



Agency Worker Regulations (AWR) Policy

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This policy will be reviewed every 12 months (as a minimum).

Review due date: 16/07/2027

1. Purpose

This policy sets out how Smile Education complies with the Agency Workers Regulations 2010 (AWR). It aims to ensure that all agency workers supplied to schools, academies, colleges, nurseries, and other educational settings receive the rights and entitlements to which they are legally entitled.

2. Scope

This policy applies to:

- All temporary workers supplied by Smile Education to educational institutions.
- Internal staff responsible for recruitment, compliance, payroll, and client management.
- Client schools and educational establishments using our services.

3. Policy Statement

Smile Education is committed to ensuring full compliance with the Agency Workers Regulations 2010.

We will:

- Treat all agency workers fairly and consistently.
- Ensure workers receive Day One rights.
- Monitor qualifying periods accurately.
- Work closely with clients to establish equal treatment after the qualifying period.
- Maintain accurate records demonstrating compliance.



4. Day One Rights

From the first day of an assignment, agency workers are entitled to equal access to collective facilities and amenities provided by the hirer unless objectively justified.

These may include:

- Staff canteen or catering facilities
- Staff room access
- Childcare facilities (where available)
- Parking facilities
- Prayer or quiet rooms
- Workplace transport services
- Shower and changing facilities

Agency workers are also entitled to be informed of relevant internal job vacancies so they have the same opportunity as comparable permanent employees to apply for vacancies.

The responsibility for providing these rights rests with the hirer, although [Agency Name] will advise clients of their obligations.

5. Twelve-Week Qualifying Period

After completing a 12-week qualifying period in the same role with the same hirer, agency workers become entitled to equal treatment regarding basic working and employment conditions.

The qualifying period:

- Accrues after 12 calendar weeks.
- Continues during certain breaks as defined by AWR.
- May pause or reset in accordance with the Regulations.

6. Equal Treatment Rights

Following qualification, agency workers will receive the same basic working conditions as if recruited directly by the hirer, including:

- Basic pay
- Overtime rates
- Shift allowances
- Unsocial hours payments
- Annual leave entitlement



- Rest breaks
- Working hours
- Night work provisions
- Paid time off for antenatal appointments (where applicable)

The following are not covered by AWR:

- Occupational sick pay
- Occupational pension schemes
- Redundancy pay
- Bonus payments not directly linked to work performed
- Share schemes
- Loyalty or long-service awards

7. Monitoring the Qualifying Period

Smile Education will:

- Record assignment start dates.
- Monitor weekly service.
- Record breaks in assignments.
- Identify when workers qualify for equal treatment.
- Notify clients when workers approach qualification.

8. Client Responsibilities

Clients are responsible for providing accurate information regarding:

- Comparable employee pay.
- Working hours.
- Annual leave.
- Overtime arrangements.
- Shift premiums.
- Any changes affecting equal treatment.

Clients must notify Smile Education immediately if:

- An assignment changes substantially.
- The worker changes role.



- The assignment ends.
- Employment conditions change.

9. Agency Responsibilities

Smile Education will:

- Explain AWR rights during registration.
- Provide workers with relevant information.
- Maintain accurate assignment records.
- Liaise with clients regarding qualifying periods.
- Ensure pay adjustments are made where applicable.
- Investigate complaints promptly.
- Maintain confidentiality throughout.

10. Agency Worker Responsibilities

Agency workers should:

- Inform the agency of any previous assignments with the same hirer.
- Notify the agency of any concerns regarding equal treatment.
- Submit timesheets promptly.
- Keep personal details up to date.
- Cooperate with requests for information relating to qualifying periods.

11. Pregnancy Rights

Pregnant agency workers who have completed the qualifying period are entitled to:

- Paid time off for antenatal appointments.
- Suitable alternative work where appropriate.
- Health and safety risk assessments where required.

Where no suitable alternative work is available due to health and safety reasons, the agency will act in accordance with the relevant legislation.

12. Complaints Procedure

Agency workers who believe they have not received their AWR rights should:

1. Raise the concern with their consultant.
2. Submit the complaint in writing if unresolved.



3. The Compliance Manager will investigate.
4. A written response will normally be issued within 14 working days.

Where necessary, information may be requested from the hirer to determine compliance.

Workers will not suffer any detriment for raising concerns in good faith.

13. Record Keeping

Smile Education will maintain records including:

- Assignment dates
- Timesheets
- Breaks between assignments
- Client information
- Pay records
- Annual leave
- AWR qualification dates
- Correspondence relating to AWR

Records will be retained in accordance with our Data Protection Policy and applicable legislation.

14. Training

All recruitment consultants, compliance staff, and payroll personnel will receive regular training on:

- Agency Workers Regulations
- Equal treatment requirements
- Qualifying period calculations
- Education sector compliance
- Record keeping requirements

15. Compliance Monitoring

Compliance with this policy will be monitored through:

- Internal audits
- Assignment reviews
- Payroll checks
- Client audits
- Complaint monitoring



- Staff training records

Corrective action will be taken where any non-compliance is identified.

16. Related Policies

This policy should be read alongside:

- Safeguarding Policy
- Equality, Diversity and Inclusion Policy
- Data Protection Policy
- Recruitment and Selection Policy
- Complaints Policy
- Whistleblowing Policy
- Health and Safety Policy

17. Legislative Framework

This policy is based on:

- Agency Workers Regulations 2010
- Employment Rights Act 1996
- Equality Act 2010
- Working Time Regulations 1998
- Data Protection Act 2018
- UK GDPR

18. Policy Review

This policy will be reviewed annually or sooner where legislative or operational changes require amendments.