

Supporting The Recruitment Industry

Here When You Need Us

Ison Harrison Solicitors are a leading law firm based at 14 offices with a proven track record in acting for SME clients, with a particular specialism in advising recruitment companies. Our advice goes beyond reactive legal assistance and provides a proactive solution by which recruitment companies can access leading legal and strategic advice on compliance, growth and business support.

Tailored Legal Solutions for the Recruitment Industry

Recruitment companies face a diverse range of legal issues, some of which recruitment companies are unaware until it becomes too late. Ison Harrison Solicitors offer a specialist service, on a flexible range of fee structures, designed to help your recruitment business be fully compliant with the latest legal issues and allowing owners of recruitment companies the time to focus on growing their business.

DID YOU KNOW

These services can be provided on a monthly retainer allowing you control over your budgets and cash flow.

Some of the legal issues we advise recruitment companies on include:

- GDPR Compliance and Data Protection;
- Modern Slavery and the issues facing recruitment companies
- IR35 legislation
- Terms of Business and maximising your fee recovery
- Dispute Resolution
- Ownership and succession planning
- Business sales and acquisition
- Employment law
- Restrictive Covenants and candidate restrictions

Due to our experience in advising recruitment companies, we understand the nuances facing the recruitment industry, from issues with fee recovery, rogue agencies, issues with job boards to The Conduct of Employment Agencies and Employment Businesses Regulations 2003.

We have explained some of these issues further in this document.

About Ison Harrison Solicitors

Ison Harrison Solicitors are a full service law firm based across 14 offices and acting for businesses nationwide. We pride ourselves on providing an 'aims-focused', holistic services tailored towards helping business owners achieve their goals through strong legal compliance and support by our Partner led team.

Feedback from one recruitment client

As MD of a busy Recruitment Agency, it is imperative that we have our contracts and terms in order. Richard Coulthard acts on our behalf to ensure we protect our clients and our business interests. Richard has provided invaluable guidance and has acted with the highest regard for my business. Richard's knowledge of commercial law is one that can rival the best in the industry and I would have no hesitation in recommending him to peers and contacts.

Emma Easton - Strand Recruitment Limited

GDPR Compliance

Recruitment Companies often handle large amounts of data, including data which would be considered 'special categories' of data under the Data Protection Act 2018. This means that recruitment companies must take extra steps to protect the data.

Recruitment Companies handle data for their clients, as well as candidates and in addition their own staff data. Consequently there are a number of factors to consider, some of which may be competitive with each other.

GDPR provides an obligation on businesses to risk assess and monitor data protection on an ongoing basis and Ison Harrison can assist in compliance support with this.

Modern Slavery

In certain sectors, this is becoming an increasing problem and one which the recruitment industry is particularly vulnerable. Our experience is that Modern Slavery prosecutions are increasing and there has been a recent high profile prosecution involving a recruitment company.

Ison Harrison can provide advice and support to reduce the risk of criminal prosecution.

Terms of Business

The manner in which recruitment companies contract with clients is imperative to ensuring that recruitment companies get paid but going beyond that they also need to deal with situations such as if an employer recruits a candidate introduced by an agency but without involving the agency or situations where there is a conflict between agencies as to the introduction.

Having well drafted terms of business will ensure that you are paid when you expect to be paid but also protects you in situations which you may not foresee.

IR35 Legislation

IR35 concerns how self-employed consultants are paid and taxed. Issues around IR35 can be complex and it is often important that contracts concerning consultants must be well drafted so as to avoid tax liabilities arising on the business engaging the consultant. This can impact recruitment agencies either in terms of consultants they themselves engage or potentially where they are placing candidates into consultancy roles particularly in sectors such as IT.

Dispute Resolution

Recruitment agencies can end up in disputes surrounding their fees and conduct. This is particularly prevalent where candidates terminate their employment or other agencies claim to have submitted the candidate to the employer.

Ison Harrison are experienced in dealing with these disputes but this also ties in with the quality of the terms of business. Ison Harrison Solicitors can provide a solution to recover disputed fees and look to protect against future disputes.

Ownership and Succession Planning

Ison Harrison Solicitors provide expert legal and strategic advice regarding ownership of business, including advice around succession planning, exiting a business and disaster planning.

With the right advice, you can potentially save time, cost and tax but the advice must be tailored not just the needs of the business currently but also the intention of the business going forward. This may include creating agreements such as Cross Option Agreements or Trusts.

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Sale and Acquisition

Whether you are looking to expand your offering by acquiring a competitor or have decided to sell your recruitment agency, it is imperative that you seek advice from a firm of solicitors with experience in the recruitment sector.

Often the value in a recruitment agency is due to the relationships held by individual consultants and the nature of the clients of the business. Consideration therefore needs to be given as to how to retain those consultants during a change of ownership. We can assist in areas such as due diligence and advising you through this process.

Employment Law

Employment law goes hand in hand with recruitment, whether that is Employment law for your own business or ensuring that your clients are up to date with the current legal position. Ultimately good quality candidates will often want to move to businesses with strong HR functions. We can assist you and your clients in ensuring strong employment law compliance.

Restrictive Covenants

This is an area of employment law which is particularly relevant to recruitment, whether this is due to internal matters concerning recruitment consultants or in respect of candidates and their ability to bring work to a new role.

Restrictive Covenants can be a complex area and we are experienced in advising businesses and individuals where both they are alleging a breach of restrictive covenant, and potentially seeking an injunction, or where we are defending an individual or business who are accused of breaching a restrictive covenant.

IH In-House

Depending on the needs of our clients we can offer a fully out-sourced 'in-house' legal solution whereby we can deal with a range of legal matters concerning a recruitment business for a standard monthly fee. Within this, we can also include involvement in board meetings for more strategic advice on the progression of the business.

Our 'IH In-House' offering provides you with consistent, proactive legal support removing risk from you and allowing you to focus on what you are good at: recruitment.

As a firm of Solicitors, we specialise in advising business across a range of sectors but we have particular specialist knowledge of advising recruitment companies of various sizes and specialising in a range of recruitment sectors.

We offer tailored advice, bespoke to your business, your requirements and your aims. By instructing Ison Harrison Solicitors, you will be allocated a lead Partner who will be your primary point of contact and will ensure all of your legal needs are accommodated allowing you to build strong working relations with this Partner and potentially creating cross referral opportunities for you.

If you would like to discuss our services further, please contact Richard Coulthard on **0113 284 5095**

or email richard.coulthard@isonharrison.co.uk

