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# The Recruitment and Employment Confederation Guide to Compliance

The guide to complying with the REC Code of Professional Practice provides you with a page by page checklist on what you can do to ensure your agency is working to best practice

The Compliance Team is also available to discuss any aspect of the Code with you, so please do contact us if you have any queries.

Recruitment &  
Employment  
Confederation

## General Principles

Our Members will observe the highest principles of ethics, equity, integrity, professional conduct and fair practice in dealing with others and will conduct their business in a manner designed to enhance the operation, image and reputation of the recruitment industry and REC members. The REC will offer guidance, legal advice and training to members to help achieve these standards.

Ethical conduct is not simply compliance with legal requirements but extends to honesty, respect for and equitable treatment of others, integrity and social responsibility. It is conduct that holds up to disclosure and to public scrutiny. Members and their staff will act towards other members and non-members, candidates, clients and others at all times in good faith. Members should actively seek to support and uphold the mission and values of the REC.

REC has an important role to play in continuously improving standards within the recruitment industry.

This Code is binding on all corporate members of the REC and their subsidiary/associate companies. Where a member operates in a sector or sectors covered by one or more of the REC's industry sector codes of practice, the requirements of the applicable code or codes are also binding. Complaints against REC members from candidates, clients or others, can be investigated under the REC Complaints & Disciplinary Procedure.

### PURPOSE

The aim of these principles is to ensure that you, your staff, clients and candidates are aware of the high standards of practice expected from a member of the REC. In addition, they seek to raise awareness and encourage the use of the full range of guidance provided by the REC, including sector specific codes, and of the obligation placed on the REC to investigate any relevant complaint received by a work seeker, client or other party in respect of the conduct of its member agencies.



### PRINCIPLE 1 Respect for Laws

- a Members and their staff must comply with all relevant legislation, statutory and non-statutory requirements and official guidance and any future amendments to such requirements during the course of providing their services to others.

### PURPOSE

Adhering to this principle will ensure that all members of the REC are fully compliant with all legislation, statutory codes and official guidance relevant to the recruitment industry, including those which relate to the Agency Workers Regulations, Equal Opportunities, Equal Pay, Asylum & Immigration, Taxation, Health & Safety, Data Protection, Trade Union membership, Rehabilitation of Offenders, Telecommunications Privacy and Working Time regulations.

Having a clear understanding on what your obligations are under the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (the Conduct Regulations) and all other relevant legislation and guidance, and how to comply with the above is key to meeting this principle.

To enable you to meet this principle we strongly recommend that you use the following checklist on a regular and on-going basis.

### CHECKLIST

- Establish a full range of guidance and support available through the REC, including the Legal Guide and the Legal Helpline.
- Refer to the Legal Guide for detailed guidance and advice on many areas of compliance affecting your business.
- Maintain awareness of REC guidance issued through all regular and online member communications.
- Review the full range of your working practices to ensure that they are compliant with all essential laws and guidance, as well as the REC Code of Professional Practice.
- Review the information available in your offices - make copies of the REC Code easily available.
- Contact the REC Legal Helpline on 020 7009 2199 if you require legal advice.
- Ensure you or someone in your company receives and circulates REC communications.
- Go to [www.rec.uk.com](http://www.rec.uk.com), download any sector codes that apply, and consider joining the sector groups wherever these apply to your business. Please note: The code of practice for your sector will apply even if you are not a member of that Sector Group.



- Ensure that you and your staff understand any of the specialist codes that apply and seek advice when necessary on appropriate practical application.
- Ensure that your Induction for new staff covers all relevant guidelines and requirements, so that all new staff are clear on what standards of practice they must work to.
- Ensure that you review how you communicate this information to existing staff, possibly through issuing Consultants guidelines and checklists, for all key stages of the recruitment process, and that you review these on a regular basis.
- Ensure that where possible your staff attend the REC's Recruitment Law training course, as well as reviewing the training and qualification courses provided by the REC to help ensure your staff have access to our support in understanding and complying with industry legislation.
- Ensure that your staff are aware of how they can access information and advice on all relevant issues of good practice or legal compliance that will support them in carrying out their duties.
- Review your performance management practices to ensure that your staff have access to professional development and training as required.
- Consider introducing internal audits of your company's working practices, to ensure ongoing compliance.
- Consider appointing a data protection officer. Conduct regular data cleanses. Have appropriate processes in place to deal with all requirements of data protection law.



## PRINCIPLE 2 Respect for honesty and transparency

- Members will act honestly in all dealings with work seekers, clients, members, non-members and others.
- In the course of representing a work seeker or client a member shall not knowingly make a false or inaccurate statement, fail to disclose a material fact, or make a representation as to future matters without having reasonable grounds for making it.
- Members must adhere to principles of truth in advertising and will only advertise positions, through any medium, for which they have documented permission to recruit.
- All fees, charges and services provided must be explicitly and fully disclosed to clients prior to the acceptance of an assignment or prior to any work being undertaken for a client.
- Members should document all key stages of the recruitment process in line with relevant legislation and good practice guidance.

## PURPOSE

This principle seeks to establish clear understanding of the obligations REC members have towards all those whom they come into contact with, in particular hirers and work seekers. It aims to ensure that the highest levels of professional conduct enhance the image and reputation of the Industry.

By adopting the following checklist as part of your internal practices you will be able to demonstrate that you meet this Principle.

## CHECKLIST

- Ensure that your working practices meet the high standards of practice expected of you by reviewing them on a regular basis (at least once a year).
- Ensure that clear customer service standards are in place and clearly communicated, and that all new staff are inducted and trained as appropriate.
- Document clearly the outcome of all contact with clients and work seekers where information is exchanged or agreements made regarding the recruitment process.
- Establish a clear Complaints Procedure and communicate this to clients and work seekers, ensure that it sets out the stages that a complainant can expect to go through when pursuing a complaint.
- Check that the complaints procedure makes clear whom to contact, the timescales within which a response can be expected, and how to appeal a decision that is not satisfactory (this can be through a senior manager of the agency and via referral to the REC).
- Check that the complaints procedure includes a stage for dealing with complaints (including AWR complaints) informally i.e. you should encourage work seekers to talk to you in the first instance
- Check that all staff are aware of requirements of the AWR in relation to dealing with written requests from an agency worker about any aspect of equal treatment that the agency worker believes they are not receiving
- Check that all staff are aware of how to respond to a complaint and that the company complaints procedure is operated effectively and the outcomes monitored.
- Aim to resolve any complaints or disputes effectively, promptly and professionally, including when a complaint has been referred to the REC.
- Ensure your records are accessible and clear in the event of a complaint investigation requesting evidence.
- Ensure that all staff can recognise a subject access request (SAR) and know the timescales involved. Implement an appropriate process to ensure that SARs are dealt with promptly and accurately.
- Ensure that all adverts for particular vacancies accurately reflect the information provided to you by the client in respect of those vacancies.

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- Ensure that you can demonstrate that all adverts you advertise or display relate to confirmed instructions from a client.
- Ensure that at the point at which you advertise or display an advert, the vacancy is still available.
- Ensure you have procedures in place for systematic removal of adverts once filled or no longer current.
- Check that you are recording clients' instructions so that you can demonstrate that an advert is accurate.

## DEALING WITH CLIENTS

- Ensure you have a checklist of information and documents to be transmitted to all clients on initial contact and that all staff are aware of their obligations.
- Ensure that your terms of business are transmitted in writing and that the client's attention is drawn to the method of transmission. Document the timing of transmission of terms of business in all cases.
- Make all reasonable efforts to obtain the client's signed agreement to your terms of business and in particular ensure they are clear about the circumstances in which they would be charged a fee.
- If you carry out permanent recruitment, you should agree terms with clients in writing before first providing services to the client. Ensure that these terms include a) the type of service that will be provided (e.g. recruitment services, permanent placements etc.), b) details of fees and how they will be calculated (amount or method of calculation) and c) if a refund/rebate is applicable the terms should set out clearly how this will be calculated and any conditions that need to be met for the client to benefit from the refund/rebate.
- If you carry out temporary recruitment, you should agree terms with clients in writing before first providing services to the client. Ensure that these terms include a) the type of service that will be provided (e.g. acting as an employment business, temporary placements etc.), b) details of fees and how they will be calculated (amount or method of calculation), c) if a refund/rebate is applicable the terms should set out clearly how this will be calculated and any conditions that need to be met for the client to benefit from the refund/rebate and d) details of the procedure to be followed if a work-seeker introduced or supplied to the client proves unsatisfactory.
- Whilst operating as a permanent recruiter ensure that you make clear to clients which checks you will and will not carry out. This could be satisfied by clear statements in your terms of business with clients, by supplementary information provided to a client along with terms of business or written communication to a client prior to a particular placement.
- Ensure that any verbal agreement with a client to vary any written terms is confirmed in writing and clearly documented.
- Check that your procedures for obtaining and documenting information when taking instruction from a client include all relevant and pertinent information.

- Check that you have a process in place to obtain and document "equal treatment" information from a client in cases where an agency worker will complete a 12 week qualifying period under AWR.
- Ensure that you have a process in place for monitoring the length of agency workers' assignments so, that you know when an agency worker's assignment will reach the 12 week qualifying period under AWR.
- Check that any adverts aimed at clients describing your company's services are also accurate.

## DEALING WITH WORK SEEKERS

- Confirm relevant details to a work seeker in writing as well as documenting the information accurately in your own records
- If you carry out permanent recruitment, you should agree terms with candidates in writing before you provide any work seeking services. Ensure that these terms include a) how you will be acting ie. as an agency or that you will seek to find permanent work, b) that the work seeker authorises you to seek work on the work seekers' behalf and c) the type of work you will seek for the work seeker
- Check that your procedures for conveying information to work seekers regarding a client and the position they are applying for include all relevant and pertinent information. This should include, as a matter of course, the identity of the hirer at the point of submission of their details, unless a client has specifically instructed otherwise. Where this is the case you should ensure that these instructions are clearly documented. However you must balance this against a work-seeker's right to know where their personal data is being transferred. See also Principle 10.
- Check that any incentive or bonus schemes aimed at work seekers and the terms of any payments or rewards are communicated clearly wherever these are referred to in adverts.
- Before you undertake any work finding services ensure that you agree a contract with a work-seeker (in line with your obligations under the Conduct Regulations) in any cases where a work-seeker will ultimately be employed by an umbrella company.
- Give work seekers up to date and relevant information about their rights and entitlements. This may help you to avoid a complaint in the first place.

The REC has a range of Model Documents including a Customer Service Policy, Complaints Procedure and various Data Protection documents, all of which you can tailor to suit your business. Please see the attached link <https://www.rec.uk.com/legal-resources/model-document-library/model-policies>. The REC has also produced a range of infographics for work-seekers including on the AWR, National Minimum Wage and Data Protection. These are all available from the REC Legal Guide.



### PRINCIPLE 3

## Respect for work relationships

- a Members will not undertake actions that may unfairly or unlawfully jeopardise a work seeker's employment.
- b Members will not undertake actions that may unfairly or unlawfully interfere in work relationships established by others.
- c Members will not attempt unfairly or unlawfully to prevent a work seeker from seeking work from other sources.
- d Members will in their dealings with all other REC members and non-members treat them with respect and aim to work in a fair and open competitive environment.

### PURPOSE

This principle seeks to clarify your obligations (both ethical and legal) and prevent situations where those whom you come into contact with as part of the recruitment process feel that you have acted unethically and outside any contractual obligations.

The following checklist is aimed at ensuring that you meet both the legal and ethical obligations of this principle.

### CHECKLIST

- Consider how you will discuss with clients how to respond if they have already received a CV you send them, or if they later receive a CV you have sent them.
  - Encourage clients to inform you as soon as possible if this happens.
  - Review what stage you are confirming agreement with a client that they are engaging your agency to recruit for the vacancy in question, ensure you have your client's agreement to your terms of business and that you document this.
  - Discuss with clients that 'first come first served' is not necessarily how to decide which agency to operate through but that the agency they have clearly entered into a contract with for that particular vacancy is more likely to be found to have introduced the candidate.
  - Ensure your client is fully aware of their contractual obligations under your terms of business, especially all circumstances in which a fee would be payable.
  - Consider informing clients specifically that all candidates submitted by your company have given their permission for you to end their CV to the client, and that agencies that send unsolicited CVs may be in breach of this Code and data protection law. This may help make clients more aware that agencies that do not operate in this way may not be complying with industry standards.
  - Seek to work with another agency to find an acceptable solution to any dispute over fees so that the candidate's placement and your relationship with the client is not jeopardised.
- Ensure that all details provided by a client regarding a vacancy or placement are checked and recorded accurately as well as ensuring that they are conveyed clearly to the relevant work seeker.
  - Ensure that you and your consultants are fully aware of your obligations in respect of checking references and suitability of candidates and that this information is clearly and accurately recorded and documented. In addition, you should ensure that this information is provided to clients on request, so that they can make an informed decision as to the best candidate for the role in question. This is especially critical where a professional qualification is required or where work-seekers are required to work with vulnerable persons or those under 18.
  - Ensure that you fully comply with the REC's policy on DBS checks i.e. an Update Service check should be done at least every 12 months (unless the client requests that it's done more regularly) and if a work-seeker is not subscribed to the Update Service a new DBS check will need to be carried out. REC members should be encouraging all work-seekers to subscribe to the Update Service. When you register a new worker you will need to check their status via the Update Service prior to supply to a client. If the new worker is not subscribed to the Update Service, then a new DBS check will need to be taken out (prior to supply to a client) and the work-seeker should subscribe to the Update Service at this point.
  - Ensure that your client is aware of their responsibilities in terms of checking references and candidate suitability and that this information is clearly set out in your terms of business.
  - Ensure that your terms of engagement with temporary workers do not include clauses which seek to prevent them seeking employment elsewhere.
  - Review how you meet the requirements for checking identity, eligibility to work, suitability when placing candidates you have not met and how this information is conveyed to the client.
  - In situations where you have previously received a fee for placing a work seeker with their current employer, you should not approach the work seeker to offer work seeking services with a view to placing the work seeker elsewhere, unless the current employer agrees to that approach.
  - Review the procedures you have in place for dealing with situations where a placed work seeker, for whom you have already received a fee, seeks alternative employment, in particular when this is within any agreed rebate period with the original client.
  - Ensure that you clearly document any such requests, including written confirmation from the work seeker of their request for work seeking services, and any offers and acceptance of alternative employment.
  - Ensure that the rebate period is honoured should acceptance of an offer of alternative employment take place within the rebate period.

- Ensure that you establish a policy on not targeting client companies for search purposes, ideally within 12 months of last providing services to them; and that this includes obtaining written confirmation from any candidates who initiate contact to request work seeking services; and that you can demonstrate when a candidate first registered with you.
- Ensure that your client database operates so that information on client companies is easily accessible and helps your consultants avoid contacting current or recent client companies for search purposes within any agreed period.



## PRINCIPLE 4 Respect for diversity

- a Members should adhere to the spirit of all applicable human rights, employment laws and regulations and will treat work seekers, clients and others without prejudice or unjustified discrimination. Members should not act on an instruction from a client that is discriminatory and should, wherever possible, provide guidance to clients in respect of good diversity practice.
- b Members and their staff will treat all work seekers and clients with dignity and respect and aim to provide equity of employment opportunities based on objective business related criteria.
- c Members should establish working practices that safeguard against unlawful or unethical discrimination in the operation of their business.

### PURPOSE

This principle emphasises the importance of not only complying with Equal Opportunities legislation, but seeks to raise awareness and compliance with the business benefits of actively promoting and applying the values of equity, diversity and corporate social responsibility in recruitment practice.

The following checklist is aimed at ensuring that you meet both the legal and ethical obligations of this principle.

### CHECKLIST

- Ensure that your company has an Equal Opportunities and Diversity policy that encompasses unethical as well as unlawful discrimination.
- Review this on a regular basis to ensure that it remains up to date with current legislation and good practice.
- Commit to the REC's/Job Centre Plus Diversity Pledge. To find out more about this and other REC initiatives to promote diverse recruitment, including registering for the Diversity Pledge, go to <https://www.rec.uk.com/news-and-policy/policy-and-campaigns/ongoing-campaigns/diversity-and-inclusion>.

- Ensure that your policy for staff training and professional development covers equal opportunities and diversity and producing objective business related criteria.
- Ensure that your staff have access to the Legal Reference guides on all equal opportunity and diversity issues, including any changes in legislation.
- Ensure that you review and where appropriate amend your existing working practices and procedures so that they actively promote the values of equity, best practice in Diversity and corporate social responsibility in recruitment practice.
- Use your commitment to this principle to market how you can work with clients to meet their organisational diversity commitments.
- Ensure you or someone in your company receives and circulates all relevant information and guidance on Equal Opportunity and Diversity issues.
- Consider nominating a named person to regularly review, maintain and update information that relates to Equal Opportunities and Diversity issues, and that this information is easily accessible to all consultants.



## PRINCIPLE 5 Respect for safety

- a Members will act diligently in assessing risks to work seekers and clients and will not knowingly put at risk candidates, clients or others.
- b Members will inform work seekers whenever they have reason to believe that an engagement may cause a risk to health and safety.

### PURPOSE

This principle aims to reflect your obligations to obtain and convey information relating to Health and Safety issues at the client's premises where the work seeker will be expected to work, and ensuring that this information is provided to work seekers before an assignment commences.

### CHECKLIST

- Ensure that you are aware of your obligations under health and safety legislation and that these are communicated to all consultants and relevant staff.
- Ensure that you have a policy on what health and safety information must be sought from clients when taking instructions and that this information is in line with any relevant guidance from the Health & Safety Executive (HSE).
- Ensure that this policy takes account of any sector specific health & safety requirements.



- Ensure that you have procedures in place for informing temporary workers about health and safety information relevant to their assignment before work starts, and that this information is confirmed in writing, prior to an assignment, or within statutory requirements.
- Ensure that your staff are aware of how information on health and safety, whether provided by clients or given to temporary workers, should be documented.
- Ensure that with long-term clients that you have an active policy for reviewing all existing health and safety information supplied by them.
- Ensure that you agree with clients who will report any health and safety incidents or accidents to the HSE.

- Review your professional development and training policy and ensure wherever possible that it is an integral part of your performance management processes, and that it covers all stages of the recruitment process.
- Ensure that your staff understand how to access REC training and professional development and other forms of REC support and guidance in conducting a recruitment process covering all stages from advertising to placement.
- Ensure you or someone in your company receives and circulates REC communications.
- Review how you circulate REC legal bulletins, email newsletters and all other member communications so that you and your staff keep up to date with advice and recent developments.



## PRINCIPLE 6 Respect for professional knowledge

- a Members will work diligently to develop and maintain a satisfactory level of relevant and current professional knowledge.
- b Members will ensure that their staff are adequately trained and skilled to undertake their responsibilities in recruitment practice.

### PURPOSE

This principle ensures that your staff are informed and trained to effectively carry out their responsibilities, and seek to continually improve your staffs' knowledge, skill and qualification base, and understand the appropriate behaviours to use in any given situation. It also seeks to clarify the importance of applying an ethical and professional approach to customer service standards at all times, including the resolution of complaints and disputes.

### CHECKLIST

- Use your REC membership to encourage clients to trust your professionalism.
- Ensure that you use the REC logo on your website and correspondence.
- Consider placing the REC Code of Professional Practice on your website and/or making available copies of the REC Code to clients/candidates to demonstrate the standards you work to.
- Encourage use of designatory letters by members of the Institute of Recruitment Professionals (IRP).
- If you act as an employment agency (i.e. providing permanent recruitment services) ensure that you fully comply with the Provision of Services Regulations 2009.



## PRINCIPLE 7 Respect for certainty of engagement

- a Members must supply work seekers with full details of the work, conditions of employment, the nature of the work to be undertaken, rates of pay, method and frequency of payment and pay arrangements in accordance with requirements of current legislation.
- b Members will ensure that any variation to the engagement can only occur with prior notification and agreement of the worker.

### PURPOSE

This principle seeks to ensure that work seekers are clearly and fully informed of the services provided by you, including receiving and agreeing clear terms of engagement before the commencement of any assignment, all relevant information about any position for which they have been put forward, progress in seeking to find work for them and of any application for work being pursued on their behalf. It also seeks to ensure that work seekers are not prevented from taking up any opportunity for employment because of any practices or clauses in their terms of engagement.

### CHECKLIST

#### TERMS OF ENGAGEMENT:

- Ensure you have a checklist of information and documents to be issued to all work seekers on registration.
- Ensure that all temporary and contract workers receive their terms of engagement before you provide any work-finding services and document the timing of transmission and agreement to terms of engagement in all cases. For permanent placements ensure work seekers have agreed written terms (see Principle 2)

- Wherever possible obtain signed agreement to your terms of engagement and keep this on file.
- Where a temporary work-seeker works through a payment intermediary such as an umbrella company, a CIS intermediary or other, ensure that the work-seeker has chosen which intermediary to work through. You may have a preferred supplier list of those intermediaries you are prepared to engage with because, having done appropriate due diligence you are satisfied they work in a compliant manner, but the individual should then freely choose which intermediary to work through.
- Review the documentation you give to work seekers prior to each assignment and ensure that details of assignments are clearly recorded and documented.
- Ensure assignment information is confirmed to the work-seeker and the hirer in writing within 3 working days of being agreed.
- Review your terms of engagement to ensure that you are not requiring temporary workers to opt out of the working week limit, unless this is a demonstrably essential requirement of the sector in question, and that it is clear wherever opting out is referred to that this is optional.
- Ensure that wherever temporary workers choose to opt out of the working week limit they are fully and clearly informed of the procedure to follow for giving notice.
- Ensure that temporary workers are fully aware of the implications of being offered direct employment with a client or of transfer of their assignment to another employment business, and ensure that this information is confirmed in writing to all temporary workers.
- Ensure that you do not impose a restriction on any temporary/contract worker you have previously engaged from obtaining work by withholding or refusing to provide any information, whether in a reference or otherwise, that is reasonably requested by another employment agency/ business or hirer unless you can objectively justify your decision for refusing to give such information in any particular case.

## DATA PROTECTION:

- Ensure that you do not transfer a work seeker's personal data to any third party, including a payment intermediary (such as an umbrella company, CIS intermediary or similar) unless you either have their consent to do so or another legal basis for such transfer (which should be documented).
- Review your procedures to ensure you have a system for checking that the candidate's permission to submit their application has been obtained prior to submitting CVs to clients.

## REFERENCES:

- Consider setting up a template reference letter and ensuring that all consultants are aware how to access this and of what their obligations are when providing references.

- Review your registration procedures and check at what stage referees are requested and when references are taken up on temporary/contract workers.
- Review your terms of business and check whether these make clear to clients where responsibility lies for taking up references on candidates for permanent employment.
- Ensure that you will be able to demonstrate what steps you took to check a work seeker's suitability should a client request this.
- Ensure that clients are always specifically informed before employment or an assignment starts if you have not taken up references.
- Review whether you take any steps to verify open references or testimonials presented to you by work seekers.
- Ensure that any policy you have on providing references for temporary workers does not unfairly or adversely affect their ability to obtain employment or work elsewhere.

## COMMUNICATION:

- Ensure that work seekers are adequately informed as to how communication between all parties will operate and establish clear timescales within which their calls and correspondence will be returned.
- Ensure that you agree with work seekers the procedure for keeping them informed, including whether it will be the work seeker or the agency that should initiate contact with the other.



## PRINCIPLE 8

### Respect for prompt and accurate payment

- a Members will pay promptly and accurately any wages and benefits due in accordance with any agreed terms and legal requirements.
- b Members should not penalise temporary/contract workers, for example for having been late or failed to attend part or all of an assignment or for poor performance, by making deductions from pay due for time that they have actually worked.
- c Members will not take on assignments that could result in their inability to pay temporary/contract workers.

## PURPOSE

This principle aims to ensure that where there are any delays or problems with paying temporary workers, these are resolved as quickly as possible and that you provide both prompt and clear explanations to the temporary worker regarding the delay. It also seeks to ensure that you are fully aware of and meet your obligations to pay temporary workers for all hours actually worked and not to deduct any pay due for those hours as a penalty.



## CHECKLIST

- Ensure that prior to starting an assignment, all temporary workers are clear about the rate and method of pay that applies to each assignment, and the rate and method of payment of holiday pay that also applies. Ensure in particular that all temporary workers fully understand the difference between any PAYE rates and limited company rates.
- Ensure that this information is clearly documented for each assignment, and that this information is given to all temporary workers in paper form, emails or if by no other means of communication by SMS so that you meet your obligations under the Conduct Regulations and the REC Code of Professional Practice.
- Ensure that all salary information is provided clearly and accurately, including specifying wherever figures provided are pro rata.
- Ensure that when engaging workers operating through a limited company that they are clear about the effect this has on their employment status and statutory entitlements including holiday pay, sick pay, maternity/ paternity/ adoption pay and pensions from your business.
- Ensure that your procedures for obtaining and documenting information when taking instructions from a client include clarifying whether expenses will be payable.
- Ensure that your procedures for conveying information to work seekers regarding a client and the position they are applying for include reference to whether and under what terms and conditions expenses will be payable.
- Ensure that temporary workers are informed clearly and promptly in the event of any delay in payment, and that all relevant information relating to a delay in payment is clearly documented, including the steps taken to resolve any delay and the outcome of those steps.
- Ensure that any complaints raised by temporary workers in respect of their pay are resolved as promptly and efficiently as possible.
- Review your terms of engagement to ensure that all references to pay, including any reference to deducting pay, is within the requirement of the law and this principle.
- Ensure that any lawful deductions are clearly communicated to temporary workers and documented and that wherever possible their written agreement to the deduction is obtained and documented.
- Ensure that where you engage contract workers who use third party services to process their pay and statutory deductions that you communicate clearly and promptly all procedures for submitting timesheets and invoices, and that wherever possible you obtain and document their written agreement.
- Ensure that you do appropriate due diligence on all payment intermediaries and that all staff understand company policy on engaging with payment intermediaries.
- Ensure that you have appropriate procedures in place to avoid the risk of committing an offence under either the Criminal Finances Act 2017 or the Bribery Act 2010. These must be owned by senior management.



## PRINCIPLE 9

### Respect for ethical international recruitment

- Members must supply all overseas work seekers with the same level of information as set out and implied in Principle 7. In addition, information provided should include details of the likely cost of living in the area the prospective hirer is situated, the likely length of the job in question and the state of the employment market in the field they are being recruited into. All information must be provided at no cost to the work seeker.
- Members must ensure that in relation to overseas recruitment they abide by all relevant legislation and Home Office guidelines and provide all relevant and applicable information to work seekers, clients and others.
- Members recruiting from outside the UK must not use overseas agents who charge for their services, unless that is the legal and normal custom and practice sanctioned by the government of the country of origin. In addition, members must make all reasonable efforts to ascertain such information about any agents used and should be able to demonstrate that they have done so.
- Members should observe the highest principles of social responsibility, integrity, professionalism, equity and fair practice in their dealings with all overseas work seekers.

## PURPOSE

This principle aims to clarify the responsibilities of an agency recruiting work seekers from overseas in that they must ensure the work seekers are fully informed and supported in making their decision to come to the UK. It also seeks to ensure that you have effective and adequately ethical procedures and practices in place to fulfil your legal obligations and responsibilities as a member of the REC in recruiting work seekers from overseas.

## CHECKLIST

- Review the information provided to work seekers outside the UK by your company in respect of any potential opportunity for employment. These should include,
  - Notice periods, hours and location and nature of work.
  - The likely cost of living in the area of the UK in which the hirer is situated, the likely length of the job in question and the state of the employment market into which they are being recruited, in order to enable the work seeker to make an informed decision as to whether it is in their long term interests to accept a position with a UK hirer.
  - All information must be provided at no cost to the work seeker.
- Document clearly the information you have provided in all cases.

- Ensure you are aware of the practices of any overseas agents your company works with, in particular whether they charge overseas work seekers for their services.
- Ensure you are aware of the policies of the relevant government authority in that country towards agency practice in respect of fees.
- Ensure that you have clear policies and guidelines on the use of overseas agents.
- Ensure that your internal training includes guidelines on a consultant's ethical and legal obligations when recruiting from overseas.
- Ensure that the documentation you provide to overseas workers is set out in a clear and understandable format so that they are clear about the services they can expect from you and clear on the terms that they will be engaged on.
- Consider developing a clear policy on the use of translation and interpreting services relevant to your business needs.
- Ensure that where you provide or arrange accommodation or refer overseas temporary workers to particular landlords or letting companies that you assure yourselves of the quality and condition of the housing.
- Consider nominating a named person to regularly review, maintain and update information that relates to local housing, and that this information is easily accessible to all consultants.
- Ensure that you have a clear and well-communicated policy and procedures, which clarifies how to handle situations where temporary work comes to an end and the temporary worker may no longer be entitled to the housing.
- Ensure that you clearly document all stages of an overseas recruitment process, including all relevant instructions from the client.
- Ensure that you or your nominated employee maintain and update awareness on all relevant legislation and best practice in respect of overseas recruitment, and that this information is easily accessible to all consultants working in this field.
- Consider developing a clear policy on social responsibility as it relates to international recruitment, and nominating a named individual in your company who will have responsibility for its implementation.
- Ensure that you review and where appropriate amend your existing working practices so that they actively promote the values of equity, best practice in Diversity and corporate social responsibility in international recruitment practice.
- Ensure that your working practices actively promote equitable treatment of all overseas work seekers.



### PRINCIPLE 10

## Respect for confidentiality and privacy

- a Members must observe the highest principles of integrity, professionalism, equity and fair practice to maintain the confidentiality and privacy of candidate and client information and should respect the confidentiality of records in accordance with law and good business practice.
- b Members and their staff must ensure that they have obtained consent or that they have another legal basis which they can rely on (such consent or legal basis to be documented) before disclosing, transferring, displaying, submitting or seeking confidential or personal information.

### PURPOSE

These are aimed at ensuring that the importance of respecting the confidentiality of your clients and work seekers is maintained at all stages of the recruitment process. In terms of personal data you must either have consent or another legal basis prior to any disclosure, transfer or publication of information which relates to them or by which they can be easily identifiable. In addition it seeks to raise awareness of the importance of maintaining effective and adequate documentation of individual recruitment processes; this includes the use of recognised and appropriate selection tests.

The following are some of the things that members and their staff should be doing to ensure that they are complying with this principle in the operation of their businesses and recruitment activities.

### CHECKLIST

- Ensure you have registered with the Information Commissioner's Office (ICO). See <https://ico.org.uk/>.
- Ensure the importance of confidentiality and data protection is made clear in all relevant training and induction you carry out with your recruitment consultants.
- In particular, ensure that data protection principles and how these relate to the recruitment process are included in your staff induction and ongoing training.
- Ensure that you have appropriate policies in place regarding the processing of personal data.
- Ensure that you have appropriate policies and processes in place to ensure that all staff know how to respond to a candidate regarding their data protection rights including the rights to be informed, relating to rectification or erase of personal data, the right to object or withdraw consent, a subject access request and rights relating to automated decision-making and profiling.
- Review your procedures at the stage at which you submit CVs to clients to ensure you have a system for checking that you have obtained the candidate's permission to submit their CV.



- Review how you obtain and record candidates' consent or any other legal basis on which you process their personal data.
- Ensure that no CVs can be forwarded to clients without the candidate's agreement.
- Document clearly the outcome of any conversation where information is exchanged or agreements made regarding the recruitment process.
- Ensure your records are accessible and clear in the event of a complaint investigation requesting evidence.
- Review your registration or interview procedures and if necessary include a question about use of a work seeker's CV or personal details in this way.
- Document any permission you obtain from a candidate, either by including a written request for consent in your registration procedures or otherwise obtaining written agreement.
- Ensure you request and receive written permission from the work seeker before contacting any other referee than those named by the work seeker.
- Never contact a work seeker's current employer without their written permission that you may do so.
- Ensure that your policy on references also recognises the obligation to confidentiality towards the referee.
- Review how you operate any selection tests that are applied to work seekers, in particular any psychometric or personality-based tests or questionnaires.
- Consider if there are any data protection issues around any selection tests you use, in particular if using a wholly automated decision-making process in selection.
- Ensure that the staff responsible for conducting and evaluating these are trained in doing so fairly and consistently.
- Establish clear and transparent documentation of results and criteria for how these are used to determine suitability.
- Ensure that how you display information about candidates on a website is done in such a format that protects their identity and that of their current employers.
- Review how you use password-protected areas of websites to ensure you are meeting this standard.
- Ensure that before posting information about a candidate, you have checked whether their current employer is also a current client of your company and may therefore be able to access their details. If this is the case, discuss this with the candidate and agree a way to protect their confidentiality.
- Wherever you intend to place any information relating to a candidate onto a website, ensure you have processes in place, such as a checklist to refer to before posting information on the site, that prevent this being done before you are sure you have the candidate's permission to do so.
- Ensure that all consultants using jobs boards or social networking sites to source candidates comply with the rules of those boards and sites. Ensure also that they follow your internal rules on use of these boards and sites – have an appropriate policy which covers how to engage with those candidates, and how to obtain their permission to introduce them to clients.

The attached link provides REC Model Documents and Leaflets which are only available to REC members. They include contracts, registration form, assignment information form, Equal Opportunities and Diversity policy form and many more, [www.rec.uk.com/legal\\_guide/model-docs](http://www.rec.uk.com/legal_guide/model-docs). (Please log in to the Member area on the REC website to access.)

If you have any queries please contact the Compliance Team on **020 7009 2100** or email [Compliance@rec.uk.com](mailto:Compliance@rec.uk.com).

The recruitment industry counter-fraud organisation, SAFER (Safe Advice for Employment and Recruitment), is a non-profit industry wide initiative created to raise awareness about, and combat criminal activities that may be attempted on those within the industry or through the services provided by the industry.

If you would like further information or would like to report recruitment related fraud please access [www.safer-jobs.com](http://www.safer-jobs.com)

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## Making a complaint

Full details on how to make a complaint about a REC Member can be found at [www.rec.uk.com/complaints](http://www.rec.uk.com/complaints).

For further information on the Code please contact the REC on **020 7009 2100** or email [info@rec.uk.com](mailto:info@rec.uk.com)

## Compliance test

Since July 2012 all new members to the REC have been asked to complete an online compliance test as part of their membership process. All existing members of the REC are also required to undertake the test every two years to prove to clients and candidates that they continue to conform to the highest standards. The compliance test assesses a members knowledge of the REC's Code of Professional Practice and legislation relevant to the recruitment industry.

## Diversity Charter

As recruiters you are uniquely placed, as the conduit between work seeker and client, to promote diversity and challenge discriminatory practice.

To help you do this, REC and Jobcentre Plus have worked together to create a Diversity Charter. It covers the recruitment industry, both public and private, and sets out aspirational standards for recruitment agencies and job centres to achieve in the delivery of recruitment services to clients. This forms part of the formal REC/ DWP Partnership Agreement.

To find out more, register for the Diversity Pledge and commit today to developing best practice in diversity, go to [www.rec.uk.com/diversitypledge](http://www.rec.uk.com/diversitypledge) or call **020 7009 2100**

- **Recruitment's biggest lobbying voice**
- **The source of recruitment knowledge**
- **Raising recruitment standards**
- **Developing successful careers in recruitment**
- **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](http://www.rec.uk.com)

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