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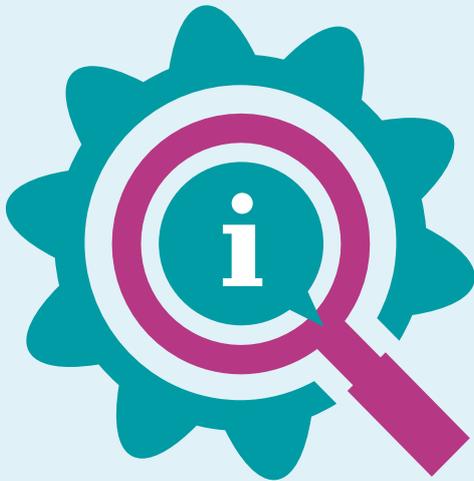
Guidance for REC Audited Education Applicants



REC Audited Education
The gold standard for recruitment

**Recruitment &
Employment
Confederation**

Guidance for REC Audited Education Applicants



In addition to the generic Audited criteria, you will also be required to demonstrate compliance in key safeguarding legislation and best practice. Before your on-site audit, we would advise that you review your documentation and procedures to check that they are in line with our requirements and that you are able to provide evidence in support of this. The guidance below should help you to identify the key points from the REC's Code of Professional Practice (the REC Code), the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (the Conduct Regulations), other relevant legislation and what you can do to help the auditors verify that you are complying. (Please note that the auditor will focus their checks on the criteria that are specific to the type(s) of recruitment you carry out).

Ensuring suitability and good safeguarding practice must be built into routine procedure and practice. Nowhere is this more important than in the recruitment and vetting of work-seekers that have contact with young people. The content of this audit has a strong focus on safeguarding and helping agencies ensure that they undertake the relevant checks at the right time. Relevant checks mean those that are required by law and the statutory guidance Keeping Children Safe in Education – Statutory guidance for schools and colleges (July 2015) issued by the Department for Education (DfE).

It is important that all policy documentation is up to date, that agency staff are aware of the processes in place and are able to apply these consistently. The REC is seeking assurance that agency staff are aware of their statutory obligations, execute clients' requests correctly, observe best practice and adhere to procedures.

We will do this by:

- reviewing your contracts, policies and procedures;
- discussions and interviews with key agency staff;
- file sampling.

The REC has a dedicated legal helpline providing advice and guidance to members, and the REC [Legal Guide](#) has a comprehensive range of model documents (both policies and contracts) that members can adopt as well as much useful information on the requirements of running an agency.



Policy and file sampling requirements

Evidence of a written recruitment, selection and vetting policy and appropriate suitability checks for work-seekers

Evidence required

- ✓ You should have a written policy document that details all the recruitment, selection and vetting checks that you carry out on work-seekers.
- ✓ The auditor will carry out a file sampling exercise to ensure that you are carrying out all the appropriate suitability checks on work-seekers before placement in a school: identity checks; right to work in the UK checks; Children's Barred List checks; Enhanced DBS and Update Service checks; proof of address; CV/application form on file; Rehabilitation of Offenders' Act statement; fitness to teach declaration; further checks as required for individuals who have lived/worked overseas; NCTL checks (to include checks on any prohibitions and QTS status); qualifications; at least two written references; and face-to-face interviews.
- ✓ During the file sampling exercise the auditor will also check that there are copies of contracts that you have agreed with work-seekers and that these contracts are agreed with work-seekers before you provide any work-finding services.



Disclosure and Barring Service and Update Service

We seek assurance that your safeguarding obligations in relation to the Disclosure and Barring Service (DBS) are met in helping you make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups.

It is necessary that all policy documentation in relation to your recruitment, selection and vetting is up to date and details what is required at each stage of the selection process, how this is achieved and by what means. We seek assurance that agency staff are aware of the document(s) and are able to apply these throughout the recruitment process and on an ongoing basis where necessary.

Evidence required

The policy document(s) will need to include what you do in relation to:

- ✓ Enhanced DBS and Update Service checks in line with REC policy, which is:
 - when a new work-seeker registers with you, assurance that you are either taking out a new DBS check, or carrying out an Update Service check prior to placement if the work-seeker is subscribed to the Update Service;
 - ongoing use of the Update Service – evidence that checks are made at least every 12 months subject to any shorter period imposed by a client, and in any cases where a work-seeker is not subscribed to the Update Service, a new DBS check must be undertaken (that is, in place of the Update Service check).
- ✓ Children's Barred List checks:
 - This check is only applicable prior to placement where a DBS application is in progress.
- ✓ Reporting and referral:
 - what you do in relation to reporting risk.
- ✓ Adult and child workforce checks:
 - Child workforce checks are the norm for this sector and adult workforce checks are only needed for very specific types of work, so you must have a process for determining if/when an adult workforce check would be required.
- ✓ DBS checks with criminal convictions or cautions:
 - The DBS check must be faxed securely to a school so that they can confirm that they are willing to accept the work-seeker.



Qualifications

We seek assurance that work-seekers are appropriately qualified and that agency staff understand the differing levels of qualification and skill sets required. Equally, these qualifications should be evidenced prior to placing the work-seeker and it should be confirmed that the work-seeker has all the training required to be effective in their role.

Evidence required

- ✓ a written process detailing the type of workers that you seek to engage and the level of qualifications that you require;
- ✓ assurance that agency staff are clear about the basis on which the work-seeker is being engaged;
- ✓ evidence that copies of qualifications are obtained and verified before placement in a school;
- ✓ proof that the equivalency of overseas qualifications has been obtained/that you are familiar with overseas qualifications;
- ✓ how overseas qualifications are verified, for example reference to NARIC;
- ✓ details of the safeguarding training/briefing that your work-seekers undertake and the regularity;
- ✓ evidence that you offer to provide copies of qualifications to clients as required by the Conduct Regulations.



Medical fitness to work

We seek assurance that the Education (Health Standards) (England) Regulations 2003 are observed, that is, agency staff ensure that those working directly with children have the health and physical capacity to do so.

Evidence required

- ✓ evidence of how you ensure that a work-seeker is medically fit to undertake the role;
- ✓ documentation to support this process.



Rehabilitation of the Offenders Act Statement

We seek assurance that when deciding whether to engage someone with a criminal record, you consider whether the offence is relevant to the position. For work in an education setting, the main focus should be whether the offences are relevant in terms of protecting children.

Evidence required

- ✓ you obtain this information before a work-seeker is placed in a school;
- ✓ how you manage information that is declared;
- ✓ your written Recruitment of Ex-Offenders Policy (a model policy that you can adopt as your own is available from the DBS);
- ✓ you are aware of the 'filtering' [rules](#) with regards to work-seekers declaring offences.



References

We seek assurance that at least two written references are followed up in all cases, including previous agencies/local authorities with whom the work-seeker may have worked.

Evidence required

- ✓ A written statement of your reference policy – to include details as to how and when the following references would be obtained: written, verbal, open, character and testimonial references. This should confirm that at least two written references must be obtained in all cases, including from the last employer, and that if a candidate is not currently employed as a teacher the agency should check with the school, college or local authority at which they were most recently employed to confirm details of their employment and reasons for leaving. Open/testimonial references will need to be independently verified to ensure that they are genuine and the content is satisfactory. The agency should contact the referee via an official email address to confirm that the reference is genuine and current.
- ✓ Copies of the standard letters/emails used to secure references, which should ask about the work-seeker's performance record, whether they are suitable to work with children and whether there have been any disciplinary procedures against that work-seeker.
- ✓ Your written policy should include measures taken to establish the identity of the referee and that references are from a verifiable source, for example on headed paper or from a legitimate school address.
- ✓ Your written policy should include the type of referee that you would expect to approach.
- ✓ Your written policy should include processes for obtaining references from another agency, which should include at least dates worked.
- ✓ Evidence of a consistent approach in ensuring that references are reviewed and gaps/anomalies acted upon, for example evidence through notes made on a work-seeker's CV.
- ✓ Evidence that you offer to show copies of references to clients as required by the Conduct Regulations.



Overseas work-seekers (and those who have lived and worked overseas)

DBS checks are not always sufficient for those who have lived or worked abroad as they do not generally show offences committed by individuals while living abroad.

We seek assurance that your safeguarding obligations in relation to the Disclosure and Barring Service (DBS) are met in helping you make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups.

It is necessary that all policy documentation in relation to your recruitment, selection and vetting is up to date and details what is required at each stage of the selection process, how this is achieved and by what means. We seek assurance that agency staff are aware of the document(s) and are able to apply these throughout the recruitment process and on an ongoing basis where necessary.

Evidence required

- ✓ A written policy detailing overseas police check requirements – are checks made in line with REC policy? That is, if a work seeker has lived or worked abroad for more than six months within the last five years, they should be in possession of an overseas police check from the country they were in to cover that period.
- ✓ Your written policy should include confirmation of when a letter of good conduct would be obtained.
- ✓ Your written policy should include what action would be taken if a work-seeker is unable to provide an overseas police check.

- ✔ Your written policy should include confirmation that all the same checks should be carried out on overseas teachers, including an awareness that DBS as well as overseas police checks should be taken out on overseas work-seekers.

- ✔ Your written policy should include confirmation that you check overseas qualifications with NARIC.



Continued suitability

The REC seeks confirmation that regular and ongoing checks are in place to ensure continued suitability.

Evidence required

A written policy detailing:

- ✔ the regularity of repeat checks and, in particular, Update Service checks, which should be carried out at least every 12 months (subject to any shorter period imposed by a client); if the work-seeker is not subscribed to the Update Service, a new DBS check will need to be taken out in line with REC policy;
- ✔ when further checks are undertaken on registered work-seekers whose files are dormant – REC Audited agencies typically carry out key checks on work-seekers who

have had a gap in working for the agency of either three or six months and will carry out a full 're-registration' after a one-year gap, that is, this will require all checks to be carried out again. A list of the checks to be carried out can be found under 'Policy and file sampling requirements';

- ✔ how feedback is secured and the frequency;
- ✔ opportunities made available to enable work-seekers to develop;
- ✔ how feedback is shared with the work-seeker.



The National College of Teaching and Leadership/Education Workforce Council

We seek assurance that in the placement of teachers, agency staff are aware of their obligations to ensure a teacher's suitability and that the teacher is a member of the relevant professional body as required by law.

Evidence required

- ✔ a written policy detailing checking procedures and how prohibitions are managed;
- ✔ assurance that work-seekers required to register with these bodies have done so;

- ✔ evidence that you are aware of when a referral should be made;
- ✔ evidence that you are aware of the actions to take if a teacher is not on the list.



Interviewing

We seek assurance that all teachers have attended a 'personal' face-to-face interview prior to placement and that it is conducted by a qualified and experienced member of staff.

Evidence required

- ✔ consultants are appropriately trained to deliver interviews;
- ✔ standard questions are asked;
- ✔ interview is evidenced through clear interview notes taken by the agency member of staff;
- ✔ information is recorded;
- ✔ gaps on CVs are checked and notes made, for example evidence through notes made on a work-seeker's CV.



Client contact

In line with the requirement for schools to keep a single central record, assurance that agencies give schools written confirmation of the checks they have carried out on a work-seeker, including the dates that the checks were done.

Evidence required

- ✔ a policy detailing your processes;
- ✔ documentation provided to schools regarding checks on work-seekers, which must list confirmation of identity checks, Children's Barred List checks, Enhanced DBS checks, prohibition from teaching checks, qualification checks, right-to-work checks, further checks for individuals who have lived/worked outside the UK, and the dates of each of these checks for a work-seeker.



Disqualification under the Childcare Act 2006

We seek assurance that the agency is aware of the childcare disqualification requirements and has processes in place for checking this information with work-seekers who will be supplied/introduced into relevant roles.

Evidence required

- ✔ a policy detailing your processes;
- ✔ documentation given to relevant work-seekers that requests the information – further information on the disqualification requirements can be found in the [REC's guidance](#) of March 2015, which provides a link to the DfE guidance.



Policy and certification requirements

It is necessary that all policy documentation and certification requirements are up to date, that staff are aware of the policies and they are able to apply these in practice.

Evidence required

- ✓ equality/diversity policy, which must cover all nine protected characteristics listed in the Equality Act;
- ✓ up-to-date registration with the [Information Commissioner's Office \(ICO\)](#);
- ✓ data protection policy, which must cover all eight principles of data protection as listed in the Data Protection Act;
- ✓ written complaints policy that sets out the stages a complainant can expect to go through when making a complaint – to comply with REC standards, this must cover: who to complain to; the timescales that an agency will work to; how to appeal a decision that is not satisfactory; an alternative process for dealing with a complaint in cases where a complainant does not wish to have a meeting with an agency; and a mechanism for dealing with any complaints informally in the first instance (that is, before resorting to a written procedure);
- ✓ if there have been any complaints against the agency, evidence that the complaints procedure has been operated effectively and the outcomes monitored;
- ✓ AWR – your policy for dealing with any written requests from an agency worker about any aspect of equal treatment that the agency worker believes they are not receiving, which should cover the timescale for your response and the information that must be included –see [REC AWR factsheet number 5](#).



Training and development of staff

We seek assurance that there is a structured and substantial induction and training programme for staff.

Evidence required

- ✓ written training and development policy;
- ✓ evidence of staff training records, notes of internal training/updating sessions, and details of how you make training (both internal and external) available to staff;
- ✓ induction processes for new staff to cover key agency policies and procedures, for example equality/diversity, data protection, compliance processes and recruitment industry information, for example induction checklist;
- ✓ processes for keeping staff up-to-date in relation to new legislation and developments in the recruitment industry;
- ✓ details of how you ensure that staff are aware of the REC Code of Professional Practice and how to implement it;
- ✓ evidence that key staff refer to REC legal bulletins, weekly e-communications, sector updates and other REC communications;
- ✓ if you have SLAs in place with clients, how you ensure that staff are trained in these and understand their obligations;
- ✓ written guidelines/operating processes to make clear to staff the standards you expect them to work to, for example staff handbook, or a policies file or operating manual;
- ✓ performance management/appraisal scheme for staff, for example standard forms.



Work-seeker checks

We seek assurance that agency staff understand, follow and document their obligations in relation to work-seeker check and services.

Evidence required

- ✓ evidence that permission is obtained from candidates to forward CVs and personal data to clients;
- ✓ the auditor will undertake a file sampling exercise to make sure you are carrying out appropriate suitability checks on work-seekers: ID, eligibility to work in the UK, qualifications, any authorisations required by law or the client, registration with professional bodies, references, and any additional checks, such as DBS/ Update Service checks;
- ✓ if you are introducing/supplying work-seekers to work with children/vulnerable adults, you will need to show that you have additional procedures in place, such as offering to provide copies of references and qualifications to clients. You will also need to ensure that you comply with the REC's DBS/Update Service policy: when a work-seeker registers with you, they must be subscribed to the Update Service or you must take out a new DBS check. In addition, you must carry out an Update Service check at least every 12 months for all work-seekers (subject to any shorter period imposed by a client). If a work-seeker is not subscribed to the Update Service, you will need to carry out a new DBS check, that is, in place of an Update Service check;
- ✓ your policy regarding action that is taken if information regarding a work-seeker's unsuitability comes to light after a placement has started;
- ✓ evidence that you provide written assignment information to work-seekers in line with Regulation 21 of the Conduct Regulations: this must be provided to work-seekers in writing three business days after it has been provided verbally and must include the identity of the client, the nature of the client's business, start date, duration or expected duration of the assignment, type of work, location, the experience, training, qualifications and any authorisations the client requires the work-seeker to possess or that are required by law or a professional body, hours of work, health and safety information, any expenses payable by or to the work-seeker and the actual rate of pay for the assignment (if this has not already been confirmed). For permanent candidates, all of the above information must be provided along with the minimum rate of pay, any other benefits, intervals of payment and the length of notice that the candidate would be required to give and entitled to receive;
- ✓ example of a model payslip to show that holiday pay is correctly reported



Overseas recruitment

If you recruit work-seekers from outside the UK to come and work in the UK, or place work-seekers who are in the UK in roles overseas, the correct recruitment procedures must be adhered to.

Evidence required

- ✓ a copy of the agreement with any overseas agent;
- ✓ evidence that you apply the same processes to work-seekers who are recruited from overseas and/or recruited in the UK to work overseas;
- ✓ evidence that qualifications are checked with NARIC where necessary.



Contracts with work-seekers

We seek assurance that you agree contracts with work-seekers before you provide any work-finding services to them and that, where applicable, these comply with the Conduct Regulations and the Agency Workers Regulations.

Evidence required

- ✓ evidence that you agree contracts with work-seekers before any work-finding services are provided, as required by the Conduct Regulations;
- ✓ if applicable, written opt-out agreements with limited company contractors (LCCs);
- ✓ if applicable, evidence of your processes to make it clear to individual work-seekers that they will be employed and paid by an umbrella company and that appropriate contractual agreements are in place;
- ✓ copies of your agreement with permanent candidates, which must include a statement as to how you are acting, that the candidate authorises you to seek work on their behalf and the type of work you will seek to find for the work-seeker (while this is not a legal requirement, it is a requirement under the REC Code);
- ✓ AWR – if applicable, evidence that Swedish Derogation/Pay Between Assignments contracts comply with both the Conduct Regulations and the requirements of the Agency Workers Regulations;
- ✓ evidence that contracts with PAYE temporary work-seekers and LCCs who do not opt out of the Conduct

Regulations comply with the Conduct Regulations, which must include a statement that you will operate as an employment business, the type of work you will seek to find for the work-seeker, whether the work-seeker will be employed under a contract of service or apprenticeship or a contract for services, an undertaking that you will pay the work-seeker for work done whether or not you have received payment from a client, the length of notice that the work-seeker will be entitled to give and receive from you in respect of assignments with clients, either the actual rate of pay or the minimum rate of pay (this may be the National Minimum Wage) payable to the work-seeker, details of payment intervals and of any entitlement to annual holidays and to payment in respect of such holidays;

- ✓ in addition, such contracts must not in any way include provisions that breach the Conduct Regulations, such as subjecting work-seekers to any detriment because they wish to take up employment with any other person. The REC has an easy-to-use [factsheet](#) covering the Conduct Regulations.



Contracts with clients

We seek assurance that your contracts with clients are issued in writing prior to you providing any services to them and comply with REC standards and the Conduct Regulations.

Evidence required

- ✓ evidence that you agree contracts in writing with clients prior to providing any services to them;
- ✓ evidence that your contracts for the introduction of permanent candidates comply with REC standards, which are that you include a statement specifying the type of services to be provided, that you include details about fees and how these will be calculated and, if a refund/rebate is applicable, you lay out how this will be calculated and the conditions that will

need to be met in order for the client to benefit from the refund/rebate;

- ✓ evidence that your contracts for the supply of temporary work-seekers comply with REC standards, which are that you: include a statement specifying the type of services to be provided; state the procedure to be followed if a work-seeker proves to be unsatisfactory; include details about fees and how these will be calculated; and, if a refund/rebate

is applicable, how this will be calculated and the conditions that will need to be met in order for the client to benefit from the refund/rebate. In addition, any clauses relating to charges will need to comply with Regulation 10 of the Conduct Regulations. A

clear explanation of Regulation 10 can be found in the Conduct Regulations [factsheet](#);

- ✔ if you supply umbrella company workers, you will need to make this clear in relevant client contracts.



Client contact

We seek assurance that staff understand, follow and document their obligations relating to client services.

Evidence required

- ✔ a policy or procedure detailing what information you provide to clients on initial contact;
- ✔ details of your procedures for obtaining and documenting information about positions/assignments. This must be carried out in line with Regulation 18 of the Conduct Regulations, which states that certain information must be obtained from a client and documented – this information is laid out above under 'Work-seeker checks', that is, the information that must be given to work-seekers about their assignment;
- ✔ AWR – details of your processes for obtaining and documenting 'equal treatment' information from a client in cases where an agency worker will complete a 12-week qualifying period; the REC has a model form, '[Document G – Information Request Form](#)', that you can adopt for this purpose;
- ✔ evidence that you provide written information to clients about work-seekers that you propose to them. In line with the Conduct Regulations, this information must include confirmation of the identity of the work-seeker, confirmation that the work-seeker has the experience, training, qualifications and any authorisation that the client considers necessary or that are required by law or by any professional body, and confirmation that the work-seeker is willing to work in the position.



Customer service

We seek assurance that customer service standards are in place.

Evidence required

- ✔ a copy of your customer service policy and evidence that this is communicated to staff;
- ✔ evidence of mechanisms in place to measure your service to clients and candidates, which could include, for example, surveys, telephone calls, site visits;
- ✔ details of how customer feedback has led to any improvements in your service to customers.



Health and safety

We seek assurance that staff understand, follow and document their obligations with regards to obtaining and transmitting health and safety information.

Evidence required

- ✓ that you obtain from a client and document health and safety information about assignments in line with the Conduct Regulations, which require that you must ask clients about any risks to health and safety known to the client and what steps the client has taken to prevent or control such risks;
- ✓ that you pass this information on to work-seekers in writing within three working days of giving the information verbally, as also required by the Conduct Regulations – typically this is given to work-seekers along with the other written assignment information laid out above under 'Work-seeker checks'.



Advertising

We seek assurance that adverts comply with the Conduct Regulations.

Evidence required

- ✓ examples of adverts that are compliant with the Conduct Regulations – adverts must be clear as to whether they are for temporary or permanent work, include the full name of the employment agency or business, and, if a rate of pay is stated in the advert, the advert must also include the location and nature of the work, and the minimum experience, training and qualifications the work-seeker would need in order to receive that rate of pay.

Please note: Audits are carried out on the basis that the Agency Workers Regulations (AWR) apply to the supply of workers, unless you confirm that the AWR do not apply to any/all of your activities. During audits the REC will carry out a number of checks on key working processes that relate to the AWR in order to check that members have an awareness of the AWR and have a few key working practices in place. However, the REC will not check the actual application of the AWR and the audit will not in any way provide a guarantee that you are fully compliant with the AWR.

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- Exceeding members' expectations through business support.

Jobs transform lives, which is why we are building the best recruitment industry in the world. As the professional body for recruitment, we're determined to make businesses more successful by helping them secure the people they need.

We are absolutely passionate and totally committed in this pursuit for recruiters, employers, and the people they hire.

Find out more about the Recruitment & Employment Confederation at www.rec.uk.com

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