

Protect agency workers in the NHS

Y Pwyllgor Deisebau | 27 Tachwedd 2023
Petitions Committee | 27 November 2023

Reference: SR23/6916-3

Petition Number: P-06-1361

Petition title: Protect agency workers in the NHS

Text of petition:

At present agency workers are not afforded the same safeguards and support from health boards as other NHS employees. As an agency healthcare support worker, I've had personal experience of being subject to untrue and unfounded allegations which went on for months, and I did not have any recourse or opportunity to challenge these. I would have had remedies or recourse in a court of law had I been directly employed by the NHS.

The NHS relies on agency workers to provide essential services. They should be treated fairly. I therefore urge the Welsh Government to review the policies governing the employment and treatment of workers recruited through agencies in its oversight function.



1. Background

Agency workers in the NHS are typically employed by an external agency who are responsible for staff terms and conditions and for dealing with staff grievances.

There is an [NHS Service handbook](#) which sets out the terms and conditions for NHS staff who are employed directly by NHS Wales.

Agency staff do have certain employment rights which are [set out here on the UK Government website](#). This [Welsh Government Code of Practice on ethical employment for the Welsh public sector](#) also notes:

Once an agency worker has been engaged by the hirer for a period of 12 weeks, provided they have been undertaking the same role for the whole period, they earn the right to the same basic working and employment conditions as direct recruits. This includes rights covering pay, duration of working time, rest breaks and annual leave.

2. Welsh Government response

The Minister for Health and Social Services stated in her response to the petition that agency workers and their employment terms and conditions are not a matter for the Welsh Government, as agency staff are employed by the agency, not the NHS. “It is the agency’s responsibility to deal fairly with any grievances that might be raised”.

The Minister noted that agency workers operate on flexible working hours and are typically remunerated outside the usual NHS pay levels. She went on to say that should agency workers wish to have the same benefits as employed members of staff, they may wish to consider applying for a contracted NHS position or working through the NHS Bank.

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