

Topic overview: Compliance processes & recruitment legislation

We recognise that it is essential to develop, document and maintain a set of business and organisational procedures that comply with all relevant employment and employment agency legislation.

There are several key pieces of legislation that govern our business and impact on your role as a recruitment expert, which include (but not limited to)

The Conduct of Employment Agencies & Employment Business Regulations 2003

This piece of legislation contains 33 regulations that govern the conduct of the private recruitment industry and sets out the minimum service standards that clients and candidates are entitled to expect when dealing with recruitment agencies. The key points include:

- Confirming the identity of a candidate
- Gathering accurate information about a candidate
- Confirming terms to supply to temporary workers
- Obtaining an accurate job specification from a client
- Sending assignment confirmation

The Immigration, Asylum & Nationality Act 2006

This act requires that every candidate provides documents to prove their eligibility to work in the UK. It is important that we sight and check original documents and retain a clear scan/copy for our records.

Agency Worker Regulations

After completing a 12-week qualifying period, agency workers are entitled to receive the same pay and benefits as a comparable permanent employee. Not all temporary workers are in scope of the regulation and we have an obligation to obtain information from the client about comparable pay and benefits.

The Data Protection Act 1998 - 2018

This act regulates the collection, processing, storage and disclosure of personal data that is processed either electronically or manually. Under no circumstances should personal data be provided to a third party without following the correct procedure. Please note that candidates can access their own file subject to completing an access request and any requests from third party for candidate information must be referred to.

Privacy & Electronic Communication Act

This act deals with all aspects of electronic marketing and communications. A candidate must provide their consent to receive such communications and requests from candidates or client to unsubscribe from marketing must be acted upon immediately.

The Equality Act 2010

The equality act 2010 protects people with the defined protected characteristics from discrimination. Its main aim is to provide the equal treatment of people in accessing employment and in accessing public and private services

The Pensions Act 2008

The pensions act 2008 means that there is a legal duty for all employees, including agencies to provide compulsory pension provision for working people. This includes automatically enrolling eligible workers into a qualifying pension scheme, making minimum employer contributions and assisting with administration to cover the pension.

Rehabilitation of Offenders Act

The rehabilitation of offender's act was brought in to support the rehabilitation into employment of offenders who have stayed on the right side of the law for a specified period since the date of their conviction by in effect wiping the slate clean of their criminal record.

After a specified period (known as the rehabilitation period) the conviction is classified as "spent" and the candidate is not legally required to disclose this. Unless what is known as an "exemption" under the act applies. If a candidate is applying for a position in an "exempt" category all convictions both spent and unspent must be disclosed

GDPR 2018

The General Data Protection Regulation is a regulation in EU law on data protection and privacy for all individuals within the EU. Controllers of personal data must put in place appropriate technical and organisational measures to implement the data protection principles.

The quality of our recruitment methodology and our service delivery differentiates us from the competition, compliance processes summarise key policies, procedures and best practise to help you to provide an excellent level of service to clients and candidate for both temporary and permanent recruitment and will also help to protect your revenue.

The key compliance processes for candidates include:

- All candidates must provide evidence of identity and eligibility to work
- All relevant professional qualifications must be verified
- Satisfactory employment references must be obtained
- All temporary workers must sign terms of assignment
- All candidates must agree to GDPR consent before their details are submitted to clients