

# Guidance for REC Audited Education Applicants

In addition to demonstrating compliance with key industry legislation, you will be required to evidence that key safeguarding legislation and best practice is followed.

Before your on-site audit, we recommend 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. If you are providing staff under the GCA Framework Agreement you need to ensure that their requirements are also adhered to.

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 section focuses primarily 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* 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, procedures and the forms that support this;
- discussions and interviews with key agency staff;
- file sampling (please note that we require explicit consent of the work-seeker for REC to view their file)

If you are a Government Commercial Agency (GCA) Framework supplier you must ensure that you comply with the GCA Framework requirements laid out in the GCA Framework Schedule 1 (Specification) RM6376 and it is important to be aware that there are requirements in the framework, which are additional to the REC Audit Criteria. GCA wish to retain certain elements in the GCA Framework criteria, which as noted above are additional to the REC Audit Criteria. These additional elements are as follows:

**References:** The GCA Framework additionally requires that these cover the last two years as laid out in paragraph 4.3.4 in the Framework Schedule 1 (Specification) RM6376. As well as carrying out checks in accordance with the Audit Criteria, REC will check during Audits that your written reference policy confirms that you will obtain references to cover the last two years. Where this has not been done, it has been agreed that REC will inform GCA.

**Declarations:** There are certain clauses within paragraphs 4 and 14 of the Framework Schedule 1 (Specification) RM6376 where the REC will check by asking suppliers to confirm their compliance via a written declaration as part of the audit process. For clarity these clauses are 4.4/5, 14.2.4/5/6/7/9/12 and 4.18/19/20 of the framework specification

#### GCA REPORTING REQUIREMENTS

REC have agreed with GCA that there will be certain circumstances when REC will automatically refer a member to GCA. This is where it comes to the REC's attention that a worker has been supplied who:

- has been barred from carrying out regulated activity
- has not got a current and valid DBS check
- has placed an education worker who has been prohibited from working in an education environment or has restrictions placed on them that make it inappropriate to place them
- has not yet been barred or prohibited from working with children however references or additional information provided by the police suggest that this is imminent
- does not have an overseas police check or letter, a letter of good conduct or a valid DBS
- has no evidence of right to work documentation on their file whatsoever or there are copies but they are illegible or where there are copies of right to work documentation but these have not been made by the agency (or an approved IDSP) and the agency has relied on such checks being carried out by a third party

- has changed umbrella companies and the supplier has not issued a new Key Information Document (KID) to the worker
- The REC will also refer to GCA any instances where the REC has checked a payslip for an umbrella company worker against the corresponding KID and the name of the umbrella company is different
- The REC will also refer to GCA any instances where the REC has checked a payslip for an umbrella company worker and there are no deductions showing for PAYE/NI
- The REC will refer to GCA any instances where a supplier has not been able to confirm any of the required declarations in relation to clauses 4.4/5, 14.2.4/5/6/7/9/12 and 4.18/19/20 of the framework

#### [REPORTING REQUIREMENTS TO REC \(All REC Audited/REC Audited Education holders\)](#)

You should promptly make the REC Compliance Team aware of any investigation into a worker that the agency has supplied that may bring the agency, REC or GCA Framework (where relevant) into disrepute.

REC is keen to support and work with you throughout the process. We have a dedicated legal helpline providing advice and guidance to members (call 0207 009 2199 or email [Legal.Services@rec.uk.com](mailto:Legal.Services@rec.uk.com)) and the REC Legal Guide has a comprehensive range of model documents (both policies and contracts). The Compliance Team can offer advice on policies, procedures and what you need to do in order to be compliant.

## 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.

You will need:

- an equality/diversity policy, which must cover all nine protected characteristics listed in the Equality Act;
- an up-to-date registration with the Information Commissioner's Office (ICO);
- a data protection policy, which must cover all seven principles of data protection as listed in General Data Protection Regulations (GDPR).
- a 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; you should also ensure that your complaints procedure is accessible and visible such as adding it to your website
- AWR – your internal 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.

## RECRUITMENT SELECTION AND VETTING POLICY

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. This can be one complete document or individual documents that detail key checks. 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.

| Disclosure and Barring Service and Update Service                                                                                                                                                                                              | Evidence Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| <p>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.</p> | <ul style="list-style-type: none"> <li>Enhanced DBS and Update Service checks, which include the Children's Barred List check, in line with REC policy, which is:<br/>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;</li> <li>ongoing use of the Update Service – evidence that checks are made <i>at least</i> 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).</li> <li><u>Reporting and referral</u><br/>What process you follow in the event of a safeguarding issue</li> <li>Adult and child workforce checks:<br/>Child workforce checks are the norm for this sector and adult workforce checks are <u>only</u> needed for very specific types of work, so you must have a process for determining if/when an adult workforce check would be required.</li> <li><u>DBS checks which have disclosed any matter or information:</u><br/>The DBS check must be provided securely to a school so that they can confirm that they are willing to accept the work-seeker.</li> <li>You must ensure you seek permission to access the update service and advise the worker the frequency of the checks</li> <li>You have a Recruitment of Ex-Offenders Policy</li> <li>You must ensure that you follow DBS guidelines for carrying out DBS checks at all times and must ensure that you see original, physical DBS certificates when carrying out a DBS check on a candidate (when taking out a new DBS and before undertaking an initial suitability check via the Update Service)</li> </ul> |
| Qualifications                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>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</p>                                           | <ul style="list-style-type: none"> <li>a written process detailing the type of workers that you seek to engage and the level of qualifications that you require;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |



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| <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <ul style="list-style-type: none"><li>• assurance that agency staff are clear about the basis on which the work-seeker is being engaged;</li><li>• evidence that copies of qualifications are obtained and verified before placement in a school;</li><li>• proof that the equivalency of overseas qualifications has been obtained/that you are familiar with overseas qualifications;</li><li>• how overseas qualifications are verified, for example by reference to UK ENIC (formerly NARIC);</li><li>• details of the safeguarding training/briefing that your work-seekers undertake and the regularity</li><li>• evidence that you offer to provide copies of qualifications to clients as required by the Conduct Regulations.</li></ul> |
| <b>Medical fitness to work</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>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. The Education (Health Standards) Regulations 2004 prohibit an individual from teaching if they do not have the health and physical capacity to do so. There is an exception to section 60 of the Equality Act 2010 where health questions can be asked in order to establish whether the person will be able to undertake “a function which is intrinsic to the role”. This means that you can seek specific health information to establish whether a person is able to undertake essential elements of the role without breaching section 60. However, the request should only be made so far as this is necessary to determine the ability of the applicant to undertake any intrinsic functions of the work and only to the extent that this is necessary to assess the ability of the applicant to comply with the health standards regulations.</p> | <ul style="list-style-type: none"><li>• evidence of how you ensure that a work-seeker is medically fit to undertake the role;</li><li>• the steps that you take if someone declares a condition that may make them unsuitable</li><li>• documentation to support this process.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |



## 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.

- 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](#) (updated in November 2020) with regards to work-seekers declaring offences
- Assurances that you have a process in place to require candidates to update you in the event that the candidate is subject to any kind of investigation or prosecution relating to a criminal act and/or which could lead to a conviction/police caution after the most recent DBS/Update Service check was undertaken. Where this applies, evidence that you have a process in place to inform the school so that the school can make an informed decision as to whether the assignment should continue.

## 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. You should obtain a reference from the most recent or current employer where available and the most recent school based employer where applicable

### GCA

Whilst REC Audited Education requires two written references to be in place, the CGA framework additionally requires that these cover the last two years as laid out in paragraph 4.3.4 in the Framework Schedule 1 (Specification). As well as carrying out checks in line with the Audited criteria, REC will check at audits that your written reference policy confirms that you will obtain references to cover the last two years. Where this is not the case, it has been agreed that REC will inform CGA.

- 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.

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|                                                                                                                                                                                                                                                                                                                                                                                                                           | <ul style="list-style-type: none"> <li>• Your written policy should include processes for obtaining references from another agency, which should include at least dates worked and details of any safeguarding issues if they are known.</li> <li>• 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.</li> <li>• Evidence that, after obtaining the referees consent, you offer to show copies of references to clients as required by the Conduct Regulations.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Overseas work-seekers (and those who have lived and worked overseas)</b>                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>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.</p> <p>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.</p> | <ul style="list-style-type: none"> <li>• 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 six months or more 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.</li> <li>• Your written policy should include that where you are unable to obtain an overseas police check you will obtain a letter of good conduct.</li> <li>• Your policy should include details of the checks you will take from January 2021 to ensure suitability of those who have lived and/or worked outside the UK in relation to checking a letter of professional standing issued by a professional regulatory authority where the individual worked.</li> <li>• Your written policy should include what action would be taken if a work-seeker is unable to provide an overseas police check.</li> <li>• 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.</li> <li>• Your written policy should include confirmation that you check overseas qualifications with UK ENIC (formerly NARIC)</li> </ul> |
| <b>Continued suitability</b>                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| The REC seeks confirmation that regular and ongoing checks are in place to ensure continued suitability.                                                                                                                                                                                                                                                                                                                  | A written policy detailing:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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|                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>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;</li> <li>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 (subject to any client requirement) 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;</li> <li>how feedback is secured and the frequency;</li> <li>opportunities made available to enable work-seekers to develop;</li> </ul> |
| <b>DfE's Check a teacher record/Education Workforce Council (Wales)</b>                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| We seek assurance that in the placement of teachers and educational support staff, agency staff are aware of their obligations to ensure suitability in terms of QTS status and prohibitions/restrictions.                           | <ul style="list-style-type: none"> <li>a written policy detailing checking procedures and how prohibitions are managed;</li> <li>Assurances that you check whether both teachers and educational support staff have any prohibitions/restrictions</li> <li>assurance that work-seekers required to register with these bodies have done so;</li> <li>evidence that you are aware of when a referral should be made;</li> <li>evidence that you are aware of the actions to take if a teacher is not on the list.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Interviewing</b>                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| We seek assurance that all teachers have attended a face-to-face interview prior to placement and that it is conducted by a qualified and experienced member of staff. The interview can be conducted either in person or via video. | <ul style="list-style-type: none"> <li>consultants are appropriately trained to deliver interviews;</li> <li>standard questions are asked;</li> <li>interview is evidenced through clear interview notes taken by the agency member of staff;</li> <li>information is recorded;</li> <li>gaps on CVs are checked and notes made, for example evidence through notes made on a work-seeker's CV.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Disqualification under the Childcare Act 2006                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| 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.                                                                                                                 | Documentation given to relevant work-seekers that requests the information – further information on the disqualification requirements can be found in the REC Legal Guide <a href="#">HERE</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Right to Work Checks                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| You must check the right to work documentation of all individuals you are going to supply, whether you believe them to be an UK national or not. This is separate to any identity check that is required and often requires different documentation (e.g. a driving licence will confirm an individual's ID but not their right to work). | From 6 April 2022 employers have been able to use Certified Identification Document Validation Technology (IDVT) to carry out digital right to work checks on British and Irish nationals. Right to work checks can be carried out by a manual check, a Home Office online check or via IDVT. All three processes are acceptable for REC Audited Education/CGA suppliers. Please note that not everybody will have an immigration status that can be checked online so, there may be some cases where you will need to do a manual right to work check. You must ensure that you follow Home Office guidance on carrying out right to work checks at all times and that you see original, physical documents if carrying out manual right to work checks.                                                                                                                                                                |
| Training and development of staff                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| We seek assurance that there is a structured and substantial induction and training programme for staff.                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>• written training and development policy;</li> <li>• 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;</li> <li>• 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;</li> <li>• processes for keeping staff up-to-date in relation to new legislation and developments in the recruitment industry;</li> <li>• details of how you ensure that staff are aware of the REC Code of Professional Practice and how to implement it;</li> <li>• evidence that key staff refer to REC legal bulletins, weekly e-communications, sector updates and other REC communications;</li> </ul> |

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|                                                                                                                                             | <ul style="list-style-type: none"> <li>• if you have SLAs in place with clients, how you ensure that staff are trained in these and understand their obligations;</li> <li>• 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;</li> <li>• performance management/appraisal scheme for staff, for example standard forms.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Work-seeker checks</b>                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>We seek assurance that agency staff understand, follow and document their obligations in relation to work-seeker check and services.</p> | <ul style="list-style-type: none"> <li>• evidence that permission is obtained from candidates each and every time to forward CVs and personal data to clients</li> <li>• 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;</li> <li>• your policy regarding action that is taken if information regarding a work-seeker's unsuitability comes to light after a placement has started;</li> <li>• 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; the hours during which the work must be undertaken; health and safety information; any expenses payable by or to the work-seeker; and the actual rate of pay for the assignment separated from any holiday pay entitlement (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</li> </ul> |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>receive. Where you engage workers via an umbrella company, for the purposes of the Conduct Regulations the umbrella company is considered to be the work seeker and therefore you must provide the umbrella company with full assignment details. In order to meet the requirements of the REC Code of Professional Practice you must also provide a copy of the assignment details to the individual;</p> <ul style="list-style-type: none"> <li>• example of a model payslip to show that holiday pay is correctly reported</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Overseas recruitment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <ul style="list-style-type: none"> <li>• a copy of the agreement with any overseas agent;</li> <li>• evidence that you apply the same processes to work-seekers who are recruited from overseas and/or recruited in the UK to work overseas;</li> <li>• evidence that qualifications are checked with UK ENIC (formerly NARIC) where necessary.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Key Information Document (KID)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>Under the Conduct Regulations, you are required to give work-seekers a KID before terms are agreed. It must be a separate document to the terms and the information must be provided in a clear and succinct manner. It must be no more than two sides of A4 with 210mm by 297mm dimensions.</p> <p>The KID must contain two parts. The first is general information and this will differ depending on how the work-seeker will be engaged i.e. is it PAYE, Umbrella or PSC. The second must be a representative statement of pay covering the specified pay period eg, if you pay weekly the example pay statement must represent a week's pay.</p> <p>There should be no other information on the KID. The work-seeker must receive a KID relevant to how they will ultimately be engaged and you must retain a copy for your records. You do not</p> | <ul style="list-style-type: none"> <li>• KID templates (depending on how an agency operates will be for PAYE, umbrella companies and PSC) must meet the requirements of Regulation 13A of the Conduct Regulations;</li> <li>• A process to ensure that the KID is issued correctly and reissued where necessary</li> <li>• Processes for ensuring that staff are aware of the requirements to issue KIDs</li> <li>• Evidence of processes for and examples of issuing a new KID because of a change in umbrella company meaning that the name of the employer and/or the name of the payer has changed <ul style="list-style-type: none"> <li>• REC will check approx 5 umbrella company worker payslips against corresponding KID's to check whether the name of the umbrella company is the same on the KID and that the payslip shows deductions for PAYE/NI. REC will check the first KID issued to the work-seeker and then another KID issued approx 2 months later</li> </ul> </li> </ul> <p><u>These checks previously only applied to GCA suppliers but now apply to all REC Audited Education/REC Audited applicants (new and renewals) and are to ensure that you are aware of the regulations relating to KID's and because of the prevalence and risk of mini umbrella companies</u></p> |

need to issue a new KID for each new assignment but must issue a new KID when the information on the KID changes.

A work-seeker/candidate cannot opt out of the requirement to issue a KID. If you work with umbrella companies, it is your obligation as the employment business to issue a KID to the work-seeker. To do this, you will need to obtain the relevant information from the umbrella company to populate the KID.

### 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.

We require copies of your contracts prior to the audit taking place and we will request these via the audit portal.

- 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);
- 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 order to terminate assignments with clients; either the actual rate of pay or the minimum rate of pay (this may be the National Living/Minimum Wage, as appropriate) payable to the work-seeker; details of payment intervals; and of any entitlement to annual holidays and to payment in respect of such holidays;

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>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 which you can find on the REC website <a href="#">here</a>.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Written Statement of Particulars</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>Contracts with PAYE workers (not PSC) should meet the requirements of the Employment Rights Act (ERA) to provide a Written Statement of Particulars (WSOP).</p> <p>This is a separate requirement to the Conduct Regulations to agree terms with work-seekers. The ERA requires more information than the Conduct Regulations and should be provided no later than the start of employment, which in the case of an agency worker is the start of assignment.</p> <p>A list of the documents required to be issued to PAYE agency workers along with details of when they should be issued can be found on the REC website <a href="#">here</a></p> | <p><u>If you use REC model contracts as advised by REC you will meet these requirements and these will be reviewed as part of the audit process. If you retain your own documents these too will be assessed for compliance</u></p> <p>A copy of the REC model terms of engagement for PAYE agency workers can be found on the REC website <a href="#">here</a>. This document contains, as an annex, a copy of the REC combined Assignment Details and Written Statement Form. You can also download this document separately <a href="#">here</a>.</p>                                                                                                                                                                                                                                                                                                                                                  |
| <b>Contracts with clients</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>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.</p> <p>We require copies of your contracts prior to the audit taking place and we will request these via the audit portal.</p>                                                                                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>evidence that you agree contracts in writing with clients prior to providing any services to them;</li> <li>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;</li> <li>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;</li> </ul> |

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|                                                                                                                                            | <p>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 <a href="#">here</a>;</p> <ul style="list-style-type: none"> <li>• if you supply umbrella company workers, you will need to make this clear in relevant client contracts.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Client contact</b>                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>We seek assurance that staff understand, follow and document their obligations relating to client services.</p>                         | <ul style="list-style-type: none"> <li>• a policy or procedure detailing what information you provide to clients on initial contact;</li> <li>• 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;</li> <li>• 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, ‘<a href="#">Document G – Information Request Form</a>’, that you can adopt for this purpose;</li> <li>• 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; confirmation that the work-seeker is willing to work in the position; and confirmation of the type of contract the individual supplied to do the work will be engaged under; where the individual is to be engaged via an umbrella company this should be made clear along with the type of contract the individual will be engaged under by that umbrella company.</li> </ul> |
| <p>In line with the requirement for schools to keep a single central record, assurance that agencies give schools written confirmation</p> | <p>A document setting out all of the checks that have been undertaken along with details of what documents have been checked and the date the check was carried out. This should include:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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| <p>of the checks they have carried out on a work-seeker, including the dates that the checks were done.</p>                                                     | <ul style="list-style-type: none"> <li>• Identity check date and document seen</li> <li>• Enhanced DBS check to include Children's Barred List + Update Service check (if applicable) and date</li> <li>• Prohibition from teaching check and date</li> <li>• TRA/Check a Teacher check or EWC check and date</li> <li>• Further checks as required for individuals who have lived or worked outside the UK and date</li> <li>• Professional Qualifications and date</li> <li>• Right to work in the UK, document seen and the date</li> <li>• References obtained</li> <li>• Disqualification declaration - where relevant</li> </ul>                                                 |
| <b>Customer service</b>                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>We seek assurance that customer service standards are in place.</p>                                                                                          | <ul style="list-style-type: none"> <li>• a copy of your customer service policy and evidence that this is communicated to staff;</li> <li>• evidence of mechanisms in place to measure your service to clients and candidates, which could include, for example, surveys, telephone calls, site visits;</li> <li>• details of how customer feedback has led to any improvements in your service to customers.</li> </ul>                                                                                                                                                                                                                                                               |
| <b>Health and safety</b>                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>We seek assurance that staff understand, follow and document their obligations with regards to obtaining and transmitting health and safety information.</p> | <ul style="list-style-type: none"> <li>• 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;</li> <li>• 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'.</li> </ul> |

| Advertising                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| We seek assurance that adverts comply with the Conduct Regulations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| File Sampling                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>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.</p> <p><b>We will look at files of teachers who have registered within the last two years and have worked within the last six months. Where you engage workers via an umbrella company as well as directly, the files sampled should be an equal mix.</b></p> <p>Agencies must ensure that all documents provided for validation are current and scanned or copied from originals, clear and legible and held in a format that cannot be subsequently altered. The retained copies must be dated and properly validated by electronic means or otherwise. (This allows for a digital record noting when a document was scanned into a system.) Agencies should take reasonable steps to ensure that copies have come from an original (for example, ensuring that the copy is not distorted in some way).</p> <p>Where there is a requirement for you to see original, physical documents you must do so. Specifically, you must see original, physical DBS certificates (when taking out a new DBS check and before undertaking an initial suitability check via the Update</p> | <p>We will seek evidence that the following checks have been made:</p> <ul style="list-style-type: none"> <li>• identity checks;</li> <li>• right to work in the UK checks;</li> <li>• Enhanced DBS and Update Service checks, including Children's Barred List check;</li> <li>• proof of address;</li> <li>• CV/application form on file; (including a full employment history)</li> <li>• Rehabilitation of Offenders' Act statement;</li> <li>• fitness to teach declaration;</li> <li>• further checks as required for individuals who have lived/worked overseas;</li> <li>• DfE Check a teacher's record (to include checks on any prohibitions/restrictions and QTS status);</li> <li>• qualifications;</li> <li>• at least two written references;</li> <li>• face-to-face interviews.</li> <li>• Disqualification</li> <li>• copies of contracts that you have agreed with work-seekers on a work-seeker's file and that these contracts have been agreed with work-seekers before you provide any work-finding services.</li> </ul> <p>Please note at least two different documents should be used for right to work, identity and proof of address checks. (If you use an IDSP for ID checks for DBS purposes then you will not need to do a separate proof of address check).</p> |

Service) and original, physical documents when carrying out a manual right to work check in line with Home Office guidance.

#### Consent for the REC to view work-seeker files and their personal data

Ahead of the audit, REC agrees a Data Processing Agreement with you. This agreement requires you to have work-seeker consent for REC to view their files and see their personal data (including special categories of data, such as, health information and DBS checks) and you must then obtain this consent from work-seekers ahead of the audit. (For clarity, where you use an umbrella company you must obtain consent from the person to be supplied.) **REC has included wording here that you must use for this purpose.** So, to assist us with carrying out the audit we will need evidence of work seeker consent to view their files and personal data including special categories of data including health information and DBS checks. This will also enable REC to carry out our reporting obligations to GCA where required.

#### Consent for the REC to view work-seeker files and their personal data

Wording to use to obtain work-seeker consent for REC to view their file and personal data (including special categories of data, such as, health information and DBS check) as follows:

#### REC Audited and data protection rules

Our agency is a member of the Recruitment and Employment Confederation (REC), which is a professional body for the recruitment industry.

Some members achieve REC Audited/REC Audited Education accreditation to demonstrate high recruitment standards and meet certain client or public sector requirements. To obtain and maintain this accreditation, agencies undergo an audit that assesses their policies, procedures and documentation.

As part of the audit, a small sample of work-seeker files may be checked to verify compliance with legal and professional standards. Any access to personal data, including identification, right-to-work documents, qualifications and, where relevant, special category data, is subject to data protection laws and the individual's consent, and no copies of personal data are taken.

I understand that the agency wants to apply for the REC Audited/ REC Audited Education award. As part of the application process, and to ensure the agency's compliance with relevant legislation and obligations, the REC may wish to look at my work-seeker file which includes personal data (including special categories of data such as health information or DBS check). I understand that the REC will not (a) copy any of my personal data or (b) share my personal data with any other person or organisation.

☐ I consent to the REC reviewing my work-seeker file for audit purposes.

☐ I do not consent to the REC reviewing my work-seeker file for audit purposes.

|  |                                                                             |
|--|-----------------------------------------------------------------------------|
|  | Signed: -----                                                               |
|  | Please print name: -----                                                    |
|  | Date: -----                                                                 |
|  | This consent will be valid for 2 years from the date on which it was given. |

**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.

### GCA REPORTING REQUIREMENTS

You should also be aware that REC have agreed with GCA that there will be certain circumstances when REC will automatically refer a matter to GCA. This is where it comes to the REC's attention that a worker has been supplied who:

- has been barred from carrying out regulated activity
- has not got a current and valid DBS check
- has placed an education worker who has been prohibited from working in an education environment or has restrictions placed on them that make it inappropriate to place them
- has not been barred or prohibited from working with children however references or additional information provided by the police suggest that this is imminent.

- does not have an overseas police check or letter, a letter of good conduct or a valid DBS
- has no evidence of right to work documentation on their file whatsoever or there are copies but they are illegible or where there are copies of right to work documentation but these have not been made by the agency (or an approved IDSP) and the agency has relied on such checks being carried out by a third party
- has changed umbrella companies and the supplier has not issued a new Key Information Document (KID) to the worker
- The REC will also refer to GCA any instances where the REC has checked a payslip for an umbrella company worker against the corresponding KID and the name of the umbrella company is different
- The REC will also refer to GCA any instances where the REC has checked a payslip for an umbrella company worker and there are no deductions showing for PAYE/NI
- The REC will refer to GCA any instances where a supplier has not been able to confirm any of the required declarations in relation to clauses 4.4/5, 14.2.4/5/6/7/9/12 and 4.18/19/20 of the framework specification.

As part of the agreement with GCA, you will also be required to complete a mid-audit cycle (12 months) online diagnostic, which will ask you to declare that the amendments outlined during your last audit report have been fully implemented, whether there has been any changes in key staff and to provide further information where necessary.

### REPORTING REQUIREMENTS TO REC (All REC Audited/REC Audited Education holders)

You should promptly make the REC Compliance Team aware of any investigation into a worker that the agency has supplied that may bring the agency, REC or GCA Framework (where relevant) into disrepute.

If the agency fails on 1 or more of 6 key areas (listed below) this may trigger the need for a re-audit before the agency can be awarded.

If we obtain information during the audit cycle or at the next audit find that previous audit findings have not been implemented (this may mean that they have been changed or not implemented properly) we will reserve the right to refer the agency to the Professional Standards Committee (PSC).

## What are the six key areas?

- **File sampling** – a failure to carry out any of the following checks on a work-seeker prior to placing them with a client – identity check, Enhanced DBS check including Children's Barred List check, prohibition from teaching check, further checks as required (for individuals who have lived/worked outside the UK), professional qualifications, references and right to work in the UK.
- **DBS/Update Service** – a failure to implement REC policy in this area relating to both new registrations and on an ongoing basis i.e. at least annual checks via the Update Service/new DBS checks as required)
- **Written assignment details to work-seekers** – a failure to have such a process in place
- **Induction and training for staff** – a failure to have a structured and substantial induction and training programme in place.
- **Guidelines that make standards of practice clear to staff** – a failure to have any written guidelines/operating processes in place.
- **Information to schools regarding checks carried out on a worker (education only audits)** – failure to have such a process in place.

## What happens after the audit?

After the audit your auditor will send you a report and a contract assessment which will set out any guidance or action points. Where there are action points you will be required to respond providing evidence of how these have been actioned. Please do ensure that you respond within the requested timescales usually 10 working days. Throughout you will work with the REC compliance team to ensure that all actions are completed and meet the audit criteria. We will ensure that we provide you with whatever guidance or advice needed to help you pass your audit.

When responding to your audit you should do so using the audit report sent to you ensuring that you respond to every action point in both the report and the contract assessment. There is an additional column on the report where you should provide your response along with details of any documentation you are submitting as evidence. Please do not change the formatting of the report and when sending documents please ensure that they are in a format that is easy to access for example Word/Excel/Powerpoint/PDF.

**Please note that we will be unable to proceed with the audit until your response meets the above requirements.**