

Code of Practice for the international recruitment of healthcare professionals

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Contact details	Elizabeth Kidd Department of Health, Workforce Directorate Quarry House Quarry Hill, Leeds LS2 7UE 0113 254 5844 http://www.dh.gov.uk/PolicyAndGuidance/HumanResourcesAndTraining/MoreStaff/InternationalRecruitmentNHSEmployers/CodeOfPracticeArticle/fs/en?CONTENT_ID=4043625&chk=D20JCV
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Foreword

I am pleased to introduce the revised edition of the Code of Practice for healthcare organisations involved in the international recruitment of healthcare professionals.

The Government is justifiably proud of its programme of reform and investment in the National Health Service. As a result international recruitment has formed an important element in a range of initiatives undertaken to build the NHS workforce and ensure that health services across the nation address the health needs of people today.

The international mobility of healthcare professionals is a well established practice that has been going on for many years. More recent times have seen an increasingly large-scale, targeted international recruitment approach by many developed countries to address domestic shortages. This can benefit the healthcare professional in terms of enriching experience and a chance to increase their quality of life. However, concerns related to the impact this may have upon the healthcare systems of developing countries also need to be addressed. In recognition of this the World Health Assembly called for countries to mitigate the adverse effects of migration of health personnel. This Code is a key element of the approach undertaken by the UK to address this issue. We can also be proud of the fact that we were the first nation to produce international recruitment guidance based on ethical principles and the first nation to develop a robust code of practice for international recruitment.

This revised edition builds upon this experience and offers both principles and standards for all organisations to follow. It clearly demonstrates that the UK is concerned with protecting the healthcare systems of developing countries. This revised Code of Practice also gives all healthcare organisations the opportunity to follow the lead set by the NHS in ensuring that international healthcare professionals are not actively recruited from developing countries, as well as broadening its scope to cover the employment of temporary and locum staff for the first time.

John Hutton
Minister of State for Health

Aim

The aim of the Code of Practice is to promote high standards of practice in the international recruitment and employment of healthcare professionals. This is underpinned by the principle that any international recruitment of healthcare professionals should not prejudice the healthcare systems of developing countries. Therefore a key component of the Code of Practice is to preclude the active recruitment of healthcare professionals from developing countries, unless there exists a government-to-government agreement to support recruitment activities.

All employers are strongly commended to adhere to this Code of Practice in all matters concerning the international recruitment of healthcare professionals. This Code of Practice therefore incorporates best practice benchmarks and guidance to employers in order to promote the effective recruitment and support of each individual healthcare professional.

Within the sphere of international recruitment there are also many commercial recruitment agencies that make a valuable contribution to meeting the workforce needs of the NHS and other healthcare providers. Therefore the Code of Practice offers principles and best practice benchmarks to be met in order to supply international healthcare professionals in an ethical and managed way.

Finally, the Code of Practice also acknowledges the reality that the international movement of healthcare professionals is a long established practice that will continue. This is a sound and legitimate activity if carried out using an ethical and managed approach. Many international healthcare professionals have developed their own individual career pathways and this Code of Practice gives them the reassurance that employment with the NHS, and other healthcare organisations that comply with the Code of Practice, will offer high standards of induction and support in their new career.

Changes to the revised edition

The principle changes to the new edition of the Code of Practice are the following:

- The Code of Practice applies to the recruitment through agencies of temporary/locum healthcare professionals, as well as permanent staff.
- The scope has been widened to enable all healthcare organisations, including the independent sector, to sign up to the principles contained within the Code of Practice.
- NHS commended only to use recruitment agencies that comply with the Code of Practice for both domestic and international recruitment.
- To offer best practice benchmarks for all parties involved in international recruitment.

It is acknowledged that these changes will require a period of time to enable new contractual arrangements to be implemented with recruitment agencies and the lapse of those currently in place. Therefore recruitment agencies will be given a period of 12 months from the date of this edition to comply with the new requirements of the Code of Practice.

Scope

All healthcare organisations are strongly commended to adhere to this Code of Practice.

The Code of Practice applies to the appointment of all healthcare professionals. This includes medical staff, nurses, dentists, radiographers, physiotherapists, occupational therapists and all other allied health professionals. It also applies to all permanent, locum and temporary employment.

NHS Employers fully supports and approves the Department of Health's policy of ethical recruitment and has taken over the responsibility for the implementation of the Code of Practice and managing the list of commercial agencies that adhere to the Code. *NHS Employers* will also provide a dedicated advice and support service to NHS organisations to help them to follow the guiding principals of the Code in all their recruitment activities.

Any recruitment agency that wishes to supply the NHS, or any other healthcare provider signed up to the Code of Practice, will also need to comply with the Code of Practice. A list of those agencies that meet this requirement can be found at the *NHS Employers* website: www.nhsemployers.org.

Where national contracts are signed to increase capacity in the NHS, compliance with the Code of Practice is a contractual obligation for all independent sector providers. The Code of Practice will also seek to encourage other NHS commissioners to ensure that there is compliance when they are setting up local contracts with independent providers.

Guiding principles

The guiding principles of the Code of Practice are:

1. **International recruitment is a sound and legitimate contribution to the development of the healthcare workforce.**
 - International recruitment has made a key contribution to the delivery of health services in the UK.
 - The NHS has a long history of developing the knowledge and skills of healthcare staff coming to the UK at some time in their careers.
 - Good practice and value for money should underpin all international recruitment activities.
2. **Extensive opportunities exist for individuals in terms of training and education and the enhancement of clinical practice.**
 - There are benefits to the individuals concerned in terms of skill enhancement and career opportunities.
 - Their home health economy can benefit when an individual returns home with new skills and experience.
 - International healthcare professionals can bring a new and valuable dimension that enables the transfer of experience and the sharing of ideas.
3. **Developing countries will not be targeted for recruitment, unless there is an explicit government-to-government agreement with the UK to support recruitment activities.**
 - Skilled and experienced healthcare professionals are a valuable resource to any country. Active international recruitment must be undertaken in a way that seeks to prevent a drain on valuable human resources from developing countries.
 - The Department of Health and the Department for International Development have identified developing countries that should not be targeted for international recruitment under any circumstances. This list can be accessed at the the DH website www.dh.gov.uk
 - Individual healthcare professionals from developing countries, who volunteer themselves by individual, personal application, may be considered for employment.

4. **International healthcare professionals will have a level of knowledge and proficiency comparable to that expected of an individual trained in the UK.**
 - It is essential to the delivery of safe and effective care that international healthcare professionals have the same level of expertise as those who have undergone training in the UK.
 - Registration by the relevant regulatory body is key to maintaining quality of practice and employers will ensure that confirmation of registration or notification of a stipulated period of supervised practice is received prior to a candidate taking up post.
 - All international recruits will be offered appropriate induction to enable them to operate safely and effectively within the UK healthcare sector.
5. **International healthcare professionals will demonstrate a level of English language proficiency consistent with safe and skilled communication with patients, clients, carers and colleagues.**
 - Effective communications is a fundamental component of effective healthcare interactions.
 - In order to uphold patient safety it is important that the healthcare professional can communicate effectively with patients and all those individuals involved in their care.
 - It is lawful for employers to apply conditions relating to a candidates linguistic capability when effective communication is required because of the nature of the post to be filled. Where appropriate candidates may be required to undergo a formal assessment of their use of English language.
6. **International healthcare professionals legally recruited from overseas to work in the UK are protected by relevant UK employment law in the same way as all other employees.**
 - All staff, regardless of country of origin, have the same legal protections within the workplace.
 - Relevant employment legislation applies as long as the employee holds a valid permit or appropriate visa.
 - Employment legislation protects and guides the conditions of service for all employees, regardless of their country of origin.

7. **International healthcare professionals will have equitable support and access to further education and training and continuing professional development as all other employees.**

- Professional development is a key component to achieving high quality care and is also an important factor in the retention of staff.
- Some regulatory bodies require practitioners to undergo periodic professional development in order to maintain their registration.
- Enhanced skills and experience are important features that underpin international healthcare mobility.

Best practice benchmarks for international recruitment

To ensure that international recruitment operates in accordance with the principles underpinning the Code of Practice the following best practice benchmarks have been identified. It is expected that all organisations that comply with the Code of Practice will apply these best practice benchmarks and will enter into contracts solely with recruitment agencies that have also agreed to abide by these best practice benchmarks.

1. **There is no active recruitment of healthcare professionals from those developing countries that are included on the Department of Health website.**
 - No active recruitment will be undertaken in developing countries by UK commercial recruitment agencies, or by any overseas agency sub-contracted to that agency, or any healthcare organisation unless there exists a government-to-government agreement that healthcare professionals from that country may be targeted for employment.
 - Up-to-date information concerning countries in which active recruitment is not supported can be found at the DH website – www.dh.gov.uk.
 - Healthcare organisations may consider unsolicited applications direct from an individual in a developing country if that individual is making an application on their own behalf and not using a third party, such as a recruitment agency.
2. **All international recruitment by healthcare employers will follow good recruitment practice and demonstrate a sound ethical approach.**
 - NHS employers are normally expected to use DH managed campaigns to meet their international recruitment needs.
 - Healthcare employers should only contract with recruitment agencies that comply with the Code of Practice. A list of those agencies can be found at the *NHS Employers* website: www.nhsemployers.org.
 - Any international recruitment will be sensitive to local healthcare needs so that international recruitment from any country should not destabilise local health care provision.
3. **International healthcare professionals will not be charged fees in relation to gaining employment in the UK.**
 - Applicants will not be required to pay any fees to any recruitment agency, or other body, in order to gain employment.

- Any costs incurred by recruitment agency will be incorporated into the negotiated fee charged to employers. Work permit costs will be met by the employer. Visa costs to exit home country/enter UK and any professional registration fees would normally be met by the healthcare professional.
 - Employers will not contract with agencies that charge fees to candidates for them to be considered for recruitment in the UK. Agencies that sub-contract to overseas agencies, should also not be used if that overseas agency charges fees.
4. **Appropriate information about the role applied for will be available to all international healthcare professionals.**
- Healthcare professionals will have access to all the relevant information about the post they have applied for. This will include a job description, person specification, grading structure, salary and location.
 - The employer will be fully involved in the recruitment process, which will follow best practice in recruitment procedures.
 - All parties involved in recruitment will have explicit equal opportunities policies and procedures.
5. **All international healthcare professionals will have the appropriate level of English language to enable them to undertake their role effectively and meet registration requirements of the appropriate regulatory body.**
- All potential employees will be able to communicate effectively in order to practice safely and to enable them to communicate appropriately with patients, clients, carers and colleagues.
 - It is lawful for employers to apply conditions relating to a candidate's linguistic ability if this is required because of the nature of the post to be filled.
 - If a regulatory body requires an assessed competency in English language to be eligible for registration, this should be achieved prior to selection interview.
6. **All appointed international healthcare professionals must be registered with the appropriate UK regulatory body.**
- Candidates should be advised of the requirements to practice in the UK and how to obtain relevant registration.
 - Employers should ensure that confirmation of professional registration, or notification of any stipulated period of supervised practice, is received prior to the candidate taking up the post where this is stipulated by the regulatory body.
 - Evidence of duration of any supervised practice required by regulatory body should be confirmed to the employer where appropriate.

7. **All international healthcare professionals required to undertake supervised practice should be fully supported in this process.**
 - To enable the healthcare professional to provide safe and effective care under supervision they will be appropriately supervised and the employer will take active steps to ensure the workplace environment is one in which all staff can demonstrate their competence.
 - The healthcare professional will not be charged for any part of supervised practice and will be employed on the same terms and conditions of employment as other employees.
 - The healthcare professional will have appropriate opportunities to reach the required standard for UK registration and will be objectively and fairly assessed.
8. **All international healthcare professionals will undergo the normal health assessment prior to commencing employment.**
 - All employment offers will be made subject to occupational health clearance.
 - Occupational health assessment information is confidential and will only be divulged to the relevant occupational health bodies, or as permitted and/or required by law.
 - Successful applicants will be informed of guidelines issued by the relevant regulatory body related to serious communicable diseases.
9. **All international healthcare professionals will have appropriate checks undertaken for any criminal convictions or cautions as required by UK legislation.**
 - Applicants will be informed that any individual who has made a false declaration may be dismissed from their post.
 - All appointments should provide references from current and previous employers and/or education provider.
 - All personnel will be required to complete a statement informing the employer of any criminal conviction, cautions or binding over. Employers should undertake the necessary checks for criminal convictions in keeping with that country's justice system and requirements in the UK.
10. **All international healthcare professionals offered a post will have a valid work permit before entry to the UK unless they are from the EEA area.**
 - Personnel offered a post in the UK must have an appropriate visa/work permit that allows them to undertake employment/training or, where appropriate for some medical staff, have obtained 'permit free' training status.
 - The cost of any work permit should be met by the employer and not be passed onto the employee.

- All personnel employed in the UK are employed on the same terms and conditions as locally recruited employees.

11. **Employers should respond appropriately to applications from international healthcare professionals who are making an individual application.**

- Individuals making enquiries from overseas should be directed to the appropriate regulatory body in the first instance.
- Individuals applying to vacant posts should be dealt with equitably and fairly. Where appropriate, employers will have determined whether they accept applications from individuals requiring a work permit for that post.
- Employers should consider travel arrangements of short listed candidates when setting the interviews. Normally the interview is undertaken in person, although video conferencing may be used if conducted with appropriate safeguards. Telephone interviews are not normally an appropriate method to select a healthcare professional for appointment.

12. **All newly appointed international healthcare professionals will be offered appropriate support and induction.**

- Each individual must be made aware of how to find help and assistance in all aspect of their appointment. They should undergo a comprehensive programme of induction to ensure that they are clinically and personally prepared to work safely and effectively within the UK health system. The provision of a mentor can be helpful.
- Induction should address aspects of cultural awareness, equal opportunities and diversity. Ongoing support should be culturally sensitive and offer career development and opportunities for progression.
- Induction programmes should encompass wider support to settle into working and living in the UK. It should include such matters as initial welcoming of staff (and family where appropriate), accommodation, pay, registering with a GP and dentist, information relating to professional organisations, union representation and introduction to social networks.

Government-to-Government agreements for the recruitment of healthcare professionals

The World Health Assembly resolution (57.19) urges the use of government-to-government agreements as a strategy to manage the migration of healthcare workers. The UK Government supports this resolution and has government-to-government agreements with a number of other countries. It is expected that all NHS international recruitment should be undertaken through these agreements as these promote recruitment in an ethical and sustainable manner. These intergovernmental agreements have been created to offer benefits to all participating countries and support ethical standards in the recruitment of international healthcare professionals. These agreements also support the professional development of all healthcare professionals through the exchange of knowledge and skills. Further details of these agreements can be obtained from NHS Employer – www.nhsemployers.org

FAQ

How does the Code of Practice support commercial recruitment agencies to ethically recruit healthcare professionals?

The Code of Practice offers best practice benchmarks to promote the international recruitment of healthcare professionals in a manner that promotes appropriate ethical principles. To facilitate this, healthcare organisations utilising the services of recruitment agencies for international recruitment are commended to use those agencies that are included on the list of agencies whose business is carried out in accordance with this Code of Practice.

The Code identifies that ‘active recruitment’ should not take place in developing countries. What constitutes ‘active recruitment’?

It is not possible to give a definition of ‘active recruitment’ that addresses all eventualities. However an example of active recruitment is where a recruitment agency advertises employment opportunities within the UK healthcare sector and then acts in such a manner as to secure employment for that individual. In any event each situation should be viewed on its own facts and if a recruitment agency is in any doubt it should contact *NHS Employers* to discuss the situation further.

Can a healthcare professional who is a national of a developed country, but working in a developing country, be targeted for recruitment to a developed country?

No. The Code of Practice considers these individuals in the same way as any other health professional working in that developing country, that is to regard them as a potential loss to the healthcare workforce of that country. Ethical recruitment is determined by the country from which the individual is being recruited, rather than the nationality of the individual.

Can a national of a developing country, resident with in the UK and legally entitled to work, be considered for employment?

Yes. All individuals making a legal application for employment within the UK are entitled to the same in law. Therefore these applications should be considered following normal principles of good employment practice.

Does the Code of Practice apply to the provision of locum and temporary staff?

Yes. The Code of Practice applies to all recruitment agencies supplying healthcare professionals to positions within Code compliant organisations. This includes permanent, locum and temporary employment.

I wish to start a recruitment agency. How do I get on the list of agencies kept by the Department of Health?

For information related to starting a recruitment agency please see the guidance available from *NHS Employers*. Once an agency is operational it can apply directly to go onto the agency list.

Can a recruitment agency be removed from the list of agencies compliant with the Code of Practice?

If there is evidence that a recruitment agency, or other organisation, has contravened the Code of Practice this matter will be thoroughly investigated. This could result in a recruitment agency being removed from the list of compliant agencies.

If a recruitment agency is removed from the list of agencies that comply with the Code of Practice can the agency appeal against this decision?

A recruitment agency will only be removed from the list of agencies if, following a thorough investigation, it is identified that they are in breach of the Code of Practice. A recruitment agency may appeal against this removal to NHS Employers.

Can a recruitment agency charge fees to applicants for their services?

No. The Code of Practice explicitly states that a recruitment agency will not charge any applicant seeking employment within the UK any fee related to gaining such employment. Any recruitment agency registered within the UK charging fees to applicants will be in contravention of statutory employment agency legislation and will be reported to relevant authorities for further investigation.

Employers should also satisfy themselves that UK recruitment agencies with whom they contract are not in any partnership agreement with agencies in other countries who allow fee charges to individuals solely for the purpose of placement within the UK.

When an individual has been appointed who pays for the cost of air flights to the UK?

The individual who is successfully recruited to a position in the UK should not be required to pay the cost of their airfare to the UK. This cost should normally be met by the employing organisation.

Who pays for work permits?

It is the responsibility of the employer to apply for a work permit and meet the cost of the application.

Who pays for the visas to enter into the UK?

It is the responsibility of the appointed individual to obtain and meet the cost of any visa required to exit their home country and/or gain entry to the UK.

Appendix 1

The regulatory bodies for healthcare professionals within the United Kingdom

General Chiropractic Council	44 Wicklow Street London WC1X 9HL Tel: 020 7713 5155 www.gcc-uk.org
General Dental Council	37 Wimpole Street London W1G 8DQ Tel: 020 7887 3800 www.gdc-uk.org
General Medical Council	Regent's Place 350 Euston Road London NW1 3JN Tel: 0845 3573 456 www.gmc-uk.org
General Optical Council	41 Harley Street London W1G 8DJ Tel: 020 7580 3898 www.optical.org
General Osteopathic Council	176 Tower Bridge Road London, SE1 3LU Tel: 0207 357 6655 www.osteopathy.org.uk
General Social Care Council	Goldings House 2 Hay's Lane London SE1 2HB Tel: 020 7397 5100 www.gsc.org.uk

Health Professions Council	Park House 184 Kennington Park Road London SE11 4BU Tel: 020 7582 0866 www.hpc-uk.org
Nursing and Midwifery Council	23 Portland Place London W1B 1PZ Tel: 020 7637 7181 www.nmc-uk.org
Royal Pharmaceutical Society of Great Britain	1 Lambeth High Street London SE1 7JN Tel: 020 7735 9141 www.rpsgb.org.uk

Appendix 2

Department of Health Recruitment Initiatives:

The Department of Health has agreements to recruit from a number of countries and support is available to help employers seeking to recruit internationally. It works with these governments, through the Foreign and Commonwealth Office, to ensure the continuing viability of these agreements.

The Department of Health does not undertake active recruitment of healthcare professionals from within the European Economic Area, or other countries, without first determining from the other government that recruitment is welcomed.

For further information about current government-to-government recruitment agreements please contact *NHS Employers*. They are also able to give details about specific recruitment programmes and the support available in each of those countries. Your local NHS international recruitment coordinator will also be able to provide you with appropriate information.



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