
STATUTORY INSTRUMENTS

2010 No. 1782

The Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2010

Amendment to regulation 22

10. For regulation 22 (additional requirements where professional qualifications are required or where work-seekers are to work with vulnerable persons) substitute—

“Additional requirements where professional qualifications or authorisation are required or where work-seekers are to work with vulnerable persons

22.—(1) Where the work-seeker is to be supplied or introduced to a hirer with a view to taking up a position which involves working with, caring for or attending a vulnerable person, neither an agency nor an employment business may introduce or supply the work-seeker to a hirer unless, in addition to the requirements in regulations 18 to 21, the requirements in paragraph (2) are satisfied.

(2) The requirements referred to in paragraph (1) are that the agency or employment business has—

- (a) subject to paragraph (3), obtained copies of any relevant qualifications or authorisations of the work-seeker and offered to provide copies of those documents to the hirer;
- (b) subject to paragraph (3), obtained two references from persons who are not relatives of the work-seeker and who have agreed that the reference provided may be disclosed to the hirer, and the agency or employment business has offered to provide copies of those references to the hirer; and
- (c) taken all other reasonably practicable steps to confirm that the work-seeker is suitable for the position concerned.

(3) Where the agency or employment business has taken all reasonably practicable steps to comply with the requirements in paragraph (2) and has been unable to do so fully, it may instead—

- (a) comply with those requirements to the extent that it is able to do so;
- (b) inform the hirer that it has taken all reasonably practicable steps to comply fully with those requirements and has been unable to do so; and
- (c) inform the hirer of the details of the steps that it has taken in order to try and comply fully with those requirements.

(4) Where the work-seeker is required by law, or any professional body, to have any qualifications or authorisation to work in a position for which the work-seeker is to be supplied or introduced to a hirer, an employment business may not introduce or supply the work-seeker to a hirer unless, in addition to the requirements in regulations 18 to 21, the requirements in paragraph (5) are satisfied.

(5) The requirements referred to in paragraph (4) are that the employment business has—

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- (a) subject to paragraph (6), obtained copies of any relevant qualifications or authorisation of the work-seeker, and offered to provide copies of those documents to the hirer; and
 - (b) taken all other reasonably practicable steps to confirm that the work-seeker is suitable for the position concerned.
- (6) Where the employment business has taken all reasonably practicable steps to comply with the requirements in paragraph (5) and has been unable to do so fully, it may instead—
- (a) comply with those requirements to the extent that it is able to do so;
 - (b) inform the hirer that it has taken all reasonably practicable steps to comply fully with those requirements and has been unable to do so; and
 - (c) inform the hirer of the details of the steps that it has taken in order to try and comply fully with those requirements.
- (7) In this regulation “relative” has the same meaning as it is given in section 63(1) the Family Law Act 1996.”.

(1) 1996 c.27. The definition of “relative” was amended by the Civil Partnership Act 2004 (c.33), section 82 and Schedule 9, Part 1, paragraph 14(1) and (4), and by the Domestic Violence, Crime and Victims Act 2004 (c.28), Schedule 10, paragraph 41(1) and (3).