



Department for
Business, Energy
& Industrial Strategy

Kevin McLoughlin
Senior Coroner
West Yorkshire (Eastern)
Coroner's Office and Court
71 Northgate
Wakefield
WF1 3BS

Dear Mr McLoughlin

EMPLOYMENT AGENCIES ACT 1973

Regulation 28 report to Prevent Future Deaths (following death of Mr Macloud Nyeruke)

Thank you for sending us a copy of the Regulation 28 report following the sad death of Mr Macloud Nyeruke, and the subsequent correspondence that you had with [REDACTED], Director of Group Risk (Reed Specialist Recruitment Limited trading as Reed Nursing Agency) and Dr [REDACTED], Chief Medical Officer (Leeds Teaching Hospital NHS Trust). This sad incident had also been brought to our attention by Reed Specialist Recruitment Limited.

I should explain that the Employment Agency Standards (EAS) Inspectorate in the Department for Business, Energy and Industrial Strategy (BEIS), is responsible for enforcing the provisions of the Employment Agencies Act 1973 and associated Conduct of Employment Agencies and Employment Businesses Regulations 2003. This legislation requires employment agencies (that find work for persons with employers) and employment businesses (that employ workers and hire them out to act for and under the control of hirer) to abide by specified minimum standards of conduct.

The obligations of the legislation require specific checks and authorisations to be carried out by agencies or employment business where they introduce or supply work-seekers to hirers. These processes are aimed to ensure that work-seekers, including healthcare workers and professionals, that are introduced or supplied to hirers (such as NHS Trust) are suitable to work in the position that the hirer seeks to fill.

The legislation would apply to agencies and employment businesses whether they act as a direct supplier of work-seekers to a hirer, or through a recruitment supply chain.

Employment Agency Standards Inspectorate, Economics and Markets Group, BEIS, Spur 1, 1Victoria Street,
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We will investigate this matter further in accordance with the legislative framework of the Employment Agencies Act 1973 and associated Conduct Regulations.

This will include the requirement for agencies and employment businesses to comply with the following regulations: -

- **Regulation 18** – information to be obtained from hirers, including the position which the hirer seeks to fill, the type of work a work-seeker in that position would be required to do, any risks to health or safety known to the hirer and what steps the hirer has taken to prevent or control such risks; in addition the experience, training, qualifications and any authorisation which the hirer considers are necessary, or which are required by law, or by any professional body, for a work-seeker to possess in order to work in the position.
- **Regulation 19** – confirmation to be obtained about a work-seeker including that the work-seeker has the experience, training, qualifications and any authorisation which the hirer considers are necessary, or which are required by law or by any professional body, to work in the position which the hirer seeks to fill.
- **Regulation 20** – steps to be taken for the protection of the work-seeker and the hirer including (without prejudice to any of its duties under any enactment or rule of law in relation to health and safety at work) making all such enquiries, as are reasonably practicable, to ensure that it would not be detrimental to the interests of the work-seeker or the hirer for the work-seeker to work for the hirer in the position which the hirer seeks to fill.
- **Regulation 22** – additional requirements where professional qualifications are required or where work-seekers are required to work with vulnerable persons including, obtaining copies of any relevant qualifications or authorisations of the work-seeker; obtained two references from persons who are not relatives of the work-seeker; taken all other reasonably practicable steps to confirm that the work-seeker is suitable for the position concerned.

If you require any further information, or have any further information to pass to us, please do not hesitate to contact me.

Thank you for bringing these matters to my attention.

Yours sincerely

[Redacted signature]

[Redacted name]

Head of Enforcement and Sanctions
Employment Agency Standards Inspectorate