

Locum agencies

Avoiding the pitfalls.

Locum agencies can be great for relieving your short-term workload needs – particularly over holiday periods. However, an increasing number of practices have found themselves in time-consuming and potentially costly disputes with agencies who operate with unreasonable terms or fail to deliver on their promises.

Whether you are working with a new agency, or one you know well, here are our top four pointers of things to check before signing any booking form (or, as agencies like to call them, 'assignment confirmation'):

1. Have I read the small print?

Always check the proposed terms for hidden nasties - even if you've used the agency before. The terms which cause practices the biggest problems are:

- **minimum working time:** check for clauses which would mean that you are charged for a minimum number of hours, even if the locum works less
- **cancellation:** check whether you can cancel a booking and crucially what (if any) cancellation fee would apply
- **replacements:** check for clauses allowing the agency to replace a locum and whether you have the right to reject a proposed replacement

If you are unhappy with any of the terms, do not sign off on the booking. Negotiate with the agency to have the offending clauses removed and/or rewritten.

2. Has the agency met their statutory obligations?

Most locum agencies are likely to be classified as an 'employment business' (under the Conduct of Employment Agencies and Employment Businesses Regulations 2003). This means that they are required (amongst other things) to:

- provide a full copy of all their terms at the outset
- ensure that the locum meets your requirements for the position
- ensure that the locum has the experience, training, qualifications and authorisations that you consider necessary, or which are required by law or any professional body to work as a locum doctor

If you are unsure whether these statutory obligations are being met, then you should raise your concerns with the agency before you sign off any booking.

3. Am I getting what I asked for?

You should read the details of the proposed engagement carefully. In particular check that the following meet your requirements:

- the locum being proposed
- the days and hours the locum will work

We have seen a rise in cases of agencies putting locums forward without checking their availability and/or their knowledge of the practice's systems. To avoid this, we strongly recommend that you get written confirmation from the agency to confirm the proposed locum's availability and suitability for your specific requirements.

4. Have the background checks been completed?

Practices are under strict obligations to ensure that anyone employed and/or engaged is suitable. You should ensure that your locum agency provides you with the documents required under your core contract. These include:

- evidence that the locum is entered on the medical performers list
- evidence that the locum has the necessary clinical experience and training
- proof of the locum's academic and vocational qualifications
- two clinical references for two recent clinical posts which lasted at least three months, without a significant break. If this is not possible, you should be provided with a full explanation and details of alternative referees

Need advice?

Whether you need assistance when reviewing terms, or are in dispute with a locum agency, BMA Law can help.

Contact us

For expert, sector-specific advice, contact us on:

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