# Honorary Contracts Policy

<table>
<thead>
<tr>
<th>Reference Number:</th>
<th>159</th>
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<tbody>
<tr>
<td>Author &amp; Title:</td>
<td>Melanie Hobbs, Resourcing Manager</td>
</tr>
<tr>
<td>Responsible Director:</td>
<td>Claire Radley, Director of People</td>
</tr>
<tr>
<td>Review Date:</td>
<td>June 2021</td>
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<td>Ratified by:</td>
<td>Strategic Workforce Committee</td>
</tr>
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<td>15 June 2018</td>
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<tr>
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<th>Employment Checks Policy</th>
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<td>Work experience policy and procedure</td>
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<td>Disclosure and Barring Service Policy and Procedure</td>
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<td>Volunteers Policy</td>
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Amendment History

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1. **Policy Summary**

In addition to its core workforce, the Royal United Hospitals Bath NHS Foundation Trust (the Trust) will, from time to time, engage the services of persons, who are not paid employees, to carry out regular or ad-hoc work on behalf of the Trust. In addition, occasions often arise when an individual from an outside organisation wishes to work within the Trust in an unpaid capacity, for example, to gain work experience or shadow experienced staff. The Trust recognises its obligation to promote careers in healthcare and offers work experience arrangements and unpaid placements for a specific purpose via the honorary contract process. In these circumstances, where the individual concerned is not employed directly by the Trust an honorary contract should be established.

Individuals seeking employment, educational or observational opportunities on an honorary contract basis within the Trust are required to undergo a series of checks before the employment or placement can commence.

Issuing an Honorary Contract does not imply the creation of an employer/employee relationship and is for the purpose of granting licence to an individual to conduct certain activities and use certain Trust facilities. However, the most important feature of an Honorary Contract is the indemnity provided by the Trust in respect of liabilities, particularly liability in respect of medical negligence.

The purpose of this policy is to protect patient safety by setting out the process to be followed to ensure that all appropriate checks are carried out in accordance with NHS Employment Checks standards and employment best practice and guidance. In addition, it places an obligation on the Trust and individual to be aware of their duty of care to patients, the general public and work colleagues.

Not all individuals undertaking honorary duties will actually require an honorary contract; therefore this policy aims to clarify the correct procedure to be followed when confirming honorary contract arrangements.

It is important to note for those individuals that require an honorary contract, an individual will not be covered under the Trust’s insurance policies and will not be indemnified if an honorary contract has not been issued. Therefore, no individual should be allowed to participate or observe in a department without an honorary contract in place.

Individuals eligible for issue of an Honorary Contract include:

- Return to Practice Students
- A doctor, nurse or other clinical practitioner from another Trust undertaking further clinical experience
- Individuals working for another NHS Trust, following through a patient’s treatment whilst in hospital
- Work experience/shadowing/observers individuals where placements exceed a two week period
• NHS Graduate Management Training Scheme Trainees
• Individuals undertaking placements via Norland Nannies
• Elective placements or similar shadowing for current University students
  where there is no service level agreement in place

This policy does not cover:
• Volunteers (please refer to the Volunteers Policy)
• Work experience placements under two weeks (please refer to the Work
  Experience Policy & Procedure for work experience placements of less than
  two weeks)
• Workers covered under a service level agreement process between the Trust
  and a third party provider (e.g. contractors)
• Staff covered under a service level agreement process between the Trust and
  a University (e.g. medical, nursing, pharmacy students etc.)
• Temporary staff employed through the staff bank or an employment agency

2. Policy Statements

Through this policy, the aim is to create an honorary contract process which:
• Defines lines of responsibility and accountability for individuals who work in
  the Trust but who are not employees of the Trust
• Ensures that non-employed staff are appointed through a fair, open and
  transparent procedures that satisfies all legal requirements
• Is compliant with NHS Employers requirements

3. Definition of Terms Used

Sponsoring Manager: The Sponsoring Manager (usually a Senior Manager in the
department) is responsible for assessing the suitability of an application for an
honorary contract and completing the honorary contract application form. The
Recruitment team will only process honorary contracts at the request of an
appropriate member of RUH staff.

Honorary Contract: A written agreement issued to authorised individuals who are
not employees of the Trust where the individual is required to perform a particular
function within a specified remit. Without an honorary contract the worker will not be
covered by NHS indemnity. Individuals undertaking such a role will be subject to the
same level of employment checks as a substantive employee in line with the Trust’s
Recruitment and Selection Policy and NHS Employment Check Standards. The
honorary contract includes reference to key Trust documents including
confidentiality, health and safety and standards of behaviour.
**Service Level Agreement (SLA):** A generic term used for agreements between the Trust and other organisations for delivery of service.

**Disclosure and Barring Service:** The Disclosure and Barring Service is a government agency responsible for providing information to employers with regards to the past criminal record within the UK of an individual.

**NHS Employment Check Standards:** These standards set out six key checks that all NHS organisations within England are required to undertake in the appointment and ongoing employment of individuals in the NHS. These checks also apply to individuals undertaking an honorary contract.

**Employment checks:** These refer to the key checks that must be under taken by the Trust before an individual starts in order to issue an honorary contract.

**Certificate of Fitness for Honorary Practice**
A recognised NHS certificate issued by the employing NHS organisation that allows medical consultants to undertake activity at another NHS employer’s Trust.

### 4. Duties and Responsibilities

**The Director of People will:**
- Be responsible for ensuring the implementation of this policy.
- Oversee the operation, monitoring and review of this policy.
- Advise managers, staff and Staff-side organisations on the content of the policy and its interpretation.
- Regularly review this policy in consultation with locally recognised Trade Unions and staff organisations.
- Ensure the provision of appropriate guidance to enable all managers and supervisors to discharge their responsibilities under this policy in a fair and consistent manner.

**The Recruitment Team will:**
- Process applications in accordance with this policy, including ensuring employment checks are carried out in accordance with the NHS Employment Check standards the Trust’s Employment Checks policy.
- Issue honorary contracts on receipt of the appropriate documentation.
- Maintain a log of all individuals in the Trust who hold honorary contracts.
- Contact Sponsoring Managers in advance of the termination date of the honorary contract to establish whether the honorary contract will terminate or be extended.
- Issue an extension to the honorary contract letter where appropriate.
- Where appropriate, terminate ESR assignment records.
- Appropriately archive records relating to honorary contracts in line with the Trust’s corporate retention schedules.
- Provide advice regarding the application of the honorary contract policy.
The Sponsoring Manager will:

- Ensure that all applicants seeking honorary contracts are aware of the requirements for checks to be undertaken.
- Complete and submit the honorary contract application form to the Recruitment team 4 weeks in advance of the proposed start date to enable employment checks to be undertaken in a timely manner.
- Ensure that an honorary contract has been issued before allowing a non-Trust individual to undertake work on behalf of the Trust.
- Ensure that the honorary contract holder is made aware of the relevant Trust policies, procedures and working protocols, and to ensure that they are not required to work beyond their level of competence.
- Ensure that the health and wellbeing of those on honorary contracts for which they are the named sponsor throughout the duration of the contract. Where appropriate this will include the completion of a full risk assessment (if the local risk assessment is deemed unsuitable) particularly where a contract entails visiting a clinical area or delivering patient care. Where this is the case the sponsor should seek guidance from the Trust’s Health and Safety Team in the first instance.
- Ensure that the privacy and dignity of patients is maintained throughout an honorary contract if the placement involves exposure to patients, and, that if the placement involves direct patient care that patient does not suffer a detriment in anyway as a result of the care be given by the honorary contract holder. Particularly in cases where honorary contracts involve a clinical placement the sponsor is responsible for ensuring that the honorary contract holder has been made aware of the relevant Trust expectations including, but not limited to, maintaining appropriate relationships with patients, accepting gifts, communication with the media, fitness for duty and declarations of interest.
- Ensure that they have in place a robust brought forward system to ensure that either the work ceases at the end of the period covered by the honorary contract or that a renewal is obtained before the expiry date.
- Ensure that an ID badge, a uniform (where relevant) and appropriate access to systems are applied for in advance of the start date
- Ensure that the honorary contract holder receives a full departmental induction (where relevant)
- Ensure that the individual undertakes all relevant Trust statutory, mandatory and departmental training
- Ensure that appropriate arrangements are in place for the support and supervision of honorary contract holders.
- Ensure that at the end of the agreed period of the contract; collect any Trust property from the individual including ID card, smartcard, office keys etc. and for ensuring the honorary contract holder's access to all Trust buildings and computer systems is removed.

Applicants should:

- Complete the honorary contract application form accurately
- Provide the recruitment team with relevant documentation in order to satisfy pre-engagement checks in line with NHS Employment Check Standards
Honorary individuals will:
- Comply with all relevant Trust policies and procedures throughout the duration of their honorary contract.
- Maintain registration with the appropriate Regulatory body throughout the duration of the honorary contract where necessary and advise the Trust immediately of any issue which may affect their ability to practice.
- Promote and maintain the interests and reputation of the Trust at all times.

5. Honorary Contracts

5.1. Procedure for obtaining an honorary contract

Introduction
An individual is required to hold an honorary contract in order to conduct certain activities within the Trust and use the facilities of the Trust.

The award of an honorary contract from the Trust ensures that individuals are appropriately indemnified by the Trust for any NHS work activities undertaken under the honorary contract and that individuals are subject to the governance arrangements.

Honorary contracts will be issued for any pre-determined time period of up to three years.

Application
To apply for an Honorary Contract, an individual must complete the honorary contract application form (please refer to the application form in Appendix 2), ensuring that their substantive employer/university and the Trust Sponsor complete the relevant sections and submit the full application form to the Trust’s Recruitment team via email ruh-tr.honorarycontracts@nhs.net for processing.

A minimum of one month should be allowed from the time of submitting an application to the proposed start date. This allows for all checks and authorisations to be completed prior to the anticipated start date. The proposed start day may have to be deferred where less notice is provided.

Any incomplete application forms will be returned to the sponsoring manager requesting that the application form is fully completed.

All applications for honorary contracts must include an end date, without the end date the application form will not be processed.

5.2. Processing applications – employment checks
On receipt of a completed application form is received the Recruitment team will conduct checks to ensure that the NHS Employment Check Standards are satisfied, in accordance with the Trust’s Employment Checks policy. It is important that all persons undertaking work on behalf of the Trust are subject to the same level of scrutiny regarding competence and employment checks as that for a substantive employee.

These checks include:

- Identity
- Occupational health
- Professional registration and qualifications (where relevant)
- References
- Disclosure and Barring Services (where relevant)

Although the NHS Employment Check Standards requires the Trust to undertake a right to work check to determine whether an applicant has the legal right and permission to work in the UK, for individuals seeking an honorary contract this check is not undertaken. This is because the honorary contract does not create an employer/employee relationship and for those individuals who are employed by another organisation, the responsibility to ensure that the individual has the legal right and permission to work in the UK is retained by the employing organisation.

For those individuals who are already employed by a NHS organisation/University or for an organisation that undertakes employment checks which conform to the NHS Employers Check Standards, the Recruitment team will seek confirmation that all employment checks have been undertaken from the organisation as long as consent has been given to this transfer of personal data by the individual.

Where existing checks have not been undertaken, are out of date, or the individual has not given consent for the information to be shared, the Recruitment team will seek to obtain documentary evidence directly from the individual. In situations where a new DBS check may be required, the individual will be required to complete the relevant DBS self-declaration form. A charge for the DBS check may be incurred.

When the checks have been satisfied, the Recruitment team will issue one copy of the honorary contract to the individual and the other to the Sponsoring Manager in the Trust who will assume day to day responsibility for the individual.

5.3. Commencement of an honorary contract

An individual must not commence activities within the Trust until all employment checks have been completed.

Statutory and Mandatory training
It is the responsibility of the Sponsoring Manager to determine the induction requirements of their honorary contract staff. Induction includes a welcome to the RUH, work ready activities
to include identity badge & Smart card, relevant mandatory training for the role and a local induction to the work area.

It is advised that the Sponsoring Manager uses a risk assessment process to determine requirements.

At a minimum honorary staff must receive a local induction using the RUH local induction checklist to determine what must be covered. This completed declaration form must be kept in the honorary contractors file.

Any honorary contractor in post for longer than 3 months (hours dependant) will in most cases need to complete the same induction requirements as their RUH substantive colleague. The Learning and Development team can advise on what is necessary. If the Recruitment team are advised that an individual requires statutory and mandatory training, the individual’s personal details will be entered onto the Electronic Staff Record (ESR).

When using the risk assessment process there is provision within this policy for the recruiting manager to **not** accept an honorary contractor without suitable evidence from the host organisation of relevant mandatory training compliance.

**Access to electronic systems**

All individuals that require access to NHS Care Records Systems require their identity to be checked to Electronic Government Interoperability Framework (e-GIF) Level 3 prior to being issued with a smartcard and their personal details entered onto (ESR).

Sponsoring Managers should indicate whether this access is required in the honorary contract application form so that the Recruitment team can ensure that the relevant identification documents are requested, the smart card issued and entered onto ESR.

**ID cards**

All individuals who are subject to an honorary contract must be issued with an identification card. Sponsoring Managers must ensure that a relevant identity badge is requested in advance of the individual starting their honorary contract. Details on how to obtain an identity card are provided on the Trust’s intranet: [http://webserver/staff_resources/forms/security.asp](http://webserver/staff_resources/forms/security.asp)

**5.4. Termination of an honorary contract**

Approximately 8 weeks before the documented end of the honorary contract the Recruitment team will contact the Sponsoring Manager to establish whether the contract is to be extended or terminated.

Where the contract is to be terminated in line with the original termination date, the Recruitment team will check and update the Electronic Staff Record (ESR) with the termination date where appropriate and arrange for documentation to be retained in accordance with the Trust’s corporate records retention schedules.

At the end of the agreed honorary contract period, the Sponsoring Manager is responsible for ensuring the return of any Trust property including ID cards, smartcard etc. and for ensuring that the individual’s access to Trust buildings and computer systems is removed.
Where the activity ends, or is terminated earlier than expected, or an individual terminates their employment with their substantive employer, the Sponsoring Manager of the individual should notify the Recruitment team so that the appropriate records can be updated. The Sponsoring Manager retains the responsibility for ensuring the return of any Trust property including ID cards, smartcard etc. and for ensuring that the individual’s access to Trust buildings and computer systems is removed.

Should any concern be raised about the conduct of an individual on an honorary contract and/or conduct which breaches the terms of the contract, the Trust reserves the right to suspend or terminate the honorary contract with immediate effect, following an appropriate procedure.

Should the individual, Trust or substantive employer wish to terminate the contract early on grounds other than conduct concerns, this will be in accordance with the notice agreed in the honorary contract. The notice period should be agreed by the Sponsoring Manager, the individual and substantive employer (where relevant) prior to the commencement of the honorary contract and indicated in the honorary contract application form. In situations where a notice period is not indicated, the recruitment team will assume a notice period of 4 weeks.

5.5. Extension of an honorary contract

To extend an honorary contract beyond its expiry date, the Sponsor must advise the Recruitment team via email ruh-tr.honorarycontracts@nhs.net confirming the new completion date of the arrangement.

Following an extension request, the Recruitment team will review the honorary contract holder’s file and ensure that all checks are up to date and all relevant documentation is on file.

Where existing checks are out of date, the Recruitment team will seek to obtain documentary evidence directly from the individual.

After the file has been checked and approved, the Recruitment team will issue an extension to honorary contract letter to the individual by email to the individual and Sponsoring Manager.

5.6. Service Level Agreements (SLA)

Service Level Agreements (SLA) are used where the Trust has an agreement or contract with another organisation for the delivery of specific clinical or non-clinical work or with a University to provide relevant training and placements.
Where a SLA is in existence which provides assurances that relevant employment checks such as a DBS and occupational health checks have been undertaken, there will be no requirement to issue an honorary contract.

Sponsoring Managers must ensure that the relevant SLA covers these provisions before allowing an individual to undertake the work/placement.

5.7. Certificate of Fitness for Honorary Practice

NHS Employers and the Academy of Medical Royal Colleges (AoMRC) have agreed and developed the certificate of fitness for honorary practice. The certificate enables Consultants to carry out short-term, ad hoc or urgent activity in another organisation, without the need for an honorary contract of employment.

The certificate is not intended to remove the need for honorary contracts of engagement between organisations, but aims to support trusts by covering absences and responding to emergencies where there is no time to carry out employment checks. At the same time, it will allow consultants to provide training or maintain their own skills by visiting another hospital.

The certificate may be requested at appraisal by the consultant and contains all relevant information to show that a consultant is fit to carry out clinical work on a short-term basis. The certificate is then held on the consultant's file, to be produced when invited to assist in patient care at another organisation. A record of attendance would be completed by the host organisation, to record the honorary practice carried out.

The certificate can be used for:
- emergency or occasional treatment of a patient (e.g. to cover sick leave)
- promoting continuity of care of a patient
- allowing a consultant to provide short-term specialist training to other clinicians in the area of his/her expertise
- allowing a consultant to receive short-term training/continuing professional development to expand their skills in an area of practice that is new to them or in innovative techniques and technology.

The Trust will accept the certificate of fitness for Consultants only in the above situations where the certificate is presented before the work commences unless there are exceptional circumstances.

6. Monitoring Compliance

The Recruitment team will review compliance with this policy on a quarterly basis and identify any actions which might need to be implemented as a result of this review.
7. Review

This policy will be subject to a planned review every three years as part of the Trust’s Policy Review Process. It is recognised however that there may be updates required in the interim arising from amendments or release of new regulations, Codes of Practice or statutory provisions or guidance from the Department of Health or professional bodies. These updates will be made as soon as practicable to reflect and inform the Trust’s revised policy and practise.

8. References

Provide evidence base for procedural documents with up to date references. It is recommended that all references are cited in full using an agreed uniform approach to referencing

NHS Employers Employment Checks
http://www.nhsemployers.org/your-workforce/recruit/employment-checks
Appendix 1:

Procedure for requesting an honorary contract:

1. Sponsor and individual agree honorary contract
2. Individual completes section B and signs their declaration on application form
3. Sponsor completes section A and signs sponsor declaration on application form.
4. Completed form sent to ruh-tr.honorarycontracts@nhs.net at least 4 weeks before proposed start date of contract
5. Recruitment team confirm what transferable checks have already been done (by substantive employer/university)
6. Recruitment team action any necessary employment checks
7. Sponsor liaises with individual regarding logistics of their commencement with RUH. Such as ID start time and dress code
8. Recruitment team issues honorary contract to individual (and copy to sponsor.)
**Appendix 2:**

Section A should be completed by the Sponsoring Manager who will have responsibility for the honorary contract arrangement

### Section A:

<table>
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<td>Department*</td>
<td></td>
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<tr>
<td>Contact details (email and extension number)*</td>
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<tr>
<td>Proposed activities/role*</td>
<td></td>
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<tr>
<td>Base for honorary contract activities (site and department)*</td>
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<tr>
<td>Start date of honorary contract*</td>
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<tr>
<td>End date of honorary contract*</td>
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<tr>
<td>(Honorary contracts are for a maximum of 3 years)</td>
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<tr>
<td>Will this post allow direct access/contact with patients*</td>
<td>Yes</td>
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<tr>
<td>Does the individual need access to patient systems such as Millennium?*</td>
<td>Yes</td>
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<tr>
<td>What is the notice period to be specified in the contract?*</td>
<td>1 week</td>
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*Mandatory for completion

**Authorised by:**

Sponsor name: .................................................................

Sponsor signature: ............................................................

Date: .................................................................

In signing this application form I acknowledge my responsibilities as the Sponsoring Manager as outlined in the Honorary Contract Policy
**Section B is to be completed by the applicant requiring an honorary contract**

**Section B:**

<table>
<thead>
<tr>
<th>Applicants Full Name*</th>
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<tbody>
<tr>
<td>Address*</td>
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<td>Date of Birth*</td>
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<td>NI Number*</td>
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<tr>
<td>Emergency contact details (name and contact number(s))</td>
<td>Name: Relationship to you: Address: Phone number(s):</td>
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<td>Your email address* (this will be used to communicate with you)</td>
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<tr>
<td>Your telephone number(s)*</td>
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<tr>
<td>Name of Employing organisation/University*</td>
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<tr>
<td>Contact details for HR department of employing organisation/University (including name, phone number and email address)*</td>
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<tr>
<td>Professional Body (if relevant)</td>
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<td>Registration Number &amp; expiry date (if relevant)</td>
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*Mandatory for completion

I understand that as part of the application process for an honorary contract, my employing organisation/University will need to provide written confirmation that all documentary evidence, which is likely to contain personal data, in order to satisfy the NHS Employment Check Standards has been provided to the Trust. I understand that personal information provided to the Trust will be kept in line with national retention schedules.

I give the Trust consent to request, use and process my personal data relating to this honorary contract application.

☐ Yes
☐ No

Please be aware that completed forms containing personal information emailed to us will be accepted as electronic agreement/consent.
I understand that if any of my employment checks do not meet current NHS Employment Check Standards then I will need to provide the relevant information to the Recruitment team at the Royal United Hospitals Bath NHS Foundation Trust.

Name: ...........................................................

Signature ..........................................................

Date: .........................................................