

01 Background



The reason for this briefing is:

- a) An incident where an agency member of staff, employed to work with adults with care and support needs (ACSN). Proved to be unsafe. A subsequent safeguarding enquiry discovered that the member of staff had been posing as someone else. The CQC advised that, when using agency staff, employers still have the responsibility for checking that staff are 'fit and proper'
- b) A number of safeguarding alerts involving agency care staff or nurses, with allegations including neglect and omissions of care
- c) To raise awareness with care providers to understand their responsibilities when using agency staff, in line with legislation and guidance.

Why it matters 02

To ensure the safety of residents and service users, service providers must assure themselves that anyone working in their service is competent and safe to do so. This includes staff who are employed via agencies.

It is the law that persons employed for the purposes of a regulated activity are 'fit and proper'. This is defined as: "(a) be of good character, (b) have the qualifications, competence, skills and experience which are necessary for the work to be performed by them, and (c) be able by reason of their health, after reasonable adjustments are made, of properly performing tasks which are intrinsic to the work for which they are employed."



03 Information

All services using agency staff must provide the staff with access to their organisational policies and processes to ensure that they understand their responsibilities when working with ACSN.

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Questions to consider

- Are your practice and processes for using of agency staff robust? Always?
- Do you record actions taken to evidence safe use of agency staff?
- Are you confident you are compliant with the CQC regulations?



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What to do

- Use an agency you are confident complies with the above; establish your requirements for fit, proper staff
- Check written references and DBS, if in doubt about fitness to practice speak to the agency to obtain details of previous employers
- Where possible, request agency staff whose competence is already established
- Raise a safeguarding alert where there is an allegation of abuse or neglect, report any practice concerns to the agency and/or professional body
- Observe practice



Responsibilities of the care provider include:

- Policy & procedures for managing adult abuse, or the risk of abuse including whistleblowing procedures
- Satisfying themselves that agency staff have been recruited appropriately (including reference checks and Disclosure and Barring (DBS) checks) and are inducted and trained and provided with ongoing supervision
- Checking the online NMC website to ensure nurses are registered

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- Managing allegations against persons working with adults at risk, including reporting to professional bodies in relation to misconduct
- If there are concerns that a staff member (agency or not) has caused harm, or poses a risk of harm to vulnerable groups; care providers have a legal obligation to refer relevant information to the DBS service www.gov.uk/government/organisations/disclosure-and-barring-service



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