

RCN submission to NHS Employers UK Code of Practice for International Recruitment survey

About the Royal College of Nursing

With a membership of over 450,000 registered nurses, midwives, health visitors, nursing students, nursing support workers and nurse cadets, the Royal College of Nursing (RCN) is the voice of nursing across the UK and the largest professional union of nursing staff in the world. RCN members work in a variety of hospital and community settings in the NHS and the independent sector. The RCN promotes patient and nursing interests on a wide range of issues by working closely with the Government, the UK parliaments and other national and European political institutions, trade unions, professional bodies and voluntary organisations.

Overview

This document contains the RCN's full response, including references, to NHS Employers Code of Practice for International Recruitment survey.

Questions and responses

1. *Are you aware of the Code of Practice for the international recruitment of health and social care personnel?*
 - I'm familiar with it and refer to it/apply its principles in my work, often
2. *To what extent do you agree or disagree that the Code of Practice is achieving its four objectives? Please respond for each of the objectives.*
 - To set out principles and points of best practice, health and social care employers and recruitment agencies must follow when recruiting international health and social care professionals, to ensure effective, fair and ethical international recruitment practices. [**neither agree nor disagree**]
 - To prevent active recruitment to the UK from countries on the WHO Health Workforce Support and Safeguard List, 2020 (found on the NHS Employers website). These are countries identified by the WHO as having the most pressing health workforce challenges. [**disagree**]
 - To set out the UK government's approach to supporting countries with the most pressing health and social care workforce challenges and our efforts to achieve universal health coverage and the Sustainable Development Goals. [**agree**]
 - To provide reassurance to international personnel that employment with the NHS, and other health and social care organisations that comply with the code of practice, will offer high standards of induction and support while working in the UK. [**strongly disagree**]
3. *What elements of the Code could be improved?*
 - Definition of active recruitment
 - Best Practice Benchmarks

- Case study examples
- Agency list
- Deterring breaches of the Code
- Other – Information provided to candidates for example visa requirements for both candidates and their families, parental leave provisions, early exit fees.

4. *Please explain your answer to the above question*

The Royal College of Nursing (RCN) welcomes the opportunity to provide feedback on the Code of Practice (CoP). The RCN has specific concerns around the levels of information that are being made available to internationally educated nurses as part of the recruitment process when considering coming to the UK. A number of RCN members have reported experiences where some recruitment agencies have allegedly underplayed the difficulty of bringing family and dependents to the UK, and not provided adequate information to applicants regarding the complexities of the UK's immigration system. Where this occurs, this increases the risk that any individual is able to make fully informed decisions on whether to migrate and can result in families being separated. The RCN calls for the CoP to set out a standardised approach for all recruitment agencies regarding how they provide information to potential recruits; this should include signposting to guidance on Nursing and Midwifery Council (NMC) registration, guidance on visas (including family visas), and highlighting relevant diaspora groups, professional bodies and trade unions.

The RCN has received reports from some internationally qualified RCN members working in the care sector across the UK that their contracts contain excessive early exit fees¹. Where excessive early exit fees may be present, there is a clear risk that workers may feel pressured to remain within contracts when they might otherwise choose to leave. The RCN asks that the CoP be explicit that all fees should be clearly communicated in advance of contract signing and include real examples of what costs can and cannot be recouped.

The RCN would welcome a revised definition of active recruitment, and increased transparency on how recruitment from red list countries is monitored including the data sources used. The RCN is concerned by data indicating that there are increasing numbers of nurses joining the NMC register from countries identified by the WHO as facing pressing health workforce shortages, where active recruitment is not permitted as per the Code². As a matter of urgency, the UK Government must seek to introduce mutually beneficial memorandums of understanding (MoU) with counterpart governments, which include national nursing associations in country within dialogue, to govern ethical recruitment with any countries. MoUs should be monitored by independent stakeholders to assure full compliance by all parties³. Additionally, the Code should provide direction regarding UK Government intervention where there is evidence recruitment is occurring in the absence of an MoU. The RCN ask that this revision of the Code include clear guidance on sanctions, and a commitment to transparently disclose actions that have been taken when breaches have occurred. Case

¹ Royal College of Nursing, *Consultation Response: Independent Stakeholders Reporting Instrument 2021*: <https://www.rcn.org.uk/about-us/our-influencing-work/policy-briefings/conr-13821>

² [The Nursing and Midwifery \(2021\) Register Mid-year update: 1 April to 30 September 2021](#)

³ [International Council of Nurses \(2022\) Sustain and Retain in 2022 and Beyond](#)

study examples which demonstrate where recruitment constitutes a breach of the Code would also be welcomed.