

# Honorary Contracts Procedure

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# Honorary Contracts Procedure

## 1 Introduction

In addition to its core workforce, the Tavistock and Portman 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. This policy provides guidance on the types of authority required in those circumstances.

## 2 Purpose

The purpose of this document is to ensure that non-employed staff working with the Trust are appointed through a fair, open and transparent procedure that satisfies all legal requirements and complies with NHS Employers requirements.

## 3 Scope

This procedure covers the engagement process for non-Trust employed individuals working at the Trust for a specific purpose, for example those carrying out research, audit, teaching, university employees who have retained a requirement to undertake some clinical practice or visiting healthcare professionals.

The procedure also covers the titular award process for life time honorary contracts.

This procedure does not cover:

- Clinical academics who are employees of any affiliated university where a joint appointment process and for whom permanent contractual arrangements have been made.
- Observerships / clinical attachments for non-NHS employees

- Volunteers
- Students on clinical placement
- School students undertaking supervised work experience
- Researchers covered under a separate Research Passport agreement
- Workers covered by a service level agreement between the Trust and a third party provider
- Temporary staff employed through the staff bank or employment agency.

All persons undertaking authorised but unpaid work at the Trust who are not covered by the above exceptions must be covered by either an honorary contract or a letter of authority (see definitions section).

## 4 Definitions

### 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 for the purposes of:

- 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.

Consultants in possession of a certificate of fitness for honorary practice will still need a letter of authority.

## **Honorary Contract**

A contract issued by HR to authorised workers who are paid by another non-NHS organisation and whose employment remains with that other organisation. Without an honorary contract the worker will not be covered by 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. The honorary contract includes reference to key Trust documents including confidentiality, health and safety and standards of behaviour.

## **Letter of Authority**

A letter issued by HR to workers employed by another NHS organisation but who carry out work at the Trust. As already employees of the NHS, NHS indemnity will cover the work they do. The substantive employer will need to confirm that all pre-employment checks have been completed in line with the NHS Employment Check Standards.

## **Lifetime Honorary Contract**

A titular status awarded to individuals whose work for the Trust has contributed to clinical care, education or research.

# **5 Duties and responsibilities**

## **Director of Human Resources**

It is the Director of Human Resources' responsibility to ensure the procedure for working at Trust under an Honorary Contract, or Letter of Authority complies with current legislation, NHS guidance, and recognised best practice.

## **Line Managers**

It is the responsibility of line managers to comply with this policy and to obtain an honorary contract, or letter of authority before allowing non-Trust employed persons to undertake work on behalf of the Trust.

For research work, the appointing manager must have secured written permission from the research and development directorate before allowing any research to commence.

It is the responsibility of line managers to have in place a robust bring forward system to ensure that either the work ceases at the end of the period covered by the honorary contract/letter of authority or that a renewal is obtained before the expiry date.

## **HR Administrators**

It is the responsibility of HR to issue honorary contracts and letters of authority only on completion of the appropriately authorised request form and supporting evidence of pre-employment checks.

HR will also Produce Certificates of Fitness for Honorary Practice for members of the Trust medical staff undertaking ad-hoc work at another NHS employer.

# **6 Procedures**

## **Obtaining an Honorary Contract**

Where a line manager wishes to support a person who is not already employed elsewhere in the NHS to undertake work at the Trust, a request for an honorary contract must be made using the application form in Appendix B. This must be completed and authorised by a service line director or head of corporate function.

It is important that all persons undertaking work on behalf of the Trust are subject to the same level of scrutiny regarding competence and pre-

employment checks. Prior to an honorary contract being issued the HR team will conduct pre-employment checks.

Subject to the necessary pre-employment check assurances, HR will arrange for two copies of the honorary contract to be issued to the manager. One copy will be for the worker and the second copy for retention by the manager. Work cannot commence until HR has issued the document.

Line managers are responsible for the worker and must therefore ensure that appropriate induction and any on-going training for the worker is provided. Honorary contract holders must be given a Trust identity badge.

If the manager has any concerns about the competence, behaviour or attendance of the worker this must be immediately addressed. If concerns are so serious that if the worker had been an employee at Trust they would have been seen formally under any of the Trust's HR policies this should be discussed with HR and the substantive employer so that agreement can be reached on the process for dealing with this.

At the end of the agreed period of work, managers are responsible collecting any Trust property from the worker including ID card, smartcard, office keys etc. and for ensuring the worker's access to all Trust buildings and computer systems is removed.

### **Obtaining a Letter of Authority**

If an employee of another NHS organisation will be visiting the Trust to observe, shadow or undertake work, an honorary contract is not required as the worker will already be covered by NHS terms and conditions and NHS indemnity. The worker does not, however, have a right to work and the worker can only be accommodated with the expressed permission of the Trust by way of a letter of authority. A letter of authority should be requested from HR using the request form in Appendix B.

The HR department will seek confirmation that all pre-employment checks have been undertaken from the employing Trust. In the case of medical consultants a certificate of fitness for honorary practice certificate will be obtained.

The duration of such visits will vary, though typically they will last for no more than a year. Whatever the duration, the end date must very clearly be stated on the request form.

Subject to the necessary pre-employment check assurances, HR will arrange for two copies of the letter of authority to be issued to the manager. One copy will be for the worker and the second copy for retention by the manager. Work cannot commence until HR has issued the letter.

Line managers are responsible for supervising the worker and must ensure that appropriate local induction and mandatory training is provided.

As the worker will already have an NHS identity card from their employing Trust, it is not necessary to issue a Trust identity card. The worker must wear their own identity badge at all times and must carry a copy of their letter of authority.

If the manager has any concerns about the competence, behaviour or attendance of the worker this must be immediately addressed. If concerns are so serious that had the worker been an employee he or she would have been seen formally under any of the Trust's HR policies this should be discussed with HR and the substantive employer so that agreement can be reached on the process for dealing with this.

### **Lifetime Honorary Contracts**

As a specialist mental health trust there may be occasions where individuals work collaboratively with the Trust and as a result of their work there is a benefit to our reputation or through working together significantly enhances clinical care, education or research activities. To



recognise exceptional honorary staff managers may recommend non-employed staff the status of a life time honorary and an appropriate title.

To apply for a life time honorary contract a manager should nominate an individual with appropriate evidence to the head of discipline. Prior to an award being made the head of discipline will consult the professional clinical advisory group.

If, at any time, it is determined that a life time honorary contract holder undertakes actions which would have a negative impact on the Trust's reputation then this may result in their contract being ceased. Actions include, but are not limited to:

- Loss of professional registration
- Clinical negligence
- Criminal acts
- Defamatory comments or statements about the organisation

## **7 Training Requirements**

All honorary contract staff will be required to attend Trust induction events (Clinical and Trust-wide) and the INSET day, plus any other mandatory training events relevant to their role.

## **8 Process for monitoring compliance with this Procedure**

The Trust will use a variety of methods to monitor compliance with the processes in this document, including the following:

- Quarterly audits of a sample of honorary contract files by the HR and staff development manager; and
- Periodic audits conducted either by the Trust's counter fraud service or internal auditors.

In addition to the monitoring arrangements described above the Trust may undertake additional monitoring of this procedure as a response to the identification of any gaps, or as a result of the identification of risks

arising from the procedure prompted by incident review, external reviews or other sources of information and advice.

This monitoring may include commissioned audits and reviews, detailed data analysis or another focussed study. Results of this monitoring will be reported to the committee and/or individual responsible for the review of the process and/or the risks identified.

Monitoring at any point may trigger a procedure review if there is evidence that the process is unable to meet its stated objectives.

## 9 References

None

## 10 Associated documents<sup>1</sup>

Recruitment and Selection Procedure

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<sup>1</sup> For the current version of Trust procedures, please refer to the intranet.

## Appendix A : Equality Analysis

<b>Completed by</b>	Craig de Sousa
<b>Position</b>	Director of Human Resources
<b>Date</b>	01 August 2017

The following questions determine whether analysis is needed	Yes	No
Is it likely to affect people with particular protected characteristics differently?		X
Is it a major policy, significantly affecting how Trust services are delivered?	X	
Will the policy have a significant effect on how partner organisations operate in terms of equality?		X
Does the policy relate to functions that have been identified through engagement as being important to people with particular protected characteristics?		X
Does the policy relate to an area with known inequalities?		X
Does the policy relate to any equality objectives that have been set by the Trust?		X
Other?		X

If the answer to *all* of these questions was no, then the assessment is complete.

If the answer to *any* of the questions was yes, then undertake the following analysis:

	Yes	No	Comment
Do policy outcomes and service take-up differ between people with different protected characteristics?		X	
What are the key findings of any engagement you have undertaken?		X	
If there is a greater effect on one group, is that consistent with the policy aims?		X	
If the policy has negative effects on people sharing particular characteristics, what steps can be taken to mitigate these effects?		X	
Will the policy deliver practical benefits for certain groups?		X	
Does the policy miss opportunities to advance equality of opportunity and foster good relations?		X	
Do other policies need to		X	

change to enable this policy to be effective?			
Additional comments			

If one or more answers are yes, then the policy may unlawful under the Equality Act 2010 –seek advice from Human Resources.

## Appendix B : Honorary Contract Request Form

### Honorary Contract Request Form

#### Worker's Personal Details

Honorary contract holder's full name	
Home address	
Telephone number	
Email address	

#### Department Details

Directorate	
Service Line	
Department	

#### Honorary Contract Position Details

Job title	
Supervisor	
Proposed start date	
Contract end date	
Please describe what the honorary contract will be doing in this role	
Will the post holder be seeing service users?	

Please click the submit button and email this form to your service director for approval.

The honorary contract holder should not commence in their post until the human resources team have confirmed that all required employment checks have been completed.

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### Director Approval

I confirm by ticking this box that I have authorised this honorary contract request	
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Name	
Job title	
Date	

Please click the submit button and send the form to [HR@tavi-port.nhs.uk](mailto:HR@tavi-port.nhs.uk)

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### HR Use

Date received in HR	
Date employment checks completed	
Date contract issued	