

# SCHOOLS - RECRUITMENT AND VETTING CHECKS POLICY

This document applies to Community and Voluntary Controlled Schools, and is advisory for Foundation and Voluntary Aided Schools.

Date: January 2021

Review Date: January 2022

Adopted June 2021

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## Policy overview

This policy sets out the legal requirements for carrying out the following checks on all school employees and prospective employees:

- identification
- right to work checks

It also sets out our requirements when recruiting foreign nationals. It ensures the recruitment process remains fair, inclusive and non-discriminatory.

We are committed to the provision of employment to local and UK residents in the first instance. We consider the employment of foreign nationals only where there is a specific need to do so. This will be where:

- the required skills and qualities are not available within the UK
- fulfilling the post is essential

For the purpose of this policy, and with effect from 1 January 2021, 'foreign nationals' refer to non-UK or Irish citizens or citizens in the European Economic Area (EEA) that have successfully applied for settled or pre-settled status under the EU settlement scheme. The scheme is open to individuals living in the UK on or before 31 December 2020. They have until 30 June 2021 to apply.

## Principles

We have a responsibility, by law, to:

- comply with immigration legislation
- ensure that any migrant workers we employ are eligible to work in the UK

We must check documents of prospective employees before they start work. This provides us with a 'statutory excuse' which may avoid financial penalties.

For workers with a time limit on how long they can stay in the UK, we repeat document checks at least once a year. This is so we can retain the statutory excuse protection.

The most severe penalties are for knowingly employing an illegal worker. However even those who unknowingly employ illegal migrant workers can face severe financial penalties.

To comply with equality laws, we carry out document checks on all employees and prospective employees. We make no presumptions about a person's right to work in the UK based on their:

- background
- appearance
- accent

- race
- colour
- nationality
- ethnic
- national origins
- or, on the length of time they have been in the UK

### **Recruitment and commencement of employment**

All recruiting managers must carry out checks during the recruitment process.

The first set are to:

- satisfy legal obligations
- verify the identity of individuals
- confirm the right to work in the UK

The second set are to check the individual's professional integrity:

- verify qualifications
- ensure professional registration
- confirm any other relevant evidence of a skill or competency

For specific roles, we will carry out a Disclosure Barring Service (DBS) check.

### **Identity checks**

All documentation provided must be the original. Each one must be checked, copied and verified (print name, sign and date) by the recruiting manager or an individual they delegate this to.

We will need proof of:

- name
- date of birth
- current address
- photographic identification

The recruiting manager must check and copy the original documents then sign and date them. They delegate this to someone else.

### **Documents we use as evidence of identity**

- Photographic ID
- Passport – current or out of date
- Photocard driving licence
- Biometric residence permit
- HM forces ID

- Firearms licence
- EU national ID card
- Cards carrying the PASS accreditation

#### **Documents we may need that must be less than one month old**

- Mortgage statement
- Financial statement (for example, pension or endowment)
- Council tax statement
- Work permit or visa (valid up to expiry date)

#### **Documents we may need that must be less than three months old:**

- Bank or building society statement
- Bank or building society opening confirmation letter
- Credit card statement
- Utility bill (not a mobile telephone bill)
- Benefit statement (for example, child benefit or pension)

#### **Other forms of ID we may need**

- Birth certificate
- Driving licence (paper version)
- Marriage or civil partnership certificate
- Adoption certificate
- Letter of sponsorship from future employment provider - non-UK or non EEA only
- Central or local government agency or local authority document giving entitlement (for example, from the Department for Work & Pensions, Employment Service or HMRC)
- Letter from a headteacher or college principal for 16 to 19-year-olds in full-time education (only if other documents cannot be provided)
- Payslip
- Inland Revenue letter
- DWP letter
- Job Centre Plus letter
- HMRC document
- P45 or P60

#### **Proof of identity checklist**

##### Evidence to prove your name

- a marriage or civil partnership certificate
- Inland Revenue letter
- Department of Work and Pensions letter
- Jobcentre Plus letter
- HMRC document
- P45 or P60

#### Evidence to prove your name and address

- driving licence (photo card or paper)
- mortgage statement
- bank or building society statement
- bank or building society opening confirmation letter
- credit card statement
- financial statement e.g. pension or endowment
- council tax statement
- letter of sponsorship from future employer - non-UK or non EEA only
- utility bill (not mobile telephone bill)
- benefit statement e.g. child benefit, pension
- central or local government agency or local authority document giving entitlement
- letter from headteacher or college principal for 16 to 19-year-olds in full-time education

#### Evidence to prove your name and date of birth

- passport (current or out of date)
- driving licence (photo card or paper)
- birth certificate
- adoption certificate
- HM forces ID
- firearms licence
- EU national ID card
- cards carrying the PASS accreditation

#### Evidence to prove your name and photographic ID

- passport (current or out of date)
- driving licence (photo card or paper)
- biometric residence permit
- HM forces ID
- firearms licence
- EU national ID card
- cards carrying the PASS accreditation

#### **Right to work checks**

Our prospective employees must prove that they:

- have permanent entitlement to work in the UK
- or, have a temporary entitlement to work in the UK

They can provide us with:

- one relevant document
- or, two relevant documents in specified combinations

They must provide us with the original documents.

### **Documents to prove permanent entitlement to work in the UK**

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK
2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of the Republic of Ireland.
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 current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is:
  - o allowed to stay indefinitely in the UK, or
  - o has no time limit on their stay in the UK
5. A current passport endorsed to show that the holder is:
  - o exempt from immigration control
  - o is allowed to stay indefinitely in the UK
  - o has the right of abode in the UK, or
  - o has no time limit on their stay in the UK
6. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that:
  - o the named person is allowed to stay indefinitely in the UK,
  - o or, has no time limit on their stay in the UK
  - o This must be supplied with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
7. A full birth or adoption certificate issued in the UK which includes the name of at least one of the holder's parents or adoptive parents. This must be together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer
8. A birth or adoption certificate issued in the 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.
9. 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.

### **Documents to prove temporary entitlement to work in the UK**

- Group 1 – documents where a time-limited statutory excuse lasts until the expiry date of leave:
  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 Immigration Status Document containing a photograph issued by the Home Office to the holder. This should include a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

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

1. 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.
2. 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

#### **Documents that are not acceptable for proving the right to work**

- A Home Office Standard Acknowledgement Letter or Immigration Service Letter (IS96W) which states that an asylum seeker can work in the UK. If a manager is presented with these documents, they should advise the applicant to call 0151 237 6375 for information about how they can apply for an Application Registration Card
- A National Insurance number on its own in any format
- A driving licence issued by the Driver and Vehicle Licensing Agency
- A bill issued by a financial institution or a utility company
- A passport describing the holder as a British Dependent Territories Citizen which states that the holder has a connection with Gibraltar
- A short birth certificate issued in the UK which does not have details of at least one of the holder's parents
- A licence provided by the Security Industry Authority
- A document check by the Disclosure and Barring Service
- A card or certificate issued by the Inland Revenue under the Construction Industry Scheme

#### **Checking and copying**

Managers must take all reasonable steps to check that employee documents are valid. They must be sure that the prospective or current employee is the person named them. They must check that the documents allow them to do the work in question.

For each document presented, managers must:

- check any photographs are consistent with the appearance of the employee. This means the manager must see them in person

- check that dates of birth listed are consistent across documents. The manager must check that these correspond with the appearance of the person
- check the expiry dates of any limited leave for the person to enter or remain in the UK have not passed
- check any UK Government endorsements, such as stamps, visas, to see if the prospective or current employee is able to do the type of work we are offering
- satisfy themselves that the documents are valid and genuine. They must not have been tampered with and must belong to the holder
- if two documents have different names, the manager must ask for a further document to explain the reason. The further document can be a:
  - marriage certificate
  - divorce decree
  - deed poll
  - statutory declaration

We must comply with immigration laws at all times.

### **Copying**

Managers must make a copy of the relevant page or pages of any documents. They must be in a format which cannot be later altered (for example, a photocopy or scan).

In the case of a passport or other travel document, we need the following parts:

- the page containing the holder's personal details, such as:
    - details of nationality
    - photograph
    - date of birth
    - signature
    - date of expiry
    - biometric details, and
  - any page containing UK Government endorsements indicating that the holder:
    - has an entitlement to be in the UK
    - is entitled to undertake the work in question
- Managers should copy other documents in their entirety.

### **Verifying and recording**

- We will not enter an employee on to the payroll or allow them to start working until the checks are complete.
- If we are not satisfied that someone has the right to work in the UK, we will refuse employment to that person. It is up to the prospective employee to demonstrate to us that they are permitted to work. We will not employ prospective employees who cannot demonstrate this.

## Skilled worker visa

Under the skilled worker system, anyone coming to the UK to work must demonstrate that:

- they have a job offer from a Home Office-licensed sponsor (we are a licensed sponsor)
- the job offer is at the required skill level – RQF 3 or above (A-Level and equivalent)
- they speak English to the required standard

The job offer must also meet the applicable minimum salary threshold. This is the higher of either:

- the general salary threshold set by Her Majesty's Government on the advice of the independent Migration Advisory Committee at £25,600, or
- the specific salary requirement for their occupation, known as the "going rate"

All applicants can trade characteristics, such as their qualifications, against a lower salary to get the required number of points. If the job offer is less than the minimum salary requirement, but no less than £20,480, an applicant may still be eligible if they have:

- a job offer in a specific shortage occupation
- a PhD relevant to the job
- a PhD in a STEM subject relevant to the job

There are different salary rules for workers in certain health or education jobs, and for 'new entrants' at the start of their careers.

- For further information, [read the guidance from the Home Office](#).
- For a list of eligible occupations, [visit the GOV.uk website](#).

## Sponsorship fees

Through the County Council we will assign a certificate of sponsorship to each foreign worker we employ. This is an electronic record, not a physical document.

Each certificate has a number which a worker can use to apply for a visa.

Certificates of sponsorship are free in respect of citizens of the following countries:

- Austria
- Belgium
- Croatia
- Republic of Cyprus
- Czech Republic
- Denmark
- Finland
- France
- Germany

- Greece
- Hungary
- Iceland
- Ireland
- Italy
- Latvia
- Luxembourg
- Malta
- Netherlands
- North Macedonia
- Norway
- Poland
- Portugal
- Slovakia
- Spain
- Sweden
- Turkey

For other citizens, a worker's certificate is £199. It is £21 for a temporary worker.

There is an immigration skills charge if the individual is applying for a visa from:

- outside the UK to work in the UK for six months or more
- inside the UK for any length of time

The fees are:

- £1,000 for the first 12 months
- £500 for each additional 6 months

### **Public sector language requirements**

By law, everyone who works in the public sector in a customer-facing role must speak fluent English.

It includes employees, apprentices, people engaged under a contract to do work personally and agency workers.

A customer-facing role is someone who, as a regular and intrinsic part of their role, has to speak to the public in English.

A person speaks 'fluent English' if it is sufficient for them to do their job effectively.

We have procedures in place for complaints about breaches of these requirements.

We must take care not to apply higher standards of fluency than are necessary. We may commit indirect race discrimination if we cannot justify this.

## Data protection

We must keep right to work documents for the duration of employment, plus a further two years.