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From: Steve Keeler DTI EAS

Sent: Tuesday, September 12, 2006 4:44 PM

Subject: RE: Complaint about "talent company" West1

EMPLOYMENT AGENCIES ACT 1973

Thank you for your email regarding your dealings with West 1 Casting.

I should explain that the Employment Agency Standards (EAS) Inspectorate is responsible for enforcing the provisions of the Employment Agencies Act 1973 and associated regulations. This legislation requires employment agencies and employment businesses to abide by specified minimum standards of conduct. Further details about the legislation can be obtained from our website, www.dti.gov.uk/employment/employment-agencies/index.html

We are aware of the services provided by West 1 Casting. They hold recruitment days around the country and for a fee will circulate details (photographs) of potential workers (television or film background extras or models) to other agencies. If any of the other agencies decide to offer representation to any workers introduced to them by West 1 Casting, the work-seeker might be asked to pay a further fee by the second agency to have their details inserted on to the second agency's web site or casting book.

As you probably know, no employment agency can guarantee to find work for any worker who registers for work with that agency or uses that agency services.

I am not sure what you mean when you class West 1 Casting as a scam. The documents that we have seen and which we understand are issued to workers attending the recruitment days clearly set out what their services are.

Where an agency's only services are sending out a publication containing details of workers (as West 1 Casting are doing) they are not in breach of the law we enforce. The relevant regulations are regulation 26(2) and regulation 26(5)(b)(i) of the Conduct of Employment Agencies and Employment Businesses Regulations 2003.

Regulation 26(1)

Subject to paragraphs (3) and (4), the restriction on charging fees to work-seekers contained in Section 6(1)(a) of the Act shall not apply in respect of a fee charged by an agency for the service provided by it of finding or seeking to find a work-seeker employment in any of the occupations listed in Schedule 3.

Regulation 26(2)

Where paragraph (1) applies, subject to paragraph (5), any fee charged by an agency may consist only of a charge or commission payable out of the work-seeker's earnings in any such employment which the agency has found for him.

Regulation 26(5)

Paragraph (2) shall not apply to any fee charged to a work-seeker by an agency in respect of the inclusion of information about work-seekers in a publication provided that-

- (a) the publication is wholly for one or both of the following purposes, namely the purposes of finding work-seekers employment in, or providing hirers with information about work-seekers in relation to, any of the occupations listed in Schedule 3; and*

(b) either-

- (i) *the only work-finding service provided by the agency or any person connected with it to the work-seeker is the service described in this paragraph; or*
- (ii) *the fee charged to the work-seeker amounts to no more than a reasonable estimate of the cost of production and circulation of the publication attributable to the inclusion of information about that work-seeker in the publication; and*

in addition to the requirements in regulation 13.14 and 16, in so far as they are applicable, the agency has, before it entered into the contract with the work-seeker by reference to which the fee is to be charged, made available to him a copy of a current edition of the publication (or, where the publication exists only in electronic form, given him access to a current edition of the publication) in which it is offering to include information about him.

West 1 Casting are a separate limited company from another agency (Hidden Faces) trading from the same premises. However, West 1 Casting do not as far as we are aware send details of pictures of workers to Hidden Faces.

Regardez Model Management or Rondevous, are not linked to West 1 Casting or Hidden Faces. Their only association is that they carry out business with each other. It would be very difficult to legislate that companies could not work with other companies.

I cannot comment on the issue of any cooling off period or it being a statutory requirement where fees are paid to a company away from the company's premises. I believe that statutory requirement that you refer to may be the door step selling regulations, which probably do not apply to such cases as West 1 Casting. This Department does not deal with door stop selling regulations. If you need further advice on whether or not this law would apply, you could contact the Office for Fair Trading, your local Trading Standards office, or seek independent legal advice, which you can obtain from your local Citizens Advice Bureau or Law Centre.

I can inform you that the Government recently announced a series of measures under a proposal called Success at Work, which outlines a number of measures to protect vulnerable agency workers. The measures aim to address bad practice while minimising burdens on compliant businesses.

One of the measures we shall be seeking views on (we shall be publishing a consultation document and holding a consultation period later this year) is the fees payable by workers seeking work in the modelling, extras and entertainment sectors, is to address the practice where unscrupulous individuals target would be models actors etc. by engaging in hard sell tactics to pay high fees for services under the promise of work that never materialises.

Our website will be updated when the consultation period starts (probably around November 2006) and we will seek views from the industry and members of the public and we would welcome any comments you may wish to make during the consultation exercise.

I hope this has explained the Departments current position and what action we are planning to do to address these issues.

Yours sincerely

Steve Keeler

Investigations Manager