International recruitment: conversations from experience

Tuesday 04 October 2022

skillsforcare

International Recruitment

Ben Dyson, Director, International Recruitment team

Skills for Care workforce webinar – 4 October 2022

Background

International Health and Social Care Recruitment team established in August 2022 to:

- Identify how to improve use of international recruitment to fill workforce gaps and improve access to care

- Promote ethical recruitment and employment practices and strengthen safeguards against exploitation

Key areas of inquiry:

- Understanding the international labour market

- Strengthening safeguards against exploitation

- Tackling barriers to providers' use of international recruitment

- Exploring the case for national support services
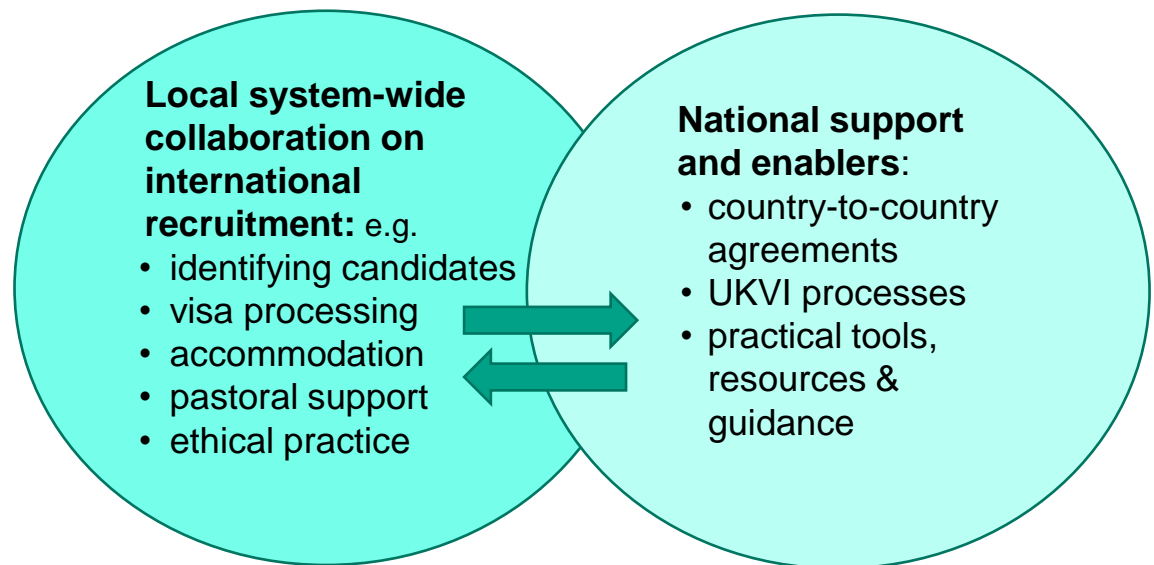
Barriers to international recruitment

- **Upfront costs**

- **Administrative burden/complexity**

- **Length of process** (including applications for sponsorship licences and visas)

- Challenges in finding **affordable accommodation**

- **Pay differentials** with domestically recruited staff

- Concerns about **not being able to retain staff**

- Not feeling equipped to provide **pastoral support**

Strengthening support offered to the ASC sector

Key principles:

- Complement wider action to improve domestic recruitment and retention

- Make the process simpler and more navigable for employers

- Strengthen safeguards against exploitation

- Improve the experience of recruitment for overseas workers

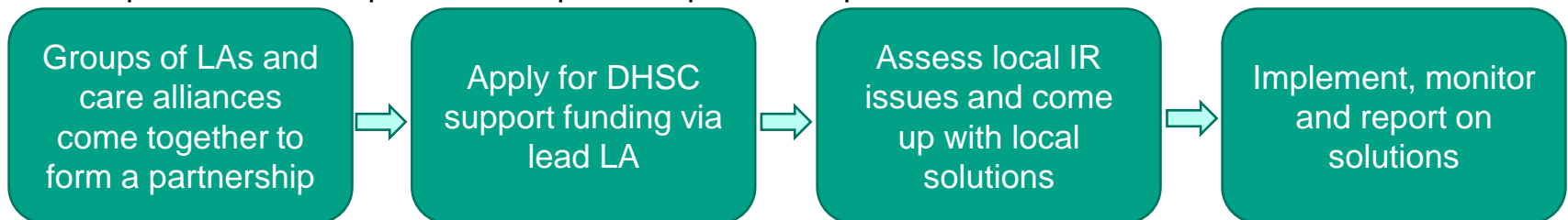- Promote collaboration across the ASC sector – and (where appropriate) with NHS

Local system-wide collaboration on international recruitment: e.g.
- identifying candidates
- visa processing
- accommodation
- pastoral support
- ethical practice

National support and enablers:
- country-to-country agreements
- UKVI processes
- practical tools, resources & guidance

Local support fund

£15m (2022/23) announced on 22 October as part of 'Our Plan for Patients'

Aims:

- Promote close collaborative partnerships between local authorities, care alliances and ASC providers – and (where appropriate) with the NHS

- Create practical forms of support to providers to reduce complexity and cost for providers

- Help ensure ethical practice and promote positive experiences for international recruits

| Groups of LAs and care alliances come together to form a partnership | → | Apply for DHSC support funding via lead LA | → | Assess local IR issues and come up with local solutions | → | Implement, monitor and report on solutions |

- Flexibility for local areas to decide how best to use funding, but could include joined-up approaches to recruitment, licence/visa applications, accommodation solutions, onboarding and pastoral support

- Developing prospectus with case studies of existing local collaborations

Potential national resources

Sponsorship licence and visa application process	Practical advice on how to prepare high-quality applications.
Accommodation	Case studies of collaborative approaches to accommodation solutions
Work travel	Case studies of work travel solutions for international recruits
Pastoral care	Guidance on pastoral care is available on the National Care Forum website, but we are considering supplementing this with case study examples

Employer panel

Code of Practice update

Skills for Care workforce webinar – 4 October 2022

We are committed to ensuring the highest of ethical IR standards

For the individual recruit this means

- *Recruitment processes are fair and transparent;*
- *When here recruits are treated as well as domestically-recruited staff.*

For the sending country this means

- *There are safeguards to ensure existing workforce shortages are not made worse;*
- *Migration of health and care workers is well managed to bring benefits to the sending country.*

Health and Care related visas vs other sectors

Department of Health & Social Care
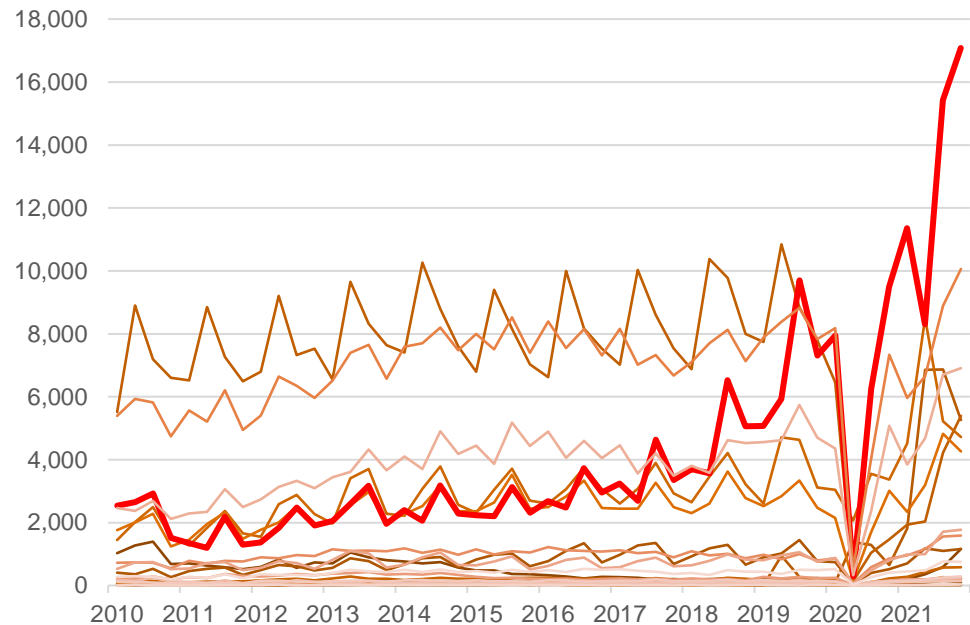
Emerging ethical issues

- Ethical international recruitment practices of health and care staff is a growing topic of interest.

- There are a number of ethical related issues we are working to address

- The revised Code will go someway to addressing these issues

Joiners to NMC by Country of Training
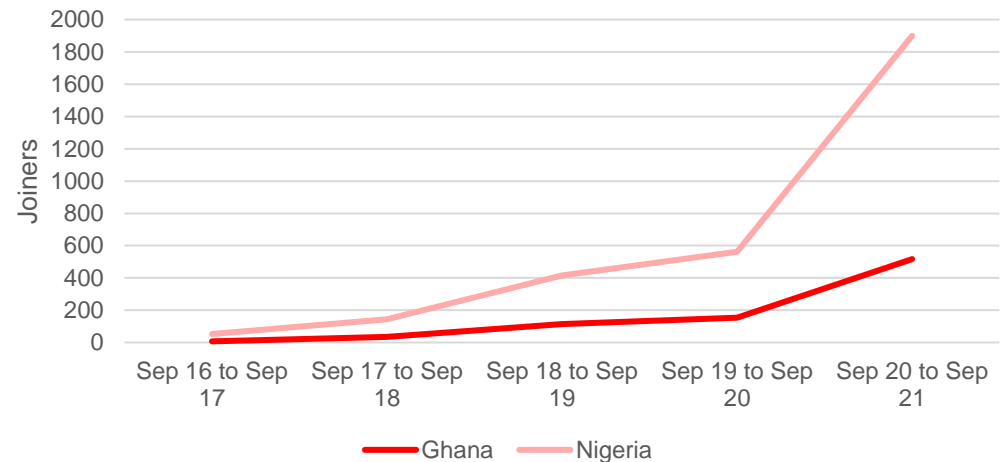
Concerns flagged over exploitation and poor treatment of overseas nurses

Overseas nurses in the UK forced to pay out thousands if they want to quit jobs

Ten-fold increase in nurse recruitment from "red list" countries

Code of Practice for International Recruitment - recap

The Code itself

Sets out how ethical international recruitment can be achieved

- Applies WHO Code principles in a UK setting
- Applies to public and private health and social care sectors

Code of Practice – red/amber country list

List of countries where recruiters must not actively recruit unless there is a Gov2Gov agreement

- 46 countries red list countries
- 2 Amber list country – Kenya & Nepal
- Sets out how Gov2Gov agreements can benefit source countries

Ethical Recruiters List

A list of recruiting organisations that have signed up to operate in accordance with the CoP

- Managed by NHS Employers
- Health and care employers must only use recruiting organisations that appear on this list

Code updates: 4 new principles on use of repayment clauses

- Reports of excessive repayment clauses used in international health and care employment contracts.

New benchmark: 4 principles

1. **Transparency -** the full scale of the repayment clause and how this will be repaid should be set out clearly to the recruit, before the job is formally accepted.

2. **Proportionate costs -** only costs that the candidate could reasonably have expected to pay themselves should be reclaimed.

3. **Timing -** the cost should taper down over time, recognising that the candidate is repaying the employer with their service.

4. **Flexibility-** employers should look to waive repayment clauses in certain circumstances

Code updates: strengthened guidance

- Reports of unethical recruitment and exploitative employment practices affecting overseas workers

- Legal responsibility straddles BEIS, Home Office, GLAA, CQC, we have escalated cases through appropriate channels.
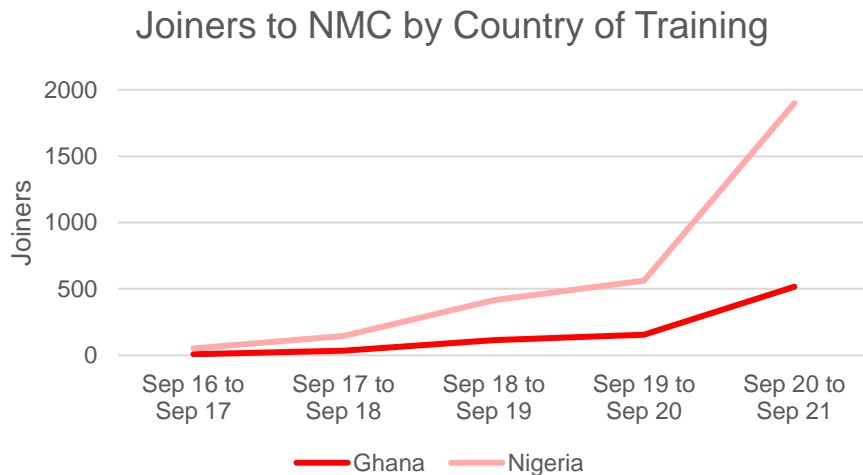
Best Practice Bench Marks

- Stronger lines on agencies not charging fees to recruits

- Stronger lines on the information a recruit should be provided in advance of accepting a role

- Addition of a new benchmark on ensuring fair contractual processes

Annex D & E

- Annex D clearly set out all the routes of escalation to report concerns about exploitive recruitment practices

- Annex E provides professional regulator contact details and links to further information and resources

Department of Health & Social Care

Code updates: direct applications from red list countries

Joiners to NMC by Country of Training

Joiners

| | Sep 16 to Sep 17 | Sep 17 to Sep 18 | Sep 18 to Sep 19 | Sep 19 to Sep 20 | Sep 20 to Sep 21 |

Y-axis: 0, 500, 1000, 1500, 2000

— Ghana   — Nigeria

- Code permits 'direct applications' from red listed countries as it is mindful of an individuals' right to migrate

- Number of direct applications from red listed countries is increasing at scale and pace

Code updates

- Includes definitions for different recruiting organisations and what we mean by 'direct applications' and 'resident'

- Treats any organisation recruiting on behalf of another such as collaborations and lead recruiters under the same rules as agencies – so accepting 'direct applications' from red list countries will be a breach of the Code for these recruitment models

- Additional scenarios to make it clearer how the rules on active recruitment apply and what is and isn't in breach of the Code

Definition of 'direct application'

Definition

…"an individual makes an application directly and on their own behalf to an employing organising and not using a third party, such as a recruitment organisation, agency or collaboration."

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…"A direct application can only be made in response to a vacancy that is hosted by, and recruited to, the same sponsoring organisation."

Example

Individual employers may consider applications from individuals' resident in countries on the red list, if they have made a direct application to a vacancy at their organization.

Exception

If a candidate has already been appointed by a UK employer following a 'direct application', a recruiting organization, agency or collaboration can then support the employer with the remaining part of the recruitment process

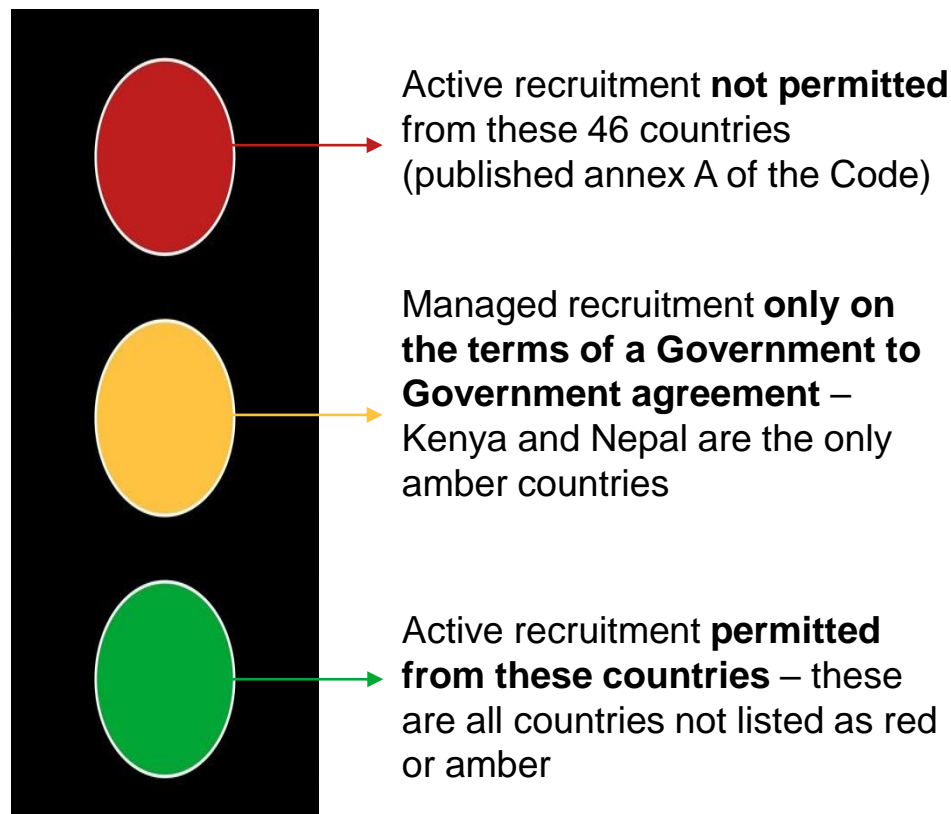|	
❌	A lead recruiter or collaboration accepting a direct application from an individual resident in a country on the red list
✅	An applicant from a country on the red list, makes a direct application to a vacancy that is hosted by, and recruited to, the same sponsoring employing organisation

Individual NHS Trust from collaborations re-directs any direct applications they have received from individuals resident in red list countries into the collaboration hub for processing	❌
A lead recruiter, collaboration or agency may support an applicant from a country on the red list, after they have received a job offer from the UK	✅

Code of Practice – Red and Amber country list

Active recruitment **not permitted** from these 46 countries (published annex A of the Code)

Managed recruitment **only on the terms of a Government to Government agreement** – Kenya and Nepal are the only amber countries

Active recruitment **permitted from these countries** – these are all countries not listed as red or amber

Nepal has moved from Red to Amber list

- MoU signed in August.

- Initial pilot stage, recruitment activities will be limited to Hampshire Hospitals NHS Foundation Trust and its partners.

- No other UK employer or recruitment agency should carry out active health worker recruitment activities in Nepal.

Malaysia, Philippines and Sri Lanka are green listed countries with a Government-to-Government in place

- Recruiting organisations are encouraged to recruit on the terms of these agreements

NHS Employers
Ethical recruiters list

Code of Practice

NHS Employer's Ethical Recruiters List

Matty Benson
Senior Programme Officer
International Recruitment

4 October 2022

NHS Employers

What's changed and what hasn't?

Changed:

- Moved from Agency List to Ethical Recruiters List

- Multi-stage application process

- New term and condition when registering - permission for the Employment Agencies Standard (EAS) Inspectorate to share details of any inspection and remedial action taken.

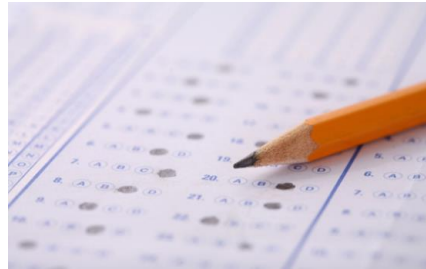- Annual reviews (from biennial) and reaffirmation

Remain the same:

- Management:

  - regular spot checks

  - monitoring

  - investigations

- Biannual data collection on recruitment activity

Application process for the Ethical Recruiters List – for new organisations looking to join

1. Complete Application

2. Complete Knowledge Test

3. Information from EAS Inspectorate

4. Approved and added to the Ethical Recruiters List

Internal

1. Complete Application

The first step is an online [application form](#) that confirms:

- commitment to fully adhere to and comply with Employment Agencies Act 1973 and associated conduct regulations

- business practices

- a declaration of all associated business activities and references relating to the recruitment of health and social care professionals

- permission for the Employment Agencies Standard (EAS) Inspectorate to share details with Department of Health and Social Care (DHSC) and NHS Employers of any inspection and remedial action taken.

Internal

2. Complete Knowledge Test

After submitting the online application form, applicants will need to complete a knowledge test.

This will consist of 15 multiple choice and true/false questions, requiring a pass rate of 13 out of 15 correct answers.

This will confirm that applicants have read and understood the code of practice and how it is applied in different settings.

Organisations have three attempts at the knowledge test. If an organisation does not pass the third attempt, it must wait three months before it can re-apply and must show that it has changed its business practice to be placed on or back on the list.

Internal
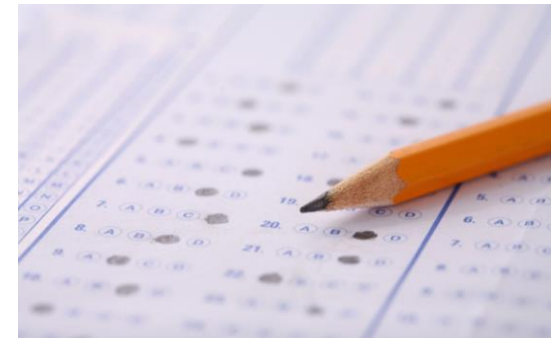
3. Information from Employment Agencies Standard (EAS) Inspectorate

NHS Employers will contact the EAS Inspectorate to share the applying organisation's name and postcode and will receive details of any inspection and remedial action taken.

They protect the rights of agency workers by ensuring that employment agencies and businesses treat their workers fairly.

Some of their responsibilities include:

- working with employment agencies and businesses to help them comply with the law

- investigating complaints received from agency workers

- taking enforcement action through the powers at their disposal
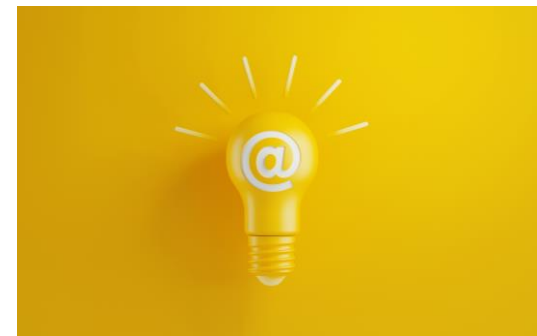
4. Application approved and added to the Ethical Recruiters List

After completion of all application stages (assessment of the application, knowledge test, contact with EAS Inspectorate, and resolution of any queries), an application will be either approved or denied.

If approved, the organisation name will be added to the Ethical Recruiters List.

If an organisation is not successful, they will be advised of the reason.

NHS Employers aims to process applications within 10 working days of receiving information from EAS Inspectorate and all other completed application stages.

Actions when it is time to reaffirm

- Fully read and understand the changes to the Code of Practice and supporting materials

- Incorporate those changes into business practices

- Email WorkforceSupply@nhsemployers.org to inform us that you have read and understood the revised Code of Practice, reaffirm your commitment, and agree to the new terms of conditions of the Code of Practice.

- The deadline for the last update and reaffirmation, was the 14th of September 2022. Recruiters who have not reaffirmed have now been removed.

- We encourage all employers to check the Ethical Recruiters List regularly to make sure their providers are still on the list – this was last updated 3rd of October 2022.

Resources

Latest news on the revised Code of Practice

Code of Practice main page

List of red and amber list countries

Application process

Ethical Recruiters List

Frequently asked questions

Quick guide

Top tips on working with agencies

Skills for Care
International recruitment webpage

- Overseas recruitment bite-size guide

- DHSC and Home Office videos - covering points-based immigration in social care, ethical recruitment and how to apply for a sponsor licence.

- Safer recruitment

- Pastoral support

- Employer experiences - employer best practice examples across different settings

- Previous webinars

- Additional supporting guidance

- Blogs and articles on international recruitment

Contacting Skills for Care

- shirley.Way@skillsforcare.org.uk
  Staffordshire, Stoke & Black Country

- lauren.stacey@skillsforcare.org.uk
  Leicestershire, Rutland, Lincolnshire& Northamptonshire

- jill.croskell@skillsforcare.org.uk
  Cornwall, Devon, Plymouth, Torbay and Isles of Scilly

- [Other area contacts](#)

- [Register for Skills for Care enews](#)

Thank you