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Code of Practice for the international recruitment of healthcare professionals

Department of Health

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Foreword

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

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.

The government is justifiably proud of its programme of reform and investment in the National Health Service. As a result international recruitment has formed a small, but significant, part of initiatives to build the NHS workforce and ensured that health services across the nation address the health needs of people today.

This new 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. The Code of Practice also gives healthcare organisations the opportunity to follow the lead set by the NHS in ensuring that developing countries are not actively recruiting healthcare professionals from overseas as well as broadening its scope to cover the employment of temporary and locum staff for the first time.

John Hutton MS(H)

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Aim

The aim of the Code of Practice is to promote high standards of practice in the international recruitment and employment of healthcare professionals.

All employers are strongly commended to adhere to this Code of Practice in all matters concerning the international recruitment of healthcare professionals. It offers guidance to all organisations involved in international recruitment and identifies standards that all employers and recruitment agencies are expected to meet when recruiting healthcare professionals.

An objective of the Code of Practice is to manage the mobility of healthcare professionals in a manner that does not prejudice the healthcare systems of developing countries. Therefore the Code of Practice has standards that aim to preclude the active recruitment of healthcare professionals from developing countries, unless there exists a government-to-government agreement to support recruitment activities.

Within the sphere of international recruitment there are many commercial agencies that make a valuable contribution to ensure that the NHS and other healthcare providers have the workforce capacity required to meet their requirements. The Code of Practice therefore also offers recruitment agencies principles and standards to be met if they wish to supply international healthcare professionals in an ethical and managed way.

Finally the Code of Practice also supports the reality that the international movement of healthcare professionals is a long established practice that will continue. It is a sound and legitimate activity if carried out using an ethical and managed approach. Many healthcare professionals from overseas 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.

Scope

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

- NHS Trusts
- Primary Care Trusts
- Strategic Health Authorities
- Department of Health.
- NHS Employers Organisation
- NHS Foundation Trusts
- Independent Treatment Centres

Details of those organisations who have agreed to comply with the Code of Practice can be found on the DH website - www.dh.gov.uk.

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

Any recruitment agency that wishes to supply the NHS or any other healthcare provider that complies with 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 Department of Health website.

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 NHS workforce.**
 - International recruitment has made a key contribution to the delivery of services in the NHS.
 - 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 within the NHS 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.
 - The health sector of overseas countries can benefit if 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 a 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. Please see the DH website for a current list of developing countries (www.dh.gov.uk).
 - Individual healthcare professionals from developing countries, who volunteer themselves by personal application, may be considered for employment in the NHS.

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- 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
 - 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.

- 5. International healthcare professionals will demonstrate a level of English language proficiency consistent with safe and skilled communication with patients, clients, carers and colleagues.**
 - 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.
 - Effective communications is a fundamental component of effective healthcare interactions.
 - 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. Candidates from outside of the EEA area of countries 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 work permit.
 - Employment legislation protects and guides the conditions of service for all employees, regardless of their country of origin.

- 7. International healthcare professionals will have the same support and access to further education and training and continuing professional development as all other employees.**
 - Professional development plays a key role in ensuring the continuing effectiveness of staff and high quality of care.
 - Ongoing professional development plays an important role in the retention of staff.
 - Some healthcare regulators require practitioners to undergo periodic professional development in order to maintain their registration.

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Standards for international recruitment

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

- 1. There is no active recruitment of healthcare professionals from developing countries that are included on the Department of Health website.**
 - No active marketing of posts, in any format, will be undertaken in developing countries by commercial recruitment agencies or other healthcare organisations unless there exists an intergovernmental agreement between that country and the UK 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 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 (please see appendix B for details).
 - Healthcare employers should only contract with recruitment agencies that comply with the Code of Practice (list of agencies available at DH website – www.dh.gov.uk).
 - Any international recruitment will be sensitive to local healthcare needs so that international recruitment from any country should not destabilise the local health care provision.

- 3. International healthcare professionals will not be charged any fees in relation to gaining employment in the UK.**
 - Any 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 would normally be met by healthcare professional
 - Employers will not work with agencies that charge fees to candidates for them to be considered for recruitment in the UK or contract with agencies that charge such 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, salary and location.
 - The employer will be fully involved in the recruitment process, which will follow best practice in recruitment procedures.

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- 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 and 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.
 - Evidence of duration of any supervised practice required by regulatory body should be confirmed to employer.
- 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.
 - 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 employee will have appropriate opportunities to reach the required standard for UK registration.
- 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 summarily dismissed from their post.

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- 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 'police checks' in keeping with that country's justice system and requirements in the UK (see HSC 2002/008 – currently under review).

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.
- Employers should consider travel arrangements of short listed candidates when setting the interview date. Normally it would be expected that the interview is undertaken in person although video conferencing may be used if conducted with appropriate safeguards.

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 and domestic arrangements.
- 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 should include such matters as initial welcoming of staff and address such matters as accommodation, pay, registering with a GP and dentist, information relating to professional organisations and introduction to social networks.

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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.

For further details of agreements please see appendix.

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FAQ

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

The Code of Practice offers standards of practice 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 in the NHS 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 the Department of Health 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?

An aim of the Code of Practice is to promote agreed principles that manage the active recruitment of healthcare professionals from developing countries. Situations may occur where nationals of a developed country, currently working in a developing country, may approach a commercial recruitment agency with a view to seeking employment within the NHS. 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. Therefore in terms of the Code of Practice 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 locum and temporary staff?

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 the Department of Health. Once an agency is operational it can apply directly to go onto the agency list.

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

Data from strategic health authorities and other sources is used to monitor the origin of internationally recruited staff. If there is evidence that agencies, or other organisations, have contravened the Code of Practice this 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.

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

The Code of Practice explicitly states that a recruitment agency will not charge any applicant seeking NHS 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.

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Appendix

Department of Health Recruitment Initiatives

Philippines

A Memorandum of Understanding was agreed between the UK and Philippines in 2003. This promotes the recruitment of healthcare professionals through the Philippine Overseas Employment Administration. Currently the Department of Health has the details of many nurses from the Philippines who seek employment in the UK.

Spain

The UK government has an agreement with Spain to recruit general practitioners, nurses, physiotherapists and radiographers.

India

The UK government has an agreement with India to recruit medical staff and nurses from some regions of India.

Indonesia

The UK government has a Memorandum of Understanding with Indonesia to enable the recruitment of nurses.

For further details about any of these initiatives, please contact your local NHS international recruitment coordinator.