



Scottish Procurement

Temporary and Interim Staff Services (Third Generation) 13 April 2019 – 12 April 2023

Hints and Tips

This document covers the following framework agreements:

Temp admin, catering and manual – north region	framework ref: SP-18-012
Temp admin, catering and manual – south region	framework ref: SP-18-013
Interim professional staff services	framework ref: SP-18-014
Interim IT staff services	framework ref: SP-18-015

HINTS AND TIPS FOR FRAMEWORK OPERATION (please read in conjunction with the relevant [buyer's guide](#) for each framework agreement)

Scope of the framework agreements

These framework agreements cover temporary and interim staff service requirements only. **These framework agreements are not for recruitment purposes. Accordingly, permanent and fixed term recruitment are not included within the scope of these frameworks. Consultancy is also out of scope.**

There are [four individual frameworks](#), two for the provision of temporary admin, catering and manual staff services split regionally, north Scotland and south Scotland, and two national (whole of Scotland) frameworks for the provision of interim staff services, one for interim professional staff services and one for interim IT staff services. [Four framework contractors](#) are awarded to each framework agreement.

Framework operation

Call-off contracts may be awarded under these frameworks in one of two ways:

- by the direct award ranked solution procedure, or
- by mini competition (inviting **all** framework contractors).

Each framework public body will decide on a case-by-case basis for each individual assignment, which award method (direct award ranked solution or mini competition), is likely to offer best overall value for money and achieve the desired result in terms of assignment fulfilment.

Please see the individual framework buyer's guides for more detailed information on framework operation.

Hints and tips - best practice on using the frameworks

- Each framework agreement is individual. Please do not put the same request for a temporary/interim worker through two frameworks at the same time.
- The stated framework commission rates are fixed for the duration of each framework and any call-off contract awarded under the framework. These rates cannot be increased. (If a framework contractor advises your organisation that the commission rate should be increased, please contact Scottish Procurement immediately)
- All commission rates have been agreed and framework terms and conditions (including schedule 5 Standard Terms of Supply, for call-off contracts) signed by Scottish Procurement. Framework public bodies utilising these frameworks are automatically protected by them. (However, individual framework public bodies must consider their own data protection requirements on a case-by-case basis and complete schedule 5.1 of the Standard Terms of Supply as necessary).
- Hourly rates apply to the temporary staff services frameworks and daily rates cannot be applied to these temporary staff services frameworks
- Daily rates apply to the interim staff services frameworks and hourly rates cannot be applied to these Interim staff services frameworks
- Travel and subsistence costs (where applicable) cannot be included within the hourly/daily framework rates charged – all travel and subsistence costs must be agreed separately between the framework public body and the framework contractor on a case-by-case basis, subject to individual framework public bodies' own policies in this regard.
- An example/template order form is available at Annex A of the relevant buyer's guide. Framework public bodies may wish to use this example/template order form or develop their

own. Please provide as much information as possible to allow the framework contractor(s) to put forward the most suitable temporary/interim worker to meet your requirements. (Please note that Scottish Government core and main agencies only should refer to the SG HR temporary/interim staff services guidance on Saltire).

- If requesting a number of CVs for a more generalist, standard or straightforward temporary assignment, for example, temporary administrative assistant, please bear in mind that the temporary worker market is fast moving and a temporary worker who was available one day may have taken up another post within a few days. When using the direct award, ranked solution procedure, you may find it quicker and more effective to allow the framework contractor(s) to simply offer and place a single temporary worker (with the required skills and experience) directly into these assignments rather than spending unnecessary time and resource sifting through a number of CVs, before making a decision.
- Whilst individual temporary/interim workers can be registered with more than one framework contractor, a CV for the same temporary/interim worker cannot be submitted by more than one framework contractor for the same assignment. In the event that the same CV is submitted by more than one framework contractor in response to a mini competition request for a particular assignment, the framework contractor concerned must be contacted by the buyer/hiring line manager immediately. The framework contractor must then liaise with the temporary/interim worker to ascertain which framework contractor they wish to represent them for that particular assignment
- Please be aware, whilst the framework public body may wish to meet with proposed temporary/interim workers prior to award of a Call-Off Contract, this is not a recruitment exercise and it is recommended that the format of any meetings to be held with proposed temporary workers should be made clear to the framework contractors in advance. This is a contract for services with the framework contractor, not a contract of employment with the temporary/interim worker)
- During the mini competition process, framework public bodies can limit the number of CVs they wish to receive from framework contractors. This should be stated in the original invitation documentation. Framework public bodies should also make clear whether they wish to receive CVs for individuals with current, valid Disclosure Scotland certificates only – the level of disclosure should also be stated, for example, Basic, Standard, Enhanced.
- Where applicable to your organisation, please allow sufficient time for [Baseline Personnel Security Standard \(BPSS\) clearance](#), noting that this may take up to three weeks. BPSS clearance can only commence once a named individual has been identified and the framework contractor awarded a contract so although framework contractors endeavour to have a pool of security cleared individuals, this security clearance relates to Disclosure Scotland certificates and does not take account of BPSS or other internal security processes.
- To assist in the evaluation of CVs and rates during mini competition, a price/quality evaluation template is available from Scottish Procurement on request. Alternatively, framework public bodies may wish to develop/use their own.
- Do include details of the duration of the call-off contract (contract period) and any potential option to extend the call-off contract (where an extension is considered likely) in your contract award documentation.
- Be realistic about the duration of your call-off contract from the outset. When an individual call-off contract expires (including where applicable, any stated option to extend), the call-off contract cannot automatically be extended and you cannot simply transfer the temporary/interim worker to another assignment. Your call-off contract is with the framework contractor, not the temporary/interim worker. Under the framework terms, you must undertake another procurement to bring in a suitable temporary/interim worker to fulfil any new assignment.

- Include a minimum notice period for termination (applicable if the call-off contract terminates prior to the stated contract expiry date) for the call-off contract in your contract award documentation. (This may be agreed by the framework public body with the framework contractor)
- Not all frameworks need to be utilised. For example, if your organisation already has a contract or agreement in place for temporary admin, catering or manual staff services, but no agreement in place for interim IT staff services, it is acceptable for your organisation to use only the interim IT staff services framework
- If your organisation has a variety of end users who may wish to utilise these frameworks, Scottish Procurement would be happy to attend any meetings/workshops which you may hold to explain the scope and operation of these frameworks and answer any questions.

**FRAMEWORK DO'S AND DON'TS TO HELP YOU GET THE BEST FROM THESE
FRAMEWORK AGREEMENTS**

DO	DON'T
DO identify the most suitable framework to meet your requirements. If unsure, contact Scottish Procurement	
DO allow framework contractors to do what they are contracted to do. They should only offer/present temporary workers who meet your needs, for straightforward admin, catering and/or manual assignments. If the temporary worker proves unsatisfactory then it is for the framework contractor to resolve for you at no additional cost so it is in their best interests to get it right first time!	DON'T treat the process for bringing in temporary/interim staff services via these frameworks as a 'recruitment'. This is NOT a recruitment. These are commercial contracts for services with framework contractors (not contracts of employment with temp/interim workers), and are governed by pre-agreed service terms and conditions, not terms of employment.
DO provide as much notice as possible to framework contractors to give them the best possible chance of providing exactly what you need.	
DO Use contact information and email addresses listed in the buyer's guides on the SG Procurement Contract Directory to ensure the quickest route to the right contact within each framework contractor organisation.	
DO consider holding a framework contractor conference call to discuss your organisational requirements at the earliest opportunity, especially if your requirements are niche or out of the ordinary. This can be one call with all contractors on the framework, or individual calls with each framework contractor.	
DO familiarise yourself with all obligations for public sector clients in respect of IR35 legislation from the HMRC website. NOTE: additional obligations for public sector clients from 6 April 2021.	DON'T ignore IR35 legislation . This is a legal requirement.
DO conduct the CEST Employment Status test where appropriate to check employment status for tax in relation to the assignment and provide a copy of the CEST results plus a completed Status Determination Statement (SDS) to framework contractors and the temporary/interim worker**	
DO re-run the CEST test if the working practices of the assignment change, or if you negotiate a new contract. You must ensure you re-check the rules to see if they still apply	
DO ensure all framework contractors are invited to the mini competition process, where a mini competition is undertaken.	
DO , When using the direct award ranked solution procedure, make sure you approach framework contractors in order of their ranking only, and keep a clear audit trail as evidence.	DON'T go direct to a 'preferred or favoured' framework contractor under any of these framework agreements. Where the direct award ranked solution procedure is being used, the first ranked framework contractor must always be approached in the first instance.

<p>DO consider the use of Quick Quote via Public Contracts Scotland (PCS), where possible/appropriate, to ensure a clear audit trail. This will also ensure all framework contractors are presented with the same competitive opportunities at the same time.</p>	
<p>DO respond as quickly as you can to the framework contractor, letting them know whether their temporary/interim worker is required/has been successful or not.</p>	<p>DON'T bring any new evaluation criteria to the table if holding an informal meeting with temporary/interim workers, prior to call-off contract award. The selection process must be based on the original evaluation criteria detailed in the order form invitation.</p>
<p>DO ensure time is built in to allow for all necessary/appropriate security clearances***</p>	
<p>DO Include an optional extension in your call-off contract (where one is considered likely). (A call-off contract cannot be extended at a later date, where an option to extend was not included in the original contract documentation).</p>	<p>DON'T extend call-off contracts where no option to extend exists in the original contract document. This breaches procurement rules and conflicts with best practice guidance.</p>
<p>DO Include an agreed notice period for termination of the call-off contract in your contract award documentation (applicable if the contract terminates prior to the stated contract expiry date). This may be agreed by the framework public body with the framework contractor.</p>	<p>DON'T Offer notice periods of less than five working days. (Except in exceptional circumstances only, for example disciplinary or performance issues and after contacting the framework contractor to discuss).</p>
<p>DO provide meaningful, constructive feedback to the framework contractor for all unsuccessful temporary/interim workers put forward. There is an obligation on all framework public bodies utilising these frameworks to provide timely, constructive feedback to the framework contractor regarding any/all temporary/interim workers put forward for assignments. It is not acceptable to refuse to provide this. Framework public bodies must provide constructive feedback and a debrief on contractor performance in competitions. Debriefs are a key tenet of good procurement practice. Contractors will learn from your feedback, enabling them to improve on their offering next time, noting that the framework contractor also has an obligation to provide feedback to the temps/interims, particularly where they have been unsuccessful.</p>	<p>DON'T refuse to provide feedback to framework contractors. Framework public bodies must provide constructive feedback and a debrief on contractor performance in competitions. Debriefs are a key tenet of good procurement practice. Framework contractors will learn from your feedback, enabling them to improve on their offering next time, noting that the framework contractor also has an obligation to provide feedback to the temps/interims, particularly where they have been unsuccessful.</p>
<p>DO regularly review assignments to determine if the temporary or interim worker is still required and whether the assignment can be filled substantively or in another way, to ensure continued value for money for public funds. These frameworks are intended to provide short-term, gap filling resources. They are not a medium/long term or indefinite solution to address direct recruitment issues.</p>	

<p>DO build in on-going contingency arrangements. In each circumstance, steps should be taken to ensure a transfer of knowledge throughout the assignment duration. Organisations must ensure in the event that a temporary/interim worker decides to leave or when the call-off contract period comes to an end, there is sufficient knowledge and the required skills transfer within the business area to take the work forward with minimum delay.</p>	<p>DON'T use these frameworks to bring in individuals who become vital to project progress or the day-to-day operation of a project or your internal operations. (These frameworks are not intended to be used to bring in key individuals or to fill senior management/executive type assignments). Temporary and interim workers can leave with very little advance notice or warning, leaving the organisation vulnerable if for some reason they are unable to stay for the assignment duration but have become vital to the ongoing work programme. Where a temporary/interim worker leaves early, the onus is on the framework contractor to provide a replacement with the same or similar skill set or qualifications in a reasonable timeframe. If this situation arises framework public bodies should be clear that their call-off contract is with the framework contractor NOT the temporary/interim worker.</p>
<p>DO manage your call-off contracts at a local level, raising any issues directly with the framework contractor in the first instance and in a timely manner (including any disciplinary or performance issues with the temporary/interim worker). SPPD will be happy to assist, where you have tried and been unable to resolve any outstanding issues.</p>	
<p>DO inform the framework contractor immediately if there are any performance, attendance, disciplinary or other issues with the temporary/interim worker provided. (It is the responsibility of the framework contractor to deal with any performance or disciplinary issues in a timely manner – NOT the framework public body). Remember your call-off contract is with the framework contractor NOT the temporary/interim worker.</p>	
<p>DO arrange with each framework contractor to receive regular, detailed management information for all call-off contracts awarded by your organisation. The format, frequency and contact(s) for the issue/receipt of this management information should be agreed <u>prior</u> to award of the first call-off contract.</p>	

** This will mostly apply to interim workers on the Interim IT/Interim Professional Staff Services Frameworks and/or for Framework Contractors who employ Personal Service Company (PSC) individuals. It will not apply to individuals who are Framework Contractor employees. However, Framework Public Bodies should consult the HMRC guidance in this regard.

*** BPSS clearance may take up to 3 weeks. BPSS clearance can only commence once a named individual has been identified and the Framework Contractor awarded a call-off contract, so although Framework Contractors endeavour to have a pool of security-cleared individuals, this only relates to current, valid Disclosure Scotland certificates and does not take account of internal BPSS processes.