



GREAT DUNMOW TOWN COUNCIL

Employment of Temporary and Agency Staff Policy

Version	Adopted	Minute Reference	Date of Next Review
1	06/02/25	FC162i	February 2028

Introduction

1. The Council is committed to creating employment stability wherever possible; therefore, there are certain circumstances in which it is more appropriate to employ people on a temporary and agency contract to:
 - Provide short-term cover in instances such as long-term sickness and parental leave or seasonal peaks.
 - Achieve best value
 - Maximise performance and Organisational efficiency using reliable workers known to the Organisation.

This policy and procedure sets out when such contracts may be used in place of permanent contracts, and will ensure that such contracts are used only when it is both reasonable and justifiable to do so.

Below is a list of examples of when such a need may arise. Please note that the list below are examples of situations and is not exhaustive:

- there is a need for extra members of staff to work for a limited duration on a one-off task or project.
- extra members of staff are needed to cover seasonal peaks (so as to avoid the need for permanent staff to work excessive overtime)
- extra members of staff are needed on a temporary basis to cope with a surge in demand or in order to meet a client deadline
- extra members of staff are needed to cover the absence of permanent staff, for example with regard to holiday, long-term sickness absence or parental leave
- there is a need to prevent or eliminate an excessive backlog of work.

Definitions

2.1 Casual Worker

A casual worker is a worker employed directly by the Council on an, as and when basis. A casual worker is used for covering absence or supporting workload peaks, but not on a regular basis. There will be no mutual obligation for either the employer to provide work or for the worker to undertake the work. Work offered may be refused by the casual worker.

Casual workers are entitled to receive a written statement of terms and conditions of employment which must include information on certain terms of employment, including benefits to which the worker is entitled, including annual leave entitlement to be calculated in line with the Government guidance in place at the relevant time.

Casual workers are protected from unlawful discrimination under the Equality Act 2010.

Therefore, employers should deal thoroughly with grievances or complaints that they bring where there is a suggestion of discrimination or harassment in line with our policies and procedure.

2.2 Fixed Term Worker

A fixed-term worker is a person with a limited-time contract of employment with the Council which is due to end:

- after a specific project or when a task is complete
- at a specific date (other than retirement)
- after a specific event

Fixed-term workers are employees of the Council and are therefore entitled to terms and conditions of employment that are no less favourable than the terms and conditions of a comparable permanent employee unless there is an objective reason for offering different terms.

Under the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 (SI 2002/2034), a fixed-term contract is automatically converted by law into a contract of indefinite duration (i.e., a permanent contract) once the employee has completed four years continuous employment under it or renewals of it (unless an exception applies).

2.3 Temporary or Agency Worker

A temporary worker is someone who may have a contract with a Temporary Work Agency (TWA) (an employment contract or a contract to perform work personally) but works temporarily for and under the direction and supervision of a hirer (the Council).

A worker employed for a limited duration for the Council not on a fixed-term contract:

- work experience
- sponsor schemes
- apprentices
- agency workers

Temporary workers may be engaged in one of two ways, these being:

- directly by the Council
- through an approved Temporary Work Agency.

2.3.1 The Agency Workers Directive gives agency and temporary workers the entitlement to the same basic employment and working conditions as if they had been recruited directly, if and when they complete a qualifying period of 12 calendar weeks in the same job, please note that this does not need to be consecutive. It is not retrospective and for those agency workers already on assignment, the 12 week qualifying period will start from day one of employment at GDTC.

2.3.2 Temporary Agency Workers must:

- Comply with all requests for the necessary pre-engagement and safeguarding checks.
- Provide evidence of professional qualifications where required by the role.
- Participate fully in induction and training and comply with Council Policies and Procedures.

2.3.3 The Temporary Worker will:

- Comply with all requests for the necessary pre-engagement and safeguarding checks. Additional safeguarding checks are required for agency workers working with vulnerable people.
- Provide evidence of professional qualifications where required by the role.
- During a strike or industrial action, temporary worker agencies may not lawfully assign a temporary worker to the Council that is seeking to obtain temporary cover for the duties normally performed by an employee taking part in the strike or industrial action.
- Participate fully in induction and training and comply with Council Policies and Procedures.

Policy Statement

3. The Council will use casual, fixed-term and temporary workers only to provide additional resources and allow for flexibility on a short-term basis from time to time.

Town Clerk

4.1 The Town Clerk will set out a written request to the Personnel Committee for additional resources to include:

- the worker's intended start date
- the approximate length of the assignment
- the reason why additional resources are required
- the appropriate rate of pay (based on current market conditions)
- a job description
- details of the worker and whether they are known to members of staff or the Town Council

4.2. The Personnel Committee will take a vote on the appointment of the temporary worker under this policy.

