

# **HR21**

## **Working Across Organisational Boundaries Policy**

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## **1.0 Policy Statement (Purpose / Objectives of the policy)**

- 1.0** Increasingly, staff are working across organisations providing direct and indirect care for the benefit of patients.
- 1.1** The Trust is committed to ensuring that where there is an agreement with another organisation for the provision of staff to work across organisational boundaries there are clear lines of accountability and responsibility for:
- Staff who are employed by another organisation working at the Trust.
- 1.2** This policy has been produced to assist managers in identifying where the accountability and responsibility for risk and associated indemnity in relation to The Royal Wolverhampton NHS Trust employees and other staff lie when SLAs (Service Level Agreements), Honorary Contracts, Letter of Authorities or Memorandum of Understanding (MOU) apply.

## **2.0 Definitions**

<b>Honorary Contract</b>	A contract issued by to an authorized, non-NHS worker, who is not paid by the Royal Wolverhampton NHS Trust and whose substantive employment remains with another organisation. Without an honorary contract the worker will not be covered by the Trust's NHS indemnity. Workers undertaking such a role will be subject to the same level of pre-employment checks as a substantive employee in line with the Trust's Recruitment and Selection Policy and NHS Employment Check Standards. No placement should commence until this is in place.
<b>Involved People or Honorary workers</b>	The person undertaking work as a result of the honorary Contract, MOU or SLA.
<b>Letter of Authority</b>	A contract issued by to an authorized, non-NHS worker, who is not paid by the Royal Wolverhampton NHS Trust and whose substantive employment remains with another organisation. Without an honorary contract the worker will not be covered by the Trust's NHS indemnity. Workers undertaking such a role will be subject to the same level of pre-employment checks as a substantive employee in line with the Trust's Recruitment and Selection Policy and NHS Employment Check Standards. No placement should commence until this is in place.

<b>Memorandum of Understanding (MOU)</b>	Collaborative agreement for the temporary sharing of workers between providers across the Black Country and West Birmingham ICS to facilitate the provision of health or social care services. The staff member remains an employee/worker of their existing participating employer and the MOU does not create an additional employment or relationship with the receiving body. The individual will not be entitled to receive any salary, pension or other associated benefits and will continue to be remunerated by the existing employer.
<b>Service Level Agreement (SLA)</b>	A contract between a service provider and an end user that defines the level of service expected from the service provider. SLAs are output based in that their purpose is specifically to define what the customer/end user will receive. Where an SLA is in place, the individual/s placed must hold an honorary contract.

### 3.0 Accountabilities

- 3.1** The **Director of Human Resources and Organisational Development** has overall responsibility for the implementation of this policy.
- 3.2** **Directors and Managers** are responsible for ensuring that this policy is communicated to all staff and applied to all relevant situations.
- 3.3** It is the responsibility of the **Director of Human Resources and Organisational Development** to ensure that this policy and procedure is implemented, reviewed and updated.
- 3.4** *Where an SLA or honorary contract, or letter of authority situation applies:* **Managers** must ensure that this is in place prior to any work associated with the contract being undertaken.
- 3.5** **Managers** are responsible for the overall management of SLAs and will be the point of contact for any issues pertaining to the SLA.
- 3.6** **Managers** have a responsibility for day to day supervision and ensuring that involved people receive appropriate induction, instruction, training, and supervision in accordance with the Trust's Induction and Mandatory Training Policy (OP41) and the Trust's Engagement of Temporary Workers Procedure.
- 3.7** The **Resourcing Department** will prepare Honorary Contracts and Letter of Authorities for staff on receipt of the appropriate documentation.
- 3.8** **Involved people** are obliged to adhere to the policies and procedures of the organisation providing indemnity. Any exclusion will be identified in the SLA/Honorary Contract.
- 3.9** **The Trust** must ensure that local induction is provided to involved people prior to

commencement of duties and at the very least to include information regarding fire safety, requirements of Health and Safety at Work Act, risk management and incident reporting arrangements. The induction process for staff that are employed by other organisations but work in the Trust or for the Trust must meet the requirements stated within the Trust's Engagement of Temporary Workers.

- 3.10** The **employing organisation (not the hosting Trust)** is to provide formal means of identification for involved staff. Involved people will not be provided with Trust identity badges. It is the managers' responsibility to arrange a Trust ID badge if access is required to Trust property for a prolonged period of time. For example, access to a secure door to enter a designated work space when compared with an attendee on a one day training course.
- 3.11** Where the employing organization is a participating Trust covered by the MOU, all participating bodies are satisfied and able to give assurance that all mandatory checks and training are in place to enable the staff member to carry out the duties. This includes all NHS employment check standards. In the event of any gaps, the participating employer may bring this to the attention of the receiving body and assess suitability of staff member for temporary redeployment under the MOU.

## **4.0 Policy Detail**

- 4.1** This policy aims to define lines of responsibility for individuals who undertake work in the Trust or for the Trust but are not employed by the Trust.
- 4.2** The following individuals/circumstances are covered within the scope of this policy and procedure:
- Individuals who are not RWT employees undertaking care of Trust patients and/or other work within the premises of the Trust on a paid or unpaid basis; e.g. research students, regional trainees, visiting consultants;
  - Individuals/organisations using Trust premises for the treatment of patients and/or provision of services, which may include those who are self-employed;
- 4.3** Individuals not covered within the scope of this policy and procedure include:
- Undergraduate students working on clinical placements with the Trust under predetermined arrangements between the Trust and the relevant university, e.g. student nurses, medical students etc.;
  - Work experience students who will be covered by the Trust's [Work Experience Policy \(HR14\)](#);
  - Individuals undertaking private practice which is outside of their contract of employment with the Trust;
  - Volunteers, who will be covered by the Trust's [Volunteer Policy \(OP68\)](#).
- 4.4** The ownership of any equipment that is to be used in performance of the duties described in the SLA is to be identified. The owner of the equipment is to be responsible for maintenance and replacement of the equipment and additionally responsible in providing training to involved staff prior to first use of the equipment. Users are responsible for reporting non-routine maintenance requirements and similarly are to report non-maintenance of equipment to the owner. Please refer to the [Management of Medical Device policy for](#) further

information.

## **5.0 Service Level Agreements (SLA) or Service Contract**

- 5.1** Service Level Agreements (SLA) or Service Contracts are used where the Trust has an agreement or contract with another organisation for the delivery of specific significant clinical or non-clinical work. Where the Trust provides the service, this work may be conducted by Trust employees on Trust premises or on the premises of the contracting organisation. Likewise, where the Trust is in receipt of a service from another Trust, the Trust's colleagues may be providing the service on Trust premises or their own.
- 5.2** SLAs must be established and agreed before the commencement of any off-site working arrangement. Prior to an individual commencing work under an SLA, either an honorary contract or letter of authority must be in place. For any queries regarding SLA's please contact the Trust's contract team on [rwh-tr.contractqueries@nhs.net](mailto:rwh-tr.contractqueries@nhs.net) who will be able to provide advice as necessary.
- 5.3** The Trust must ensure that only appropriately qualified staff are provided to perform duties described in the SLA and that appropriate supervision and training are provided. This will include ensuring that appropriate checks, e.g. Disclosure and Barring Service (DBS) checks, are carried out if necessary. The manager must ensure that all staff involved in the delivery of an SLA are made aware of all relevant provisions.
- 5.4** Trust's contracting team will work with Operational Managers to ensure there is an up-to-date register of SLAs and Service Contracts. The Trust's contracting team will also support and advise managers in drawing up SLAs and service contracts to standard Trust format. Please refer to the Service Level Agreement (SLA) template in the [HR Advisory Toolkit](#).

## **6.0 Indemnity of staff working across organisational boundaries**

Staff employed by NHS Trusts enjoy NHS indemnity which includes their work in other Trusts and associated organisations as set out in their job descriptions. This includes issues relating

to patient care and treatment as well as incidents arising from their presence on Trust property. Where such other locations are not the property of an NHS Trust evidence of adequate insurance cover for third parties working there should first be obtained.

The same duty of care is owed to NHS staff employed by other Trusts while working on this Trust's premises. Which employer would ultimately take responsibility for a clinical claim arising would depend upon the circumstances of an individual case but NHS indemnity would still apply to the staff.

Volunteers not employed by this Trust should be treated as would an employee and must be the subject of an honorary contract and induction prior to commencement of their activities which should be particularised in a job description.

Queries about an individual situation or group of persons should be referred to Legal Services for further help and advice.

## 7.0 Financial Risk Assessment

1	Does the implementation of this policy require any additional Capital resources	No
2	Does the implementation revenue resources of this policy require additional	No
3	Does the implementation of this policy require additional manpower	No
4	Does the implementation of this policy release any manpower costs through a change in practice	No
5	Are there additional staff training costs associated with implementing this policy which cannot be delivered through current training programmes or allocated training times for staff	No
	Other comments	

## 8.0 Equality Impact Assessment

An equality analysis has been carried out and it indicates that:

Tick	Options
x	A. There is no impact in relation to Personal Protected Characteristics as defined by the Equality Act 2010.

## 9.0 Maintenance

This policy will be reviewed every three years or earlier if warranted by changing employment needs, amendments to national terms and conditions or employment legislation.

## 10.0 Communication and Training

This policy can be found on the Policies and Strategies page of the Trust intranet.

Advice, guidance and support on honorary workers can be obtained from the Human Resources department.

## 11.0 Audit Process

The People Committee will be responsible for monitoring its implementation and reviewing this policy to ensure it reflects national standards and best practice.

<b>Criterion</b>	<b>Lead</b>	<b>Monitoring method</b>	<b>Frequency</b>	<b>Committee</b>
Audit Letter of Authority and Honorary Contract Worker Files	Resourcing Team Leaders	Routine audit of files (random sample)	annual	Organisatioa l workforce group

## 12.0 References - Legal, professional or national guidelines

[NHS Employment Check Standards](#)

## Part A - Document Control

<b>Policy number and Policy version:</b>  HR21 V6.0	<b>Policy Title</b>  Working Across Organisational Boundaries	<b>Status:</b>  Final		<b>Author: Acting Resourcing Manager</b>  <b>Chief Officer Sponsor: Group Chief People Officer</b>
Version / Amendment History	Version	Date	Author	Reason
	1	January 2006	Terms & Conditions Working Group	Original Policy
	2	April 2008	Terms & Conditions Working Group	Review and amendments
	3	Jan 2012	Terms & Conditions Working Group	Review and amendments
	4	Dec 2016	Deputy HR Manager	Review and amendments
	5	November 2020	Deputy Resourcing Manager	Transfer of policy and procedure ownership from HR Advisory to Resourcing Team. Reviewed and amended to include the introduction of a Letter of Authority checking process for existing NHS employees that would have previously undergone full pre-employment checks and been issued with an honorary contract.
	5.1	April 2021	Deputy Resourcing Manager	Minor update to Appendix 2 – Letter of Authority Request Form



	5.2	March 2022	Deputy Resourcing Manager	Minor update to Appendix 2 – Letter of Authority Request Form
	5.3	May 2024	Deputy Resourcing Manager	Extension
	5.4	January 2025	Deputy Resourcing Manager	Extension
	6	November 2024	Deputy Head of Resourcing	Minor update to include reference to the MOU and amendments to job titles
<b>Intended Recipients:</b> All managers engaging temporary workers on an honorary basis.				
<b>Consultation Group / Role Titles and Date:</b> Staff Side – April 2025				
<b>Name and date of Trust level group where reviewed</b>		Trust Policy Group – December 2024		
<b>Name and date of final approval committee</b>		Trust Policy Group – December 2024		
<b>Date of Policy issue</b>		April 2025		
<b>Review Date and Frequency</b> (standard review frequency is 3 yearly unless otherwise indicated – see section 3.8.1 of Attachment 1)		December 2027		
<b>Training and Dissemination:</b> Information sharing and engagement at manager’s meetings, launched via Senior Managers Brief and Divisional Management forums.				
<b>To be read in conjunction with:</b> Engagement of Temporary Workers Procedure, HR14 Work Experience Policy, HR08 Recruitment and Selection Procedure, OP41 Induction and Mandatory Training Policy, OP68 Volunteer Policy, OP12 IT Information Security Policy, OP13 Information Governance Policy, HR25 Expenses Policy, HS11 Management of Medical Device Policy				
<b>Initial Equality Impact Assessment (all policies):    Completed Yes</b>				
<b>Impact assessment (as required):    Completed No</b> If you require this document in an alternative format e.g., larger print please contact Policy Administrator8904				
<b>Monitoring arrangements and Committee</b>		People Committee		
<b>Document summary/key issues covered.</b> The aim of this policy is to define the lines of responsibility and accountability for those individuals who undertake work in the Trust but are not employed by the Trust.  Key issues covered include the use and content of Service Level Agreements (SLA) and Honorary contracts, Letter of Authorities and information relating Indemnity and Insurance.				
<b>Key words for intranet searching purposes</b>			Honorary Contract, SLA, MOU, Letter of Authority	