



Kent and Medway Cancer Network

Network Guidance Document

A Mutual Agreement for Cross-Trust working between NHS Trusts within the Kent & Medway Cancer Network

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Executive Summary

This document has been produced with a view to simplifying the process whereby staff employed by one of the named Trusts (parties to this agreement) may be present on another named Trusts premises as part of a clinical attachment, further professional education and examinations, on the job training or as an observer to gain experience.

Context and Purpose

Each Organisation is committed to ensuring that there are clear lines of accountability and responsibility for:

- Staff employed by the NHS organisation working in another NHS organisation.
- Staff working in the NHS organisation who are employed by another NHS organisation.

This agreement has been produced to identify, where the accountability and responsibility for indemnity in relation to each NHS organisation included lies.

To permit NHS employees with a contract with one NHS organisation identified in this document to be present on the premises of another as part of a clinical attachment, further professional education and examinations, on the job training or as an observer to gain experience.

Each named NHS organisation agrees to accept that such checks as are considered necessary for the clinical activities of staff have been carried out where such checks are considered commensurate with the activities the staff will be conducting in another named NHS organisation.

Health and Safety Issues

Managers should ensure when employees are working on and off the site that there are suitable health and safety procedures in place to ensure their safety as laid down in the Health and Safety at Work Act 1974 and associated legislation. To assist in this the manager should ensure the following information is made available to employees.

- Health and safety Policies and guidelines
- Risk and COSHH assessments

It is essential that employees ensure that either they themselves or their manager ensures someone in authority provides them with an induction to the site, including all emergency procedures (fire, resuscitation, health and safety and adverse incident reporting)

Indemnity/Insurance

The Trust is indemnified through the NHS Litigation Authority for liabilities to employees, liabilities to the public, products liability, property which covers the buildings and equipment and professional indemnity in respect of acts or omissions to patients.

As regards staff employed by the Trust working in other hospitals, clinics and community premises the Trust indemnity for professional acts or omissions operates in such locations. The general rule is that the indemnity follows the employee provided they are working at the request of the Trust and doing so in a reasonable way.

This is to confirm the arrangement between the following named NHS organisations:

Dartford and Gravesham NHS Trust
East Kent Hospitals University NHS Foundation Trust
Maidstone and Tunbridge Wells NHS Trust including Care UK Mid Kent NHS
Treatment Centre
Medway NHS Foundation Trust

Kent and Medway Cancer Network
The Queen Victoria Hospital NHS Foundation Trust

Whereby your employees are permitted to be in this NHS organisation as part of a clinical attachment, further professional education and examinations, on the job training or as an observer to gain experience.

We offer a right of access to your staff as part of a clinical attachment, further professional education and examinations, on the job training or as an observer to gain experience in this organisation in accordance with the clauses below.

We agree to accept that such checks as you consider necessary for the clinical activities of your staff have been carried out, where such checks are commensurate with the activities your staff will be conducting in this NHS organisation. We will require you to conduct additional checks if the activities of your staff in this NHS organisation differ substantially from the current clinical activities of your staff.

Your staff are considered to be legal visitors to the premises of this NHS organisation. They are not entitled to any form of payment or access to other benefits provided by this NHS organisation to employees and this document does not give rise to any other relationship between them and this NHS organisation, in particular that of employees.

While undertaking a clinical attachment, further professional education and examinations, on the job training or as an observer to gain experience through this NHS organisation, your staff will be accountable to you as their employer but they will be required to follow the reasonable instructions of an appropriate head of department or supervisor or those given on her/his behalf in relation to the terms of this right of access.

Where any third party claim is made, whether or not legal proceedings are issued, arising out of or in connection with the right of access, your staff are required to co-operate fully with any investigation by us in connection with any such claim and to give all such assistance as may reasonably be required by us regarding the conduct of any legal proceedings.

Your staff must act in accordance with our policies and procedures, which are available to them upon request.

Your staff are required to co-operate with us in discharging our duties under the Health and Safety at Work etc Act 1974 and other health and safety legislation and to take reasonable care for the health and safety of themselves and others while on our premises. Your staff must observe the same standards of care and propriety in dealing with patients, staff, visitors, equipment and premises as is expected of any other contract holder and they must act appropriately, responsibly and professionally at all times.

Your staff are required to ensure that all information regarding patients or staff remains secure and *strictly confidential* at all times. They must ensure that they understand and comply with the requirements of the NHS Confidentiality Code of Practice (<http://www.dh.gov.uk/assetRoot/04/06/92/54/04069254.pdf>) and the Data Protection Act 1998. Furthermore they should be aware that under the Act, unauthorised disclosure of information is an offence and such disclosures may lead to prosecution.

We will not indemnify your staff against any liability incurred as a result of any breach of confidentiality or breach of the Data Protection Act 1998. Any breach of the Data Protection Act 1998 may result in legal action against your staff and/or you as the substantive employer.

We accept no responsibility for damage to or loss of the personal property of your staff.

We may terminate the right of your staff to attend at any time either by giving seven days' written notice to them or immediately without any notice if they are in breach of any of the terms or conditions described to them or if they commit any act which we reasonably consider to amount to serious misconduct or to be disruptive and/or prejudicial to our interests and/or business or if they are convicted of any criminal offence. In the event of concerns being raised regarding performance of conduct these will be reported to you and depending on the seriousness you will be required to withdraw the individual from the host organisation with the expectation that you will deal with these through your own procedures.

We will inform you when any of your employees wishes a clinical attachment, further professional education and examinations, on the job training or as an observer to gain experience in this NHS organisation. Your staff must inform us of any changes to their circumstances in relation to their health, criminal record, professional

registration or any other aspect that may impact on their suitability to conduct these roles. Your staff must also inform us of any change to their role in research in this NHS organisation.

Information Sources

This guidance has been informed by the Human Resources Good Practice Resource Pack designed by the National Institute for Health Research which has been developed with extensive support from the NHS R&D Forum working with partners in the UK Clinical Research Collaboration (UKCRC).

The following link provides access to the full resource pack and example documents:

http://www.nihr.ac.uk/systems_research_passports.aspx

Document Administration

Date	Version	Status	Author	Consultation with	Summary of changes
February 2008	0.1	Initial Draft	Stewart Dicker	Network Management Team	<ul style="list-style-type: none"> Source of information added For consultation with HR directors
March 2008	0.2		Stewart Dicker	HR Directors	<p>F Trodd Head of Human Resources Dartford and Gravesham NHS Trust Fay.trodd@dvh.nhs.uk</p> <p>P J Murphy Human Resources Director East Kent Hospitals NHS Trust Peter.murphy@ekht.nhs.uk</p> <p>T Coode Human Resources Director Maidstone and Tunbridge Wells NHS Trust t.coode@nhs.net</p> <p>C Lee Human Resources Director Medway NHS Trust Cheryl.lee@medway.nhs.uk</p> <p>C Clements Director of HR and Organisational Development Kent and Medway PCT Cheryl.clements@medwaypct.nhs.uk</p>
May 2008	0.3	Final Draft	Stewart Dicker		<ul style="list-style-type: none"> Performance and conduct – changed wording (suggested by Peter Shore HR consultant, Medway)
June 2008	0.4	Received agreement in principle by CNB	Stewart Dicker	Cancer Network Board	<p>Presented to Cancer Network Board –. Agreement in principle by board for implementation across KMCN by Human Resources and lead Cancer Nurses with the addition of Queen Victoria Hospital NHS Foundation Trust</p> <ul style="list-style-type: none"> Sent to: Pauline Farrell Head of Human Resources Queen Victoria Hospital NHS Foundation Trust Pauline.farrell@qvh.nhs.uk <p>For information and comment prior to general distribution.</p>
June 2009	2	Published	Bryony Neame	Nurse Director Kent & Medway Cancer Network	Addition of Care UK Mid Kent NHS Treatment Centre at request of Stephen Mayo after discussion with Stewart Dicker Nurse Director
December 2010	3	Published	Bryony Neame	Trust Chief Executives	Agreement to policy from all Trust Chief Executives, and document signed off

Approval Record

Date	Name / Title	Signature
01/09/2010	Susan Acott Chief Executive Dartford and Gravesham NHS Trust	

06/10/2010	Stuart Bain Chief Executive East Kent Hospitals University NHS Foundation Trust	
31/08/2010	Glenn Douglas Chief Executive Maidstone and Tunbridge Wells NHS Trust	
23/09/2010	Mark Devlin Chief Executive Medway NHS Foundation Trust	
12/11/2010	Adrian Bull Chief Executive The Queen Victoria Hospital NHS Foundation Trust	
9/12/2010	Stewart Dicker Clinical Director of Quality and Care Kent & Medway Cancer Network	

Enquiries

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Document Location

The document is located in the Kent and Medway Cancer Network office, in hardcopy and in electronic format on the Kent & Medway Cancer Network site at www.kentmedwaycancernetwork.nhs.uk

DATE OF NEXT REVIEW

This item is next to be reviewed in December 2013 by the Network Macmillan Senior Chemotherapy Nurse Specialist.

Revision History

Date	Version	Status	Author	Summary of Changes
31/08/2010	V2.1	Draft	Bryony Neame	Document formatted, heading re-worded Circulated as per approval list for ratification