

Code of Practice for NHS employers

involved in the international recruitment of healthcare professionals

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Foreword

from the Chief Nursing Officer

It is recognised that revitalising the NHS and carrying out the government's programme of reforms in order to deliver modern healthcare services is dependent upon adequate human resources.

International recruitment is a small but significant part of initiatives to build the NHS workforce across the professions, alongside initiatives aimed at increasing recruitment in this country, and improving the retention of staff.

Many NHS organisations very much welcome the contribution made by healthcare professionals who qualified abroad, and have plans to continue international recruitment over the next few years. This Code of Practice has therefore been developed by the Department of Health's Human Resources Directorate, in co-operation with many of those involved in international recruitment. Its aim is to promote the best possible standards and discourage any inappropriate practices which could harm other country's healthcare systems or the interests of healthcare professionals who apply for posts.

International recruitment may include medical and dental staff, nurses and midwives, the allied health professions, pharmacists, and professionals in healthcare science. The contribution made by these individuals is invaluable. It is hoped that the employment of such healthcare professionals will not only benefit the NHS, but individuals will be able to take advantage of the extensive opportunities which exist within the NHS in terms of training and education, as well as the enhancement of clinical practice. All of these factors will help towards continuous improvements to the standards of care for patients.

I also recognise that the expansion and development of services can bring short-term pressures of their own. I would therefore like to place on record my enormous gratitude to those existing staff who have supported increased numbers of students, mentored returners to practice and inducted staff from all around the world to the NHS for the first time.



Sarah Mullally

Background

The standards set out in this document have been produced in collaboration with NHS employers, professional bodies and trade unions, commercial recruitment agencies and other parties involved in the development of the NHS workforce. This Code should be used in conjunction with:

- *Guidance on International Nursing Recruitment - Department of Health*
(November 1999)
- *Guidance for the Provision of Supervised Practice for Nurses and Adaptation for Midwives in London*
(London Regional Office - September 2001)
- *Recruiting Overseas Physiotherapists – A Guide for Therapy Services Managers – The Chartered Society of Physiotherapy*
(May 1998)
- *Guide to Immigration and Employment of Overseas Medical and Dental Students, Doctors and Dentists in the UK - Department of Health*
(February 1998)
- *Medical Training in the United Kingdom – a Guide for International Graduates - Department of Health*
(March 2000)

Purpose

The overriding purpose of this Code is to promote high standards in the recruitment and employment of healthcare professionals from abroad.

This Code is also concerned with the protection of developing countries and seeks to prevent targeted recruitment from developing nations who are themselves experiencing shortages of healthcare staff. The Code does however, promote the structured exchange of healthcare personnel for the mutual benefit of the National Health Service and healthcare systems around the world.

NHS employers are strongly commended to adhere to the Code of Practice in all matters concerning the international recruitment of healthcare professionals across all disciplines.



Guiding principles

- International recruitment is a sound and legitimate contribution to the development of the NHS workforce
- Extensive opportunities exist within the NHS for individuals in terms of training and education and the enhancement of clinical practice
- Developing countries should not be targeted for recruitment (*see conditions set out under the 'Working with developing countries' section page 10*)
- Candidates should only be appointed who demonstrate a level of knowledge and effectiveness comparable to that expected of an individual trained in the United Kingdom
- Candidates should only be appointed who demonstrate a level of English language proficiency consistent with safe and skilled communication with patients, clients, carers and colleagues
- Staff legally recruited from abroad to work in the UK are protected by UK Employment Law in exactly the same way as all other employees
- Staff recruited from abroad should have the same support and access to further education and training and continuing professional development as all other employees

Approaching international recruitment

The challenge of maintaining and improving standards needs to be balanced with the scale and pace of recruitment. This Code deals with the many issues which NHS employers need to address in support of a more strategic and co-ordinated approach to international recruitment.

- NHS employers approaching international recruitment for the first time should contact their Regional International Recruitment Co-ordinator for advice on planning campaigns
- NHS employers should consider regional strategies in collaboration with NHS Workforce Development Confederations to ensure that the employment of international staff is in harmony with that of locally qualified practitioners



Working with commercial recruitment agencies

There are many commercial recruitment agencies operating to the highest standards supported by a strong infrastructure and an ability to source candidates from their many networks around the globe. These agencies will often have considerable local intelligence about the healthcare sector and employment markets in the countries where they operate. These resources are potentially valuable to NHS employers who are entering the international recruitment market for the first time.

Commercial recruitment agencies have businesses to run and operate in a highly competitive market. Over recent years, NHS employers have been deluged with marketing information from agencies. Many promise solutions to staffing shortages within the NHS and a few, unfortunately, operate in such a way as to cause concern. However, there have been many instances of positive innovation both from companies with little or no healthcare experience as well as from those organisations who already hold a market share.

In selecting a commercial recruitment agency to contract with, employers should consider the following standards:

- NHS employers should only work with commercial recruitment agencies that operate to exacting standards, both in terms of good recruitment practice and an ability to demonstrate a sound ethical stance in keeping with this Code
- NHS employers should not work with agencies who charge fees to candidates to be considered for recruitment in the UK
- NHS employers should satisfy themselves that UK commercial 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 a placement in the UK
- NHS employers should satisfy themselves that commercial recruitment agencies who provide immigration advice are either registered, or deemed exempt from registering with the Immigration Service Commissioner

Standards for contracting *with commercial recruitment agencies*

Specifications to tender for services should be drawn up by NHS employers according to standard NHS business practice, which incorporates European law on public procurement.

NHS employers should:

- refer to Chapter 3 of the *Guidance on International Nursing Recruitment Department of Health* November 1999, 'Working with Agencies'
- actively seek to collaborate, particularly with neighbouring organisations in the same geographical area, to tender for the services of a commercial recruitment agency
- consider approaching NHS Purchasing and Supplies Agency for advice about the contracting process and standard NHS business practice
- seek or provide references from other employers on request
- verify that the agency is a properly registered company
- undertake a full financial commercial audit of short-listed agencies – including trading positions and business projections
- ensure that their Equal Opportunities Policy is included in the contractual arrangements
- ensure that candidates are made aware of their employment rights and the Working Time Regulation 1998

NHS employers should ensure that they only work with agencies who:

- supply a portfolio about their company which includes a track record of successful recruitment, business plans, and equal opportunities policies
- demonstrate an understanding of the cultural norms within the countries where they operate and of the ethnic diversity in the UK's communities
- supply the employer with a list of the countries they have operated in during the preceding 3 years and the countries that are currently being targeted as potential markets for the future
- supply a list of clients, along with the staff groups and numbers of individuals recruited over the past 3 years
- appraise NHS employers of the realistic challenges faced in securing specific skills, grades or staff in certain specialties
- demonstrate a good financial standing and sound business plans
- provide evidence that all their company's employees have received adequate equal opportunities training and training in fair recruitment and selection procedures
- demonstrate an understanding of the role of professional bodies and trade unions
- encourage employers to make direct contact with any of their clients in order to gain references

Working with developing countries

Outflows from developing countries can be a major drain on already stretched healthcare systems where skilled staff are in short supply. The Department of Health and the Department for International Development (DFID) work closely with developing countries (these mainly exist in Asia, Africa and South America) to ensure that UK recruitment policies follow best practice.

There should be no NHS advertising in developing countries unless that country has specifically invited the UK to undertake a recruitment programme. In addition, where *developed countries* have indicated that they do not want the UK to advertise for healthcare professionals, and that country similarly take steps to avoid recruiting from the UK, efforts can then be focused in those countries which approve.

- NHS employers should not target developing countries for recruitment of healthcare personnel unless the government of that country formally agrees via the Department of Health. In these circumstances, individuals may be appointed to a structured programme aimed at enhancing clinical practice in order for them to return home after an agreed period
- The only other exception supported under this Code is the long-standing tradition of providing healthcare professionals with formal training and education (for example, the recruitment of senior house officers)



All other arrangements should adhere to the following conditions:

- The NHS can offer individuals substantial opportunities for enhanced practice over a 2 or 3 year period. Conversely, UK trained healthcare professionals may have little knowledge of healthcare systems in other countries and staff exchanges can enrich their own professional practice. The process of international co-operation should reflect a commitment to assisting and learning from developing countries
- Recruitment from developing countries should only be undertaken as part of an inter-governmental co-operation agreement based on a 'Memorandum of Understanding' encouraging the exchange of healthcare personnel, healthcare information and guidelines
- There is an understanding that employment in the NHS is likely to be in the form of a secondment for a specified period of education and training and clinical experience
- The developing country concerned has a positive policy about the active recruitment of their nationals to other countries (including the UK) and is fully involved in the process
- Individual healthcare professionals volunteer themselves by personal application to be considered for employment in the NHS
- NHS employers engaged in international recruitment campaigns are strongly encouraged to make time to learn from the healthcare challenges facing developing communities and make connections with their professional counterparts as part of positive networking

Individual job applications *to NHS employers*

NHS employers should respond appropriately to applications from individuals who are either replying to an advertisement or are making a general enquiry about working in the UK.

- Individuals responding to advertisements should be dealt with equally and fairly as with all applicants for vacant posts
- Individuals writing to enquire of vacancies should be sent the employer's vacancy list in the same way as general local enquirers
- Individuals making enquiries from abroad should be directed to the appropriate statutory or regulatory body in the first instance
- NHS employers should consider the travel arrangements of shortlisted candidates when setting the interview date
- NHS employers should interview candidates in person via a properly constituted selection panel, and should not rely solely on telephone interviews
- NHS employers should only use video conferencing for interview and selection purposes in appropriate circumstances. For example, when individual applicants are unable to travel to the UK to attend a formal interview

Advertising and marketing

All international candidates should be fully informed of the requirements of the post for which they are applying and the exact geographical location of the workplace.

- NHS employers should ensure that advertisements using the names of individual hospitals or centres within NHS Trusts are in keeping with NHS Corporate Identity Guidelines
- NHS employers should provide agencies with the job description for specific posts, their application package, the location of the post, the salary of the post, grading structure of the post, and training and education opportunities
- NHS employers should also include information about their local community, including access to public services, established social networks, available cultural support and local places of worship



Fair recruitment and selection of staff

NHS employers expect commercial recruitment agencies to have pre-screened candidates for interview who fulfil the requirements of the post according to the employer's person specification. During recruitment campaigns, there will need to be a considerable amount of information offered as well as friendly, helpful exchanges on areas of mutual interest, prior to the formal interview. NHS employers should be involved in the whole selection process and procedures should be in line with those for all other NHS recruitment.

NHS employers should:

- be clear about recruitment targets when planning international campaigns with agencies
- not let the number of vacant posts dictate the number of successful applicants. Only those candidates who meet the person specification should be offered an interview
- record, sign and date the Interview Assessment Sheet immediately following the interview, including the reasons for appointment or rejection, in the normal way
- ensure that during the selection process, the interview panel will:
 - verify professional qualifications
 - account for any periods of unemployment
 - review relevant clinical experience and its transferability
 - assess clinical skills and competence as far as is possible
 - discuss with the candidate their expectations and preferred area of work

NHS employers should only work with agencies who:

- Ensure that all candidates are pre-screened for suitability to a particular post and that this assessment should be undertaken by an appropriate person with relevant experience
- Prepare candidates for informal discussion and formal interview and personally introduce individuals to the selection panel
- Ensure that candidates are aware of the exact location of the place of their employment and its proximity to their residential accommodation
- Ensure that the relevant application package is available to the selection panel at the agreed time, which must include the application form and Curriculum Vitae (if requested), references, 'police check' information and the confidential occupational health assessment form
- Provide validated English translations of all documents, where required, for the purposes of professional registration
- Provide verification of post-registration qualifications and continuing professional development certificates

English language proficiency

Non-medical staff

All employees should be capable of effective communication with patients, clients, carers and colleagues. Competent English language capabilities includes reading, writing, listening and speaking.

- In order to enable staff to properly communicate with patients, clients and carers and colleagues, all employees should be able to communicate effectively in order to practice safely
- It is lawful for employers to apply conditions relating to a candidate's linguistic capability, as effective communication is required because of the nature of the post to be filled
- NHS employers should ensure that a preliminary assessment of the candidate's communication skills is undertaken as part of the agency's pre-screening process
- Candidates who have attained a reasonably good command of English, but require further development, may be considered for appointment if the employing organisation has specifically implemented an English language programme aimed at immersing candidates in colloquial English and clinical phraseology, prior to contact with patients



English language proficiency

Medical staff

The levels of English competency for the medical profession are long established, as are the rules for linguistic capability. Doctors qualified outside the United Kingdom must provide objective evidence of their capability for practice in the UK. Most do so by passing an assessment called the Professional Linguistic Assessment Board (PLAB) Test.

- Doctors who have passed the PLAB test require an overall band score of 7.0, with a minimum of 7.0 in the speaking component and 6.0 in each of the other sections. This requirement also applies to doctors who are eligible to apply for provisional or Full Registration through qualifying at certain recognised medical schools outside the European Economic Area (EEA)
- Doctors from the countries recognised for Full Registration must undertake the International English Language Testing System (IELTS), but not the PLAB test
- Those who are entitled to Limited Registration must undertake both tests unless they are sponsored by an organisation such as the British Council, in which case they are 'PLAB exempt'
- Limited Registration is not granted upon successful completion of the PLAB test until the applicant has obtained a job offer in the United Kingdom
- In order to take the PLAB test, candidates must first have obtained a satisfactory score in the academic modules of the IELTS, and have obtained a minimum of 12 months post graduate experience
- All doctors applying for Limited Registration must have obtained a satisfactory IELTS score in the academic modules. The General Medical Council (GMC) normally require a minimum score of 7.0 in each individual section of IELTS
- Any test conducted as part of a formal appointments procedure must be applied equally to all candidates for the job

Occupational health

All job offers, whether local or international, can only be made subject to occupational health clearance. Occupational health assessment is confidential and medical information cannot be divulged to either the employer or the commercial recruitment agency.

Issues relating to employing healthcare professionals and the transmission of blood borne viruses are currently being considered.

- Occupational Health Screening Forms must be completed by the candidate at the time of interview, which is normally in the country of original application
- The completed Occupational Health Screening Form is sealed, in confidence, and addressed directly to the relevant Occupational Health Department used by the employing organisation

NHS employers should:

- ensure that agencies are aware of all the information that is required in order for candidates to be properly assessed and in accordance with Occupational Health Guidance
- ensure that all successful candidates undergo the appropriate occupational health assessment and are deemed fit for work or, if appropriate, the necessary adjustments to the workplace are arranged in keeping with the Disabilities Discrimination Act 1995
- ensure that candidates are aware of the relevant General Medical Council (GMC) or United Kingdom Central Council (UKCC) guidance with regard to serious communicable diseases

NHS employers should only work with agencies who:

- ensure that candidates understand that they must complete all sections of the pre-employment Occupational Health Screening Form and that they appreciate its relevance
- ensure candidates understand the requirement to supply proof of previous vaccinations/immunisations

Criminal convictions

As with all other appointments, references from current and previous employers and/or education providers are taken up in the normal way.

- NHS employers who recruit staff from abroad should undertake the necessary 'police checks' in keeping with that country's justice system and the requirements in the UK
- Doctors and dentists must sign a declaration stating that they are not the subject of a criminal conviction and/or do not have a criminal conviction in the UK or abroad – as outlined in the Health Service Circular 2000/01.
NB - work is under way to extend this scheme to other staff groups
- All staff must sign a section on the application form informing the employer of any criminal convictions according to the Rehabilitation of Offenders Act 1974
- Applicants should be made aware that should it come to light at a later stage that an individual has made a false declaration, then under UK Employment Law, they could be summarily dismissed from their post

Work permits (*non-European Economic Area*)

Candidates who have been offered a post in the United Kingdom must have a valid work permit before taking up employment or, where appropriate for some medical staff, have obtained 'permit free' training status.

- NHS employers may only apply for a work permit following a professional registration assessment by the relevant statutory body
- Work Permits (UK) will require either Full or Limited Registration to have been granted or, to see that a specified period of supervised practice has been recommended before issuing a work permit
- All staff having taken up post in the UK, are employed on the same terms and conditions as locally recruited employees
- All relevant UK employment legislation will apply as long as the employee holds a valid work permit

NHS employers should:

- ensure that individual work permits have been issued and that systems are in place to apply for renewal

NHS employers should only work with agencies who:

- ensure that Work Permits (UK) and the Home Office are supplied with all the necessary documentation within the specified time scale set by the employer
- check that all the documentation submitted is legible

Professional registration

All successful applicants must be registered with the appropriate UK statutory body, for example, United Kingdom Central Council for Nursing, Midwifery and Health Visiting (UKCC), Council for Professions Supplementary to Medicine (CPSM), General Medical Council (GMC), General Dental Council (GDC), the General Optical Council (GOC), the Royal Pharmaceutical Society of Great Britain (RPSGB).

- NHS employers should ensure that confirmation of professional registration or notification of a stipulated period of supervised practice is received prior to the candidate's departure for the United Kingdom wherever possible, and in all cases, before the candidate takes up post
- In the case of the statutory body stipulating a period of supervised practice, or the passing of a test of competence prior to admission to a UK professional register, evidence of the assessment by the statutory body and the duration of the clinical placement required should be confirmed to the employer
- Some employers may have the above aspect of the selection process incorporated into a service level agreement within their contract with an agency. In these circumstances, the NHS employer should ensure that the registration confirmation is received by the employer within the specified time scale



Supervised practice

Nurses and midwives

Supervised practice placements for nurses and adaptation programmes for midwives enable a period of support and supervision by a named mentor for a minimum period stipulated by the UKCC (normally between 4 weeks and 6 months).

- Supervised practice is not an academic course aimed at preparing the applicant for a professional qualification, but rather a clinical assessment process designed to provide evidence of competence to practice so that the individual's qualification gained abroad is recognised by the UKCC after the specified period
- The overall purpose of the supervised practice placement is to enable the practitioner to provide safe and effective care under supervision which leads to professional registration
- Nurses undertaking supervised practice placements and midwives undergoing adaptation should be appointed on the same terms and conditions of employment as all other employees
- Practitioners should be sponsored by the employer on a full work permit and offered an employment contract of at least 2 years

NHS employers should:

- ensure that successful applicants are given the best opportunities to reach the required standard for UK registration
- ensure that whilst undergoing a supervised practice placement, employees are given an appropriate job title which fully reflects their experience and qualification attained abroad
- acknowledge that the preferred title for nurses undergoing a supervised practice placement is 'Supervised Practice Nurse'
- acknowledge that the preferred title for midwives undergoing adaptation is 'Adaptation Midwife'
- not charge any fee to the employee for any part of the supervised practice placement

Support and induction to the NHS

Applicants should be fully assisted during their transition to the UK and must be made aware of how to find help and assistance in every aspect of their employment and domestic arrangements. A good induction programme maintains contact with new employees to ensure a smooth introduction into the organisation over a period of time, rather than just one or two days at the outset.

- Medical staff from abroad are normally inducted through programmes administered through the Regions' Deaneries.
- Induction programmes should include the involvement of colleagues and other members of staff who know the organisation well. The induction should include all aspects of cultural awareness as a two-way learning process
- Induction should cover such matters as the initial welcoming of staff, such as greeting newcomers at the airport. The programme should include the whole range of issues relating to accommodation, pay, opening a bank account, telephoning home, registering with a General Practitioner and Dentist, obtaining a National Insurance number, providing information relating to joining a professional organisation or trade union and introducing staff to new social networks
- See Chapter 4 in the *Guidance on International Nursing Recruitment - Department of Health* November 1999 (these principles apply to all professions)