

APPENDIX 15

1. GUIDANCE ON PRE EMPLOYMENT CHECKS

In all cases, pre employment checks must be completed. Where it is not possible to complete all pre employment checks prior to making an offer of employment to the candidate, the offer made should be **conditional upon satisfactory completion and receipt of the pre employment checks listed below.**

It is a statutory requirement for all schools to maintain single, central record detailing checks undertaken for all people working in or with the school with regular contact with children. The criminal records checking (CRC) policy and procedure includes information on the required records to be maintained by schools plus example formats for storage of the information in spreadsheet format.

Further information can be found at:-

<http://www.education.gov.uk/childrenandyoungpeople/safeguardingchildren/a00216281/disclosure-barring-service/>

2. PRE EMPLOYMENT CHECKS TO BE CONDUCTED AS A MINIMUM:

- [Identity checks](#) - name, address and date of birth (see appendix 13)
- [Confirmation of a satisfactory pre employment medical questionnaire](#)
(N.B: Following the introduction of the Equalities Act this can only be undertaken once the successful candidate has been made an offer after the interview)
- A satisfactory [Disclosure and Barring Service \(DBS\) check](#) and number
- [Receipt of satisfactory references](#)
- [Qualification checks](#) - where a requirement of the job (e.g./QTLS, NPQH, HLTA)
- [Confirmation of eligibility to work in the UK](#)
- Prohibition from Teaching check (where applicable)
- Childcare (Disqualification) Regulations 2009 requirements are met (where applicable)
- If the person has lived or worked outside of the UK, make any further checks the schools or college consider appropriate ([see paragraph 114 of Keeping Children Safe in Education](#)).
- For management positions in Independent schools, including academies and free schools a check that a person is not subject to a Section 128 direction is required.

This information must be kept in the schools central record, recording when and by whom these checks were made.

3 FURTHER INFORMATION ON THE CHECKS LISTED IN 2 ABOVE

3.1. Identity checks

Under the Asylum and Immigration Act 2006 (which repealed the Asylum and Immigration Act 1996), the School may be found guilty of a criminal offence if it employs someone who does not have permission to be, or to work, in the United Kingdom.

Schools should therefore ensure that certain basic checks are undertaken before taking on new employees in order to protect itself. These checks should be built into normal recruitment procedures for **all** staff to prevent any claims of racial discrimination which could happen if information was only requested from those who sound or look like they come from a different country.

Before someone starts working for the School, it is important to see documentary evidence to prove that the person is permitted to work in the UK, this could be a passport or birth certificate or a visa. It is advisable to take a photocopy of the document(s) provided and to retain this with the personal file.

It is important to check that the documents relate to the employee who produces them (ie check that they are current and consistent with the appearance and age of the employee) and whether they have any expiry dates.

Documents can also be checked for the purpose of the DBS at the same time.

An Employee Identity Check form should be completed for all candidates for any Employment – see Appendix 13 or Appendix I of the CRC policy.

The Act specifies a list of documents which are acceptable as proof of permission to work – **see Appendix J of the CRC policy.**

Nationals of EEA countries and Switzerland are able to work in the UK without restriction but should produce a passport or national identity card. There are separate arrangements in respect of nationals from **Bulgaria** and **Romania**. Further guidance can be found at <http://www.ukba.homeoffice.gov.uk/eucitizens/bulgaria-romania>. **It is advisable that schools check this website when carrying out pre-employment checks as this guidance is regularly updated.**

3.2. Pre employment medical questionnaire

Pre-employment medical checks are required for all external appointments.

Where there are significant differences in job role it may be appropriate for internal candidates also to undergo a pre-employment medical check when offered a new job role within a school.

In order to undergo a pre-employment medical check the successful candidate must complete a **pre-employment medical questionnaire (see the document store)**. This should be given to the successful candidate to complete once they have been made a verbal conditional job offer. At this stage they need to complete and return the form in the envelope provided to the nominated contact at the School as soon as possible.

The designated contact at the school should forward the successful candidate's unopened questionnaire to the occupational health team based at County Hall **immediately**.

The questionnaire will then be passed for urgent assessment by an occupational health nurse. The occupational health nurse will assess the information on the questionnaire to determine whether the individual can be declared:-

- a) fit for appointment;
- b) unfit for appointment;
- c) temporarily unfit for appointment pending a GP/specialist report;
- d) fit with restrictions (any such restrictions will be explained).

The school will be notified accordingly via HR Support Services.

Acting on occupational health advice

a) Where there is a recommendation of fit for employment, the school can confirm the offer of employment, and a start date can be arranged.

b) Where there is a recommendation of unfit for appointment, the candidate should be notified of this decision verbally and in exceptional cases where an offer has been made, the offer of employment withdrawn. This should be confirmed in writing – advice should be sought from Human Resources in these cases. If employment has already commenced, notice to terminate employment will need to be given but consideration must be given as to whether suitable redeployment can be found as an alternative to dismissal. In cases where decisions need to be made regarding termination of employment, advice should be sought from Human Resources.

c) Where a candidate is found to be temporarily unfit for appointment pending GP report the candidate's GP will be written to and asked to provide a report. This can introduce significant delay into the clearance process. In these circumstances the school will be advised of the need for a GP report and it will be helpful to speak to the candidate so that they can encourage the candidate to ask their GP to respond speedily for requests for information. Once the GP report has been received, it may be necessary in some cases for candidate to be seen by an occupational health consultant prior to any final decision being taken about fitness for employment.

d) When candidates are declared fit for appointment with restrictions, it will be for management to determine whether any such restrictions can be met, and whether any adjustments are required to accommodate any restrictions. Human Resources advice must be sought prior to any final decision being taken in cases where it is felt that restrictions cannot be met or adjustments cannot be made. Consideration of these issues will usually require a discussion with the candidate as part of assessment to inform any such decision.

3.3. Disclosure and Barring Check

The following is a brief overview of the checks required. Please refer to the Criminal Records Checking policy for detailed advice and guidance.

The information relating to the requirement for DBS checks in schools is set out in Keeping children safe in education 2016 - statutory guidance for schools and college. In accordance with the Councils Criminal Records Policy all employees in Schools will be required to have an enhanced DBS with barred list check regardless of the role and the level of contact with children.

DBS checks are required when a Teacher or other employee moves a local authority area but not if they move within the Dorset LA area or the school.

Headteachers can allow employees to start work pending a satisfactory DBS check provided that there has been a satisfactory check of the Children's barred list (formally List 99) and completion of all other pre-employment checks. In such cases Headteachers should implement arrangements to ensure that the individual is appropriately supervised so that no risk to children arises and undertake a risk

assessment. For those employed in management roles at Independent schools, Academies and Free schools the DBS check should also include a check of Section 128 direction prohibition (see below for more details).

Headteachers should use the criminal records self declaration form (**Appendix 5 of the R&S toolkit or Appendix B of the CRC policy**) which all candidates should complete and bring to the selection interview. Any declared convictions on the form can then be discussed as part of the interview process. Any decision to allow employees to commence pending a satisfactory DBS check can then take into account the individual's declared position. It should be made clear that any false or incomplete declaration may be grounds for dismissal.

Relief or supply teachers employed directly should be subject to normal recruitment procedures including full pre employment checks. If supplied by an agency (e.g. E Teach) the Headteacher is responsible for ensuring that appropriate checks have been carried out by the agency (although they are not required to see original documents unless there is information recorded on the disclosure). The Local Authority's advice is that Headteachers should ensure that they have a satisfactorily completed form from the supplying agency in respect of each individual (**see Appendix C of the CRC policy**). This form should be kept as part of the school's single central record of checks undertaken on people working with children at the school. A satisfactorily completed form should be obtained before the person commences work with children.

3.4. References

See Appendix 9 of the R&S toolkit– Obtaining references including a model reference request.

3.5. Checking Qualifications

Schools should verify qualifications and membership of professional bodies by asking shortlisted candidates to bring the originals of their declared qualifications and memberships to interview. Photocopies of the originals should be taken for all candidates.

Copies of the successful candidate's qualifications and memberships should be retained on the personal file, and a record made to confirm that these have been verified as part of the schools single central record, where a qualification is necessary to undertake the job.

Care should be taken when verifying qualifications to ensure that the date on the certificates match those declared on the application form, and that the name and details of the qualification certificate also match fully the information given.

The quality and finish of the certificate provided should be checked and any watermarks to verify the certificate's authenticity. If there are any concerns, it may be appropriate to contact the awarding body or college or university to confirm the details.

It is important to note that as of 1 April 2012, further education teachers who have been awarded QTLS by the Institute for Learning (IfL) and are members of the IfL are recognised as qualified teachers in schools. This allows them to be appointed to permanent posts in state maintained schools in England and they will be paid on the qualified teachers scale. They will continue to be recognised as qualified school teachers

provided they remain a member of the IfL. Schools should check with the IfL that a teacher has QTLS status before they are given a job as a qualified teacher.

In addition to this change, as of the 1 April 2012 qualified teachers from Australia, Canada, New Zealand and the USA can apply to the teaching agency for QTS without undertaking further training or assessment

Please **see Appendix L of the Criminal Records Checking (CRC) policy for further advice.**

3.6 Permission to work in the UK

Schools will need to ensure before any job offer is made that a candidate has the right to work in the UK. This can be by reason of nationality or by visa. This is a complex area that is changing all the time and schools are advised to check the up to date advice on the Gov.UK website which can be found at:

<https://www.gov.uk/check-job-applicant-right-to-work>

Use the following link for a step by step guide to checking a candidate's right to work in the UK:

<https://www.gov.uk/legal-right-work-uk>

Candidates requiring a work permit must not start working until the work permit has been granted.

3.7 Prohibition from Teaching Checks

The [Teacher Services' system](#) should be used to ensure that a candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State.

3.8 Section 128 Direction

There is a requirement to undertake an additional check for those in management roles at Independent schools, Academies and Free schools, to ensure they are not prohibited under Section 128 provisions. A Section 128 direction prohibits or restricts a person from taking part in the management of an Independent school, Academy or Free school. This includes Employees in management positions, Governors, Directors and Trustees.

As the term 'management' is not defined in the legislation, it is a decision for the school to determine whether a post requires this check. A school may be asked to justify a decision not to carry out a check, if an issue arises. The following positions may be considered as involved in the Management of the school:

- Any teaching positions on the senior leadership team
- Any teaching positions that carry a department headship
- Any non-teaching staff who are part of the senior leadership team

There are two methods for checking a Section 128 direction:-

- As part of an enhanced DBS check; or
- Separately using the NCTL Teacher Services secure access

If a check for a Section 128 direction is made through a DBS application, you must include on the DBS application form, within the position applied for the words, '*Management of Independent School*'. The DBS would then be able to confirm, on the DBS certificate, if a section 128 direction has been made.

If a DBS application form is submitted without this wording and a Section128 check is required, a separate check can be made using the NCTL Teacher Services secure access.

Please seek further advice from the Schools' HR Advisory Service if required.