

Terms of Service for Recruiting Organisations

The University of Westminster along with Westminster Students' Union has established a Terms of Service for Recruiting Organisations to establish and maintain recognised standards for both students, graduates and organisations using University and Union services to support their recruitment and talent development campaigns.

1. Definitions and Interpretations

- 1.1. In this agreement the following definitions apply:
- 1.2. "University" means any person employed by the University of Westminster or Westminster Students' Union and the organisations themselves.
- 1.3. "Organisation" means any individual or organisation identified that's aim is to enlist University students or graduates for any type of paid or unpaid work, to attend events or sign up for training programmes or services.

2. General

- 2.1. The University will endeavour to assist recruiting organisations in promoting their opportunities to suitable students and graduates, but shall bear no liability for any loss, damage or delay arising from the performance of these services.
- 2.2. The University reserves the right not to promote or endorse opportunities if they are deemed to be of a potentially libellous nature, could bring the University into any form of disrepute, or if they are deemed in any way not to be in the best interests of the students and graduates.
- 2.3. The University reserves the right not to promote or endorse opportunities that require students or graduates to promote external products or services on university sites or systems.
- 2.4. The University reserves the right to edit listed vacancies and promotional copy where necessary. Only information submitted in English will be published.
- 2.5. The University reserves the right to refuse, suspend or remove an organisation's registration on its systems for advertising opportunities if that registration is deemed to be of little or no benefit to either party.
- 2.6. It is the duty of the recruiting organisation to ensure all statutory legal requirements within the relevant country are met prior to promoting their opportunity. In particular, organisations are reminded of the following UK legislation:
 - National Minimum Wage Act (1998).
 - Legislation against any basis of discrimination within employment or the workplace, including sex, age, race, human rights, disability, ethnic origin as described by the Equality Act (2010).
 - Children's Act (2004) and Working Time Regulations (1998) concerning safe working hours for all employees.
 - Payment of tax or organisation of tax exemption arrangements, National Insurance contributions, or submission of Declaration of Income forms (P38) as necessary, to HM Revenue and Customs (Inland Revenue).
 - Full occupational Health and Safety regulation including adherence to the Health and Safety at Work Act 1974
 - Employers' Liability (Compulsory Insurance) Act 1969
 - Data Protection Act 2018

3. National Minimum Wage and Living Wage

- 3.1. The University requires all recruiting organisations promoting opportunities for workers or employees to be in line with National Minimum Wage & National Living Wage rates unless covered by one of the exemptions allowed by the National Minimum Wage Act.
- 3.2. The University will only promote opportunities that meet the "21 to 22" baseline rate of the National Minimum Wage, therefore all current students and graduates below the age of 23 are required to be paid the "21 to 22" baseline rate.
- 3.3. The University will not promote any opportunities that pay on a commission only basis, with no guarantee that the National Minimum Wage will be met.
- 3.4. More information on employment status, who is entitled to the national minimum wage can be found in the Employing People section of gov.uk

4. Self Employed and Freelance Opportunities

- 4.1. The University aims to produce enterprising students and graduates and will promote freelance and contract opportunities following the definition of self-employed or contractor employment status set out by gov.uk
- 4.2. Due to Visa restrictions a student with a Tier 4 or Student Visa cannot work freelance. The University will endeavour to make all students on a visa that prohibits self-employment aware of this however it is the recruiting organisations and individual undertaking the works responsibility to ensure Visa regulations are adhered to.

5. Volunteering and Voluntary Workers

The University values its relationships with third sector organisations in providing high-quality volunteering opportunities for students. To promote volunteering opportunities to our diverse student population, your organisation must:

- 5.1 In line with Section 44 of the National Minimum Wage Act (1998), be set up as a third sector organisation. This includes, and is limited to, registered charities, charitable incorporated organisation, charitable companies, unincorporated associations, charitable trusts and social enterprises.
- 5.2 5.2 As required by law, comply with the Health and Safety at Work Act 1974 and the Equality Act 2010. You are required to have written up-to-date Health & Safety and Equal Opportunity policies in place, which covers volunteers. Organisations should also have risk assessments in place, to include volunteers and voluntary workers.
- 5.3 Ensure that Public Liability and Employers Liability insurance cover is in place, and your policy includes extends to cover volunteers.
- 5.4 Make every effort to offer opportunities that are genuinely inclusive and accessible to all students, including being flexible to the student's needs and commitments and accommodating reasonable adjustments, as is reasonably practicable.
- 5.5 Ensure that all opportunities advertised include, but not limiting to, an overview of the organisation, a description of tasks/duties to be undertaken, a person specification and the expected benefit to the student.
- 5.6 Provide students with an induction and any specific training prior to, or at the start of, the volunteering.
- 5.7 Offer opportunities to students where they can engage in genuine work, and unrealistic expectations are not imposed, with an understanding that the student is free to leave at any time.
- 5.8 Have a point of contact, whether this be a mentor or line manager, who can provide regular supervision, open communication and feedback to students
- 5.8 Only involve students to complement and supplement the work of paid staff and not use the students to replace paid staff or undercut their pay and conditions of service.
- 5.9 Complete all DBS checks, where required, for the student – there is no cost for volunteers.
- 5.10 Reimburse all student out-of-pocket expenses (travel and lunch) and discuss all arrangements relating to remuneration prior to the start of the volunteering
- 5.11 Demonstrate public good

The University is unable to promote opportunities that:

- 5.12 Require the student to volunteer on a full-basis and/or for a period longer than 6 months.
- 5.13 Provide little, or no, opportunity for skill development, such as bucket collections, walk-a-thons etc
- 5.14 Charge students a monetary fee to participate in volunteering, this includes, but is not limited to, any training and induction.
- 5.15 Necessitate students to use their personal social media accounts for the purposes of promoting charitable causes.

6. Work Experience and Shadowing Opportunities

- 6.1. The University is committed to the value of developing the employability of our students, through supplementing academic study with work-based learning opportunities. Such opportunities exist outside of the University and include, but are not limited to: organisation visits; insight days; internships/work experience (short-term); sandwich placements and work shadowing.
- 6.2. We will only promote unpaid work experience where either of the following conditions are met:
 - Short term, informal activities where a student will spend time at an organisation premises observing, but will have no contract of making a working contribution; it is an observation opportunity. Activities undertaken by the student must not be 'mission critical' to the organisation.
 - Type B placements, governed by an agreement between the University of Westminster, the student and the organisation, undertaken as an assessed module as part of a student's course of study, for a period of up to 12 months full-time.
 - Students complement and supplement the work of paid staff, but are not used to replace paid staff or undercut their pay and conditions of service.
- 6.3. Where a placement is undertaken as an assessed part of a student's course of study, organisations should ensure that appropriate work-based learning opportunities are provided and that students are supported to achieve (or exceed) the intended learning outcomes (and any academic assessment, where applicable).
- 6.4. More information on work experience, work placements and internships can be found [Employment Rights for Interns](#) section of [gov.uk](#)

7. Equality and Diversity

- 7.1. The University has a strong and historic commitment to promoting equality and embracing diversity. For this reason and in line with the [Equality Act \(2010\)](#) we are not able to promote opportunities that:
 - 7.1.1 Request that applicants must be 'native speakers' or speak any language as their 'mother tongue', as this may discriminate against particular nationalities. Instead, ask for fluent level or to have a first/native language standard - but only if this is absolutely necessary for the job.
 - 7.1.2 Discriminate on the basis of race, gender, disability, religion, age, sexual preference, or other protected characteristics unless:
 - There is a genuine occupational requirement, covered by the relevant legislation, which permits exemption.
 - The opportunity aims to provide people from a particular group (or groups) the opportunity to compete in areas in which they have been under-represented or absent and this aim is sanctioned under relevant legislation.
- 7.2. In both the above cases, employers must provide relevant research to show this is the case and quote the relevant section of the applicable Act when submitting the opportunity. This will then be published with the opportunity.
- 7.3. More information can be found in the [Equality Act Guidance](#) produced by the Government's Equalities Office.
- 7.4. Organisations should adhere to the Equality Act 2010 with regards to reasonable adjustment in the employment of disabled students and graduates.

8. Recruiting International Students and Graduates

- 8.1. The University's diverse staff, student and alumni community allow the development of the skills, competences and knowledge required by the global economy. For this reason, the University respects and values diversity and believes in promoting equality of opportunity to all.
- 8.2. The University hopes that the [Association of Graduate Careers Advisory Services \(AGCAS\) Guide for Employers on Recruiting International students](#) will help to demystify the immigration options available and encourages recruiting organisations to read through this guide before promoting opportunities.
- 8.3. In line with the Government's [Code of Practice for employers on avoiding unlawful discrimination while preventing illegal working](#) the University is not able to promote opportunities that discriminate against applicants based on race or racial grounds, which includes colour, nationality, and ethnic or national origin.
- 8.3. In particular the university is not able to promote opportunities that:
 - state that 'All applicants must have permission to work in the UK' instead the term "the successful candidate must by the start of their employment have permission to work in the UK"
 - automatically reject applications on the basis of immigration status.

9. Working Hours

- 9.1. The University is unable to promote opportunities that require current full-time students to work more than 20hrs a week during term time unless undertaking a placement that is assessed as part of the students' course of study, in which case they can work up to 40 hours per week. This is in line with the University's Student Employment Policy and Procedure.
- 9.2. We recommend that employers are flexible with timings and dates and try to provide alternative arrangements for the selection processes if and when these clash with exams, submissions or other important academic commitments.

10. Insurance and working in private homes

- 10.1. In line with the Employers' Liability (Compulsory Insurance) Act 1969 we are not able to promote opportunities without adequate work insurance covering students and graduates for claims relating to sustainment of any damage or personal injury.
- 10.2. The University is not able to advertise opportunities that are based in private homes. An exception is made for opportunities for the student or graduate to work from their own home, where relevant insurances are in place.

11. Opportunities that include a fee or compulsory training

- 11.1. The University is not able to promote opportunities that require payment, this could include (but not exclusively) a training course, conference attendance or admittance onto a placement register, unless they are deemed to be:
 - directly related to careers and employability
 - providing an opportunity for students or graduates which is not commonly available in a similar format elsewhere, free of charge or for a lower payment
 - provided by an organisation of verified quality. This may be through (but not exclusively) accreditation from / affiliation to a professional body, a quality charter mark or testimonials from a range of known external organisations.
- 11.2. The University will promote opportunities that require students and graduates to undertake compulsory unpaid training in order to secure a paid opportunity however the following criteria must be met:
 - Travel expenses must be paid to the student
 - The unpaid training period must be for no longer than 60 working days

12. Recruitment Agencies & Businesses

- 12.1. The University reserves the right not to advertise posts on our opportunity listings for students or graduate to register with an agency, unless for a supply agency.
- 12.2. We will however advertise specific opportunities for named employers that choose to act through a recruitment agency, on the following terms:
 - The agency must supply the name of their client, though this will be kept confidential if explicitly requested in writing by the agency.
 - If more than one agency submits the same opportunity, we will act in favour of the first agency to contact us unless instructed otherwise by the employer.
 - If an agency submits an opportunity already advertised by the employer in their own right or the employer submits an opportunity already sourced through an agency, we will advertise the employer's own opportunity (removing/rejecting the agency versions as necessary) unless instructed otherwise by the employer.

13. Complaints

It is the duty of the University of Westminster and Westminster Students' Union to investigate any complaint submitted by a student or graduate regarding organisational conduct in relation to recruitment and employment. All complaints will be dealt with according to the CES Complaints procedure.

