



Working
Better
Together

Total Workforce Solutions Framework Nursing Re- Audit

Re-Audit Date: 27.04.2020

Agency: The Flame Lily

Framework: Nursing (3b)

Author: June Marlow

Re-Audit Result

Pass



HEALTHTRUST EUROPE™

Agency Contact: Deepti Puri

Email: Deepti@theflamelily.co.uk

Agency Address: 144 Penn Road | Wolverhampton | WV3 0EE

Objective

For the supply of nurses of all bands and sub - job families including community services nurses, dental nurses, health visitors, midwives and theatre nurses to all NHS bodies (whether acting individually or on behalf of or together as members of any consortium) within the boundaries defined by the HealthTrust Total Workforce Solutions and any other named organisations within the same geographic region ("Participating Authorities") that may choose to participate at their own discretion.

Pass/Fail/Critical and or Repetitive Fails:

The Flame Lily improved the score to a pass 99.64%.

<u>Contents</u>	<u>Page</u>
Audit Score / Non-Compliances	2
Audit process	3
Audit Summary / IR35 Summary	4-5
Agency Worker Non-Compliances	7-11
Audit Criteria	12-15

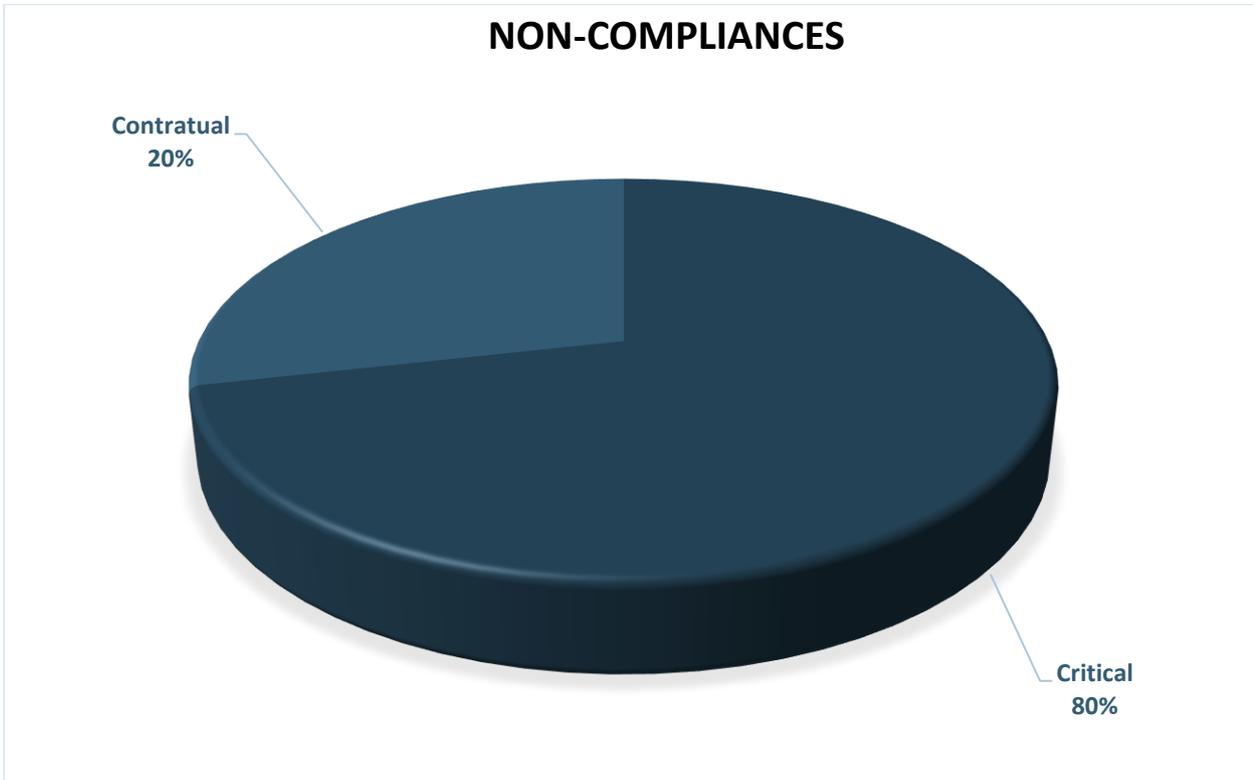
AUDIT PASS/FAIL	
Compliance Score	552
Available Score	559
Percentage Score	98.75%
Critical Fails (Under 3)	5
Repetitive Fails	0
RE-AUDIT SCORE	
Compliance Score	557
Available Score	559
Percentage Score	99.64%
Critical Fails (Under 3)	0
Repetitive Fails	0

RESULT	SCORE
Critical FAIL	<89.99%
PASS	90% - 97.99%
Platinum PASS	>98%
PASS - Re-Audit	<90% - 100%

Total Supply: 11 workers placed since January 2019 to present.

Files Audited: 11 workers.

(11 workers were randomly selected for audit, ensuring none of the candidates had been selected previously).



Audit Process for 3+ critical fails and audit score less than 90% (Re-Audit):



Re-Audit Summary

The Flame Lily provided the missing payslips for the candidates utilising the Umbrella Company TFL integrated solutions, these were evidenced to have tax and NI deductions in line with HMRC. There were no additional files to audit.

The score improved to 99.64% with no critical fails remaining.

Audit Summary:

This was The Flame Lily's annual HealthTrust-TWS Nursing audit. Upon arrival audit was met by the Recruitment & Compliance Manager who presented the 11 files electronically. The files were stored on the system in good order readily available.

The agency is current REC, CQC & UKHCA members who are not registered with SAFER Jobs. This was recommended in the last audit with the link provided to look at registering with them.

11 files were selected for this audit, all engaged via Umbrella Companies. 5 candidates were engaged via S&S Umbrella, 1 via Umbrella Care & 5 via TFL integrated Solutions. All contracts were evidenced between the Umbrella Companies, the agency and the candidates.

The agency complete monthly update service checks on candidate DBS's that are registered with the update service for further due diligence. All Fitness to Work, and training certificates were verified at source and pin checks are completed monthly.

Neuven requested via email 24 hours before the audit if the candidate has worked over one month, 3 consecutive candidate remittances, If a candidate has worked 2-4 weeks, 2 consecutive candidate remittances and If a candidate has worked less than 2 weeks, 1 candidate remittance from the Umbrella Companies utilised for this audit.

During the audit it was evidenced for the candidates utilised via the following umbrella companies; S&S Umbrella & Umbrella Care – a matching timesheet, invoice, payslip & remittance to the Umbrella Company, including the extra payslips requested were evidenced with deductions in line with HMRC.

For the candidates utilised through the Umbrella Company TFL integrated solutions, a timesheet, invoice & remittances to the Umbrella Company were made available however, no payslips were made available for this audit. It was explained by the agency that TFL systems were down and an email from the accounts department at TFL did explain this to which Neuven agreed a further cut off 1pm the following day. It was explained that failure to provide the missing payslips by 1pm the following day, this audit will result in a fail due to the 5 critical areas of the audit criteria not being met.

The agency did request payslips from the candidates direct however, due to the short notice did not receive these from the candidates. With TFL systems confirmed to be up and running on 17.03.2020, 3 out of the 5 candidates' payslips were sent by TFL at 13:51 – it was explained to the agency these can not be accepted as it was after the extended 1pm cut off.

Overall, The Flame Lily received a score of 98.75%- due to the 5 critical fails for the missing payslips this audit has resulted in a fail and a re-audit is due to be scheduled in due course.

Recommendations:

1. Copies of payslips to be available in the agency worker files (this was also a recommendation in 2019 but not implemented)

-
2. Flame Lily ensure their Umbrella companies have a Continuity Policy in place to avoid the disruption of not being able to provide information due to system failure.

IR35 Summary:

Evidence current processes for IR35 to ensure all HMRC guidelines are met:

The supplier has advised verbally that they do not allow agency workers to use PSC. The only option available is Umbrella Company. This is made aware to all internal staff and the finance department as standard. Written policy evidenced.

Evidence how the process is implemented within the business:

The supplier has advised verbally that they do not allow agency workers to use PSC. The only option available is Umbrella Company. This is made aware to all internal staff and the finance department as standard. Written policy evidenced.

Evidence the contract with the Umbrella Company:

Contracts were evidenced with the following Umbrella Companies utilised for paying the candidates selected for this audit. These were S&S Umbrella, Umbrella Care & TFL Integrated Solutions. The terms are signed between the supplier and the Umbrella Company. The candidate then signs separate terms with the Umbrella Company.

Evidence IR35 indemnity assuring the agency that appropriate Tax/NI is being deducted:

The signed compliance checklist, clause 7, the Umbrella company agrees that deductions will be made in line with HMRC guidelines. Evidence that this is taking place was sighted via the remittance from 2 out of the 3 umbrella companies to the candidates. TFL payslips were not available for this audit.

Evidence how they audit their Umbrella company to evidence compliance with HMRC IR35 guidelines:

Search for the company on the net

- *Review webpage and company status to ensure that they are a genuine umbrella payroll solution
- *Obtain Certificate of Incorporation; VAT Certificate; Insurance Documents; Proof of Business Bank Account and an example of the Umbrella Company Payslips to show their compliance to the HMRC IR35 Guidelines
- *Check Payslips to ensure correct deductions made as per HMRC IR35 Guidelines
- *Check Level of Tax deducted to confirm accuracy
- *Check company information against credit checking facility
- *Check they are a UK based company
- *Trial basis undertaken to ensure full compliance against legislation and regulations
- *Contract signed and retained
- *Regular view and monitoring of payslips - going forward will be monthly payslips

Evidence the process to monitor how internal staff is offering / implementing these services:

The Agency Workers advise how they wish to be paid, they do not have to use specific Umbrella Companies at present, however all umbrella companies are subject to being checked as per above and must be compliant to HMRC. The Flame Lily have created a Preferred Supplier List and only offer these to candidates.

Evidence the remittance from Agency to Umbrella Company:

Evidenced during the audit, with a breakdown of the varying rates relevant to when the candidate worked (i.e. Sunday, Day, Night etc). Net and Gross pay evidenced and cross references against the assignment/booking confirmations. Rates of pay and units checked against timesheets/invoices/booking confirmations and assignment confirmations.

Evidence remittance from Umbrella Company to agency worker:

Evidenced during this audit. Evidence of deductions made for HMRC Payment NERS, Management Company Margin and NI/Tax as applicable. Rates of pay and units checked against timesheets/invoices/booking confirmations and assignment confirmations. Remittances to 5 candidates utilising TFL Integrated Solutions was not evidenced.

Agency Worker Non – Compliances & Recommendations.

Name	Contract Ref:	Description of Non-Compliance	Action
1187 Worcester (Alexandra hospital) RGN Band 5/6 – Umbrella S&S			100% Compliant

Name	Contract Ref:	Description of Non-Compliance	Action
1193 Worcester (Alexandra hospital) RGN Band 5/6 - Umbrella TFL	IR35 Evidence (PSCs only) - collate and record IR35 assurance evidence and relevant tax requirements for Temporary Workers as set out in Schedule 4 & in line with HMRC	Not evidenced	The Supplier shall be able to supply IR35 assurance, in the form of a pay slip, to ensure that the Pay rolled worker/ PSC has had the correct and relevant tax requirements for Temporary Workers as set out in Schedule 4 & in line with HMRC. Evidenced 27.04.2020

Name	Contract Ref:	Description of Non-Compliance	Action
682 Worcester (Alexandra hospital) RGN Band 5/6 - Umbrella S&S			100% Compliant

Name	Contract Ref:	Description of Non-Compliance	Action
648 Worcester (Alexandra hospital) RGN Band 5/6 - Umbrella S&S	Appraisal performance check for newly qualified workers, workers returning to employment or any newly employed or engaged workers after 6 months & annually thereafter.	Not evidenced	In addition to any other requirements, the Supplier shall check and record the performance of any newly-qualified Locum or any Locum returning to employment or any Locum newly-employed or engaged by the Supplier twice in the first 3 months of their first involvement in the provision of the Services (whereby the first is immediately following their first involvement in the provision of the Services and the second is at the end of that 3 month period) and then thereafter on an annual basis.

Name	Contract Ref:	Description of Non-Compliance	Action
1189 Worcester Acute Hospital RMN Band 5/6 - Umbrella TFL	IR35 Evidence (PSCs only) - collate and record IR35 assurance evidence and relevant tax requirements for Temporary Workers as set out in Schedule 4 & in line with HMRC	Not evidenced	The Supplier shall be able to supply IR35 assurance, in the form of a pay slip, to ensure that the Pay rolled worker/ PSC has had the correct and relevant tax requirements for Temporary Workers as set out in Schedule 4 & in line with HMRC. Evidenced 27.04.2020

Name	Contract Ref:	Description of Non-Compliance	Action
541 Worcester (Alexandra hospital) RGN Band 5/6 - Umbrella S&S			100% Compliant

Name	Contract Ref:	Description of Non-Compliance	Action
986 Worcester (Alexandra hospital) RGN Band 5/6 - Umbrella S&S			100% Compliant

Name	Contract Ref:	Description of Non-Compliance	Action
79 Russell's hall hospital (Dudley & Walsall) RGN Band 5/6 - Umbrella TFL	IR35 Evidence (PSCs only) - collate and record IR35 assurance evidence and relevant tax requirements for Temporary Workers as set out in Schedule 4 & in line with HMRC	Not evidenced	The Supplier shall be able to supply IR35 assurance, in the form of a pay slip, to ensure that the Pay rolled worker/ PSC has had the correct and relevant tax requirements for Temporary Workers as set out in Schedule 4 & in line with HMRC. Evidenced 27.04.2020

Name	Contract Ref:	Description of Non-Compliance	Action
93 Worcester Acute Hospital RMN Band 5/6 - Umbrella - Umbrella Care			100% Compliant

Name	Contract Ref:	Description of Non-Compliance	Action
1207 Worcester (Alexandra hospital) RGN Band 5/6 - Umbrella TFL	IR35 Evidence (PSCs only) - collate and record IR35 assurance evidence and relevant tax requirements for Temporary Workers as set out in Schedule 4 & in line with HMRC	Not evidenced	The Supplier shall be able to supply IR35 assurance, in the form of a pay slip, to ensure that the Pay rolled worker/ PSC has had the correct and relevant tax requirements for Temporary Workers as set out in Schedule 4 & in line with HMRC. Evidenced 27.04.2020

Name	Contract Ref:	Description of Non-Compliance	Action
1182 Worcester (Alexandra hospital) RGN Band 5/6 - Umbrella TFL	IR35 Evidence (PSCs only) - collate and record IR35 assurance evidence and relevant tax requirements for Temporary Workers as set out in Schedule 4 & in line with HMRC	Not evidenced	The Supplier shall be able to supply IR35 assurance, in the form of a pay slip, to ensure that the Pay rolled worker/ PSC has had the correct and relevant tax requirements for Temporary Workers as set out in Schedule 4 & in line with HMRC. Evidenced 27.04.2020
	Full employment history up to 10 years as applicable (gaps of 3 months or more verified) with 3 years validated.	Gap in CV (5 months) not explained.	A full employment history that details as a minimum the Temporary Worker's previous 10 years' continuous employment history (if any and as appropriate) including, but not limited to, any previous or current employment or assignments with other Framework Agencies or recruitment agencies and explanations for any gaps in employment of more than three months and evidence of all previous, relevant training undertaken.

Actions:

No Further Action required.

This independent audit service is provided to all healthcare partners free of charge, in order to maintain the highest quality and to provide a robust safety net for governance requirements. This revised and expanded report offers a full, transparent guide to the audit process undertaken, and the means by which the outcome was determined. HealthTrust hope that you find it useful and welcome any feedback or comments you have regarding the new design. If there are any questions or queries you have regarding the outcome of your audit, please e-mail at agency@htepg.com

HEALTHTRUST-TOTAL WORKFORCE SOLUTIONS FRAMEWORK NURSING AUDIT CRITERIA (LOT 3B)	
FAIL	< 89.99% / Critical Fail (No Score on Report)
PASS	90% - 97.99%
PLATINUM PASS	> 98%
PASS (RE-AUDITED)	90% - 100%
CRITICAL FAIL: Up to 2 need to be rectified within 2 weeks of audit (depending on the fail) 3+ instant fail and re-audit	
Enhanced DBS check / DBS Update Service Check (where applicable)	
Overseas Police Check (as required)	
Proof of identity verified (NOTE: Clearly mark if a Passport Scanner is being utilised - for information only)	
Proof of eligibility verified (Right to Work) – passport front covers not required as per Home Office Guidelines	
Registration with Professional and Regulatory Bodies (Original certificate or statement of entry verified & regular ongoing NMC web pin checks evidenced prior to start date and on-going status checks) – If unable to provide then evidence a self-declaration along with validation of their registration.	
IR35/ITEPA evidence - collate and record IR35 assurance evidence and relevant tax requirements for Temporary Workers as set out in Schedule 4 & in line with HMRC. 1. Evidence current process for IR35 to ensure HMRC guidelines are met. 2. To include process, and how process is implemented into the business. 3. Evidence contract between agency and Umbrella company. 4.. Indemnity from Umbrella company that appropriate Tax/NI is being deducted. 5. Evidence of agency auditing their Umbrella companies to ensure compliance with HMRC guidelines. 6. Evidence the process to monitor how internal staff are offering/implementing these services. 7. Evidence remittance from Agency to Umbrella Company. 8. Evidence the remittance/payslip from Umbrella Company to agency worker with deductions. FRAMEWORK COMPLIANCE FOR UMBRELLA, PSC AND/OR ANY SELF-EMPLOYED BOOKINGS	
PAYE evidence - Evidence the remittance/payslip from Supplier to agency worker with deductions of Tax/NI	
SUPPLIER ONLY: Proof of contract with Occupational Health Provider (must be SEQOHS accredited)	
SUPPLIER ONLY: Valid insurance verified (Employers £5m, Public Liability £5m, and Professional Indemnity £5m)	
SUPPLIER ONLY: Valid Professional Industry Body Membership (E.g. REC, APSCO etc.)	
REPETITIVE FAILS: Any single compliance requirement that is not listed as Critical and is not completed across a large cross section of workers (to the required standard) within the sample checked. A large cross section is defined as 5 times or over 40% of workers sampled (whichever is higher) underpinning a systematic issue with the compliance process	
CRITICAL	
(i) Hepatitis B;	
(ii) Measles;	
(iii) Mumps;	
(iv) Rubella;	
(v) Tuberculosis;	
(vi) Varicella; and	
Exposure Prone Procedures (if applicable) Hepatitis B	

Exposure Prone Procedures (if applicable) Hepatitis C
Exposure Prone Procedures (if applicable) HIV
Fitness to Work Certificate restrictions & follow up recommendations to customers
NMC alerts, notices or investigations with any information provided to the customer prior to start date and approved/accepted as applicable
LEGISLATIVE
WTR verification of Opt in or out of 48 hr. declaration.
AWR entitlement (parity pay, benefits and day one rights) detailed in contracts or handbook for Temporary worker
AWR Process in place with clock pause and STOP
AWR After 12 weeks working Parity Pay recorded (If applicable)
Temporary Worker contract of services verified & pensions requirements (opt out as appropriate)
CRITICAL MANDATORY
Mandatory training to be aligned to Core Skills Training Framework (evidence of self-declaration from training provider if not approved aligned provider as Commercial list on Skills for Health website)
Basic, Intermediate or Advanced life support (adult or paediatric, as appropriate) in accordance with the relevant Job Profile and which is compliant always with Resuscitation Council UK and the Authority's guidelines, as appropriate, and has been delivered by means of a practical course with. For those candidates attending the e-ALS course, the e-learning content replaces the first day face to face of the 2-day course and they must access and undertake the e-learning component before attending the face-to-face element of the course. Annual update
Lone Worker Training (Annual)
Food hygiene & hygiene awareness as appropriate to the Job Profile (Annual)
Mental Health Act & Mental Capacity Act as appropriate to the Job Profile (Annual)
Physical restraint skills & techniques, including personal safety, control & restraint as appropriate to the Job Profile (Annual) - for PMVA/MAPA will accept 1-day refresher if evidence of previous 5-day completion is evidenced.
New-born resuscitation (Annual) as appropriate to the Job Profile
Interpretation of cardiocograph traces (Annual) as appropriate to the Job Profile
Maternal resuscitation training (Annual) as appropriate to the Job Profile
Equality, Diversity & Human Rights (Every 3 years)
Radicalisation Prevention (Levels 1,2,3,4 & 5) level dependent on job role. (Renewal every 3 years)
Counter-Fraud (Annual)
Handling Violence & Aggression / Conflict Resolution (Every 3 years)
The Caldecott Principles / Information Governance (Annual)
Health, Safety and Welfare (Every 3 years)
Infection Prevention (Included MRSA & Clostridium Difficile) Level 1 (every 3 years) or 2 (Annual)
Complaints Handling (Annual)
Fire Safety (every 2 years) – Some practical (induction on job training) and online
Safeguarding Adults level 1 or 2 (every 3 years)
Safeguarding Children Level 1, 2 or 3 (every 3 years)
Moving and Handling (loads and people, Level 1 or 2) - Online Assessment accepted (Annual)
CONTRACTUAL
Induction & Orientation Training verified (In a healthcare setting at the start of their booking) Written confirmation it has been received. – If Trusts not completing agency to notify HealthTrust Total Workforce Solutions direct. If not in place still a fail.

I.E.L.T.S verified (If applicable)
Details evidenced of previous and upcoming appraisals (including annual appraisal) – Revalidation details can form part of this i.e. See page 21 of specification
Appraisal /performance check for newly qualified workers, workers returning to employment or any newly- employed or engaged workers after 6 months & annually thereafter.
Evidence Authority has been informed that worker has /has not had an annual NHS approved appraisal (including 360-degree feedback)
Evidence of Revalidation checks or support (as required) – see page 21 of specification of what needs to be evidenced and in alignment with NMC/worker information provision
Confirmation of any Professional Indemnity Insurance requirements (e.g. covered by CNST through the NHS) Supplier cover provided or individual cover required for non-CNST and evidenced - In line with NMC guidelines individual cover and non-NHS clients.
Completed application form/registration evidenced
Face to face interview verified (Skype acceptable but need to evidence that original documents have been seen and verified) - If agency can maintain copies of the recording a screenshot to be shown on day of audit.
Skills assessment verified as appropriate to the Job Profile
Confidentiality, security checks and Disclaimer to include agreement to accept third party audit evidenced
ID Badge Verified – Recommendation best practice renew each year – if older than 1-year pass – I.D. badge must match professional registration if not fail.
Supplier Handbook given to Temporary Worker and updates verified
Full employment history up to 10 years as applicable (gaps of 3 months or more verified) with 3 years validated
References verified (electronic accepted from the referees’ official email address with the relevant employer), a minimum of 2 required unless the temporary worker has been with the same employer for the full 3 year period - 3 years required to validate employment history - if the agency worker has been with the agency for the previous 12 months feedback forms can be used to confirm the employment over this period.
Break Glass Protocol as per specification OR documented approval directly from the customer to escalate (NHS England only)
Employment history updated as appropriate (Annual)
Professional Qualifications verified – if no certificate is present “Where qualifications have been checked by a Professional and Regulatory Body and the individual’s (such as a Temporary Worker) registration has been confirmed, then further documentary evidence about qualifications that are relevant to their registration should not be required. Accepting that registration with a Professional Regulatory and Body assumes that appropriate documentary evidence has been provided and validated by that regulatory body.”
Placement checklist for verified documentation (if applicable)
End of placement assessment form sent to customer, evidence of follow-up. (Recommendation to incorporate into the timesheet)
Booking confirmation verified/approved and cross matched with timesheet and invoice for 3-way match (must be identical or approval for increased hours)
Timesheet verified/approved with correct grade, hours, breaks, counter fraud declaration.
Invoice verified/approved with correct grade, hours and total pay/commission/charge
Remittance to pay rolled worker/PSC matching invoice for Pay & ENIC as billed to customer (must be identical)
AGENCY/SUPPLIER ONLY
Complaints Procedure evidenced

Supplier internal audit process in place for supervision and Quality Assurance
Compliance: Standards of Good Practice documented & embedded
Supplier internal staff training on required processes verified
Does the Supplier have evidence of official registration/implementation of SAFER jobs initiative? (For information only)
Evidence of the process for temp to temp, temp to bank and temp to perm in line with the Framework (4 weeks' notice/No Fee)