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Recruitment, selection and vetting policy

1 Introduction

Supply&Teach Ltd is an employment business supplying temporary workers to work within the education sector. The work seekers that we engage must pass thorough and robust vetting procedures before we can consider them for any placement or assignment with our clients and this policy sets out our commitment to comply with the highest standards at each stage of the recruitment process.

Our processes are compliant with relevant legislation and the Department for Education's statutory guidance: **Keeping Children Safe in Education**. We ensure our temporary workers remain compliant throughout their time with Supply&Teach Ltd by undertaking the checks set out in this policy.

We have processes in place whereby we obtain feedback from our clients once placements are made.

2 Recruitment and Selection

At the time of writing, temporary changes to right to work checks and DBS checks are in place as a result of the Covid-19 pandemic. These changes will be withdrawn in due course so are annexed to this policy, rather than referred to throughout. Once the temporary measures are lifted, the process will revert to the original system for checking which is set out below.

2.1 Face to face interviews

Before placing any work seekers on assignments, Supply&Teach Ltd meets with them face to face via video call. Before meeting the work seeker, we ask them to complete the information on the candidate portal and upload the required documentation. We will ask the work-seeker to present the required documents on the video interview so we can verify them 'live' too.

During the interview, a qualified consultant will assess the work seekers suitability for the role by discussing their previous work history and qualifications. Supply&Teach Ltd uses a template of standard relevant questions to ensure equality of approach and seek to understand the work seekers knowledge and understanding of protocols and to assess how they would react to various scenarios.

Provided the outcome of the interview is satisfactory, Supply&Teach Ltd will then start the pre-employment checks.

2.2 Right to work checks

Supply&Teach Ltd conducts right to work checks on every work seeker we intend to supply to our clients to comply with immigration and equality law. We will conduct **a physical document check** or **an online check** to establish a candidate's right to work. Where a right to work check is conducted using the online service, the information is provided in real-time, directly from Home Office systems and so there will be no requirement to see the documents listed below.

2.2.1 Physical right to work checks

For physical document checks we follow the three-step process set out in the Home Office Guidance: An employer's guide to right to work checks:

- **Step one:**

We **obtain** the work seekers original documents. The work seeker must provide us with either one document from LIST A of the Home Office right to work checklist or any of the documents or combination of documents from LIST B of the checklist. We only accept original documents. Photocopies or electronic scans are not acceptable.

- **Step two:**

We take reasonable steps to check that the document is valid and that the work seeker is the person named in the document.

For each document we complete the following checks:

- check any photographs are consistent with the appearance of the work seeker;
- check any dates of birth listed are consistent across documents and that we are satisfied that these correspond with the appearance of the work seeker;
- check that the expiry date for permission to be in the UK has not passed;
- check that the documents are valid and genuine, have not been tampered with and belong to the holder; and
- if given two documents which have different names, we ask for a further document to explain the reason for this. The further document could be a marriage certificate, a divorce decree absolute, a deed poll or a statutory declaration.

- **Step three:**

We make a copy of the relevant page/s of the document in a format which cannot be subsequently altered. This can include a photocopy or a scan or where we take an electronic copy, this will be in a non-rewritable format.

Where the work seeker has provided us with a passport, we will photocopy or scan the following: any page with the document expiry date, the holder's nationality, date of birth, signature, leave expiry date, biometric details, photograph and any page containing information indicating that the holder has an entitlement to enter or remain in the UK and undertake the work in question.

For all other documents, we make a clear copy or scan of the document in full, including both sides of a Biometric Residence Permit.

All copies of documents taken will be kept securely for the duration of the work-seekers engagement with Supply&Teach Ltd and for two years afterwards. The copy will then be securely destroyed.

2.2.2 Online right to work checks

For online right to work checks we will follow the three basic steps set out in the the Home Office Guidance: An employer's guide to right to work checks:

- **Step one:**

We use the Home Office online right to work checking service in respect of an individual and will only employ the person, if the online check confirms they are entitled to do the work in question;

- **Step two:**

We satisfy ourselves that any photograph on the online right to work check is of the individual presenting themselves for work; and

- **Step three:**

We retain a clear copy of the response provided by the online right to work check (storing that response securely, electronically or in hardcopy) for the duration of employment and for two years afterwards.

2.3 ID checks and proof of address

In addition to the above right to work documents, we also require the work seeker to provide us with two documents to confirm their identity and proof of address. The type of documents that we accept are: driving licence, utility bill, bank statement, government document/letter which includes the work seekers national insurance number.

Copies of documents will be taken and noted with the date the documents were checked. Copies will be kept securely for the duration of the work-seekers engagement with Supply&Teach Ltd and for at least 1 year after. The copy will then be securely destroyed.

2.4 References

In accordance with Regulation 22 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (and the terms of the Crown Commercial Service (CCS) Framework), we require (at least) two references that must cover the previous two years of employment for all work

seekers. One reference must be from the work seekers' most recent employer. References must be from non-family members who give their consent for the reference to be forwarded to our clients.

We will verify all references by contacting the referees directly, either by telephone or email.

Verbal references will be recorded, and a copy of the record will be sent to the referee via their school email address to obtain their written confirmation that the record is correct and their consent to forward it to a third party. If the referee does not provide their written confirmation that the record is correct and give their consent, the reference will not be accepted.

Open references may be accepted, provided that they include the following information:

- the dates between which the work seeker worked for or with the referee;
- the role the work seeker undertook;
- whether the work seeker is deemed suitable to work with children;
- whether the referee would re-employ the work seeker; and
- whether the work seeker was subject to any disciplinary action and the circumstances, if any.

References from other employment businesses must, as a minimum, include dates of employment and details of any safeguarding issues if they are known.

3 Vetting

3.1 Rehabilitation of Offenders Act Declaration

During the registration process, all work seekers are required to complete our Rehabilitation of Offenders Act Declaration and, as required for regulated sectors, disclose all spent and unspent convictions, subject to the filtering rules.

If a work-seeker discloses any convictions, Supply&Teach Ltd will consult with the Teacher Regulation Agency, or for Wales, the Education Workforce Council, and the REC's legal helpline to obtain advice and guidance on whether the work seeker can work in the education sector.

3.2 Rehabilitation of Offenders Policy

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order and using criminal record checks processed through the Disclosure and Barring Service (DBS), Supply&Teach Ltd complies fully with the DBS code of practice and undertakes to treat all applicants for positions fairly.

Supply&Teach Ltd undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

Supply&Teach Ltd can only ask an individual to provide details of convictions and cautions that Supply&Teach Ltd are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended), and where appropriate (Police Act Regulations as amended),

Supply&Teach Ltd can only ask an individual about convictions and cautions that are not protected.

Supply&Teach Ltd is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

Supply&Teach Ltd has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process.

Supply&Teach Ltd actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.

Supply&Teach Ltd selects all candidates for interview based on their skills, qualifications and experience.

Supply&Teach Ltd ensures that all staff of Supply&Teach Ltd who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

Supply&Teach Ltd also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, Supply&Teach Ltd ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment/assignment.

Supply&Teach Ltd makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request.

Supply&Teach Ltd undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment

3.3 Disclosure and Barring Service and Update Service checks

Supply&Teach Ltd requires all our work seekers to have an enhanced Disclosure and Barring Service (DBS) check which includes a check on the Children's Barred List.

We view and take a copy of the original DBS certificate and, with consent from the work seeker, carry out a status check on the DBS Update Service. We record details of the check and the date the check is undertaken on the work seeker's file. If the Update Service check states that there is new information, we will require the work seeker to apply for a new DBS certificate before proceeding with their registration.

If a work seeker wishes to register with Supply&Teach Ltd and they are not already on the Update Service, a new DBS check will be required, and we would encourage the work seeker to subscribe to the Update Service. If they do not subscribe to the Update Service, we will require a new DBS check to be undertaken at least once a year. If a DBS check is required, we can organise for this through UCheck at the work-seeker's own cost. The work-seeker is then responsible for organising their DBS to be added to the Update Service.

Supply&Teach Ltd will undertake repeat status checks on the Update Service at least once a year, or more often if required by our clients, but no more than four times a year. We always obtain the work seeker's consent to undertake a status check.

If the DBS check shows details of a conviction or caution, in line with the Rehabilitation of Offenders Act 2014, we must email a copy of the DBS to the school.

Following the decision of the Department for Education to remove access to the stand-alone Barred List checking system for employment businesses from 1 April 2021, we cannot conduct this standalone check and we will not place any work seekers in a role without a full enhanced DBS check being completed. This check includes a Barred List check.

When reviewing a work seeker's DBS certificate, Supply&Teach Ltd will check that the certificate is for Child Workforce only and status checks on the Update Service will only be for Child Workforce.

The definition of 'work with adults', as set out in the Police Act 1997 (Criminal Records) Regulations is narrower than the definition of 'work with children' and refers to providing personal care to the adult. It is, therefore, not always the case that we will be entitled to view information relating to the adult barred lists. If there is any uncertainty as to whether a particular role is eligible for a criminal record check, we can use the DBS eligibility tool and, if necessary, obtain guidance from the DBS.

If a particular role is not eligible for an enhanced check against both the child and adult barred lists, we must not proceed with the check and if the work seeker has an existing DBS certificate covering both child and adult workforce, we will require them to undertake a new DBS for child workforce only.

3.4 Overseas Police Checks

All work seekers who have lived and worked in a single overseas country for more than six months in the last five years must provide an overseas police check.

If the work seeker is unable to provide a police check from the relevant country (for example, if the relevant country does not provide police checks), Supply&Teach Ltd may accept a statement of good conduct from the work seeker's previous employer within the relevant country. We would require the statement to include confirmation that, to the best of their knowledge, the work seeker has no criminal convictions and that they know of no reason why the work seeker should not work with children.

If we are unable to obtain a police check or a statement of good conduct, we will not proceed with the registration of the work seeker.

3.5 Letter of professional standing for work seekers that have lived or worked overseas

For work seekers seeking teaching roles, that have lived or worked overseas, Supply&Teach Ltd will request sight of a letter of professional standing issued by the professional regulatory authority where the individual worked. This check is completed to confirm the work seekers suitability for the role in line with Supply&Teach Ltd obligations under the Conduct Regulations.

Where the letter cannot be obtained and all reasonably practicable steps have been taken to obtain it, Supply&Teach Ltd will request the work seeker to provide an alternative document which confirms their suitability for the role. This may be a letter of good standing from the head teacher in the school that they worked in or additional professional references. In such a case where the letter of

professional standing cannot be obtained, Supply&Teach Ltd may also refer to the Teacher Regulation Authority Country Evidence table for guidance on what other document/s might confirm suitability.

Supply&Teach Ltd will then inform the client of the steps taken to comply with the suitability requirements which are set out in Regulation 22 of the Conduct Regulations.

3.6 Qualifications and early career teachers (ECTs)/newly qualified teachers (NQTs)

Where the client, legislation or any professional body requires the work seeker to have a particular qualification or authorisation to work in the position offered by the client, we will obtain copies of original qualifications and authorisations and these will be available to our clients upon request.

Under the Education (School Teacher's Qualifications) (England) Regulations 2003, work seekers being supplied into a teaching position must be qualified to teach. In addition to checking the qualifications, we will also check the teacher's qualified teacher status via the Teacher Regulation Agency online portal. Please see further details below.

We will check overseas qualifications via the UK's National Recognition Information Centre.

Wherever possible we will work with schools and ECTs/NQTs to find suitable induction placements. In England, an ECT is required to complete 6 full school terms. In Wales NQTs must complete 3 school terms but this can be done by working 380 sessions (a session is equivalent to either a morning or afternoon of teaching).

3.7 Teacher Regulation Agency / Education Workforce Council (Wales)

Supply&Teach Ltd will undertake checks via the Teacher Regulation Authority (TRA), or in Wales, the Education Workforce Council (EWC), to check a teachers UK qualified teacher status to ensure that qualification certificates are genuine and that there are no prohibitions or sanctions imposed against the work seeker. We will retain a screen print on the teacher's file as a record of these checks.

Additionally, we will undertake a check for all non-teaching support staff to ensure that there are no prohibitions or restrictions. A record of this check will be noted on the work seeker's file. If a prohibition or restriction is imposed, we will retain a screen print.

3.8 Referrals

Supply&Teach Ltd as an employment business is a 'personnel supplier' and has a legal requirement under the **Safeguarding Vulnerable Groups Act 2006** to refer information to the DBS about individuals who have either harmed, or placed at risk of harm, a child or vulnerable adult.

Where Supply&Teach Ltd supplies or introduces a work seeker to a client, and the client subsequently removes the work seeker from carrying out 'regulated activity' because the client believes that the person has engaged in 'relevant conduct' or the 'harm test' is satisfied, Supply&Teach Ltd must provide information to the DBS about this matter. Additionally, if Supply&Teach Ltd decides to withdraw our services from the work seeker because we believe that the work seeker engaged in 'relevant conduct' or that the 'harm test' is satisfied, we must provide information to the DBS about this.

'Relevant conduct' is defined as:

- Conduct which endangers a child or vulnerable adult or is likely to endanger a child or vulnerable adult,
- Conduct which, if repeated against a child or vulnerable adult would endanger or would be likely to endanger him,
- Conduct involving sexual material relating to children (including possession of such material),
- Conduct involving sexually explicit images depicting violence against human beings,
- Conduct of a sexual nature involving a child or vulnerable adult.

Supply&Teach Ltd has a duty to refer information to the DBS if the 'harm test' is satisfied, i.e. if Supply&Teach Ltd thinks that that the person may:

- Harm a child or vulnerable adult,
- Cause a child or vulnerable adult to be harmed,
- Put a child or vulnerable adult at risk of harm,
- Attempt to harm a child or vulnerable adult,
- Incite another to harm a child or vulnerable adult.

To ensure compliance with the DBS referral rules, we have processes in place to ensure that all staff are aware of the legal duty to make a DBS referral where necessary and know the process for doing so.

3.9 Fitness to teach

To ensure compliance with the **Education (Health Standards) (England) Regulations 2002**, Supply&Teach Ltd will ask all work seekers to advise us of any health or disability issues that they believe are relevant to the role and which make it difficult for them to carry out functions that are essential to the role.

If a declaration is made, with consent from the work seeker, we will obtain confirmation from the work seeker's doctor that the work seeker is fit to teach. If we are unable to obtain this confirmation we will not proceed with the registration.

If a teacher has been retired on medical grounds by the Department of Education after 1 April 1997, the teacher will not be able to teach as they have been considered medically unfit. However, if the retirement was before 1 April 1997, the teacher may be able to work if they can evidence that they have the health and physical capacity to teach. This can be achieved by obtaining confirmation, in writing, from a GP. In these instances, they can only work a maximum of 2.5 days per week. This requirement only applies in England.

3.10 Disqualification

In order for Supply&Teach Ltd to comply with our obligations under the **Childcare Act 2006** and the **Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) Extended Entitlement (Amendment) Regulations 2018**, we must carry out appropriate checks to ensure that work seekers are not disqualified from teaching. Under the rules, individuals can either be disqualified from carrying out work with children in their own right, or disqualified by association because they live with somebody, or have somebody working in their home, who is disqualified.

3.10.1 Disqualification by association checks

Changes to the disqualification rules were introduced in 2018 and since then, disqualification by association only applies to those who work in childcare in a domestic setting, such as in a childminder's home (previously it applied in schools and non-domestic settings such as nurseries).

For roles involving childcare which is carried in a domestic setting only, we will require a disqualification by association declaration to be signed by candidates before we place them in any roles.

3.10.2 Disqualification checks

Disqualification checks are required for all candidates who are seeking work which involves 'relevant childcare roles', such as:

- provision of early years childcare
- later years childcare in nursery, primary or secondary school settings
- staff directly concerned with the management of the above.

For candidates who do not work in these 'relevant childcare roles', we will not conduct disqualification checks. For example, the following roles are not covered, staff who:

- only provide education, childcare or supervised activity during school hours to children above reception age; or
- only provide childcare or supervised activities out of school hours for children who are aged 8 or over; and
- are not involved in the management of relevant provision.

4 Other checks

4.1 Continued suitability

In order to ensure that all work seekers registered with Supply&Teach Ltd meet safeguarding and suitability requirements on an ongoing basis, at least once a year we will conduct status and Teacher Regulation Authority/Education Workforce Council checks (subject to any shorter period imposed by a client).

Where a work seeker has not worked with us for a period of three to six months, we will conduct status and Teacher Regulation Authority/Education Workforce Council checks and obtain an additional reference/s to cover the period in question.

Where a work-seeker has not worked with us for over six months the registration process will be repeated in full.

I have read and understood this policy and agree to abide by its terms.

Signed .....

Dated .....

Appendix: Temporary changes in place during Covid-19

Right to work checks

On 31 March 2020, the Government announced temporary adjustments to right to work checks, making it easier for employers to recruit during the Covid-19 pandemic. The changes allow agencies to carry out checks remotely; whereby the candidate first submits a photo or scanned copy of the original document and then, during a video call, holds up the original document to the camera for the employer to see and compare to the photo or scanned document.

On 26 August 2021, Home Office confirmed that the temporary adjustments will be extended and remain in force until 5 April 2022. From that date, you must follow the prescribed checks set out in the Home Office guidance; Right to Work Checks: an Employer's Guide. A scanned copy or a photo of original documents will no longer provide a defence against liability for a civil penalty.

This means that when carrying out a document check you must be in possession of the original documents. You can no longer accept a scanned copy or a photo of original documents, as this will not provide you with a defence against a civil penalty.

Alternatively, where applicable, you can use the Home Office right to work online service, where information is provided in real-time direct from Home Office systems and does not require you to see or check the individual's physical documents. However, employers cannot insist individuals use this service or discriminate against those who choose to use their documents to prove their right to work.

Whilst the ability to perform an adjusted check is due to be removed in April 2022, the Home Office has decided to remove the requirement to conduct a retrospective right to work check for those who did have the adjusted check done. This means there is no requirement to carry out retrospective checks on those who had a COVID-19 adjusted check between 30 March 2020 and 5 April 2022 (inclusive). Businesses will maintain a defence against a civil penalty if the check undertaken during this period was done in the prescribed standard manner or as set out in the COVID-19 adjusted checks guidance.

DBS checks

Similarly, since 19 March 2020, the DBS standard and enhanced ID checking guidance was changed for a
temporary period. The changes introduced enable:

- ID documents to be viewed over video link,
- Scanned images to be used in advance of the DBS check being submitted, and
- The applicant will be required to present the original versions of these documents when they first attend their employment or volunteering role.

It is unknown as to how long these temporary measures will be in force for. However, given that the original system for right to work checks is due to come back into force in April 2022, it is presumed that a similar announcement will be made for DBS checks.

More information on the changes is available on the Changes to DBS checks section of the Government website.