

Use of Honorary Contracts Procedure

Procedure information

Procedure number: 713

Classification: Employment

Supersedes: Previous Versions

Version number: 6.0

Date of Equality Impact Assessment: 22.10.2025

Approval information

Approved by: People, Organisational Development and Culture Committee (PODCC)

Date of approval: 04.11.2025

Date made active: 27.11.2025

Review date: 04.11.2028

Summary of document:

To ensure that the issuing of honorary contracts occurs in line with the All Wales Policy on Insurance NHS Indemnity and Related Risk Management for Potential Losses and Special Payments (Welsh Risk Pool, 2023) ([opens in new tab](#)).

Scope:

The procedure will apply to staff involved in the requesting, approving, issuing and monitoring of honorary contracts.

To be read in conjunction with:

NHS Wales Shared Services Partnership, Welsh Risk Pool Services (2023) All Wales Policy on Insurance NHS Indemnity and Related Risk Management for Potential Losses and Special Payments Wales: Shared Services Partnership.

Owning group: Workforce team

Executive Director job title: Director of Workforce and Organisational Development

Reviews and updates:

1.0 – New Procedure

2.0 – Review

3.0 – Full Review

4.0 – Review

5.0 – Review – updated pre-engagement checks process

6.0 – Review – appendices added

Keywords: Honorary Contract

Glossary of terms

DBS – Disclosure and Barring Service

NHS – National Health Service

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Scope

This procedure will apply to staff involved in the requesting, approving, issuing and monitoring of honorary contracts.

Aim

The aim of this document is to:

- Ensure that the issuing of honorary contracts occurs in line with the All Wales Policy on Insurance NHS Indemnity and Related Risk Management for Potential Losses and Special Payments (Welsh Risk Pool, 2023).

Objectives

The aim of this document will be achieved by the following objectives:

- To issue an honorary contract or make alternative arrangements
- Outline the procedure for applying for honorary contract
- Outline the procedure for approving and issuing a honorary contract

Procedure

In addition to its core workforce, Hywel Dda University Health Board will, from time to time, engage the services of people, who are not paid employees, to carry out regular or ad hoc work on behalf of the health board. In addition, occasions often arise when an individual from an outside organisation wishes to work within the Health Board in an unpaid capacity, for example to gain work experience or shadow experienced staff.

It is important to note for those individuals that require an honorary contract, an individual will not be covered by the Health Board insurance policies and will not be indemnified if an honorary contract has not been issued. Therefore, no individual should be allowed to participate or observe in a department without an honorary contract in place.

Principles to be considered when determining whether to issue an honorary contract

An Honorary Contract should be used when no other process is suitable to define the relationship between the Health Board and an individual in order to facilitate effective operation of Health Board services.

The All Wales Policy on insurance and NHS Indemnity, referenced above, outlines that NHS Indemnity can be applied to enable the Health Board to accept legal and financial responsibility for the actions and omissions of its employees and others who are directly involved in NHS service provision.

It must be noted that NHS Indemnity applies only to NHS directly provided activities arising from the actions of:

- NHS employees who, at the relevant time (i.e. at the time alleged negligence occurred), are providing services as employees of the Health Board or
- Others who, at the relevant time, are providing services not as employees of the Health Board but nevertheless under the Health Board's management supervision and control e.g. work experience placements.

By issuing an honorary contract the Health Board accepts legal and financial responsibility for the actions and omissions of signee of the honorary contract and therefore the NHS Indemnity will apply.

However, the Health Board has a duty to avoid unnecessary acceptance of any risk or liability which should be borne by another body and therefore, the issuing of honorary contracts needs to be considered within the context of directly provided activities. In circumstances where there is no intention for the Health Board to apply NHS Indemnity, honorary contracts should not be used and a formal contract or service level agreement requires to be entered into and, assurance sought that the required governance arrangements are in place.

If a service is externally commissioned or procured by the Health Board from outside of the organisation, the contract awarded to, or agreement with, that provider must not offer NHS Indemnity to that provider but must instead expressly require the provider to manage the risk of negligence claims itself and must have in force an arrangement which provides appropriate cover. The risk of poor patient service must remain firmly with the commissioned provider.

This arrangement applies equally if the commissioned provider is another NHS body or an external organisation, although the arrangements for Memorandums of Understanding between NHS Wales Health Bodies is less complex than with external providers.

The Health Board Legal Services team can provide advice on this topic. If a decision on whether to issue an honorary contract remains unclear, advice can be escalated by the Health Board Legal Services team to the Risk Pool Service. Individual departments and staff should not contact the Welsh Risk Pool Service directly.

If a request is to be made to the Welsh Risk Pool Service, it is likely that the information will need to be completed on the Indemnity Query Form, which can be found in Appendix A of the All Wales Policy on Indemnity and Insurance.

Individuals eligible for issue of any Honorary Contract include:

- Return to Practice Students
- A doctor, nurse or other clinical practitioner from another Health Board undertaking further clinical experience
- Individuals working for another Health Board following through a patients' treatment whilst in Hospital
- Work experience/shadowing/observers individuals where placements exceeds a two week period

Action to be taken if the arrangement being considered is externally commissioned

When considering whether an Honorary Contract should be issued, the person making the decision needs to establish whether the request is for staff from an externally commissioned service outside the NHS.

An externally commissioned service is one whereby either the whole service or a discrete element of a service is managed and delivered by a person or body external to NHS Wales pursuant to a contract. External providers in this context include independent contractors. The 'externally commissioned service' may well require a formal contract award procedure to be run under the public procurement rules. In any event, a formal contract or Service Level Agreement will need to be entered into which allocates risk appropriately and specifies robust performance management

provisions. This will also include a requirement for the provider to indemnify the commissioning body as set out above.

If the service is externally commissioned to an organisation outside the NHS, a formal contract or Service Level Agreement will need to be entered into which allocates risk appropriately and specifies robust performance management provisions and governance arrangements.

Action to be taken if the arrangement being considered is provided by another NHS Body

In circumstances where a request for an honorary contract is made in relation to a service which is commissioned by the Health Board to be provided by another health body within the NHS, indemnity must be provided by that body undertaking the service. The requirement for a formal contractual provision of this arrangement is not necessary as this is covered in the agreements between all organisations.

In this circumstance, a 'memorandum of understanding' would be sufficient and honorary contracts are unnecessary.

Action to be taken if the arrangement being considered is for a person working directly for the Health Board

If the request for an honorary contract relates to an individual who is not externally commissioned to provide the service and will be under the Health Board's direct management, supervision and control, then an honorary contract would be the most effective way of demonstrating that the Health Board takes legal and financial liability for the actions of the individual. If so, then an honorary contract may be requested.

Actions prior to making a request for an honorary contract

The person making the request for an honorary contract must be an employee of the Health Board. Prior to completing the [Request for an Honorary Contract form Request for Honorary Contract](#) (opens in new tab), the following needs to be undertaken by the appropriate manager:

1. Allocate a line manager who will take on the management supervision and control of the individual.
2. [Request completion of the confirmation of pre-engagement checks](#) (opens in a new tab) from the workforce department of the employing organisation.

Ensure you obtain the above prior to forwarding a request to the Workforce department.

Procedure for approval and issuing of honorary contract

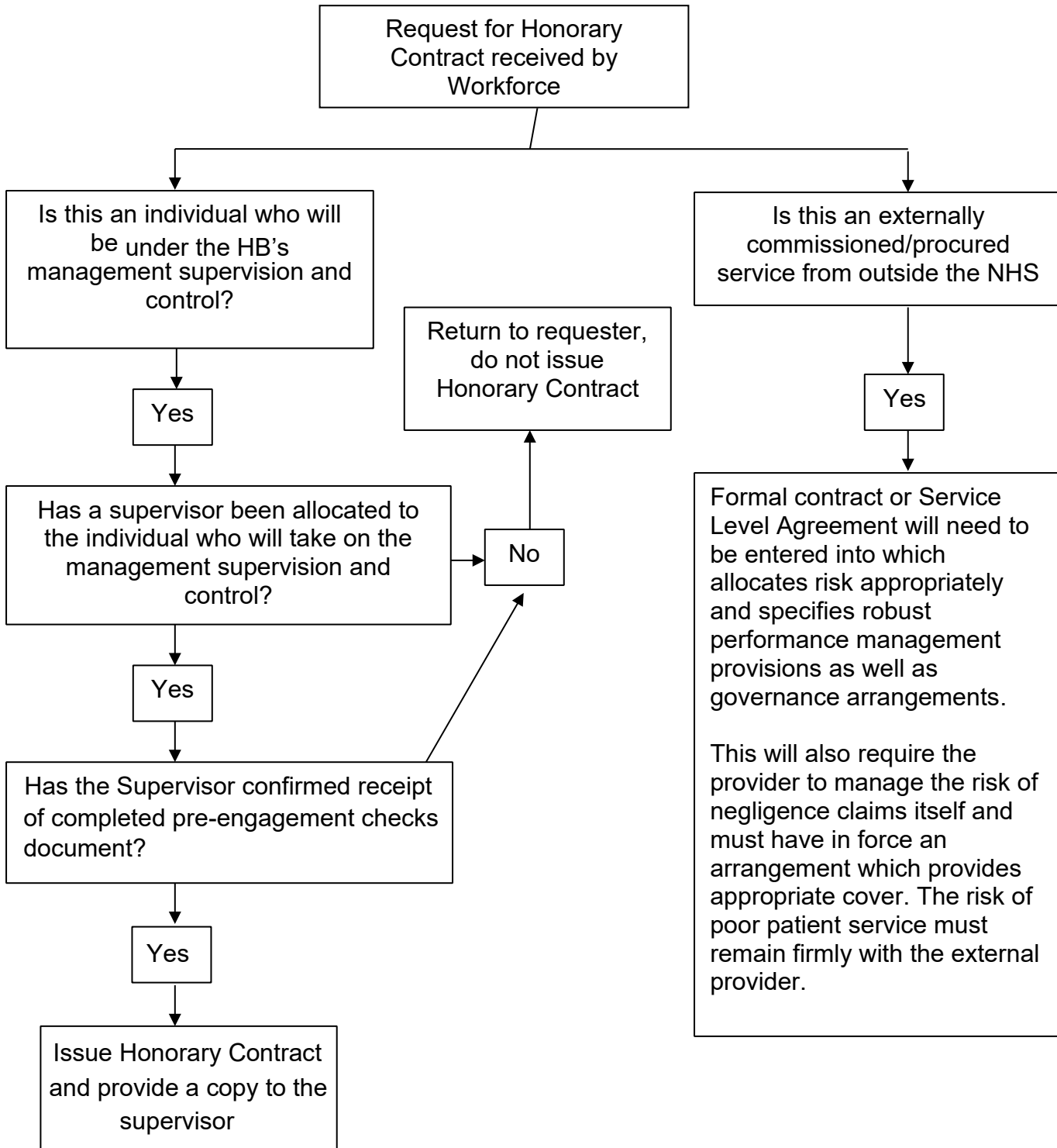
The member of staff within the Workforce team receiving the request for an honorary contract will:

1. Establish if the request for an Honorary Contract has been received for an individual who will be under the Health Boards management supervision and control or an externally commissioned/procured services from outside the NHS (this includes staff who work for the service).
2. Decide if an honorary contact is required – using the [Process Flowchart](#) (opens in new tab)
3. If it is not deemed appropriate, provide a response outlining the reasons to the requester
4. Where it is deemed appropriate, provide the Honorary Contract to the individual with a copy to the allocated supervisor.

References

All Wales Policy on Insurance NHS Indemnity and Related Risk Management for Potential Losses and Special Payments (Welsh Risk Pool, 2023) [Welsh Risk Management Standards \(nhs.wales\)](#) (opens in new tab)

Appendix 1 – Honorary Contract Request Process



Appendix 2 – Request for Honorary Contract

Name of Manager requesting Honorary Contract:	
Telephone No:	
Email:	
Department / Area:	

Please state the reason for the Honorary Contract

Is this person currently employed with NHS Wales? If yes please provide details

Name of Person Requiring Honorary Contract:	
Job Title:	
Place of Work	
Hours of work:	
Home Address:	
Telephone Number:	

Email Address:	
Period of Honorary Contract Duration: (please insert from and to dates)	

I confirm that a line manager has been allocated who will take on the management supervision and control of the individual.

I also confirm that:

- I have received the completed confirmation of pre-engagement checks document as per appendix 4.
- I have obtained a copy of the individual's proof of eligibility to work in the UK and original photographic ID and proof of address.
- Where advice from the Welsh Risk Pool has been obtained, I have attached a copy

Name of allocated line manager:	
Email:	

Appendix 3 – Confirmation of Pre-engagement Checks



Confirmation of Pre-Engagement Checks

For use where an employee of another NHS organisation requires an Honorary contract to undertake a period of Ad Hoc work/research/training within Hywel Dda University Health Board.

TO BE COMPLETED BY CURRENT EMPLOYER

Name:			
Address:			
Existing NHS Employer:			
Existing post in NHS:			
Purpose of Contract:			
Duration of Contract:	From		To
Department to be based in for duration of contract:			
Health Board clinician to report to/be responsible to for duration of contract:			

Disclosure and Barring Service Clearance:	Enhanced	Yes / No
	Disclosure Number:	
	Date Issued	
	Children's Barred List Checked	Yes / No
	Adults Barred List Checked:	Yes / No
Occ Health Clearance:	Cleared by existing trust OH department (in line with DOH guidelines)	Yes / No
	EPP Clear	Yes / No
	Date of Clearance	
GMC/GDC/NMC/HCPC Registration	Registration Number	
	Expiry Date	
	Type of registration (full/provisional/ temporary)	

	Date of entry to specialist register (for consultants only)	
References:	Validation of three years employment prior to current post	Yes / No
CV & application form:	On file	Yes / No
Proof of eligibility to work in UK:	Original passport or birth certificate seen Add copy attached to this form	Yes / No
	Nationality	
	If non-EEA national please provide details of current visa status, visa reference number and expiry date	
ID Checks:	Original photographic ID and Proof of address seen Add copy attached to this form	Yes / No

TO BE COMPLETED BY OPERATIONAL WORKFORCE

I confirm that the above pre-engagement checks have been completed and verified:

Signed:Name..... Date:

Job Title:

..... Health Board: