

Supporting International Recruitment – Principles & Standards

April 2024 | First Edition



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Partner Guidance

Produced in partnership by the Chartered Society of Physiotherapy (CSP), the Royal College of Midwives (RCM), and the Society of Radiographers (SoR), with support from their trade union and professional body networks and equality groups.

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Introduction

These standards are intended to inform and **guide employers, managers and professional members**. These are the principles and standards expected when international recruitment into the UK's health and social care sector is being undertaken, including the NHS and Independent Sector. This covers:

- Advertising for international recruits
- Interviewing and appointment, including offering contracts and support with Visa applications
- Moving to the UK
- Induction in the workplace, including professional induction and support
- Professional development and on-going personal and professional support for the healthcare professional and any dependents.

As unions and professional bodies, we are clear that internationally recruited professionals are at the heart of a healthier nation. Our core values such as equality, transparency, fairness, integrity, advocacy and courtesy must underpin international recruitment and ongoing support for international recruits once they are engaged.

Important Note:

These standards sit alongside and are supported by other standards set by devolved administrations, the Home Office and the Department of Health & Social Care to support positive recruitment and retention of healthcare professionals.

The Department of Health and Social Care have produced a Code of Practice for the International Recruitment of Health and Social Care Personnel in England, which are the minimum standards to which all employers and recruiters must conform.

In particular, this includes recognising the countries where we should not be indirectly recruiting from. It also includes not using agencies to promote “direct application”.

<https://www.gov.uk/government/publications/code-of-practice-for-the-international-recruitment-of-health-and-social-care-personnel/code-of-practice-for-the-international-recruitment-of-health-and-social-care-personnel-in-england>

Where we become aware of examples where this Code of Practice is breached, we are committed to raising these directly with the Home Office and the Gangmasters' Licensing Authority. In doing so, we will expect both agencies and any employers outsourcing their recruitment to be fully accountable for any breaches. We will also undertake reasonable steps to highlight those engaged in breaches to potential International Recruits as part of our work to implement these Principles and Standards.

Principles

1. International recruits are an important, legitimate source for expanding physiotherapy, midwifery and the clinical imaging and radiography workforces across England, Wales, Scotland and Northern Ireland. This equally extends across all Allied Health Professions and the general Health and Social Care workforce.

Therefore, all employers should proactively strive to support and promote a welcoming culture where international recruits are valued by patients and colleagues.

This explicitly includes:

- **For the International Recruit** - positive, clear, fair relocation support; on-going signposting to advice and support, including from unions and professional associations such as the CSP, RCM and SoR;
 - **For Colleagues** – proactively promoting awareness and allyship; time to support colleagues; monitoring and support during induction; and monitoring of outcomes to guard against bias and discrimination;
 - **For Patients** – Proactive efforts to champion respect for all staff and to challenge racism.
2. We expect employers to value diversity and to promote equality. All international recruits have a minimum right to a clear and fair contract at least equitable with terms afforded colleagues from the UK. This should, as a minimum include:
 - a **Every offer and contract being clear and transparent from the start of the recruitment process.**
 - There should be no changes or new clauses introduced between someone committing to move and actually starting employment in the UK.
 - There should be no reference to details in Employee handbook's that someone cannot access when being asked to sign a contract.

b Fair and reasonable access to training to develop and to maintain professional standards, with equitable access to ongoing professional development.

- No employees' security or well-being should be risked by placing prohibiting or unreasonable restrictions around accessing training.
- International recruits should ask for a breakdown of any training costs they may be expected to meet, either directly or if they were to leave before a period set out in their contract of employment. If these are unreasonable the relevant union will help them challenge repayment.
- No international recruit should be charged for training that other colleagues would not be charged to undertake.
- Details of any training costs any International Recruits are expected to repay must be fair, reasonable and itemised as real costs incurred. Holding someone to a contract by charging them for false training costs is illegal and an example of modern slavery practices.

c There must be clear and reasonable notice provisions.

- Notice provision for international recruits should reflect those that would be reasonable for UK employees relocating or more generally.
- Repayment clauses must be fair, reasonable and set out in the contract at the point of recruitment – it is neither acceptable nor legal to introduce new clauses to a contract once someone has committed to moving to the UK.

d Fair and consistent expectations and application of probationary periods.

- No international recruit should have a longer contractual probationary period than someone recruited from the UK.
- Management of probation must be reasonable, fair and equitable with other colleagues in the same or comparable roles.

e Employers meet all primary professional indemnity requirements for all employees in all cases.

- It is illegal for an employer to threaten an overseas recruit with repayment of any costs or fines imposed upon the employer as a result of malpractice claims brought by patients.

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- All employers must have primary indemnity insurance in place that covers those working for them, also known as clinical negligence insurance.
 - It is illegal to insist on an international recruit having their own secondary indemnity insurance provided by another body, such as a union.
- f International recruits should in all ways have equal status with UK colleagues, with no discriminatory clauses or duties placed upon them.**

- All aspect of basic pay and rewards (e.g. leave, notice, sick pay, additional allowances, access to overtime, access to pensions, etc) should at least mirror what is given or would be expected for colleague in the same or similar roles recruited from the UK.
- Where an organisation does not employ direct comparators then the comparator of a UK born person in the same or similar role in another organisation should be used (e.g. a radiographer with the same broad scope of practice and level of responsibility in an NHS Trust).

All employers should note, internationally recruited healthcare professionals are entitled to the same legal employment rights and status as any other employees.

This includes the right to join, participate in and be supported by a relevant trade union and/or professional association, such as the CSP, RCM or SoR.

The Advisory, Conciliation and Arbitration Service (ACAS) provides detailed advice to employers regarding their obligations under EqA10.

3. Employers should provide adequate information and knowledge to potential recruits as part of a fair, robust and transparent recruitment process. This includes:

- No contractual changes, additions or surprises between committing to move to the UK and starting employment.
- Information about where they will be working; what the job will involve; clarity on professional registration and accreditation needed to support visa applications; and training that will be provided to support professional transition and future development.

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- Clarity about wider support and terms associated – such as accommodation, schooling, support for other family members, travel assistance and other relocation and assimilation support
 - Clarity around sponsorship and visa arrangements.
 - Proactive support and encouragement to access the same professional development opportunities, training and promotion afforded to and promoted for recruits from the UK.

Note:

We are working with the DHSC in England to identify and promote understanding around transferring visa sponsorship from one employer to another to prevent discrimination and promote sustainable retention of international recruits.

4. All employers will be expected to support shared monitoring of recruitment and retention practices for international healthcare professionals.

These are monitored and reviewed proactively in the spirit of social partnership. This means regular joint reviews with input from NHS employers, Private sector employers, trade unions and Government.

5. All International Recruits will be signposted towards support from the relevant union and professional association and encouraged to share experiences to help collective learning for sustainable international recruitment and retention. Those signed up to these Principles and Standards are:

- [The Royal College of Midwives \(RCM\)](#): For all areas of midwifery practice
- [The Chartered Society of Physiotherapy \(CSP\)](#): For all areas of physiotherapy practice
- [The Society and College of Radiographers \(SoR | CoR\)](#): For all areas of medical imaging and therapy practice

