will be set by the buyer, agenda for change can be used for guidance.

Note - pay bands here refer to NHS England price caps. For other buyers' equivalent pay bands are included in the respective lots.

NHS pay band 1 is discontinued for new appointments.

## • Do suppliers need to provide the NHS Workforce Alliance with any information?

Suppliers are required to provide and maintain the required insurances and accreditations made known in the framework agreement and procurement documents. These include:

- Employer's (Compulsory) Liability Insurance = £10,000,000
- Public Liability Insurance = £5,000,000
- Professional Indemnity Insurance = £10,000,000

Suppliers are required under the framework to provide full and correct management information for the previous months spend by the 5th working day of each month. Information on how this will be done will be provided at framework award.

Suppliers are also required to respond to ad hoc requests for information from us. This may include exceptional requests for management information (detailed in the framework specification).

Full obligations are detailed in your framework agreement.

## • Will suppliers be inspected?

Suppliers are subject to Health Assurance Audit. You may also be subject to an income to ensure you are declaring all spend won under the framework agreement in your management information returns.

## • What training is required for new starters?

The supplier shall provide workers that are suitably trained and experienced for the duties required of them. The framework training is based around the NHS core skills training framework.

Details of the modules covered under the core skills [can be found here](#).

## • Do all workers require immunisation?

Suppliers are required to follow the NHS Employments checks standards for immunisations. Buyers should work with their Occupational Health department/provider to determine any

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Crown Commercial Service

NHS Commercial Solutions

NHS East of England Collaborative Procurement Hub

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additional requirements. Any change in immunisations required must be stated within the order form for the assignment and reflected onto the assignment checklist.

**• Can suppliers add, change or amend their products, services or description of services? If so, how?**

The scope of the framework lots is fixed. If a supplier wishes to adjust their regions of supply, branch details, and the details of specialisms they have capability to deliver, then an opportunity will be provided for this through contract management and will be dealt with via the category team. Suppliers should contact the framework owner for this request.

**• I have been successful in getting onto the agreement and want to amend my pricing. How do I do this?**

The framework prices will be fixed for the first two years following the framework contract commencement date. After this, they may be reviewed on each following yearly anniversary. Full details can be found in Framework Schedule 3.

A supplier can request to decrease the prices at any time.

**• I want to amend terms and conditions. How do I do this?**

The terms and conditions are set by the framework agreement for all suppliers. Suppliers may not amend these. Special terms may be included as part of a further competition.