

# SAFER RECRUITMENT

## Recruitment & Selection

### Policy & Procedure

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## PART A: RECRUITMENT POLICY

### 1. Introduction and Aims

1.1 Safe recruitment is central to the safeguarding of children and young people. All organisations which employ staff or volunteers to work with children and young people have a duty to safeguard and promote their welfare. This includes ensuring that the organisation adopts safe recruitment and selection procedures which prevent unsuitable persons from gaining access to children.

1.2 Futura Learning Partnership ('Futura' or 'the trust') is committed to providing the best possible care and education to its students and to safeguarding and promoting the welfare of children and young people. The trust expects everyone involved in recruiting and selecting to be objective, unbiased and professional.

1.3 The trust's recruitment and selection policy aims to ensure that:

- The safeguarding and welfare of children and young people is taken into account throughout the process
- The best possible staff are recruited on merit, ability and suitability for the post – therefore every internal and external applicant who applies for a job within the trust will be considered against objective criteria, which specifically relates to the requirements of the role for which they are applying
- All applicants are considered fairly and consistently
- No applicant is discriminated against on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation
- All relevant recommendations and guidance is taken into account in the processes used including recommendations in the DfE document: "Keeping Children Safe in Education", in relation to:
  - Safer Recruitment and Selection in Educational Settings
  - Disclosure and Barring Service code of practice
  - The establishment of a Single Central Record

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

1.4 Futura believes it is therefore essential for each school within the trust to take time to plan the recruitment process. The Recruiting Manager from the school/Futura central support service will identify who should be involved in the recruitment process, assign responsibilities (ensuring that panel members have undertaken recruitment training including safer recruitment), and agree the key stages of the recruitment process. Further advice and guidance can be provided by the trust HR team.

### 2. Application of the Policy

2.1 This policy applies to all vacancies and appointments, (including volunteers and casual staff) made by Futura. Particular attention should be paid by those responsible for the recruitment process to relevant employment legislation in relation to the appointment of staff. If there are any concerns or queries which arise these should be initially referred to the school HR administrator for advice.

## PART B: RECRUITMENT PROCEDURE

### 3. The Recruitment Process

#### 3.1 Vacancy Identification

3.1.1 Where a vacancy arises, it should be reviewed to consider the needs of Futura as the post may need to be redefined to fit the individual needs of the trust school or occasionally it may be that the post is not needed.

3.1.2 A Request for Recruitment Form for the vacancy is completed and signed off by the Principal/Headteacher (for teaching and support roles within trust schools) or Chief Operating Officer (COO)/Chief Executive (CE) (for trust roles) as appropriate. This provides the necessary authority to start the recruitment process. The Principal/Headteacher/COO or CE may delegate the responsibility for managing the recruitment campaign to another member of the team – referred to as the Recruiting Manager. The Recruiting Manager will be responsible for the overall management of the recruitment campaign. This includes planning the campaign, assigning and coordinating resource to support, reviewing/creating job description and person specifications, job advert, candidate pack, creating the shortlisting/interview panel, planning the interview/tasks including organising classroom observations/school tours, ensuring a Safer Recruitment representative is on the selection panel, making a verbal conditional offer to the successful candidate, informing the unsuccessful candidates, liaising and communicating with the school HR team to confirm full details of the conditional offer and start date.

#### 3.2 Recruiting People from outside the UK

3.2.1 Freedom of movement between the UK and EU has ended and the UK has introduced an immigration system that treats all applicants equally, regardless of where they come from. Anyone you want to recruit from outside the UK, excluding Irish citizens, needs to meet certain requirements and apply for permission first.

The Trust has obtained a sponsorship licence for all Trust schools which is required in order to recruit staff from outside of the UK

##### 3.2.2 Skilled workers

Anyone you recruit from outside the UK for the Skilled Worker route needs to demonstrate that:

- they have a job offer from a Home Office licensed sponsor
- they speak English at the required level
- the job offer is at the required skill level of RQF3 or above (equivalent to A level)
- they'll be paid at least £25,600 or the 'going rate' for the job offer, whichever is higher

If the job will pay less than this – but no less than £20,480 – the applicant may still be able to apply by 'trading' points on specific characteristics against their salary. For example, if they have a job offer in a [shortage occupation](#) or have a PhD relevant to the job.

There are different salary rules for workers in some education jobs, and for "new entrants" at the start of their careers.

Further information on which occupations are at the required skill level and the salaries for these occupations can be found in the [Immigration Rules Appendix Skilled Occupations](#).

There is no general route to recruit from outside the UK for jobs offering a salary below £20,480 or jobs at a skill level below RQF3 (equivalent to A level).

3.2.3 Please contact the HR Advisory Team for further information regarding the skilled worker sponsorship process.

### 3.3 Job Description / Person Specification

3.3.1 A Futura Job Description and Person Specification (JD/PS) will be a combined document. The existing JD/PS will need to be reviewed or a new JD/PS will need to be defined where there is a new role. The Principal/Headteacher/COO or CE will be responsible for drafting changes to an existing JD/PS or creating a new JD/PS. The school/trust HR team can provide advice, support and guidance.

#### 3.3.2 Job Description element of JD/PS

The Job Description element of any trust JD/PS should outline the main duties, responsibilities and accountabilities of the post. It should also contain details of the job title, salary and reporting lines, and outline any responsibilities associated with the role. The following statement should be included in the JD/PS.

‘Futura Learning Partnership is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. Your suitability to work with children and young people will form part of the selection process.’

3.3.3 The successful candidate will be subject to a satisfactory enhanced Disclosure and Barring check, a Children’s Barred list check (those working in Regulated Activity), two satisfactory references, satisfactory pre-employment health screening, for Teachers a Prohibition Check and for anyone involved in the management of the trust/academy, a section 128 direction check in relation to the children’s workforce to satisfy safeguarding requirements. [In some settings a Declaration will be required in order to meet our obligations under the ‘Disqualification under the Childcare Act 2006.](#)

3.3.4 The JD/PS should also include the following statement: ‘The post-holder will be expected to contribute to the protection and welfare of children and young people, as appropriate, in accordance with any agreed trust/school policies and/or guidelines, reporting any issues or concerns to their immediate line manager’.

#### 3.3.5 Person Specification element of JD/PS

The Person Specification element of any trust JD/PS should outline the qualifications, skills, knowledge, experience and attributes/behaviours that are required from the post holder to enable him/her to carry out all the responsibilities and duties outlined in the job description. It will state whether these are Essential or Desirable requirements.

3.3.6 This information is essential and must not be discriminatory. Candidates should not be excluded from applying for a post as a result of the criteria being unnecessarily narrow.

3.3.7 Where appropriate for the role the following requirement will be included: “Evidence of suitability to work with children and young people”.

#### 3.3.8 Essential and Desirable criteria

The Recruiting Manager will decide on the essential and desirable criteria for each post as the need to fill a post is identified.

3.3.9 The essential criteria are those requirements which a candidate needs to be able to perform the job. Candidates should be shortlisted according to which candidates are the 'best fit' against the essential criteria.

3.3.10 It is important that any essential or desirable criteria can be tested and objectively justified. As a result of the recruitment process, the successful candidate will be appointed on the basis of the 'best fit' to the essential criteria. The desirable criteria may be used to distinguish between candidates where more than one candidate is a close match to the essential criteria.

### 3.4 Advertising

3.4.1 Once a vacancy has been identified, the Recruiting Manager will draft a job advert highlighting the main requirements of the role, the type of candidate that is sought and some of the benefits of working for the school/trust. The advert should include the closing date for applications, the interview date (if known) and who to contact for more information. The Recruiting Manager will then work with the School/trust HR team to fine-tune the advert, consider if any supporting material is required e.g. Candidate Pack, and where the vacancy should be advertised. For a teaching vacancy particular attention should be given to the specified resignation dates for teaching staff, these being:

- 31<sup>st</sup> of October to leave by the 31<sup>st</sup> of December
- 28<sup>th</sup> of February to leave by the 30<sup>th</sup> of April
- 31<sup>st</sup> of May to leave by the 31<sup>st</sup> of August

(N.B. Where there is a Principal/Headteacher vacancy then a serving Principal/Headteacher must give an additional month's notice to his/her employer).

3.4.2 Depending on the role there are a number of different advertising routes. The school/trust HR team can provide advice, support and guidance to Recruiting Managers. All advertising will be online unless otherwise authorised by the Principal/Headteacher/COO or CE.

3.4.3 All posts will normally be advertised internally and externally unless internally ring fenced due to staffing reductions/re-structuring. All adverts will include confirmation of the requirement to safeguard and promote the welfare of children and young people. The following statement will be included on job advertisements:

'Futura Learning Partnership is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. Your suitability to work with children and young people will form part of the selection process'.

3.4.4 Where the individual will be working in "Regulated Activity" reference will also be made to the fact that all successful applicants will be required to complete an Enhanced DBS disclosure and Barring Service check.

3.4.6 In the job advertisement terms should be avoided which could be seen as discriminatory e.g. dinner lady. The advert will be reviewed and signed off by the Recruiting Manager and school/trust HR team prior to the job advertisement being made live.

### 3.5 DBS Checks

3.5.1 The level of DBS certificate required, and whether a prohibition check is required, will depend on the role and duties of the employee. This is outlined in more detail in the document <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

3.5.2 For most appointments, an enhanced DBS certificate, and a (children's) barred list check, will be required as the majority of staff will be engaging in regulated activity. In summary, a person will be considered to be engaging in regulated activity if as a result of their work they:

- Will be responsible, on a regular basis in a school, for teaching, training instructing, caring for or supervising children; or
- Will carry out paid, or unsupervised unpaid, work regularly in a school where that work provides an opportunity for contact with children; or
- Engages in intimate or personal care or overnight activity, even if this happens only once.

3.5.3 Applicants will be required to disclose all convictions and cautions, including those that are spent; the exception being certain, minor cautions and convictions which are 'protected' for the purposes of the 'Exceptions' order. The Futura Learning Partnership application form captures this information. Please see the filtering guidance for help with this:

<https://www.gov.uk/government/collections/dbs-filtering-guidance>

A more detailed description of regulated activity is provided within the document:

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

3.5.4 For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a (children's) barred list check, will be appropriate. This would include contractors however there may be contractors that would have the opportunity for contact with children and who work under a temporary or occasional contract. More detailed information on contractors is provided (paragraph 272 – 277) within the document:

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

3.5.5 It is expected that governors will also not ordinarily be engaged in regulated activity. Therefore, an Enhanced DBS certificate which does not include a (children's) barred list check will be appropriate.

For those governors who will be engaging in regulated activity (i.e., 1:1 student interviews, coaching etc., an Enhanced DBS with (children's) barred list check should be obtained.

3.5.6 In a school, a supervised volunteer who regularly teaches or looks after children is not in regulated activity. The Department for Education (DfE) has published separate statutory guidance on supervision and regulated activity which the trust should have regard to when considering which checks should be undertaken on volunteers. This is set out at Annex F in the document:

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

[Please read in conjunction with section 5 page 21.](#)

3.5.7 In addition to obtaining the DBS certificate described, anyone who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching. For those engaged in management roles (in independent schools, including academies and free schools) an additional check is required to ensure they are not prohibited under section 128 provisions.

See the pre-appointments section on page 52 of the document:

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

### 3.5.8 Types of DBS checks

The types of checks are detailed on page 57 of the document:

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

- Standard: A check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings;
- Enhanced: A check of the PNC records as above, plus other information held by the police which a chief officer considers relevant and considers ought to be disclosed; and
- Enhanced, with children's barred list check: For people working in regulated activity with children. This adds checks of the DBS Children's Barred List to the enhanced check.

Further information in relation to DBS checks is available on the DBS website.

3.5.9 When the DBS has completed its check of an applicant's PNC record and, if appropriate, whether or not they are on the barred list, the relevant information will be recorded on a certificate (the DBS certificate) that is sent to the applicant. The applicant must show the original DBS certificate to their potential employer before they take up post or as soon as practicable afterwards.

3.5.10 Where the trust allows an individual to start work in regulated activity before the DBS certificate is available, then they should ensure that a risk assessment has been undertaken and approved, arrangements made for the individual to be appropriately supervised, and that all other checks, including a separate children's barred list check, have been completed (this can be done using the Teaching Regulation Agency's (TRA's) Teacher Employer Access Service).

There is no similar discretion regarding DBS Barred List checks; these must be undertaken before an individual is allowed to commence 'regulated activity'. A separate Barred List check must only be carried out in the following circumstances:

- for newly appointed staff who will be engaging in regulated activity pending the receipt of an enhanced DBS certificate with Barred List information (where all other relevant checks have been carried out) or
- where an individual has worked in a school that brought them into regular contact with children which ended not more than three months previously prior to that person's appointment to the school / Trust (where all other relevant checks have been carried out).

3.5.11 Futura staff who work in childcare provision or who are directly concerned with the management of such provision, will need to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009. Further information on the staff to whom these regulations apply, the checks that should be carried out, and the recording of those checks can be found in Disqualification under the Childcare Act 2006 statutory guidance.

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

3.5.12 If the trust knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work

### 3.5.13 DBS Update Service

Individuals can join the DBS Update Service at the point an application for a new DBS check is made, enabling future status checks to be carried out to confirm that no new information has been added to the certificate since its issue (an annual fee applies for applicants using this service). This allows for the portability of certificate across employers.

To take advantage of this service the trust will need to:

- Establish if the applicant has registered for the DBS Update Service
- Obtain the individuals consent to undertake an online check via the DBS Update Service
- Examine the original DBS Certificate to ensure:
- It is for the appropriate workforce level and level of check required e.g. enhanced plus children's barred list check
- The certificate matches the individual's identity

This will allow the trust to carry out a free online check and would identify if there has been any change in information recorded since the initial certificate. Individuals can see a full list of organisations that have carried out a status check on their account.

### 3.5.14 Accepting a previously issued DBS certificate

There is no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the applicant has worked:

- In a school in England in a post which brought them into regular contact with children or young persons in any post in a school since 12 May 2006; or
- In an institution within the further education sector in England or in a 16-19 Academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

However, if the DBS certificate being presented is more than 3 years old the trust will request a new DBS certificate.

## 3.6 Checks on overseas staff

3.6.1 Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in schools or colleges (set out in paragraphs 213 of KCSIE). This includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. Following the UK's exit from the EU, schools and colleges should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world.

These checks could include, where available:

- criminal records checks for overseas applicants - Home Office guidance can be found on GOV.UK; and for teaching positions
- obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach. Applicants can find contact details of regulatory bodies in the

EU/EEA and Switzerland on the Regulated Professions database. Applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body.

Information relating to specific countries can be found here:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

### 3.7 Prohibition checks

3.7.1 Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by Teachers Regulation Agency (Teacher Services System run by the Teacher Referral Agency (TRA). Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

#### 3.7.2 Prohibition of Teachers

Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. For further information, see Teacher misconduct: the prohibition of teachers.

A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. A check of any prohibition will be carried out using the Teacher Services' System. This check will identify any existing prohibitions and sanctions made by the General Teaching Council for England (GTCE) before its abolition at the end of March 2012, and to provide information about any teacher qualifications held and whether induction has been passed i.e. that a candidate to be employed as a teacher is checked to ensure there are no restrictions/sanctions that have been imposed by the regulators of the teaching profession as follows:

- Teachers who have failed induction or probation
- General Teaching Council for England (GTC) sanctions
- Teachers and others prohibited from the profession
- Teachers sanctioned in other EEA member states

#### 3.7.3 Prohibition on Participation in Management in schools/academies

A section 128 direction (The Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014) prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited is unable to participate in any management (any member of the teaching team above a classroom teacher or support staff with management responsibilities,) of an independent school such as: a management position in an independent school, academy or free school as an employee; a trustee of an academy or free school trust; a governor or member of a proprietor body for an independent school; or a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

A check for a section 128 direction will be carried out using the Teacher Services' system (TRA). Where the person will be engaging in regulated activity, a DBS barred list check with children's barred list will also identify any section 128 direction.

for those who have lived and worked outside the UK overseas checks including, criminal records checks for overseas applicants, issued by the country or countries in which they have been living, and, in the case of teachers, obtaining a letter (via the applicant) from the professional regulating authority for teachers in the country (or countries) in which they have worked confirming whether

or not they have imposed any sanctions or restrictions, if so, what these are and / or whether they are aware of any reason why they may be unsuitable to teach.

### 3.8 Pre-appointment checks

#### 3.8.1 All new appointments

Any Futura offer of appointment made to a successful candidate, including one who has lived or worked abroad, must be conditional on satisfactory completion of the necessary pre-employment checks.

When appointing new staff, the trust must:

- Verify a candidate's identity. Identification checking guidelines can be found on the GOV.UK website. When verifying an individual's identity it is important to be aware of the potential for them to change their name. Best practice is to check the name on their birth certificate, where this is available.
- Obtain (via the candidate) a certificate for an enhanced DBS check which will include children's barred list information, for those who will be engaging in regulated activity
- Obtain a separate barred list check and risk assessment if an individual will start work in regulated activity before the DBS certificate is available
- Verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role. The trust uses a pre-employment medical questionnaire which is then assessed by an Occupational Health Doctor for fitness to perform the role
- Verify the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then the trust should follow advice on the GOV.UK website; Please see Appendix 1 right to work in the UK guidance for further information.
- If the person has lived or worked outside the UK make any further checks the school or college consider appropriate in line with on page 68 of the following:  
<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
- Verify professional qualifications, as appropriate.
- Complete a Self-Declaration Form for staff to whom the Childcare (Disqualification) Regulations 2009 apply
- Check that a person taking up a management position as described on page 7 (Section 128 direction) is not subject to a section 128 direction made by the Secretary of State
- Ensure consent is given prior to references being sought.

#### 3.8.2 Individuals from overseas – additional checks

Those who have lived and worked outside the UK must undergo the same checks as all other staff. In addition, the trust must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

Overseas checks should, where relevant and applicable, include a check for information about any teacher sanction or restriction that the relevant country's professional regulating authority has imposed. Information related to teacher sanctions or restrictions are usually obtained via the applicant in the form of a letter from the relevant country's professional regulating authority for teachers. Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions Database ([Regulated professions database - European Commission](#))

([europa.eu](http://europa.eu)) ). Applicants can also contact the UK Centre for Professional Qualifications ( [Home Page \(ecctis.com\)](http://Home Page (ecctis.com)) )who will signpost them to the appropriate EEA regulatory body.

Where criminal record information and, in the case of teachers, information related to teacher sanctions or restrictions is not available, should seek alternative methods of checking suitability and / or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

For further information on checking individuals who have lived and / or worked outside the UK please see Part 3 of *Keeping Children Safe in Education*.

Guidance from the Home Office on criminal record checks for overseas applicants and the employment of overseas-trained teachers is available here:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>.

Further information on the requirements for overseas-trained teachers from the EEA to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the United States of America is available here:

<https://www.gov.uk/government/publications/employing-overseas-trained-teachers-from-outside-the-eea>

Using the Teacher Services' System (TRA) the trust will ensure that a candidate to be employed as a teacher are checked to ensure there are no restrictions/sanctions that have been imposed by the regulators of the teaching profession as follows:

- Teachers who have failed induction or probation
- General Teaching Council for England (GTC) sanctions
- Teachers and others prohibited from the profession
- Teachers sanctioned in other EEA member states

All other 'pre-appointment checks must still be completed, including where the individual is engaging in regulated activity, where a children's barred list check will be required or they are in a management capacity and a Section 128 direction check is clear. The trust may also choose to request an enhanced DBS certificate should they wish to do so.

Note: The DBS will not provide barred list information on any individual, including volunteers, who are not engaging in regulated activity.

Full information can be found in the document

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

### 3.9 Single Central Record

3.9.1 Each trust academy/school will have its own Single Central Record (SCR) which will be located in a secure area on the school network. Each academy/school will have a designated person who is responsible for updating the Single Central Record. The school/trust HR team (designated person) will add new starters and update records, once they have been provided all the relevant information. This includes, agency and third-party supply staff, even if they work for one day and members and trustees of the academy trust. It is vital that the SCR is as accurate as possible at

any given time, this is the responsibility of the designated person. All records of leavers should be removed from the SCR.

3.9.2 The information that must be recorded in respect of staff members (including teacher trainees on salaried routes and volunteers) is whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained

- Identity
- Qualifications (where legally required e.g. Qualified Teacher Status)
- DBS barred list check
- Section 128 direction – clear (where appropriate)
- Teacher prohibition check
- Enhanced DBS disclosure check
- Confirmation of the right to work in the United Kingdom
- Further checks on people who have lived or worked outside the UK; including, criminal records checks for overseas applicants, issued by the country or countries in which they have been living, and, in the case of teachers, obtaining a letter (via the applicant) from the professional regulating authority for teachers in the country (or countries) in which they have worked confirming whether or not they have imposed any sanctions or restrictions, if so, what these are and / or whether they are aware of any reason why they may be unsuitable to teach
- Disqualification under The Childcare Act (where relevant) for managers and staff in regulated activity within the remit of this regulation (e.g. Early Years and Primary settings)
- Medical Clearance confirmation
- Reference checks
- Date of check, evidence provided, who undertook the check
- For newly appointed staff, the Safer Recruitment accredited person on the recruitment panel

3.9.3 For agency/supply staff, schools will include on the SCR whether written confirmation has been received that the agency/employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates and references. In addition, the date that confirmation was received and whether any enhanced DBS check certificate and where required a Children's Barred List check has been provided in respect of the member of staff.

3.9.4 In addition the Identity, DBS Enhanced check, Proof of Right to Work (Trust Board only), Disqualification under The Childcare Act (where relevant) and overseas police checks (where relevant) records of all volunteers, governors and trustees of the AGCs and trust board will be recorded on the SCR.

3.9.5 The HR team in conjunction with Senior Managers/Governors will carry out audits and spot checks throughout the academic year.

### **3.10 Recruitment Pack**

3.10.1 The recruitment pack should include:

- The advertisement. This will detail:  
The job title, closing dates, payscale, location of the role, information about the role, information about the school/trust, who to contact for more information about the job (if applicable), how to apply, the planned interview dates. A statement highlighting Futura Learning Partnership's commitment to safer recruiting procedures. This will

encourage suitable applicants and discourage undesirable individuals. Confirmation that questions about safeguarding will also be asked within the interview should also be provided to potential candidates (refer to section 3.2 and 3.3).

- A link to the trust school Child Protection Policy and Behaviour Management Policy
- The JD/PS
- An application form (2 versions are available, Teacher Application Form and Support Staff Application Form). These forms have included within them a statement saying that only a fully completed application form will be accepted and not CVs without an application form due to safeguarding requirements. In addition, the application form states the requirement for two references (one of which is the previous employer).

Where a role involves engaging in regulated activity relevant to children a statement is included in the application form provided to applicants that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

- The Equalities Statement – this is contained within the application forms

Note: For internal advertisements e.g. in the case of an internal re-structuring process, a letter of application is likely to be sufficient.

## 4. Selection

### 4.1 The Selection Panel

4.1.1 The Recruiting Manager will organise the Selection Panel which will consist of at least two members and will ideally include the direct line manager of the position. **At least one member of the panel will have received appropriate recruitment training including ‘Safer Recruitment training’.** In exceptional circumstances, where this is not possible, at least one panel member will have received a briefing from a current member of staff who has received the appropriate Safer Recruitment training. The panel should consist of a balance of genders where possible. Other members should as a minimum ensure that they have a full understanding of this policy, in order to ensure they are fully aware of their roles and responsibilities alongside the relevant legislation. Directors will be involved in appointments for middle and senior leadership positions and other positions where appropriate.

(Principal/Headteacher/COO/CE appointments will require ratification by the Directors of the trust in consultation with the AGC).

4.1.2 The Panel will agree a Chairperson, who will be responsible for managing the interview and selection process, making the job offer and ensuring that the agreed procedures are followed.

4.1.3 All members of the Panel should be involved at all stages of the selection process.

### 4.2 Selection Methods

4.2.1 The selection panel should agree selection methods to be used in assessing candidates. Depending on the requirements of the post, these could include in addition to an interview:

- Presentations
- Aptitude tests
- Role plays
- Group discussions
- Student Panel

- Work samples (e.g. in-tray exercises or other practical tests based on simulation of real work)
- Written submissions
- Case studies
- Skills tasks (e.g. teacher observations, numeracy tests, etc.)

### 4.3 References

4.3.1 The purpose of seeking references is to obtain factual information to support appointment decisions. References should where possible be obtained before interview as this allows any concerns raised to be explored further with the referee and taken up with the candidate at interview.

4.3.2 The request for a reference should remind the referee that they have a responsibility to ensure that the reference is accurate, and that the content of the reference may be discussed with the candidate.

4.3.3 In accordance with its statutory obligations and as a matter of good recruitment practice, the trust will always seek to obtain 2 references for every new employee. Wherever possible this will be from the applicant's current employer and a reference from the relevant employer from the last time they worked with children (if not currently working with children) if applicable

4.3.4 For internal candidates any references currently held on their personal file will be shared with the recruiting manager. One additional reference will be requested from the applicant's current line manager/headteacher at the trust.

If no prior references are held on file, 2 references should be requested in line with paragraph 6.1.

4.3.5 Information must be verified to ensure it's legitimate and any concerns clarified with the employer or candidate

4.3.6 References from current line manager/principal/headteacher are required for all cross-trust appointments.

4.3.7 External candidates nominating a referee who is a current member of trust school staff should be asked to supply an additional/alternative referee (to avoid any potential conflict of interest for the referee.

4.3.8 Email addresses for referees should be checked to ensure they are an organisation email address and not a personal email account.

4.3.9 The reference request is sent to the referee with a JD/PS which provides details of the job role together with a Reference Request Form which is completed by the referee and returned to trust. Please refer to the trust's reference request policy and procedure for further details. The Form requests information on the following:

- Confirmation of employment dates (then cross checked against application form)
- Details of the referee's relationship with the candidate
- Evidence of the candidate's ability to meet the requirements of the JD/PS
- Specific verifiable comments about performance history and conduct
- Any current disciplinary sanctions

- Any disciplinary sanctions where the employee was subject to proceedings relating to working with children including any which are ‘time expired’.
- Details of any concerns that relate to the safety and welfare of children
- Candidates suitability to work with children
- Amount of days absent in the last 12 months.

4.3.10 The reference must be signed, dated, the name of the organisation is provided together with the position of the person completing the reference.

4.3.11 All references received must be sent to the Principal/Headteacher/COO/CE as appropriate (and the Recruiting Manager, if this is a different person) to review (and verify reference 1).

4.3.12 In any case where a reference has not been obtained on the preferred candidate before interview, the Panel must ensure that it is received and scrutinised, and any concerns are resolved satisfactorily, before the successful candidate’s appointment is confirmed. Any offer of appointment will be subject to satisfactory references (unless these references have already been received and are satisfactory) and the normal pre-appointment checks.

4.3.13 Please refer to the Reference policy for further information.

#### 4.4 Shortlisting

4.4.1 This will be based on the information contained in the application form and measured against the requirements specified in the person specification.

4.4.2 The panel consisting of at least two people will meet to consider which of the applicants meet the essential criteria (and the desirable criteria where there is a need to distinguish between more than one candidate who meets the essential criteria). They should also consider any inconsistencies and look for gaps in employment and reasons given for them; and explore all potential concerns. (it is recommended that those who shortlist carry out the interview for a consistent approach)

4.4.3 Each applicant will be judged against the criteria in a consistent manner without discrimination. Records should be kept of the shortlisting process and will include reasons why it was felt that candidates did not meet the criteria. This information will be kept for a period of 6 months, to enable the trust to maintain written evidence of decision in case of a challenge from applicants.

4.4.4 Shortlisted candidates should be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records, further information can be found on GOV. UK For example:

- if they have a criminal history;
- whether they are included on the barred list;
- whether they are prohibited from teaching;
- whether they are prohibited from taking part in the management of an independent school;
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted;
- if they are known to the police and children’s social care;
- have they been disqualified from providing childcare and,
- any relevant overseas information.

This information should only be requested from applicants who have been shortlisted. The information should not be requested in the application form to decide who should be shortlisted.

4.4.5 If a Panel member knows any of the applicants, they should declare this at the shortlisting stage. This will not necessarily mean that the panel member can no longer be involved in the process.

4.4.6 There is no automatic right for internal applicants to be shortlisted. However, if they are not shortlisted, then the line manager will provide feedback to those individual applicants.

4.4.7 It is acceptable to shortlist only one candidate where that candidate alone has met the shortlisting criteria. However, in such circumstances it might be appropriate to re-advertise in order to obtain a wider choice of candidates.

4.4.8 Once the Panel has agreed on the shortlist, the candidates will be called for interview. The Recruiting Manager will advise school HR administrator of shortlisted candidates; they will then send invitations to interview which will include:

- The date, time and venue of the selection process
- Where and to whom they should report on arrival.
- An outline of the day, including any pre-interview preparation, tasks or selection tests required of candidates.
- A request for documentation required to prove identification, and satisfy DBS requirements.
- A request to bring in certificates to confirm qualifications.
- A statement asking candidates if they require any reasonable adjustments to enable them to take part in the interview process.

4.4.9 Having established the process, the Panel will prepare an assessment pro forma to record relevant information about each candidate's performance.

## 4.5 Interviews

4.5.1 Candidates should be asked to provide proof of identity when invited to an interview and also provide originals of qualification certificates. (The Recruiting Manager should ensure there is a responsible person available on the day to ensure that identification and qualifications are checked for authenticity and are photocopied).

4.5.2 The main objective of an interview is to get an accurate picture of a candidate's suitability for a post.

4.5.3 The Panel will prepare for the interview in advance by deciding on a set of "core" questions designed to assess the ability of the candidates to meet specific criteria on the person specification, and to assess their suitability and motivation to work with young people. All candidates will be asked the core questions.

These should include:

- finding out what attracted the candidate to the post being applied for and their motivation for working with children;
- exploring their skills and asking for examples of experience of working with children which are relevant to the role; and
- probing any gaps in employment or where the candidate has changed employment or location frequently, asking about the reasons for this.

- 4.5.4 If a candidate has, in answer to a previous question, appeared to answer a subsequent core question, then the question should still be asked. This gives the candidate the opportunity of addressing the question directly or providing supplementary information to the response already given.
- 4.5.5 Supplementary questions may be asked by any Panel member provided they are relevant to the person specification criteria.
- 4.5.6 Supplementary questions may also be asked of individual candidates in order to explore safeguarding issues based upon their application and reference details; such as gaps in training or employment. Candidates will be expected to satisfactorily explain any gaps in their employment history and explain any discrepancies in the information they have provided.
- 4.5.7 Candidates must be judged solely on the evidence provided within the interview/selection process in terms of their ability to do the job.
- 4.5.8 Each aspect of the selection process will be judged according to the individual candidate's performance.
- 4.5.9 The Panel members will also measure each candidate's responses to each question during his/her interview and will use a separate assessment form for each candidate. Panel members should take notes during the interview to assist with the objective comparison of an individual candidate's performance.

All information considered in decision making should be clearly recorded along with decisions made

## 4.6 Making the decision

- 4.6.1 Candidates should be evaluated objectively on an individual basis against the essential selection criteria (and the desirable criteria as appropriate). The Selection Panel need to ensure that all candidates are treated fairly and the candidates should feel they have had every opportunity to explain how their knowledge, skills and experience make them suitable for the job in question.
- 4.6.2 The successful candidate should be the individual who achieves the best performance in relation to the essential criteria (and the desirable criteria as appropriate).

## 4.7 Offering the post

4.7.1 Following the interview, a verbal *conditional offer* will be made by the Recruiting Manager. The Recruiting Manager will liaise with the school HR administrator regarding the start date to ensure it is practical for all recruitment/safer recruitment activities to be completed in time for the start date.

4.7.2 The school HR administrator will then send a written conditional offer together with a new starter pack, usually within 3 working days of receipt of all information from the RM. All offers of appointment must be subject to the necessary pre-appointment checks; including satisfactory references (if not already received) one of which must be from the most recent employer, pre-employment medical clearances for external applicants, DBS and barred list/prohibition/section 128 directive (where appropriate) checks, and checks for professional qualifications. The Recruiting Manager should contact unsuccessful candidates providing them with an explanation as to why they were not appointed to the post on that occasion.

4.7.3 The school HR team will make arrangements for appropriate appointment documentation to be completed and checked; a Recruitment Checklist will be attached to each new starter personnel file to ensure all aspects of recruitment/safer recruitment are completed prior to the agreed start date.

4.7.4 New employees should not be given a start date until **all** clearances are received and are confirmed as satisfactory. However, with approval from the Headteacher and Head of HR it may be possible to start an employee with 1 reference rather than 2 **if** this is from the existing or most recent employee. The 2<sup>nd</sup> reference will be required within a reasonable timescale.

4.7.5 A written Statement of Terms and Conditions of Employment will be provided to the employee within 2 months of the start of employment as per current guidance [www.gov.uk](http://www.gov.uk)

4.7.6 Application forms for all applicants, accurate records of interview decisions, plus any other notes, documentation, test/exercise results (where appropriate), scorecards and references for shortlisted candidates will be retained by the trust for 6 months after the selection process has occurred. They will then be securely destroyed.

4.7.7 The successful candidate's application form should be retained and filed in their personnel file together with a copy of the job advert, JD/PS and Candidate Pack (where relevant).

4.7.8 The HR transactional team will diarise and chase outstanding clearances on a regular basis, escalating non-receipt as required to the Headteacher and Head of HR.

## 4.8 Induction process

4.8.1 Core Induction into the trust for new appointees.

4.8.2 All newly appointed trust staff will receive a programme of induction, which will be in addition to the tailored programme provided by each school within the trust.

4.8.3 There is a separate programme for early career teachers (ECT)

4.8.4 The Recruiting Manager in conjunction with the line manager will also arrange a structured induction process to the school running alongside the Core Trust Induction programme.

## 5. Volunteer Recruitment (including Governors and Trustees)

Risks posed by volunteers are the same as with any other member of staff, paid or otherwise.

“Under no circumstances should a volunteer in respect of whom no checks have been obtained, be left unsupervised or allowed to work in regulated activity.” (KCSIE)

### 5.1 Governor and Trustee Recruitment

Safer recruitment checks required to include:

- Verification of original, current, identity (one photo ID e.g., passport and two forms of address ID)
- Enhanced DBS without (children's) barred list check – unless engaging in regulated activity (i.e., 1:1 interviews, coaching etc), in which case an Enhanced DBS with (children's) barred list would be required.
- For the Chair of trustees only – an Enhanced DBS with (children's) barred list application counter-signed by the Secretary of State.

- Overseas police checks where the governor/trustee has spent 6 months or more in the previous 5 years overseas. Sept 2018 – Ofsted recommended best practice
- Section 128 check via Teaching Regulation Agency (TRA)
- Governors should be entered on to the Single Central Record
- Trustees are recorded on a Single Central Record held and maintained by Central HR.

## 5.2 Volunteer Recruitment

5.2.1 An enhanced DBS without (children's) barred list check is required for all volunteers. Unless the volunteer will be engaging in regulated activity, in which case an Enhanced DBS with (children's) barred list is necessary.

5.2.2 Volunteer recruitment managers may wish to consider use of volunteer application forms and two reference checks. (Considered best practice, not mandatory requirement).

5.2.3 Please refer to HR for volunteer recruitment application form and reference templates.

5.2.4 Volunteers should be entered on to the Single Central Record.

## **PART C: FUTURA LEARNING PARTNERSHIP GENERAL STATEMENTS**

### **6. Breaches of the Policy**

Due to the serious nature of safer recruitment within an educational environment and the implications of starting new employees without all the necessary clearances and checks in place, breaches of this policy will be dealt with in accordance with the Futura Disciplinary Procedure.

### **7. Monitoring**

This policy will be monitored by the trust Head of HR and HR team on a regular basis.

### **8. Confidentiality**

Futura Learning Partnership will treat all personal data collected during the recruitment process in accordance with GDPR compliance.

### **9. General Principles**

The Safer Recruitment Policy will be implemented in accordance with the KCSIE publication, the Equality Act 2010 and ACAS guidance.

### **10. Equality and Diversity**

Futura Learning Partnership values the diversity of its workforce and welcomes applications from all sectors of the community

The trust recognises the benefit of having a diverse workforce and is committed to building a workforce which reflects diversity from the communities it serves. We value the contributions from all staff from a wide range of different backgrounds and actively seek to promote an environment that is free from discrimination and harassment and at the same time supports fair promotion and cultural acceptance.

Under the provision of the Equality Act 2010 Futura Learning Partnership welcomes applications from everyone and operates a recruitment process which is fair and does not discriminate against or disadvantage anyone because of their age, disability, gender reassignment status, marriage or civil partnership status, pregnancy or maternity, race or nationality, religion or belief, sex or sexual orientation.

## PART D: GUIDANCE NOTES

### Guidance Notes

#### Employment Legislation:

Any applicant can allege that he/she has been discriminated against by the trust even though there is no employment relationship. It is therefore vital that all those involved within the recruitment process follow the trust's Recruitment and Selection Policy and Procedure and act in a manner that is both fair and reasonable.

#### Discrimination under the Equality Act 2010

In relation to the Equality Act there are a number of **protected characteristics** which include:

Age  
Disability  
Gender Reassignment  
Marriage and civil partnership  
Pregnancy and maternity  
Race  
Religion or Belief  
Sex  
Sexual orientation

It is unlawful to discriminate on the basis of any of the above characteristics.

Further information can be found in the Equality & Diversity Policy.

#### Unlawful Discrimination

Unlawful discrimination could be found if:

- An advert implied that applications from those with the above characteristics would not be considered (the only exception to this is if there is an occupational requirement but this exception is **very** limited – advice should be obtained from the HR advisory team)
- The terms on which the employment is offered were discriminatory;
- Managers refusing or deliberately omitting to offer employment to those with protected characteristics.

#### Candidates with a disability

Disability is defined under the Equality Act 2010 as a physical or mental impairment that has a substantial (i.e. more than minor or trivial) and a long term adverse effect on the ability of the person to carry out normal day to day activities.

This means that consideration must be given to candidates who have a disability regarding reasonable adjustments which may be needed during the selection process, e.g. reviewing parking requirements, having an interview room with wheel chair access, having a room at ground level or the option of a lift, allowing candidates a longer time to complete tests or assessments, providing a 'reader', etc.

When specifically inviting applicants to interview, they should be asked if they require any reasonable adjustments to enable them to take part in the selection process.

Candidates should not normally be asked about their health at all until a job offer has been made. The Equality Act 2010 limits the circumstances when employers in general can ask pre-employment health related questions before a job offer.

After taking advice, managers can ask health related questions:

- To help to decide if reasonable adjustments are needed **in the selection process** to enable the candidate with a disability not to be placed at a disadvantage to other candidates;
- To determine if an applicant can carry out a function that is **essential** to the job such as heavy lifting.

If a candidate voluntarily discloses information about his/her health or disability within an interview, then managers should avoid asking any questions in response.

When **appointing** a successful candidate who is disabled consideration should be given to any reasonable adjustments to the role which may be required.

## Right to Work in the UK Guidance

**Produced by schools advisory service our contracted professional advisors July 2021**

*Note: this guidance is based the government's 'An employer's guide to right to work checks'. The Home Office advise checking periodically online to see if 'An employer's guide to right to work checks' has been updated at [Right to work checks: an employer's guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/right-to-work-checks-an-employers-guide).*

Switzerland and the European Economic Area (EEA) other than Ireland

From 1 July 2021, EEA/EU citizens and their family members and Swiss citizens and their family members require immigration status in the UK. They can no longer rely on an EEA/EU passport or national identity card, which only confirms their nationality, to prove their right to work. They will be required to provide evidence of lawful immigration status in the UK, in the same way as other foreign nationals. For further information, please see pages 7 to 10 below.

The following countries are part of the EEA:

Austria	Germany	Malta
Belgium	Greece	Netherlands
Bulgaria	Hungary	Norway
Croatia	Iceland	Poland
Cyprus	Ireland (see above)	Portugal
Czech Republic	Italy	Romania
Demark	Latvia	Slovakia
Estonia	Liechtenstein	Slovenia
Finland	Lithuania	Spain
France	Luxembourg	Sweden

### **Ireland**

Following the United Kingdom's departure from the European Union on 31 January 2020, Irish citizens will continue to be able to prove their right to work in the UK as before.

## Preventing Illegal Working

It is a criminal offence for employers to employ someone whose immigration status prevents them from working in the UK.

All potential employees must be required to prove their right to work in the UK.

### Online right to work check

The Home Office employers' online service on GOV.UK enables employers to check whether a person has a right to work and, if so, the nature of any restrictions on that person's right to do so.

Currently, the online right to work checking service supports checks in respect of those who hold:

- a biometric residence permit; or
- status issued under the EU Settlement Scheme; or
- status issued under the points-based immigration system; or
- British National Overseas (BNO) visa; or
- Frontier workers permit

If a person has an immigration status that can be checked online they can view their own Home Office right to work record. They can then choose to share this information with the school by providing the school with a share code. If a person has an immigration status that can be checked online and they provide the school with a share code the school should then use the employer part of the online checking service View a job applicant's right to work details - GOV.UK (www.gov.uk) to check their right to work in the UK (and to do any work or the work in question) using this share code. The school must check that any photograph on the online right to work check is of the person, in their presence and must retain a clear copy of the response provided by the online right to work check. The school should carry out the online check in accordance with government guidance (i.e. as set out in the government's 'An employer's guide to right to work checks.').

If the person has a limit on their right to stay / work in the UK, the school must carry out a follow-up check online when their time-limited right to stay / work in the UK is due to expire.

In circumstances in which an online check is not possible, from 1 September 2021 the school must conduct the manual check (see below).

If the person's right to work in the UK can be checked through the online service the person can still choose to establish their right to work in the UK by providing documents for manual checking if they wish, unless their right to work can only be evidenced online.

### Manual document-based right to work check

If a person has an ongoing right to work in the UK, that person should be asked by the school to provide the **original** of the relevant document(s) detailed in **List A** (see appendix A below); if a person's leave to enter or remain in the UK is time-limited, they should be asked to provide the **original** of the relevant document(s) detailed in **List B** (see appendix B below).

The school must carry out the manual document-based right to work check in accordance with government guidance (i.e. as set out in the government's 'An employer's guide to right to work checks.').

The school must check the validity of the original document(s) in the presence of the person, either in person or via a live video link. If the person will be present via video link they must provide the school with the original document(s) in advance.

The school must check that:

- the documents are genuine, original and unchanged and belong to the person
- the dates for their right to work in the UK have not expired
- photos are the same across all documents and look like the person
- dates of birth are the same across all documents
- the person has permission to do the type of work they're offering (including any limit on the number of hours they can work)
- if two documents give different names, the school has supporting documents showing why they're different, such as a marriage certificate or divorce decree

The school must then copy or scan the relevant documentation and retain these copies securely in accordance with government guidance (i.e. as set out in the government's '[An employer's guide to right to work checks](#)'). A record must be made and retained of the date on which the right to work check was conducted.

In the case of List B documents, repeat checks must be carried out when the person's time-limited leave to stay / work in the UK is due to expire.

### **If the school is unable to carry out a manual or online check**

If the school is unable to carry out a manual or online check the school must, in the relevant circumstances (as set out in the government's '[An employer's guide to right to work checks](#)' under the heading 'when to contact the Home Office to verify right to work') contact the [Home Office Employer Checking Service](#). In those circumstances, if the person has a right to work, the Employer Checking Service will send the school a 'Positive Verification Notice'. This provides the school with a statutory excuse to employ the person for 6 months from the date in the notice.

## Appendix A

### LIST A – Original Documents to Provide (if a person has an ongoing right to work in the UK)

List A contains the range of documents the school may accept for a person who has a permanent right to work in the UK. Once the school has conducted this right to work check, the school does not have to conduct any further right to work checks on the person. If the person provides the document(s) below, there is no need for them to provide any documents from List B.

#### List A Acceptable documents to establish a continuous statutory excuse

1. A passport (current or expired) showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or passport card (current or expired) showing that the holder is a national of the Republic of Ireland.
3. A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom indefinitely.
4. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
6. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
8. A birth or adoption certificate issued in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
10. A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

## Appendix B

### **LIST B – Original Documents to Provide (if a person’s leave to enter or remain in the UK is time-limited)**

List B contains a range of documents the school may accept if a person has a temporary right to work in the UK. If the school intends to employ the person after the end of the limited period during which they were given the right to work in the UK, the school is required to conduct a follow-up check on the person when that period is due to expire in order to check their temporary right to work period has been extended or made permanent. The school must undertake the check in the same way as the original check.

#### **List B**

##### **Group 1 - documents where a time-limited statutory excuse lasts until the expiry date of leave to remain**

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom for a time limited period and to do the type of work in question.
4. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
5. A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008, on or before 30 June 2021.
6. A frontier worker permit issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.
7. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person’s permanent National Insurance number and their name issued by a government agency or a previous employer.

##### **Group 2 – documents where a time-limited statutory excuse lasts for six months**

1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules on or before 30 June 2021 **together with a Positive Verification Notice** from the Home Office Employer Checking Service.

2. A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 on or before 30 June 2021 **together with a Positive Verification Notice** from the Home Office Employer Checking Service.

3. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, **together with a Positive Verification Notice** from the Home Office Employer Checking Service.

4. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

### **How EEA nationals need to prove their right to work**

*The reference to 'EEA citizens/nationals' in this section means EU, EEA and Swiss citizens/nationals.*

### **EEA citizens granted status under the EU Settlement Scheme (EUSS)**

From 1 July 2021, the majority of EEA citizens will prove their right to work using the Home Office online right to work service. If a person is an EEA national and have made a successful application to the EUSS, they will have been granted their immigration status digitally and they can only prove their right to work using the Home Office online service 'prove your right to work to an employer' available on GOV.UK: <https://www.gov.uk/prove-right-to-work>

To prove their right to work from 1 July 2021, a EEA citizen should provide the school with a share code and their date of birth which will enable the school to check their Home Office immigration status via the online service available on GOV.UK: <https://www.gov.uk/view-right-to-work>

If, as an EEA citizen, they have been granted 'Settled Status' by the Home Office, they will have a continuous right to work, in the same way as someone with Indefinite Leave to Enter / Remain status.

If, as an EEA citizen, they have been granted 'Pre-Settled Status' by the Home Office, they will have a time-limited right to work and the school must carry out a follow-up check when that period is due to expire. The Home Office online service will advise when a follow-up check must be carried out.

The Crown Dependencies (the Bailiwick of Jersey, the Bailiwick of Guernsey, and the Isle of Man) each operate their own EU Settlement Scheme (EUSS), for those eligible to apply. The UK and the Crown Dependencies recognise status granted under each other's Schemes, so if a EEA citizen has been granted settled or pre-settled status by a Crown Dependency they will be considered to have settled or pre-settled status in the UK.

From 1 July 2021, when presented with a letter or email confirmation of settled status from a Crown Dependency, the school must request a right to work check from the Employer Checking Service using the online form 'request a Home Office right to work check' on GOV.UK at: <https://www.gov.uk/employee-immigration-employment-status> and the school must retain a copy of the Crown Dependency letter or email and the response from the Employer Checking Service

## EEA citizens not, or not yet, granted status under the EUSS

As of 1 July 2021, there will be some cohorts of EEA citizens who will not have status under the EUSS. If a person is an EEA citizen who does not have status under the EUSS, they will need to evidence their right to work using specified documents if they cannot use the home office online system. The relevant cases are detailed below:

- Outstanding applications to UK EUSS or Crown Dependency EUSS
- EEA citizens with Indefinite Leave to Enter/Remain
- those who have obtained immigration status via the Points-Based System.

EEA citizens, and their family members, who have made an application to the EU Settlement Scheme (EUSS) up to and including 30 June 2021 and have not yet been granted status, can continue to live their life in the UK as now and maintain a right to work until their application is finally determined. This includes any period pending the outcome of any appeal against a decision to refuse status.

From 1 July 2021, EEA citizens with an outstanding application to the EUSS made up to and including 30 June 2021 will be issued with either:

- an EUSS Certificate of Application (CoA), or;
- an EUSS email confirming receipt of their application.

If an EEA citizen's CoA has been issued digitally, they will be able to access the online right to work service and enable the school to check their right to work online by providing the school with a share code.

If the EEA citizen has only been issued with a paper CoA or email confirming receipt of their EUSS application, the school must request a right to work check from the Employer Checking Service (ECS), using the online form 'request a Home Office right to work check' on GOV.UK at: <https://www.gov.uk/employee-immigration-employment-status> and must make a copy of their EUSS CoA or their EUSS email receipt and retain this with the response from the ECS.

If the person is an EEA citizen with indefinite leave to enter/remain, they should have Home Office documentation such as an endorsement / vignette in a current passport stating, 'indefinite leave to enter or remain' or 'no time limit' or a current Biometric Residence Permit (BRP). The school must check the Home Office documentation manually. If the person has a BRP, they may choose to use their BRP to access the online right to work service in which case the school can carry out the right to work check using the online right to work service. Otherwise, until early 2022, the school can check the BRP manually. From early 2022, the school will only be able to check the right to work of BRP holders online.

From 1 July 2021, EEA citizens without EUSS who come to the UK to live, work or study will need to obtain immigration status under the points-based system in the same way as other foreign nationals.

If a person is an EEA citizen without EUSS and they have obtained immigration status under the point-based system, they may be provided with digital evidence of their immigration status, dependent upon the immigration route and how they made their application. If they have a valid Biometric Residence Permit (BRP), they can use this to access the online right to work service and provide the school with a share code and their date of birth which will enable the school to check their Home Office immigration status via the online service available on GOV.UK: <https://www.gov.uk/view-right-to-work> Alternatively, until early 2022, if they have a valid BRP, they can choose to present it for a manual check. From early 2022, the school will only be able to check the right to work of BRP holders online.

## **How non-EEA family members of EEA nationals need to prove their right to work**

*The reference to 'EEA citizens/nationals' in this section means EU, EEA and Swiss citizens/nationals.*

A person may be eligible for a permit to come to the UK if they are a family member of an EU, EEA or Swiss citizen, or a family member of 'a person of Northern Ireland'.

From 1 July 2021, there is only one valid form of family permit: the EU Settlement Scheme family permit.

Individuals with a EUSS family permit will be issued with a vignette placed in their passport or on a separate card/paper if they have not used a passport to apply. If they present a vignette of this type, the school must take a copy of the passport or identity card as well as the vignette and ensure the photographs represent the same person.

If a person has a valid EUSS family permit they will have limited leave to remain for six months from the date the decision on the application was made and the school will therefore need to carry out a follow-up check.

Non-EEA family members of EEA citizens were required to make an application to the EUSS by 30 June 2021 to continue living in the UK after 30 June 2021. If a person is a non-EEA family member of an EEA citizen and they made a successful application to the EUSS they will be granted their status digitally. They may also have a valid Biometric Residence Permit (BRP).

From 1 July 2021, if a person is a non-EEA family member of an EEA citizen who has been granted status, they can provide the school with a share code and their date of birth which will enable the school to check their Home Office immigration status via the online service available on GOV.UK: <https://www.gov.uk/view-right-to-work>

Alternatively, if they have a valid BRP, they may present this for a manual check. From early 2022, the school will only be able to check the right to work of BRP holders online.

## Appendix 2 – Equality Impact Assessment

<b>Title of the policy</b>	Safer Recruitment – Recruitment and Selection Policy and Procedure
<b>New Policy or policy review</b>	Policy Review
<b>Name of school (if applicable)</b>	Trust Policy
<b>Date</b>	01/09/2021
<b>EIA carried out by</b>	HR Advisory Team
<b>Who has been consulted</b>	N/A
<b>EIA approved by</b>	

Question	Response
<b>1. Name of policy/ activity/event being assessed</b>	Safer Recruitment – Recruitment and Selection Policy and Procedure
<b>2. Summary of aims and objectives of the policy/event</b>	Please see point 1 of policy attached.
<b>3. What involvement and consultation has been done in relation to this policy? (e.g. with relevant groups and stakeholders)</b>	Policy is subject to scheduled review, consultation through Heads working group, and HR Committee.
<b>4. Who is affected by the policy/event?</b>	All Trust staff/ external applicants.
<b>5. What are the arrangements for monitoring and reviewing the actual impact of the policy/event?</b>	Inclusion on Trust Governance review of policies. Taking place every 3 years as per schedule, or as required should legislation change, or as required following feedback received.

Protected Characteristic Group	Is there a potential for positive or negative impact? If so what?	Please explain and give examples of any evidence/data used	Action to address negative impact (e.g. adjustment to the policy)
<b>Disability</b>	No existing concerns identified		
<b>Gender reassignment</b>	No existing concerns identified		

<b>Marriage or civil partnership</b>	No existing concerns identified		
<b>Pregnancy and maternity</b>	No existing concerns identified		
<b>Race</b>	No existing concerns identified		
<b>Religion or belief</b>	No existing concerns identified		
<b>Sexual orientation</b>	No existing concerns identified		
<b>Sex (gender)</b>	No existing concerns identified		
<b>Age</b>	No existing concerns identified		

**Evaluation:**

<b>Question</b>	<b>Explanation / justification</b>	
Is it possible the proposed policy or activity could discriminate or unfairly disadvantage people?	No – reasonable adjustments in order for the policy to be followed would be advised on a case by case basis.	
<b>Final Decision:</b>	<b>Tick the relevant box</b>	<b>Include any explanation / justification required</b>
1. No barriers identified, therefore activity will <b>proceed</b> .	<b>✓</b>	
2. You can decide to <b>stop</b> the policy or practice at some point because the data shows bias towards one or more groups		

3. You can <b>adapt or change</b> the policy in a way which you think will address the bias		
4. Barriers and impact identified, however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to <b>proceed with caution</b> with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.		

<b>Where will this EIA be published?</b>	Attached as an appendix to Policy and on share point
<b>Date completed:</b>	01/09/2021
<b>Review date (if applicable):</b>	

### Change log

Name	Date	Version	Change
HR Advisory Team	01/09/2021	1	Addition of EIA to Policy