

# MANAGERS GUIDE TO PRE-EMPLOYMENT CHECKS

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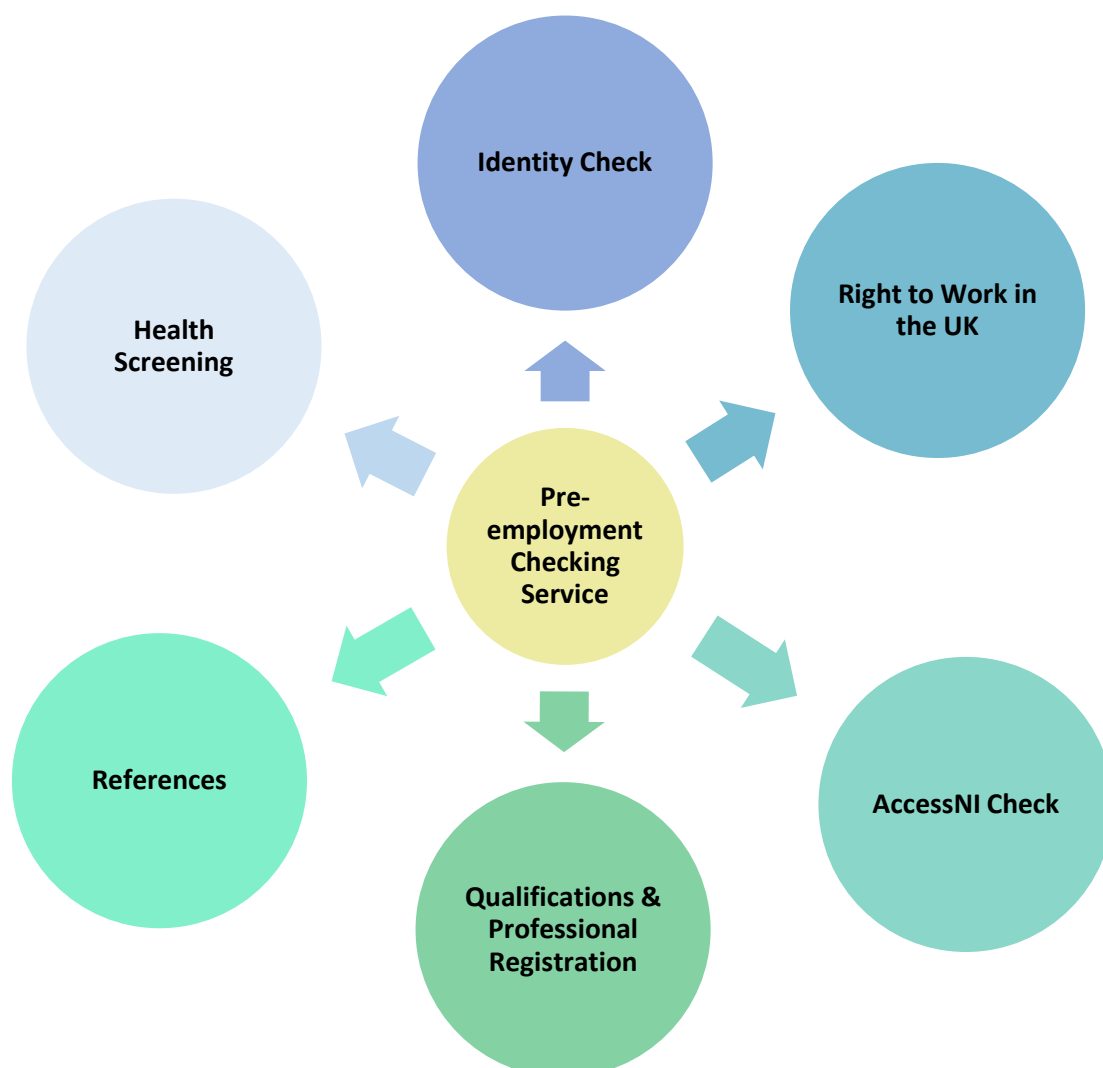
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## Introduction to pre-employment checks

Following the selection process, successful candidates receive a congratulatory letter advising them of the outcome and of the next steps, which will include pre-employment checks.

All appointments to the Education Authority (EA) are subject to satisfactory pre-employment checks. Pre-employment checking seeks to verify that the recommended candidate meets the preconditions for the role they are applying for.

The Pre-employment Checking Service (PECS) is responsible for undertaking the pre-employment checks for all appointees to posts in EA Corporate, EA Controlled schools, and to non-teaching posts in Maintained schools. Depending on the requirements for the role, this will include some or all of the following:



Should any issues of concern arise during the checking process, the PECS team will collate the information and share this with the Hiring Manager for consideration and decision on next steps. Typically, areas that may require consideration by the Hiring Manager relate to references, disclosure of criminal record or the requirement for a reasonable adjustment. However, failure to satisfactorily complete any of the checks could potentially lead to a job offer not being progressed.

This document provides information for Hiring Managers on which pre-employment checks are required for different types of roles, and broad guidance in the areas where Hiring Managers may be involved in the decision-making process.

## **Principles**

Pre-employment checks are an important part of the recruitment process, and will be based around the following principles:

### **1. Child Protection**

Safeguarding children and young people is a primary objective of pre-employment checking. The hiring process is the first gateway to ensuring that only suitably qualified and vetted individuals gain access to children and young people in the education system.

### **2. Simplicity**

Pre-employment checks will not be unnecessarily complicated and will be carried out to ensure legal/regulatory compliance, and/or to add value to the recruitment process. The process will remove duplication, reduce non-value-adding effort and minimise the amount of data collected in line with GDPR principles.

### **3. Line Manager Involvement**

Line managers, and other relevant parties (e.g. Safeguarding, Child Protection, Health and Wellbeing, Employee Relations) will be involved in the decision making process for pre-employment checks, where the checks show any potential concerns, and where withdrawing the offer of employment might be considered. In such cases the PECS team will gather information and ensure that advice and support is provided to line managers.

### **4. Integrated**

Pre-employment checks are just one part of the jigsaw. A holistic approach to safeguarding is required across all stages of the employee lifecycle to help to ensure that safeguarding obligations are met, e.g. monitoring and proactive management through induction, probation, capability development, and performance management.

### **5. Confidentiality**

It is recognised that personal and sensitive information is collected at this stage and must be subject to high standards of confidentiality and information security.

## Which checks apply

The type and number of pre-employment checks required will vary, e.g., depending on whether a job involves regulated or non-regulated activity, or whether the successful candidate is an external candidate or an existing employee. The table below summarises which checks are required.

Check	External Appointments: new to EA Corporate or new to a Controlled School		School to School Appointments <sup>1</sup>	Internal Appointments: within EA Corporate or within a School		Additional Notes of Guidance
	Regulated	Non-Regulated	Regulated	Regulated	Non-Regulated (EA Corporate only)	
<b>Right to Work, including Identity Check</b>	✓	✓	If not on file	If not on file	If not on file	While the Hiring Manager is responsible for checking candidates' identity at interview (by sighting photographic ID), this does not form part of the pre-employment checking process. Once the selection process is complete, a formal identity check will be undertaken by the PECS team. The formal identity check is essential to ensure compliance with the Immigration, Asylum and Nationality Act 2006 and to meet Home Office audit requirements.
<b>Access NI Enhanced</b>	✓		If not on file	If not on file		An enhanced ANI check is not required if there is no break in service, or a break in service of less than 3 months, and there is evidence of a previous satisfactory enhanced disclosure check.

Check	External Appointments: new to EA Corporate or new to a School		School to School Appointments <sup>1</sup>	Internal Appointments: within EA Corporate or within a School		Additional Notes of Guidance
	Regulated	Non-Regulated	Regulated	Regulated	Non-Regulated (EA Corporate only)	
Access NI Standard		Some posts			Some posts If not on file	A standard ANI check may be required for some professional roles e.g. solicitors, accountants and roles regulated by the Financial Conduct Authority.
References	✓	✓	✓	Required only if moving from non- regulated to regulated post		2 references required for external appointments to regulated roles. 1 reference from current/most recent employer required for external appointments to non-regulated roles. Manager discretion to waive the reference based on manager risk assessment. References will be required if internal move from a non-regulated role to a regulated role to verify suitability to work with children. If moving from one regulated role to another regulated role, only required if there are not already two references on file or if moving between schools/employers. References not required for internal appointments to non-regulated posts.

Check	External Appointments: new to EA Corporate or new to a School		School to School Appointments <sup>1</sup>	Internal Appointments: within EA Corporate or within a School		Additional Notes of Guidance
	Regulated	Non-Regulated	Regulated	Regulated	Non-Regulated (EA Corporate only)	
Qualifications / Professional Registration / GTCNI / Driving Licence	✓	✓	If not on file	If not on file	If not on file	Where required for the role.
Health	✓	✓	If not on file or if a significant change in role	May be required	May be required	May be required if there is a significant change in role. Examples might include moving from a desk-based role to one involving manual activity, or moving between regulated and non-regulated roles.

<sup>1</sup>School to School appointments are defined as any appointments between Controlled Schools (all staff) and/or Maintained Schools (non-teaching staff). The only pre-employment check necessary should be references, as all other checks should already have been completed. However the PECS team will check the employee file to determine whether any other checks are outstanding/required.

## What is a Regulated Post?

When creating a staff requisition on the online recruitment system, the Hiring Manager is required to stipulate whether a post is regulated or non-regulated. It is important that the correct category is selected, as this will direct the PECS team on which pre-employment checks to undertake for the successful candidate(s).

Regulated activity with children means carrying out any of the below activities frequently or with intensity (more than 3 days in a 30-day period or overnight).

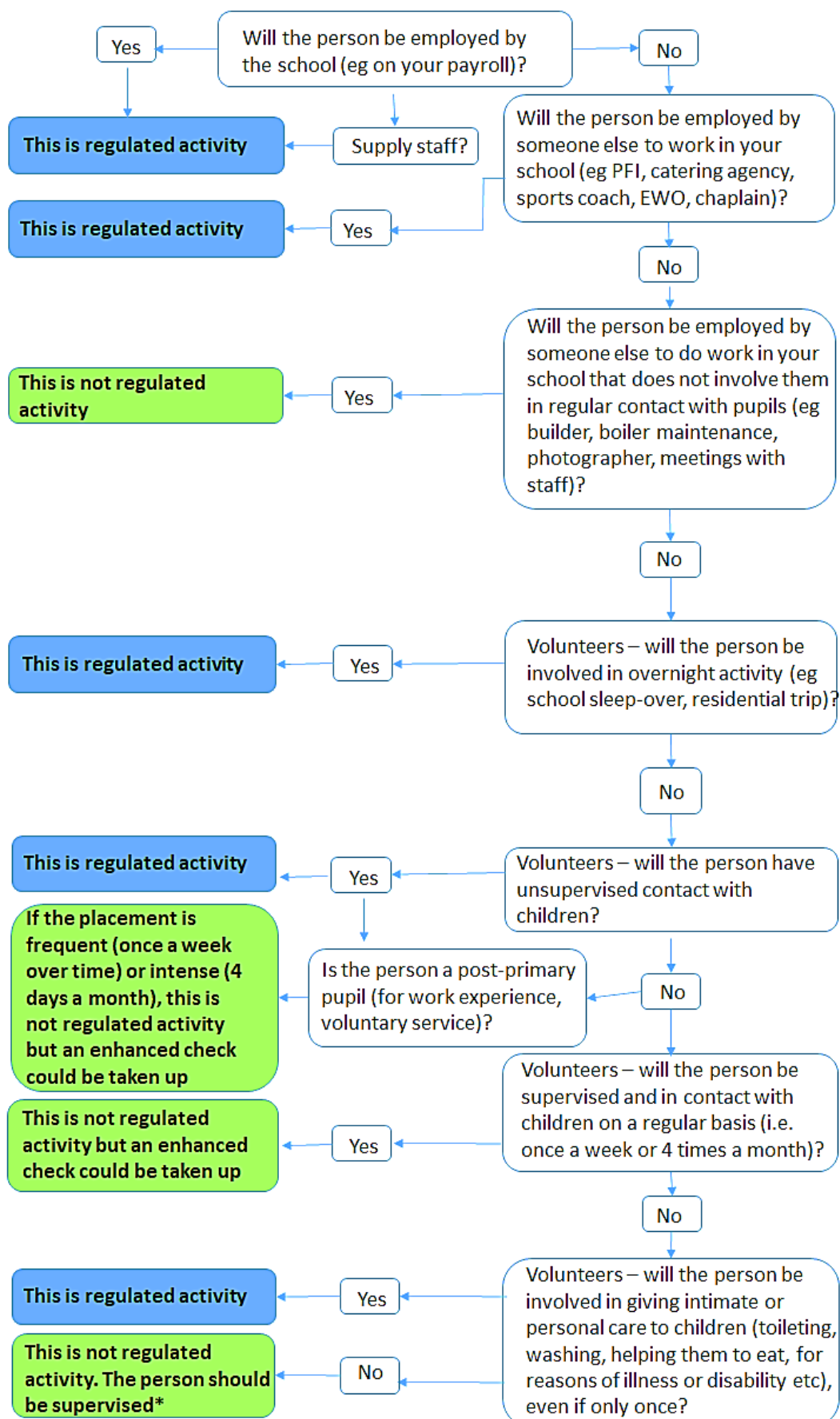
- Unsupervised activities: teaching, training, instructing, caring for or supervising children; providing advice/guidance on wellbeing, or driving a vehicle only for children.
- Working for a limited range of "specified places" with the opportunity for contact with children and young people, for example schools, children's homes, childcare premises.

These are also examples of regulated activity if unsupervised:

- engaging in intimate or personal care of children.
- health care (including by a registered health care professional).

The flowchart on the next page may be used by Hiring Managers to help determine whether a post is regulated or non-regulated. If unsure, the Hiring Manager should contact the PECS Helpline for advice on 028 9056 4301 (option 5). It is not acceptable to simply select 'regulated' with a view to ensuring checks are comprehensive, as this could result in excessive checks being undertaken, additional costs, delays in the hiring process, and breach of Data Protection legislation.

## Regulated or Non-Regulated?



\*For more information on supervision see DE guidance at <http://bit.ly/T2XB1b>



## Identity Checks

The most fundamental pre-employment check is to ensure the candidate is a genuine and real person i.e. they are who they say they are. This should be the first check performed.

Undertaking identity checks minimises the risk of employing or engaging a person who is:

- An illegal worker
- An individual impersonating another
- Avoiding the detection of a criminal offence
- An individual who has used an illegal means to obtain genuine documents to gain employment

An initial identity check is completed at interview stage. The Chairperson of the panel, or Principal, is responsible for verifying the identity of the candidate and noting on the candidate's interview record form that the check was made.

All candidates, internal and external, should be asked to bring photographic proof of identity to their interview or assessment. Acceptable documents, are:

- Current passport (any nationality)
- Current driving licence (UK, ROI, Isle of Man, Channel Islands or any EAA country)
- Electoral ID Card (NI only)

A formal identity check is captured by the PECS team alongside the Right to Work check.

## Right to Work

To be eligible to work in EA, all candidates must hold appropriate evidence of their right to work to work in the UK, in line with Home Office requirements. The nature of this evidence will depend on the nationality of the candidate.

EA is required to check that all candidates, internal and external, are legally entitled to work in the UK before they start employment, and this check will be undertaken by the PECS team. Proof of identity is sought and formally recorded at this stage by PECS.

Where the candidate is unable to meet the requirements of this check, the PECS team will advise the Hiring Manager at the earliest opportunity.

## Access NI Check

A criminal record check, undertaken through Access NI, is essential to ensure that all appropriate measures are in place to prevent unsuitable people from working with children and vulnerable individuals. A criminal record check relates to data held about a candidate's criminal history, however, disclosure information does not automatically debar an individual from employment.

A significant proportion of posts across EA/schools are subject to an enhanced Access NI check, i.e. regulated posts. Some non-regulated posts are eligible for a standard Access NI check, e.g. solicitors, accountants, and roles regulated by the Financial Conduct Authority.

Access NI checks must also be undertaken for the appointment of a current EA employee where the individual is moving from a non-regulated to a regulated post.

Access NI checks are not required for existing EA employees where:

- The individual is moving from one regulated post to another regulated post; and
- There is no break in service, or a break in service of less than 3 months, and
- There is evidence of a previous satisfactory enhanced disclosure check.

Criminal record checks will be undertaken by the PECS team. Should any disclosure issues arise that are of concern or relevant to the context of the post, the PECS team will escalate these to the Hiring Manager / Principal for consideration.

To assist in making this determination, the PECS Manager and the Hiring Manager will consider:

- The nature of the conviction/allegation
- The nature of the appointment
- When the offence occurred
- The frequency of offences

If deemed necessary, the prospective candidate will also be interviewed by the PECS Manager and the Hiring Manager in order to clarify the information received or to obtain further information. Following this interview, and with the support of the PECS Manager, the Hiring Manager will make a determination on next steps. Advice may be sought from the Child Protection and Safeguarding team as required.

## Qualifications and Professional Registration

All candidates must be qualified and competent to perform the duties for which they are employed. Professional registration and qualification checks (including GTCNI registration, and driving licence, where required) provide assurance that a prospective employee is recognised by an appropriate regulatory body (where relevant) and that they meet the required standards of education, training and competence for the role.

Checks will be undertaken by the PECS team and any discrepancies or issues will be escalated to the Hiring Manager/Principal for consideration.

## References

References can be a valuable tool in helping to determine the suitability of a candidate. They provide information on the reliability and professional competence of an individual as witnessed by a former employer.

While there is no legal requirement for employers to provide references about people who are, or were in their employment, EA has a duty of care to our children and young people to ensure that all reasonable checks are undertaken to ascertain a person's suitability for working in regulated roles. For this reason, all appointments to regulated roles in EA are made subject to satisfactory references being received.

Data Protection laws have had a significant impact on the type of information employers are likely to agree to provide in response to a reference request. Employers have a duty of care to all current and former employees to ensure that any information they share about them is a fair and a true reflection of their performance and suitability. References should not include personal opinions or views which may be regarded as subjective.

References should never be used as the sole grounds for assessing a candidate's suitability for a post. Any decision to appoint should be based on the wide range of information gathered as part of the selection process.

## **Obtaining the Reference**

EA requires two references for regulated posts, one of which should be from a candidate's current or most recent employer. The PECS team will be responsible for collecting references.

For regulated posts, one reference should come from the applicant's last post where they were working with children and young people. At least one referee should be able to comment on the candidate's professional ability and their ability to work with children and young people in an education setting.

One employment reference will be taken up when appointing an external candidate to a non-regulated post which should be from the current or most recent employer.

Discretion is provided to allow the Manager to consider waiving the employment reference for external appointments to non-regulated posts. Managers should consider and balance the risks with this approach including:

- Given the highly competitive external recruitment market the risk of losing the candidate if the offer is not progressed at pace, particularly for hard to fill posts.
- The risks associated with not having any aspect to the appointment process which will provide information on the candidate's past performance and employability.
- Increased emphasis on the need for the Manager to proactively manage the probationary period.

If a Hiring Manager wishes to waive the employment reference for an appointment to a non-regulated post then this should be confirmed by email to the PECS team.

References cannot be waived for regulated posts.

In the absence of previous paid employment, university tutors or employers with whom teaching practice, work experience or voluntary service was undertaken are also acceptable. Reference requests will be factually based.

Reference requests will be sought from the referees nominated on the application form unless the candidate otherwise advises the PECS team. Where necessary, the PECS team will follow up with the candidate to ensure a reference is requested from the current or most recent employer, e.g., where that employer has not been nominated as a referee by the candidate.

## **Assessing the Reference**

On receipt, information will be reviewed by the PECS team and cross referenced with the candidate's application form.

If there are no issues of discrepancy or concern the PECS team will sign off on the reference without further recourse to the Hiring Manager. The Hiring Manager may request sight of references from the PECS team, although where these have already been assessed as satisfactory by the PECS team, the hiring process will not be delayed pending Hiring Manager review.

If however there are issues raised in references which are a cause for concern the PECS team will share the reference with the Hiring Manager for further review and decision as to how to proceed.

### **Referral to the Hiring Manager**

When a reference or disclosure is referred to a Hiring Manager it is important that they consider the issues raised in the context of the overall pre-employment checking process. Hiring Managers should ensure that any decisions made are based on factual information and not opinion.

Where a referee responds in the negative any information provided will be shared with the Hiring Manager for consideration in full.

Considerations may include:

- Are there any issues of honesty, integrity or reliability?
- Whether any of the information provided would impact on the suitability of the candidate for appointment to the post.
- Whether any of the information provided suggests the candidate would not be in a position to provide regular and reliable service.
- The nature of any previous employment issues, when they occurred and their relevance in the context of the post.

Further contact with the referee may be required to obtain an overview of the individual's performance, reliability or general suitability for the post.

Following any informal conversation with a referee regarding their reference, good practice suggests:

- Any information provided should not be used as a substitute for the prospective employer making their own judgement about employment.
- The information should be weighed against all evidence received during the recruitment process, making a balanced decision that takes into account all available information.
- Consideration as to the context and circumstances of the information provided, especially where this is historical, should be carried out as circumstances can change. It is usually appropriate to involve the individual themselves in this consideration.

It may be helpful to seek additional references to help validate the appointment decision.

## **Health Screening**

Health screening will be managed through EA's Occupational Health Provider. The purpose of health screening is to help ensure that new employees are fit to carry out the role, and determine whether they have any health condition that that may require reasonable adjustments to be made before they start work.

Any issues of concern or for follow up will be escalated to the Hiring Manager by the PECS team. Advice and guidance will be sought from the Health and Wellbeing team as required.

## **Contact Details**

For further advice and guidance with pre-employment checks please contact:

[PCS@eani.org.uk](mailto:PCS@eani.org.uk)

[accessni@eani.org.uk](mailto:accessni@eani.org.uk)