Agency Workers Regulations (AWR) Policy

Issued by: Clarence Recruitment ("the Company")
Date: August 2026
Review Cycle: Annual, or sooner where required

Purpose of This Policy

The purpose of this policy is to ensure that Clarence Recruitment complies fully with the Agency Workers Regulations 2010 (AWR), which provide temporary agency workers with specific rights to fair treatment, including day-one rights and equal treatment after 12 weeks in the same role with the same hirer. These rights are legally enforceable, and non-compliance may expose both the agency and the hirer to employment tribunal claims and financial penalties.

Scope

This policy applies to:

- All individuals supplied by Clarence Recruitment to work temporarily for a hirer under their supervision and direction.
- All internal staff responsible for placing, managing, or administering agency workers.
- All hirers and clients who engage workers via the agency.

This policy does not apply to individuals who:

- Are genuinely self-employed or working in business on their own account (e.g., via a PSC).
- Are supplied under a managed service contract where they are supervised and directed by the service provider, not the hirer.
- Work for an in-house staffing bank employed directly by the hirer.

Definitions

Agency Worker
An individual who:
- Has a contract with a temporary work agency, and
- Is supplied by that agency to work temporarily under the supervision and direction of a hirer.

Hirer
The end client for whom the agency worker performs their duties.

Temporary Work Agency (TWA)
Any agency or intermediary (including umbrella companies) involved in supplying the worker.

Comparable Employee
A real or hypothetical employee of the hirer performing the same or broadly similar work under similar conditions.

Qualifying Period
A worker must complete 12 calendar weeks in the same role, regardless of full-time or part-time hours, to gain the right to equal treatment.

1. Responsibilities

1.1 The Agency

- Obtain accurate information from the hirer regarding pay, working conditions, comparable workers, and day-one rights.
- Track the worker's qualifying weeks and ensure appropriate treatment after 12 weeks.
- Communicate workers' rights and ensure corrections are made if discrepancies occur.
- Maintain detailed compliance records.

1.2 The Hirer

- Provide accurate information about pay, conditions, facilities, and vacancy access.
- Notify the agency of changes to role, hours, breaks, or assignment length.
- Ensure agency workers have access to the same facilities and vacancy information as directly employed staff.

1.3 The Agency Worker

- Accurately report attendance, timesheets, and any assignment changes.
- Follow site rules, health and safety instructions, and employer policies.

2. Day-One Rights

From the first day of the assignment, the agency worker must receive:

2.1 Access to Shared Facilities

This includes (where available):

- Canteen
- Parking
- Childcare facilities
- Toilets and showers
- Common rooms and rest areas
  (Mandatory from day one.)

Hirers may refuse access only for genuine practical reasons such as limited capacity.

2.2 Access to Job Vacancies

Agency workers must have the same opportunity to apply for internal vacancies as comparable employees.

3. Rights After the 12-Week Qualifying Period

Once an agency worker completes 12 weeks in the same role with the same hirer, they gain the right to equal treatment in respect of:

3.1 Pay

Basic pay, overtime, bonuses related to personal performance, holiday pay, shift allowances, night work premiums, etc.

3.2 Working Time Conditions

- Rest breaks
- Night work rules
- Working hours
- Annual leave

3.3 Breaks Affecting the Qualifying Period

The 12-week clock:

- Pauses for breaks of ≤6 weeks, certain sick leave, maternity/paternity/adoption leave, jury service.
- Resets after a break of >6 weeks or a substantively different role.

4. Information the Hirer Must Provide

The agency requires the following to ensure compliance:

- Full job description
- Confirmation of supervision and direction
- Start date and expected duration
- Comparable employee details
- Pay and working conditions information
- Access to facilities and vacancy-sharing process

- Known breaks, shutdowns, or operational pauses
- Health and safety requirements

These details are essential for tracking AWR rights and ensuring equal treatment.

5. Procedures (Internal SOP)

The following procedures ensure consistent application of AWR compliance:

5.1 Before Placement

- Confirm AWR applicability (not self-employed, not managed service, under hirer supervision).
- Collect all required information using the AWR Hirer Checklist.
- Set up AWR tracking in internal systems.

5.2 During Placement

- Ensure day-one rights are communicated to the worker.
- Monitor weekly progress toward the 12-week threshold.
- Contact the hirer around weeks 10–12 to verify continuity

5.3 At 12 Weeks

- Compare worker's conditions with comparable employees.
- Adjust pay or conditions where required.
- Confirm changes with both the hirer and worker.

5.4 After Assignment

- Finalise documentation and close AWR tracking.
- Determine whether the qualifying period resets for future placements.

6. Record-Keeping

Records must be kept securely for at least three years, including:

- Hirer-provided information
- Contracts
- Timesheets
- AWR tracking logs
- Pay comparison evidence
- Communications with hirer and worker

Good records support legal compliance and defence in case of tribunal claims.

7. Non-Compliance & Escalation

If a breach is identified:

1. The issue must be reported immediately to the Compliance Lead.
2. The agency will investigate within five working days.
3. Corrective action will be taken, including:
    - Pay adjustments
    - Contract updates
    - Client re-education
4. Persistent non-compliance by a hirer may result in suspending supply of workers.

8. Review of This Policy

This policy must be reviewed:

- Annually
- Whenever AWR legislation changes
- Following a compliance incident or tribunal case

Updates are approved by the Head of Business Services & Governance and communicated to all staff.

Policy Owner: Mia Jones, Head of Business Services & Governance
Next Review Date: August 2027