

HUMAN RESOURCES POLICY DOCUMENT

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RESPONSIBLE MANAGERS: Director of Human Resources Human Resources Manager		APPROVED BY: Board, SMT, Unison, CYWU, Staff Consultation Group
TITLE: Employment Clearance		REVIEW DATE: As per legislation.

PURPOSE

All offers of employment within Connexions Cheshire & Warrington are subject to employment clearance including medical clearance, qualifications clearance, reference clearance and Criminal Records Bureau clearance. This policy exists to clarify the process for gaining employment clearance in these areas. This policy also exists to set out our policies on employing ex-offenders and preventing illegal working.

RESPONSIBILITY

- All staff

POLICY

It is the policy of Connexions Cheshire & Warrington to make all job offers conditional on employment clearance in the following four areas:

- Criminal Records Bureau Clearance
- Independent Safeguarding Authority Registration Clearance
- Medical Clearance
- Qualifications Clearance
- Reference Clearance
- Preventing Illegal Working

Criminal Records Bureau Clearance

The Company provides a service working with young people. As such, the posts offered can contain a large degree of contact with young people or access to information about them (CORE, EYS and Contact Point) and positions command a significant level of trust. It is for this reason the company uses the Criminal Records Bureau (CRB) Disclosure service to assess applicants' suitability for positions and requires an *Enhanced Disclosure* to be carried out as a condition of employment.

A statement indicating CRB clearance is a condition of employment is contained on the application form to notify potential candidates at the earliest possible stage that a Disclosure will be requested. Candidates are encouraged to provide details of any criminal record at an early stage in the recruitment process. The Company request that this information is sent under separate, confidential cover, to our Registered Counter-signatory within the Human Resources Department. The Company guarantees this information will only be discussed between the Director of Human Resources/Human Resources Manager and the Head of the Recruitment Panel should the record have significance to the post applied for. The Company may, during the interview, ask questions about the entire criminal record (including any spent convictions/offences) if the post applied for is a "regulated position" ie. if the post involves working with or volunteering directly or indirectly with children, young people an/or vulnerable adults for example, the post of Personal Adviser is a regulated position, as are operational supervisory and management posts. Any member of the interview panel asking such questions will have received training and guidance on the

Rehabilitation of Offenders Act 1974 and the final recruitment decision will be discussed with a member of the Senior Management Team (SMT), notably the Director Human Resources who will consider all relevant information. All offers of Employment are made subject to satisfactory CRB clearance.

CRB application forms are sent to potential employees with their job offer pack. All potential employees will be made aware of the existence of the CRB Code of Practice and a copy will be made available on request. The Company requires ALL sections of the CRB form (including section E and box 69) to be completed. Completed forms should be returned to the Registered Countersignatory within Human Resources together with the required documentation within FIVE days of receipt of the job offer pack. Enquiries will be made if the completed form has not been received by this time. Human Resources will process the form and if the role for which the individual is being recruited is a designated Contact Point User role and, the CRB form will specify this point. Human Resources will then mail the form to the CRB within THREE days of receipt. Employment **MAY NOT** commence until the CRB form has been processed internally (including identification verification) and mailed to the CRB for checking.

Successful candidates may start work for the company before the Disclosure is received back from the CRB, but they **MAY NOT** work unsupervised with young people or conduct one to one interviewing. Managers are responsible for ensuring supervision / other work is available. NB: All potential employees will be subject to a ISA/List 99 check before they may commence work. On receipt of satisfactory clearance, the Human Resources Department will advise the individual and Line Manager of the clearance and mark as complete on the HR database. Should the Disclosure contain information which is directly relevant to the post offered, the individual may be asked to provide a written statement regarding their conviction. The Line manager may be asked to provide a statement detailing the individual's suitability of employment. A meeting may then be arranged between the Director of Human Resources and the Director of the appropriate Directorate to reviewing all information provided. The individual may be called to attend this meeting discuss openly the information provided and the post in question. This will be held with the knowledge of the Line Manager. After this meeting a formal decision will be made on the individual's suitability for employment with the Company. If a decision cannot be reached the matter may be referred to the Senior Management Team (SMT) for a decision.

CRB forms that are returned will be monitored for incomplete or inaccurate information. Failure to reveal information directly related to, or relevant to, the role within this meeting could lead to the withdrawal of an offer of employment. The Director of Human Resources / Human Resources Manager will, seeking additional legal advice as necessary, review the relevance of the conviction / caution against the requirements of the post and make a decision whether to confirm / withdraw the offer of employment.

There is a contractual obligation to disclose any conviction / caution received during the course of employment to the Company. The company operates a process of re-checking employees on a rolling three-year basis. CRB application forms will be sent to existing employees on a cyclical basis, as prompted by the HR database. Employees will be made aware of the CRB Code of Practice and a copy made available on request. As with new starters, the company require ALL sections of the form to be completed, within FIVE days of receipt of form. Employees may continue to work unsupervised with young people if they have previously gained satisfactory clearance. On receipt of the form Human Resources will notify the individual and the Line Manager of renewed clearance and annotate the new clearance date on the HR database. Should a Disclosure be received with information that may affect the post the individual is employed in, an open and measured discussion will be held between the employee, the line manager and the Director of Human Resources / Human

Resources Manager. If, after appropriate consultation, it is deemed the conviction / caution constitutes a Schedule Four Offence or one under the terms of the Protection of Children Act 1999 or the Criminal Justice and Court Services Act 2000, it would be an offence for the company to continue to employ that individual in their post. The contract of employment may terminate by reason of a breach of a fundamental term. The individual will be suspended from work pending a disciplinary hearing. The Company is a registered user of the CRB Disclosure service and is committed to the CRB Code of Practice.

ISA (Independent Safeguarding Authority) Registration Clearance

From July 2010 all potential employees who wish to work or volunteer to work with children and vulnerable adults will be subject to the satisfactory ISA clearance check before they commence work.

The ISA has been created to help prevent unsuitable people from working with children and vulnerable adults and will provide an extra safeguard to employers. Working in partnership with the Criminal Records Bureau (CRB) the ISA will gather relevant information on every person who wants to work or volunteer to work with vulnerable people. From July 2010 a new "Vetting and Barring Scheme" comes into operation requiring all those who wish to work or volunteer to work with children and vulnerable adults to be registered with the ISA. It will be illegal for employers to engage anyone in regulated activity without checking registration status with the ISA first. It is the responsibility of all new employees to the organisation to ensure they are ISA registered. Members of the existing workforce will be phased into the scheme over a 5 years period.

Medical Clearance

The Company will provide a pre-employment health questionnaire with the offer pack sent the successful applicant. The successful applicant will be required to complete the questionnaire and forward it in the SAE provided direct to our Occupational Health providers. The Occupational Health providers will then assess the information provided and submit a report to the Company. They may do this in conjunction with the individuals GP or specialist (subject to gaining the necessary consent), if further information is required. Information provided will be dealt with in strictest confidence and with sensitivity.

On receipt of a report where no further action is required, the Human Resources team will annotate clearance received on the HR system ready for confirming employment on completion of all other conditions.

Should information be provided that requires further consideration, the Human Resources Manager will arrange to discuss the issue with the individual concerned and their line manager to see if any adjustments may be made to the role or workplace (please refer to the Absence Management Policy – Reasonable Adjustments. These may be physical or non-physical, but must be reasonable. In the event of an adjustment being required that is not reasonable, cannot be met or impacts upon the health and safety of existing staff, or a suggestion from the Occupational Health providers that any pre-existing condition may worsen through our working environment, the company reserves the right to withdraw the offer of employment. Notice payments shall be made in line with contractual provision.

In the event of medical clearance being required for a particular area of an existing employee's work (i.e. mini bus driving training), the employee will be referred to our Occupational Health providers for an assessment. A report on suitability will be

received from them. Those detailing no complications will be annotated on the HR system and the employee informed. Those reports received requiring further consideration will be discussed with the employee concerned and adjustments made as per the Absence Management Policy - Reasonable Adjustments. In the event of reasonable adjustments not being able to be made, further discussions will be held with the employee. If the condition / disability has a major impact on the employee's role, other policies within the Absence Management Policy may be pursued as appropriate.

Qualifications Clearance

Following the recruitment process, the HR Department will send successful applicants a job offer pack. The offer letter will request proof of qualifications as a condition of employment. Qualifications should be sent by recorded delivery or hand delivered to the HR department where a photocopy will be taken. Certificates will be returned to the individual by hand or recorded delivery. Should a certificate not be available or records show a different outcome to that claimed on the application form, a discussion will be held with the individual to clarify the matter. Where necessary, an application to AQA (Awarding Body for General Qualifications) will be carried out in order to verify qualification status. This should be completed if the employee has failed to provide certificates / proof of qualifications after one month in post and a discussion has been held with the employee. The company will require the employee to complete the forms and send to the AQA within two weeks and the employee will pay for this check to be processed. Where the AQA check fails to endorse the information given on the application form, a discussion will be held between the Director of Human Resources/Human Resources Manager, line manager and employee. Where it is deemed the employee has deliberately misled the company over their achievements or they do not meet the minimum requirements for the post (as stipulated on the Person Specification), the offer of employment will be withdrawn.

As an Investor in People, the company pays for employees to study qualifications as either a mandatory requirement or as continuous professional development to access the top spinal points on the particular pay grade. As employees are registered with the awarding body on an individual basis, certificates are not sent via the company, but to the employee directly on successful completion of a qualification. The company requires employees to provide the certificate to the Human Resources department on receipt for a photocopy to be taken. Certificates should be sent recorded delivery or delivered by hand and will be returned in the same manner. Applicable pay awards will be processed on receipt of proof of qualification.

Reference Clearance

The Company requires two satisfactory employers references before employment can begin. References will be requested from referees when an offer pack is sent to a successful candidate, unless it has been stipulated on the application form that we may contact referees before this time. References will be sought from the current / most recent and the previous employer, both of whom should have known the applicant in a professional context for at least one year. This is imperative when an applicant has worked for an employer for less than three years. In the event that an employers' reference cannot be provided due to longevity with a previous employer or no there is no employment history, a suitable alternative shall be agreed with the candidate using the application form as a basis for discussion.

Reference requests will be sent to each referee as listed on the application form at the time of job offer, or before if agreed by the applicant. The Company requires two satisfactory references on company paperwork from two recent employers before employment can commence. Where a reference is returned which has not answered the questions asked by the company (i.e. not on company paperwork), the candidate will be asked for another referee. If one cannot be provided, the company will seek

to telephone the original referee and gain the answers to the missing questions. The company will follow up requests for references if a reply has not been received after one week and will allow a further 3 working days for the second request to be returned. Where a satisfactory response cannot be gained, the company will seek consent from the applicant to approach another employer, using the information provided on the application form. A maximum of one alternative referee will be allowed for each reference i.e. a total of four employers in total may be approached. Notwithstanding, the company must be in receipt of two satisfactory references before employment can commence.

Occasionally the Company will check the validity of references by contacting the referee by telephone to verify the information received.

On receipt of a reference, the company will review the information given. Any individual scoring a three or below on the reference for more than three questions will have the reference reviewed by the Human Resources Manager. They may seek a further reference from the individual if the low scores are fundamental to the post applied for. The Human Resources Coordinator will also carry out authenticity checks on the reference and may telephone the author to confirm further details of their answers. Receipt of a satisfactory reference will be annotated on the HR database ready for confirming employment on completion of all other conditions.

Prevention of Illegal Working

The Company is obliged to ensure that all employees are entitled to live and work in the United Kingdom. This is to comply with Section Eight of the Asylum & Immigration Act 1996 which states it is a criminal offence to employ a person who is not legally allowed to work in the United Kingdom.

Before an individual may start work, the company must take a photocopy of one of the following documents for retention on their personal file:

- A document from a previous employer, the Inland Revenue, the Benefits Agency or the Employment Service showing the person's name and National Insurance Number. This could be a P45, P60, payslip, National Insurance card or letter.
- A passport confirming that the person is a British citizen or a European Community National or which shows that they are otherwise entitled to live and work in the United Kingdom.
- A birth certificate confirming birth in the United Kingdom or the Republic of Ireland.
- A letter from the Home Office confirming that the person is allowed to work within the United Kingdom.

Any individual for whom suitable verification / documentation cannot be provided may not begin employment with the company.

Under the Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000 a number of people are banned from working with children and young people. As such the Company may not legally employ any person listed as having a conviction or caution for certain offences. A current list of offences defined by these Acts is available from the Human Resources Department on request.

Details from the application form will be used to perform a List 99 check on the candidate. This will be actioned after a conditional job offer has been accepted and before the individual commences work. It is a criminal offence for any individual convicted of a Schedule Four offence, on the Department for Education and Skills (DfES) List 99, on the Department of Health (DoH) or National Assembly of Wales lists to apply for work with young people and an offence for the organisation to offer

work to anyone convicted of such an offence. Convictions of this nature will clearly preclude an individual from working within Connexions CW Ltd. Other convictions will be assessed for relevance against the job applied for taking full account of the Rehabilitation of Offenders Act 1974.

No individual may commence work within the Connexions service without a satisfactory ISA/List 99 check being received beforehand.