

Clinical Professionals Group is a strong advocate of the EAA Regulations and their purpose in controlling the practices of recruitment agencies and recruitment businesses such that they operate ethically and within the law. The regulations also provide protections for work seekers and Limited Company Contractors using the services of recruitment organisations. Clinical professionals will always work to the full spirit of the regulations.

Under the EAA Regulations, Clinical Professionals Group is required to ask all candidates to provide proof of identification. We may also ask for evidence of any training information or qualifications that are mandatory for specific clients or positions within our industry.

In addition to providing you with factual and detailed information about a vacancy and a client, Clinical Professionals will ensure that we provide to you any Health & Safety documentation provided to us by the client. We ask the client where applicable, to issue a Health & Safety statement, often in the form of a questionnaire and send this to you as soon as possible.

Please note that if you are intending to work on a contract basis, we will ask you for two references or two referees that we can contact on your behalf. This information may then be passed on to a future possible employer, once you have given your permission.

Additionally, the Regulations provide added protection for work-seekers and companies using the services of recruiters and stipulate how recruitment businesses should operate.

Summary of Work-Seekers Rights

Some of the rights applying to candidates contained within the Conduct of Employment Agencies and Employment Businesses Regulations 2003 are:

1. It is unlawful for any agency to charge candidates a fee for providing work-finding services, but it is possible for a recruiter to charge a fee if the candidate is a self-employed work-seeker providing services through a limited company.
2. An agency must confirm on what basis they are to offer work finding services and the terms, which apply between themselves and the candidate.
3. If you carry out work on an assignment as a Contract/temporary worker, you are entitled to be paid for the hours you worked by the employment business, even if you cannot get your timesheet signed. The employment business is however permitted to delay payment to check whether you have worked the hours claimed.
4. Before you commence an assignment through the agency you must be given information about the proposed position including:

- The identity of the hirer
- The likely duration of the work
- A start date
- The type of work
- The experience, training and qualifications required for the role
- The location
- The anticipated hours
- Any risks to health & safety and steps the hirer has taken to prevent or control such risks
- The rate of remuneration to be paid
- Any business expenses that apply

Opting-out for Limited Companies

If you are a Limited Company Contractor, the Regulations allow for you to “opt-out”. Whilst the regulations have been conceived to ensure greater legislative protection for candidates, there may be issues which conflict with the spirit of the IR35 rules. The ability for you to opt-out, gives you the choice to remain contracting in the same way as prior to the Regulations. Opting out of the Regulations will have benefits if you decide that you want to be considered self-employed. This will mean you will not be afforded the same protection as that of our PAYE workers but does bring you a step closer to being seen as genuinely self-employed and therefore could be viewed as outside the scope of the IR35 tax rules. It will also give you greater flexibility in negotiating your contract terms. If you wish to opt-out, you will need to opt-out before your contract starts and you should do this by informing your consultant that you intend to opt-out then complete the EAA opt-out form.