



Bright Eyes Childcare

Recruitment Policy

Policy statement

We aim to recruit the right people into the right jobs at the right time. As well as helping us meet our immediate needs, we believe it is an approach that encourages people to stay and develop within the business. The selection of new staff will be based on the role requirements and the individual's suitability and ability to do, or to train for, the job in question.

Anyone who meets the requirements of the role is eligible for employment within the business - irrespective of whether they are known to have made a protective disclosure in the public interest (whistleblown) against a previous employer; membership or non-membership of a trade union; or because they possess one or more of the following 'protected characteristics':

- Marital or civil partnership status
- Age
- Disability
- Race (including colour, nationality, and ethnic or national origin)
- Sex
- Sexual orientation
- Gender, including gender reassignment
- Religion or belief
- Pregnancy and maternity

Recruitment and equal opportunities

We are committed to applying our equal opportunities policy statement at all stages of our recruitment and selection process.

The selection process will be carried out consistently for all jobs at all levels and all applications will be processed in the same way. The staff responsible for shortlisting, interviewing and selecting candidates will be clearly informed of the selection criteria and of the need for their consistent application.

Lawful discrimination



The Equality Act 2010 states that it is lawful to directly or indirectly discriminate against certain sectors of society so long as a particular protected characteristic is an occupational requirement for the role.

This means that it must be crucial to the role and not just one of several important factors. Even if having a particular characteristic is crucial for the role, then this will still need to be objectively justified as being a proportionate means of achieving a legitimate aim.

Examples include requiring the applicant to be:

- A woman, as the job requires attending and cleaning a women's public toilet
- Deaf, if working as a counsellor for deaf people

It is also lawful to discriminate if not doing so will mean breaching another law. For example, driving instructors must be aged at least 21, so it will be lawful to reject applicants under this age.

Authority to recruit

No employees should be engaged in any of the below mentioned stages in the recruitment process without first obtaining the authority of the manager/assistant manager.

Stages of the recruitment process

The main stages of the recruitment process are as follows:

1. Job analysis - preparing to create a job description
2. Drafting a job description or person specification
3. Attracting and managing applications
4. Shortlisting candidates for interview
5. Interviewing and assessing candidates
6. Decision process
7. Pre-employment checks and making a job offer
8. Data protection and record keeping

Job analysis

This is the process of establishing what the purpose of the role is and therefore what needs to be included in the job description or person specification. This involves identifying and



listing all the tasks, activities, duties and responsibilities that the individual role requires. This will usually be conducted by Margaret Larson – Nursery Owner and Registered Person, & Stephanie Kelly – Nursery Manager

Questions to consider include:

- What tasks need to be performed?
- What methods or processes are used to perform the tasks?
- How should certain tasks be performed?
- Who else is connected with the task, such as who they must report to/train, etc?
- What tools, materials, and equipment are used to perform the tasks?
- Are any essential skills, knowledge or qualifications required?
- Are any essential experience may be required?
- Is it lawful to discriminate as a particular protected characteristic is an 'occupational requirement' of the role (see above under 'lawful discrimination')?

The size of the list can be reduced by categorising individual tasks and duties into main responsibility areas. Usually the more senior roles will have more areas of responsibility.

When creating a job description/person specification for an existing role, consider which parts of the current job description/person specification are redundant and whether the search for a replacement should be used as an opportunity to re-model the role to the current business structure/organisation.

Drafting a job description/person specification

Using job descriptions or person specifications allows an employee's role and accountability to be defined and clarifies the expectations for both parties. This will usually be drafted by Stephanie Kelly – Nursery Manager

The job description/person specification should be limited to the requirements that are necessary for the effective performance of the role and should contain the following minimum information:

- Job title
- Purpose of the role
- Which division or department of the business relates to the role
- Workplace location
- The key duties, activities, tasks and responsibilities



- The essential knowledge skills and experience
- Desirable knowledge skills and experience
- The line manager to whom the employee is responsible
- Any posts reporting to the employee
- Any special working conditions (e.g. evening or weekend work)
- Details of salary or grade

Essential criteria are those without which an applicant would be unable to adequately perform the role. Desirable criteria are those that may enable the candidate to perform it better.

Key drafting points:

- Write in plain English - avoid including unnecessary tasks or overstating responsibilities and using jargon and abbreviations as these increase the risk of discriminating against an applicant.
- Be as clear and concise possible.
- Do not include specific details - instead, where necessary, refer to the business's operation manuals/staff handbook or to 'agreed procedures'.
- Include a note that states that over time the job description/person specification may be subject to change as the employee's duties and role evolves and that the applicant will carry out any other duties that are within the broad scope and purpose of the role as requested by their line manager.
- Be aware of infringing age discrimination legislation when describing the requirements for the role. Note that age discrimination applies to both young and old applicants. Specifying the experience required for the role should not be referred to in 'years'. For example, use phrases such as 'a need to demonstrate experience of managing a team of 5+ employees' rather than '5 years' experience of managing a team of employees'. Phrases such as 'requires youthful enthusiasm' should be avoided and instead emphasis should be placed on the requirement for an enthusiastic applicant.
- Be aware of infringing disability discrimination legislation when describing the requirements for the role. Disability discrimination requires employers to make reasonable adjustments to jobs to make them suitable for people with a disability, which is important when describing any physical requirements of the role.

The final draft of the job description/person specification should be independently reviewed by a sufficiently qualified or experienced senior member of staff to ensure that it does not contain any language or terms that may breach discrimination legislation.



Attracting and managing applications

Advertising

All vacancies should be advertised internally, unless otherwise determined by the manager. The majority of vacancies should also be concurrently advertised externally to maximise the chances of attracting the best candidate. The advertisement will usually be drafted by Tara Armstrong - Administrator

Advertisements will encourage applications from all suitably qualified and experienced people. Consideration should also be given to advertising in locations and/or publications likely to increase diversity in the workforce and in order to attract applications from all sections of the community.

Advertisements should, as far as reasonably practicable:

- Not be confined to those publications or media which would exclude or disproportionately reduce the numbers of applicants with a protected characteristic
- Avoid prescribing any unnecessary requirements which would exclude a higher proportion of applicants with a protected characteristic
- Avoid prescribing any requirements as to marital or civil partnership status
- Be published to all eligible employees in such a way that they do not restrict applications from employees with a protected characteristic, where vacancies may be filled by promotion or transfer

The final draft of the advertisement should be independently reviewed by a sufficiently qualified or experienced senior member of staff to ensure that it does not contain any language or terms that may breach discrimination legislation.

Using employment agencies

Employment agencies can only be instructed with the express authority of the Owner – Margaret Larson.

Application packs

Application packs should be sent on request by email or, where specifically requested, by recorded post, without delay. Where appropriate, an application pack may be made available to be downloaded directly from our website.

A list of all the names and contact details of all individuals requesting an application pack must be taken for tracking and monitoring purposes.



Depending on the type of vacancy, an application pack should include one or more of the following:

- A covering letter/email - providing information such as the closing date for applications and whether a CV should be provided
- A job description/person specification
- An application form - if one is being used
- An equal opportunities monitoring form
- Our equal opportunities policy/statement

The job application form should be independently reviewed by a sufficiently qualified or experienced senior member of staff to ensure that it does not contain any questions, language or terms that may breach discrimination legislation.

If posted, the job application form should be sent to each applicant with a stamped, pre-addressed envelope for the applicant to use.

Each applicant applying for the vacancy must be sent a criminal convictions declaration form and informed that it must be completed and returned before the closing date, or they risk not being called for an interview. This should be sent separately (under separate cover) with a stamped, pre-addressed envelope for the applicant to use. It must not be attached or posted with the job application form. The returned form should not be opened until the applicants are called for interview. The envelope containing the form should be given, still sealed, to the most senior interviewer. The form should not be photocopied and the original form should be preserved and kept strictly confidential.

It is a criminal offence to obtain information about spent convictions by means of fraud, dishonesty or bribery. Such behaviour will be treated as potential gross misconduct in accordance with our disciplinary procedures.

Selecting the interviewers

Stephanie Kelly – Nursery Manager & Hannah Prophet will conduct the short-listing process, interviews. Tara Armstrong will deal with the rest of the recruitment process, and process all DBS applications.

The interview panel must wherever possible:

- Be adequately qualified and experienced to conduct an interview
- Consist of a minimum of two people
- Be able to attend all shortlisting meetings and interviews for the duration of the recruitment process, to maintain consistency and fair treatment of all applicants



The selected interviewers must inform the person who selected them as soon as they become aware that they know an applicant or believe that a conflict of interest has arisen which would preclude them from acting as an interviewer.

Shortlisting candidates for interview

After the closing date has passed, each interviewer should:

- Identify a list of objective criteria from the job description/person specification to be used for the selection process - the 'selection criteria'
- Objectively assess the applications against the selection criteria to determine which applicants are to be called for an interview. The interviewers should then meet to discuss and agree a shortlist of interviewees. Due regard should be given to the protected characteristics and the possibility of breaching discrimination legislation during the decision-making process. In particular, if the interviewers are aware that a particular applicant has a disability then they must first consider what reasonable adjustments can be made to allow the applicant to perform the role before deciding whether they possess the skills, experience, qualifications and/or any other requirements contained in the job description or person specification.

Generally, only those applicants that meet the requirements contained in the job description/person specification should be shortlisted for an interview. However, this does not necessarily mean that those applicants that would meet the requirements for the role after receiving some training should be precluded at this stage. Whether or not these applicants should be included in the shortlist will be determined by the number and quality of applicants that meet the requirements for the role and do not need additional training.

The interviewers must attach a note to each application stating:

- Their decision
- The reasons for it - these should be objective and not subjective
- The justification for reaching their decision

These must then be filed together with any other documents and correspondence pertaining to each applicant's application.

After creating a shortlist

Once a shortlist of applicants to be interviewed has been finalised, the interviewers should:



1. Contact the shortlisted applicants, providing:
 - i. The time and date of the interview
 - ii. The address and contact details for the venue and a brief description of any relevant information regarding accessibility, such as which floor it is on, whether there are lifts, etc.
 - iii. A map or brief directions to the venue
 - iv. Details of the documents that must be provided at the interview as evidence of the applicant's right to live and work in the United Kingdom
 - v. The name and contact details of the person that the applicant should contact if they have a disability which they believe may need reasonable adjustments to be made to accommodate them - this may include access to the venue or for the interview itself
 - vi. If appropriate, details of any other documents or items they should bring to the interview
 - vii. If appropriate, details of any tasks that the applicant must complete or any information or documents that the applicant will be required to read before attending the interview

2. Write to or email the unsuccessful applicants:
 - i. Informing them that they will not be invited to an interview
 - ii. Enquiring whether they want to be contacted for any future similar vacancies
 - iii. Informing them that all correspondence, their application and other documents relating to the recruitment process will be retained on file for six months (or longer if required for compliance reasons or if they have requested that we keep them informed of any future vacancies) from the date of the letter and will thereafter be destroyed

3. Shred the completed criminal convictions declaration forms received from the unsuccessful applicants. The envelopes must remain sealed and form should be shredded whilst still contained in the envelope.

4. Obtain the envelopes containing the criminal convictions declaration forms from the successful applicants which should then be passed, still sealed, to the senior interviewer to open and check for relevant convictions. Guidance on how to determine the relevance of any disclosed criminal records can be found below. The form should not be photocopied and the original form should be preserved and kept strictly confidential.

Interviewing and assessing candidates



Interview preparation

When preparing for each interview, the interviewers should:

- Re-read the application form, applicant's CV and the job description/person specification
- Identify areas to develop further in the interview
- Plan questions
- Identify the topics to be covered by each of the interviewers at each interview (if more than one is planned)
- Be ready to answer questions from the applicant about the company and the role

Interview questions

Although the applicants do not have to be asked the same questions, it is preferable to do so wherever possible. The following should be considered when preparing the interview questions:

- Questions should not directly or indirectly indicate or allude to an intention to discriminate on the grounds of the protected characteristics.
- If it is necessary to assess whether personal circumstances will affect the performance of the role (for example, if the role involves unsociable hours or extensive travel), this must be discussed objectively, without detailed questions based on the protected characteristics or assumptions about the protected characteristics. If this line of questioning is necessary then the same questions should be asked of all the applicants. Other than this, no questions regarding or alluding to an applicant's personal circumstances should be asked.
- Questions about marriage plans or family intentions should not be asked.
- Asking questions about an applicant's health and/or disability for any other reason is unlawful and strictly forbidden unless it is being used in order to:
 - i. Determine whether an applicant has a disability which will require reasonable adjustments to be made for them, but only for the purposes of accommodating the applicant's needs during the recruitment process and no more (for example, if part of the recruitment process includes attendance at an outdoor assessment centre or some form of physical activity)
 - ii. Determine whether an applicant can undertake a function that is vital ('intrinsic') to the role, such as enquiring about any mobility issues where the role entails handling heavy goods
 - iii. Monitor diversity amongst the applicants, such as enquiring whether an applicant is disabled in order to establish whether advertisements are reaching disabled people
 - iv. Take positive action to assist disabled people



v. Establish that the applicant has a disability, where having a disability is an occupational requirement of the role. This means that it must be crucial to the role and not just one of several important factors (e.g. the applicant must be a woman as the job requires attending and cleaning a women's public toilet; or the applicant must be deaf, if working as a counsellor for deaf people)

vi. Prevent breaching another law

- An applicant should be asked when they will be able to start the new job, if they are successful.

- No promises should be made to the applicant during the interview as these may become an enforceable term of their employment contract should they be offered the role.

Criminal convictions

The interview should be used to discuss any conviction revealed by the applicant and to try and obtain relevant information so that a proper risk assessment can be undertaken.

Provided the interviewers are content that the criminal convictions revealed by the applicant do not undermine the validity of his or her application, then the applicant should be informed that he/she will be sent a form to complete if an offer is made for the purposes of undertaking a criminal records check.

Assessment

The interviewers should record their assessment of each applicant against the selection criteria either during the interview or immediately after it ends. A scoring system based on the selection criteria should allow a speedy comparison of results.

Decision process

When assessing the suitability of a disabled job applicant, consideration must be given to what reasonable adjustments can be made to any provisions, criteria and practices, or to the work premises, in order to ensure that the disabled person is not placed at a substantial disadvantage in comparison with staff who are not disabled.

The interviewers should record the following for each applicant:

- Their decision
- The reasons for it - these should be objective and not subjective
- The justification for reaching their decision

This must then be filed together with any other documents and correspondence pertaining to each individual applicant's application.



The successful applicant should be informed as soon as possible after a final decision has been reached.

The interviewers should identify other suitable applicants who may be offered the job in the event that their first choice does not ultimately accept the position.

Once the vacancy has been filled the interviewers should write to or email the unsuccessful applicants:

- Informing them that they will not be offered the role
- Enquiring whether they want to be contacted for any future similar vacancies
- Informing them that all correspondence, their application and other documents relating to the recruitment process will be retained on file for six months (or longer if required for compliance reasons or if they have requested that we keep them informed of any future vacancies) from the date of the letter and will thereafter be destroyed

Pre-employment checks and making a job offer

All job offers should be confirmed in writing in an offer letter. An offer letter should be a summary of the key parts of the full employment agreement or employment statement.

By law, all employees must receive certain minimum written particulars of the terms of their employment within two calendar months of their employment commencing (an 'employment statement'), or earlier if an employee is due to go overseas to work for more than one month before the end of the two-month period.

The following pre-employment checks should be made either before making an offer of employment to the successful applicant, or by stating in an offer letter that the employment will be conditional upon receiving results which are 'satisfactory to us' (which means that it is for the employer to decide whether or not it is 'satisfactory'):

- Criminal records check
- Checks with the Disclosure and Barring Service
- The right to work and live in the United Kingdom
- References (at least two)
- Medical (if applicable)
- Health questionnaire (if applicable)
- Verification of qualifications
- Undertaking due diligence (such as background checks) regarding known acts of corruption or bribery or close involvement in corruption or bribery scandals. This is only required where



the successful candidate's duties could expose the business to the risk of criminal prosecution under the Bribery Act 2010.

Guidance and information on the checks is given below.

Criminal records check

A criminal record includes convictions, cautions, reprimands and final warnings.

Certain roles require careful regard to the risks to other employees, customers, children, vulnerable adults and members of the public, which arise from employing applicants with criminal convictions. All staff involved in the recruitment process should be particularly vigilant about risk management.

In particular, if the applicant is likely to have direct contact with vulnerable customer and client groups, such as children, then **we have a legal obligation** to protect them from people who have committed serious violent or sexual offences.

Every applicant must be sent a criminal convictions declaration form during the recruitment process, which must be received before the closing date for applications. However, we do not operate a blanket policy of not recruiting applicants who have criminal convictions.

Spent convictions

Certain convictions are considered 'spent' once a period of time passes. This is known as the 'rehabilitation period'. The length of the rehabilitation period depends on the type and length of sentence, as well as the age of the offender at the time of their conviction. As long as the applicant has not re-offended during the rehabilitation period, they will become a 'rehabilitated person' upon the completion of the rehabilitation period.

If the position does not fall under the excepted roles listed below, then the applicant is not obliged to reveal any spent convictions.

Excepted roles

The Rehabilitation of Offenders Act 1974, as amended, states that applicants are generally not required to reveal convictions that are 'spent', except for certain jobs where the applicant must reveal certain spent cautions and spent convictions listed by the government (mainly those involving violent or sexual offences). A caution includes any caution, conditional caution, reprimand or final warning.

The list of excepted roles broadly covers:

- i. Certain professions, e.g. doctors, dentists, opticians, nurses and midwives, solicitors, pharmacists, taxi drivers, vets, traffic wardens and teachers



- ii. Work in the health service where there is access to patients
- iii. Work in social services where there is access to people with disabilities, the young, the elderly, the sick or other vulnerable adults
- iv. Work where there is access to people under the age of 18
- v. Work involving the administration of justice, e.g. court officials, the police, probation officers, prison staff
- vi. Applications for certain certificates or licences, such as for gaming, firearms or explosives
- vii. Any occupation concerned with the management of a private hospital or nursing home
- viii. Certain occupations where national security may be at risk, such as working for the Civil Aviation Authority
- ix. Where an applicant is applying for a role that involves contact with children or vulnerable adults and this job is a 'Regulated activity' (which broadly involves unsupervised contact with children or vulnerable adults).

Obtaining information about criminal convictions from the applicant

It is a criminal offence to obtain information about spent convictions by means of fraud, dishonesty or bribery. Such behaviour will be treated as potential gross misconduct in accordance with our disciplinary procedures.

It may be necessary to make an offer of employment conditional on a criminal records check in circumstances where there is a legal obligation to protect vulnerable customer and client groups such as children in care, or if the role involves working with children or vulnerable adults.

Criminal records checks must be carried out through the Disclosure and Barring Service.

Treatment of an applicant with spent convictions

A 'rehabilitated person' must be treated as a person who has not committed, been convicted of, or charged with a criminal offence and must not be in any way prejudiced or treated differently as a result of the spent conviction or its non-disclosure.

If an applicant has a spent conviction or fails to disclose one then this will not be grounds for rejecting the applicant, unless they have applied for an exempt position.

Treatment of an applicant with convictions that are not spent

If an applicant has convictions that are not spent, the existence of the convictions may be a good reason for rejecting an applicant.

Considering the relevance of an unspent criminal record and risk assessment



When assessing the risk of employing a person with a criminal record, the interviewers should consider the applicant's skills, experience and conviction circumstances against the risk criteria they have identified for the role. For example, a convicted fraudster might be considered to be a lower risk working as a road sweeper than as a cashier in a shop.

Relevant factors include:

- The nature of the crime and the applicant's attitude to the offence(s) (e.g. feeling remorse, accepting responsibility for it)
- Whether it was a one-off event
- When the offence(s) happened. Is it old or recent? What is the length of time since an offence(s) took place? Was the applicant a juvenile when it happened?
- The circumstances at the time that led to the offence, such as the context behind the behaviour (e.g. was it premeditated or self defence?), and the applicant's personal circumstances at the time (e.g. dysfunctional family, serious financial issues or other pressures)
- Whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely, e.g. improved personal circumstances, drug addiction therapy
- Repeat offences and patterns of offending
- Whether the type of offence(s) is relevant to the role? (e.g. exposure to money, property and vulnerable people)
- The extent of job supervision
- An individual's attempt to 'go straight' and the risk of re-offending
- Whether there is a conflict with legal duties, e.g. the duty to provide a safe working environment
- Possible reactions of employees, customers etc., objectively assessed
- The availability of assessments and reports from those agencies involved in the applicant's process of rehabilitation, e.g. the Probation Service and specialists working in prison
- The main focus should be whether the offence(s) is relevant to the duties that the applicant may be expected to undertake as part of the job.

The Disclosure and Barring Service

We have a legal requirement to perform additional checks if the role involves working with children or vulnerable adults.

If the role involves any potential, direct or indirect contact (no matter how infrequent) with children or vulnerable adults (such as the elderly or adults with disabilities), then the interviewers must contact the Disclosure and Barring Service (DBS) to obtain information on



whether checks should be made and to perform those checks where required. A DBS check must be undertaken for all applicants including those applying to undertake volunteer work.

A DBS check will reveal whether or not an individual appears on one of the 'barred' lists of people who are unsuitable for working with children and/or vulnerable adults, which are managed by the DBS.

Right to live and work in the UK

It is a criminal offence to employ a person aged 16 or over who does not have permission to live and work in the UK. We could be prosecuted and receive an unlimited fine and/or a maximum 2-year prison sentence.

In addition, we may be liable to a civil penalty for unlawfully employing a worker who does not have a right to work in the UK. Depending on the circumstances, the Home Office may issue a civil penalty of up to £20,000 per illegal worker.

Obtaining proof of right to work in the UK & avoiding liability

All applicants, without exception, should be informed of the requirement to produce one or more of the documents set out below in list A or list B prior to commencing their employment.

To avoid potential claims of discrimination, every successful applicant must be treated in the same way without making any assumptions regarding their right to live and work in the UK.

Requesting and checking the documents

1. Ask for original documents and check them in the presence of the successful applicant.
2. Take all reasonable steps to check if the documents are genuine and that the prospective employee is their owner.
3. Take copies of the document(s), including all supporting documents.
4. Make a record of the date when the check was made.
5. Securely retain the copies for a period of not less than two years after the employment has come to an end.
6. If a document contains a photograph, satisfy yourself that the photograph is of the successful applicant.
7. If a document contains a date of birth, satisfy yourself that the date of birth is consistent with the appearance of the successful applicant.
8. Ensure that all photographs and dates of birth are the same in all the successful applicant's documents. If necessary, ask the successful applicant if there is any reason for them having different names on the documents.



9. If the document is not a passport or other travel document, you should keep a copy of the whole of the document.

10. If the document is a passport or other travel document, you should keep a copy of the following pages:

(a) The front cover (not required if the document is a passport, but this is recommended)

(b) Pages containing the holder's personal details including nationality

(c) Pages containing the holder's photograph, signature and date of birth

(d) Any page containing the holder's biometric details

(e) Any page containing the document expiry date and expiry date of any leave to remain in the UK

(f) Any page containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question

11. All other documents must be copied in their entirety.

If the document obtained is from list A then no further checks are necessary.

If the successful applicant is unable to produce a document from list A and provides a document from list B, then their right to work in the UK must be re-checked. This list is divided into 2 groups which have different obligations regarding re-checking, as follows:

Group 1: A further check must be done when the applicant's right to work in the UK expires. On expiry, if you know or are satisfied that they have made another application or appeal to vary or extend their right to work and you use the Employer Checking Service (ECS), the obligation to re-check their documents will be extended for up to 28 days. The ECS should then be contacted to obtain a Positive Variation Notice, which will give a further 6 months before any document checks will have to be made.

Group 2: Documents in this group require the use of the ECS. A Positive Variation Notice can then be obtained giving a further 6 months before any document checks will have to be made.

Dates for the re-check must be diarised and acted upon by Tara Armstrong.

If the ECS send a Negative Variation Notice we risk incurring a civil penalty if the applicant is still working for us. If a Negative Variation Notice is received, Tara Armstrong must be immediately informed before any further steps are taken.

List A

1. A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom.



2. A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of the European Economic Area or Switzerland.
3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4. A permanent residence card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
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 full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, 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 full 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.

List B

Group 1 - Documents that need to be re-checked when the right to stay or work in the UK expires

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 Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who



is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.

4. 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 that need to be re-checked after 6 months

1. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006 to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Office Employer Checking Service.

2. 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.

3. 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.

A National Insurance number on its own is not enough to satisfy our legal requirements and we must have a document from the above lists.

References

At least two references should be obtained for each successful applicant from appropriate referees.

An appropriate referee is an independent third party who has had direct experience of a successful applicant's work, education or training in a supervisory capacity. One of the references must come from the applicant's previous or current employer. If the current or previous employer is related to the successful applicant then a reference should be obtained from his or her prior employer. Personal references or other references from independent third parties may be obtained as deemed necessary by the interviewers.

The successful applicant's written consent should be obtained before approaching any referees.

References are confidential and must be filed in the successful applicant's personnel file.



When requesting references, the following should be considered:

- i. What information is required (such as confirmation of the successful applicant's ability to perform the role, their previous position or responsibilities etc.)
- ii. Who in the referee's organisation would be best placed to provide the reference?
- iii. If the referee has requested that the reference should remain confidential then the reasons why the referee has asked for the reference not to be disclosed must be ascertained. An express assurance should only be provided upon obtaining the Owner's prior permission.

If the referee has requested that his or her identity should be concealed from the applicant, then it should be considered whether this is a reasonable request.

Once the references have been obtained, they should be reviewed and cross checked against information provided by the successful applicant. In most circumstances the successful applicant should be provided with a copy of the references or at least a substantial part of them. Matters to consider when deciding whether or not all or part of the reference should be disclosed include:

- i. Where parts of the reference are confidential due to it containing information about other people, including their opinion.
- ii. Where the referee has requested that the reference should remain confidential and an express assurance has been provided by confirming that it will not be disclosed. The reasons why the referee has asked for the reference not to be disclosed should be considered. Information should be released to the successful applicant if it is reasonable in the circumstances to do so (such as information/facts which are already in the applicant's knowledge like details relating to performance which would have been discussed at an appraisal meeting, dates of employment etc.)
- iii. A reference must be truthful and accurate and the successful applicant will need access to it to challenge any inaccuracy
- iv. If there are any circumstances where it would be reasonable to withhold the reference from the successful applicant, such as if there is any realistic threat of violence against the referee

Medicals

There may be occasions where it will be necessary to make an offer of employment conditional on receiving a satisfactory medical report. This should be limited to situations where it is necessary and justified considering the duties to be performed in the role.



Before deciding whether a medical report is necessary, the interviewers should perform an impact assessment on whether the benefit gained from obtaining a medical report and processing information about the successful applicant's health justifies the privacy intrusion or any other adverse impact on them.

An impact assessment involves:

- i. Identifying clearly the purpose(s) for which health information is to be collected and held and the benefits this is likely to deliver
- ii. Identifying the likely adverse impact of collecting and holding medical information such as:

The extent of any intrusion into the private life of the successful applicant and his/her family
Will it be seen by those who do not have a business need to know, e.g. IT workers involved in maintaining electronic files or only by medically qualified staff or those working under specific confidentiality agreements?

What impact, if any, will it have on the relationship of mutual trust and confidence that should exist between a worker and their employer?

Will it be oppressive or demeaning?

- iii. Considering alternatives to obtaining a medical report such as

Using a health questionnaire

Making changes in the workplace, for example, eliminating exposure to a hazardous substance, may remove the need to obtain information through testing

- iv. Consider limiting the scope of a medical report such as:

Confining it to areas of highest risk

Enquiring whether medical testing can be designed to reveal only a narrow range of information that is directly relevant to the purpose for which it is undertaken

- v. Taking into account the legal obligations that arise from collecting and holding health information and whether there are adequate resources to comply

- vi. Whether, having considered all the above, it is justified

The interviewers must make a written record of:

- i. The impact assessment
- ii. Their decision
- iii. The reasons for it - these should be objective and not subjective and should not single out certain applicants because of a protected characteristic such as their age or disability



iv. The justification for reaching their decision

This should then be placed in the successful applicant's personnel file.

Medical reports must not be obtained until after an offer of employment has been made or upon providing a conditional offer to the chosen applicant.

The applicant's prior written consent must be obtained before commissioning the medical report. Before consent is requested, the interviewers must ensure that they fully explain the reasons for and nature of the medical tests and how the results will be used to the successful applicant. They must also ensure that the successful applicant understands this and answer any questions or concerns that he or she may have.

The medical report must be prepared by an independent qualified doctor who we have commissioned to examine the successful applicant and provide a report. The medical report must be limited to providing an opinion on whether the successful applicant has any physical and/or mental health problems which could affect his/her ability to perform their duties under the role, both in the short term and in the long term. It should not cover matters which are outside the successful applicant's fitness to work.

Pre-employment health questionnaires

The Equality Act 2010 outlaws asking questions relating to health or disability and the use of health questionnaires before a job offer is made, unless it is being used in order to:

- i. Determine whether any reasonable adjustments need to be made for an applicant during a recruitment process
- ii. Determine whether an applicant can undertake a function that is vital ('intrinsic') to the role, such as enquiring about any mobility issues where the job entails handling heavy goods
- iii. Monitor diversity amongst the applicants, such as enquiring whether an applicant is disabled in order to establish whether advertisements are reaching disabled people
- iv. Take positive action to assist disabled people
- v. Establish that the applicant has a disability where having a disability is an occupational requirement of the role

If the interviewers believe that a health questionnaire should be sent to an applicant prior to making a job offer then this should be discussed with the Owner before doing so. The reasons for sending the health questionnaire should be recorded in writing. This should then be attached to a copy of the health questionnaire and covering letter sent to the applicant and then filed with the applicant's other recruitment documents.

The Equality Act permits making any offer of employment conditional upon receiving a satisfactory health questionnaire.



A health questionnaire should be sent only in situations where it is necessary and justified considering the duties to be performed in the role. It should be used to ensure that an applicant will be able to perform the requirements of the role and give reliable service, and to ensure compliance with relevant health and safety regulations. The information is also required in order to establish whether any reasonable adjustments may need to be made to assist an applicant in performing their duties.

Whether a health questionnaire should be sent to the applicant and the required level of information about the applicant's health will depend on the nature of the role. A health questionnaire may be appropriate where the role involves driving or there is exposure to chemicals or the role involves working at night.

The health questionnaire should be sent separately from the application form. It should not include questions asking the applicant to disclose details of past health but should focus on the applicant's current capabilities which are necessary for the role.

Upon receipt, the completed health questionnaire must not be read but it should be sent directly to an independent qualified doctor whom we have commissioned to report back with their professional opinion as to whether the applicant is fit to perform the role or whether a medical examination is required at a later stage in the recruitment process. It should not cover matters which are outside an applicant's fitness to perform the role. The contents of the completed questionnaire should be treated as being confidential and data protection legislation requiring the use, storage and security of data should be strictly complied with.

An applicant's prior written consent must be obtained before sending a completed health questionnaire to a doctor. Before consent is requested, the interviewers must ensure that the applicant is informed of what the doctor will be instructed to do and how the results will be used. They must also ensure that the applicant understands this and answer any questions or concerns that he or she may have.

If the answers reveal that an applicant is disabled then reasonable adjustments must be made to the workplace to accommodate him/her.

Verifying the information provided by an applicant

All information provided by an applicant should be verified where possible.

In the majority of cases, this can be done by asking the applicant to produce evidence of their qualifications such as university degree certificates or a practising certificate issued by a professional body.

If an organisation or institute needs to be contacted to verify the information received, then the prior written consent of the applicant must be obtained before doing so. A copy of the consent should be sent with the letter to the relevant organisation or institute. Any request for information must be limited to verifying the information provided by the applicant.

If any discrepancies are discovered, then the applicant should be given a chance to provide an explanation.



Data protection and keeping records

Data protection legislation applies to the recruitment process as records containing some personal information of each applicant will be generated and held on file.

Criminal convictions

Any records containing information regarding an applicant's criminal record(s) must be kept confidential and:

- i. Must not disclosed to anyone unless there is a specific reason for doing so
- ii. The successful applicant must be informed who in the organisation knows of the conviction and the reasons why the information has been disclosed
- iii. Be kept secure in a lockable filing cabinet with access restricted to staff responsible for recruitment and line managers

The results of a criminal records check should be destroyed after verification unless it is necessary to keep them for compliance reasons.

Retention of recruitment records

An applicant may make a claim for discrimination even though they were not eventually employed.

All correspondence with unsuccessful applicants (including details of their application, interview notes and any consents obtained) should be retained for a minimum period of six months, unless, for compliance reasons, they must be held for longer. Thereafter, the information should be destroyed.

All unsuccessful applicants must be informed of this.

An unsuccessful applicant can ask for access to the interview notes (and other personal data) if these form part of a set of information which has been filed together with the application form and other recruitment documents.

To avoid allegations of discrimination, the process of obtaining and retaining recruitment information must be consistent.

Date of Policy: March 2019

Signed By Nursery Manager