

## Appendix A: Agency Staff - NCC Definitions

Employee – is issued with a contract of employment covering a **contract of service** which has been offered and accepted and is a mix of express and implied terms which form an agreement between the employer and employee that is legally binding. Any employee who has been employed for one month or more has a statutory right to a written statement of particulars of employment. There is a distinction between a contract of service, which is a contract of employment and a contract for services which might apply to a sub-contractor or freelance worker.

Employment can be permanent; over a fixed term basis; temporary without a time limit of up to 4 years; zero hours where work is allocated on an “as and when” basis; sessional or seasonal where work is dictated by specific conditions applying e.g. country parks; relief or bank employees who cover urgent need at short notice. NCC does not use zero hours’ contracts currently.

Interims – can be either employees, self-employed or supplied through a third party agency. This will be determined at the outset and the issues of control, mutuality and payment outlined above will determine the nature of the employment relationship. Interims will usually be identified to work in the organisation on a time limited basis to deliver key projects or to provide specialist skills not currently present in the organisation.

Agency workers – supplied through agencies who are the employer not NCC. There are two specific ways agency workers are used;

- To cover urgent short term need such as covering absence or to maintain minimum staffing requirements where there is regulatory or commercial requirement to do so. This is sometimes referred to as “spot placements”, or
- They should be used on a time limited basis to fill a particular need or skills shortage whilst the gap is filled through training or whilst the recruitment process is completed.
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Consultants – this group can be self-employed or supplied through a third party under a contract for service. This would be characterised by the supplier determining who they identified to work with NCC and usually consultants work more as partners alongside rather than within the organisation. This is particularly true where there is a business or service need for objective challenge or service transformation.