Zest Education

Guidelines, Policies and Procedures

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Face to Face interview:

We will undertake a face to face interview with all candidates during their registration process with this, this will either be via video call or in person. The interview will either be recorded or the set of interview questions signed by both parties.

During the interview, the interviewer will sight documents and make a note of what documents were provided. They will fully check the candidates CV/employment history spanning the past 10 years in MMYY-MMYY format. All reasons for leaving employment and any gaps longer than +12 weeks explained with reasons in the past 2 years are to be covered.

The interviewer will ask a standard set of interview questions to the candidate and note their responses, the questions are designed to ascertain the candidates experience, as well as knowledge on safeguarding issues and following procedures.

Documents:

The documents required for registration with ourselves should include the following:

- Right to work
- Photo ID
- Proof of ID
- 2 x Proofs of address
- Qualifications
- DBS registered to the update service

Right to work:

We will either sight original documentation of proof of right to work or verify this with an IDSP – we currently use Yoti.

For documents sighted in person, the documents will be copied and they will be signed/validated and dated by the person who sighted them.

All government guidelines must be followed when sighting documents and what classes as acceptable proof - https://www.gov.uk/government/publications/right-to-work-checks-employers-guide. When in doubt, we will seek advice from the Home Office Employer Helpline - 0300 790 6268.

For candidates who are checked via Yoti, we will verify that the person on the check matches the person we interviewed.

Non-British nationals who hold a Biometric Residence Permit (BRP), a Biometric Residence Card (BRC) or have been granted Pre-Settled/ Settled status under the EU Settlement Scheme can use the Home Office online service for checking immigration status (https://www.gov.uk/prove-right-to-work/get-a-share-code-online).

Photo ID:

We will obtain at least one form of photo ID that is in date and this will be checked against the Birth Certificate, where this is available.

All original documents provided as evidence of identification will be copied (in full or all relevant pages), and the copy validated, signed, and dated.

Proof of address:

We will look to obtain 2 proofs of addresses, these will be in the candidates current address and be original copies, where possible. Where the candidate cannot provide original copies, we will look to obtain electronic copies. However, this does not apply if the document/documents are needed to process a DBS.

All original documents provided will be copied (in full or all relevant pages), and the copy validated, signed, and dated.

Proof of identity:

We will look to obtain the candidates original Birth Certificate along with a proof of their national insurance number. Where this does not form part of their right to work, the proof of national insurance can be electronic.

All original documents provided will be copied (in full or all relevant pages), and the copy validated, signed, and dated.

Qualifications:

We will obtain any qualifications that are legally required for the job, this applies to all roles.

All original documents provided will be copied (in full or all relevant pages), and the copy validated, signed, and dated.

DBS:

In order to accept a DBS, it will need to meet the following criteria:

- Be registered to the update service
- They must have the original certificate
- The main name on the DBS matches the candidates right to work
- The place of birth matches the candidates right to work
- All other and previous names have been ran
- The DBS is enhanced and is in the correct workforce (child/child and adult for SEN roles)

Candidates who do not already hold a DBS that meets the above criteria, we will look to process a new DBS. The candidate will be sent full information of the process and the relevant link to complete the application. Before the candidate is cleared for work we are required to see the original of the DBS certificate and then run an update service check before being placed or cleared for work.

Update Service: DBS Update Service checks are made at least every 12 months or whenever deemed necessary. In any cases where a candidate is not subscribed to the Update Service, a new DBS check must be undertaken. Candidates will sign to give us permission to access the update service and run any checks of their DBS within their registration form

Reporting and referral: *See Safeguarding Children Policy, and Allegations Policy.*

Workforce checks: We follow the DBS guidelines regarding to accepting Child or Child/Adult workforce DBS certificates

DBS checks with criminal convictions or cautions: *Also see recruitment of ex-offenders' policy.* The DBS check must be securely emailed to the school prior to the booking so that they can confirm that they are willing to accept the candidate

Disqualification under the Childcare Disqualification Regulations 2018 and Childcare Act 2006:

For all candidates working with children aged 5 and under and also those working in wraparound care for children up to the age of 8, such as breakfast clubs and after school care will completed a signed self-declaration. Guidance on this can be found here - https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006. The declaration forms part of the registration form.

Medical Fitness Policy:

The Education (Health Standards) Regulations 2003 prohibit an individual from teaching if they do not have the health and physical capacity to do so. There is an exception to section 60 of the Equality Act 2010 where health questions can be asked in order to establish whether the person will be able to undertake "*a function which is intrinsic to the role*". This means that we can seek specific health information to establish whether our candidates are able to undertake essential elements of the role without breaching section 60.

It is our duty to determine our candidates ability to undertake any intrinsic functions of the work and only to the extent that this is necessary to assess their ability to comply with the health standards regulations. If they declare a medical condition that we consider may affect their ability to carry out the role, we will need them to seek confirmation from their GP that you are fit to undertake the role in question.

If they have been retired on medical grounds by the Department of Education after the 1st April 1997 then they will not be able to teach, even part time as they will have been deemed medically unfit. However, if they retired before 1st April 1997 then they may be able to work if you can show that they have the health and physical capacity to teach. Candidates can show they are fit to work by obtaining a GP's letter confirming that they are fit to teach. However, even if they are confirmed as fit to teach they will only be able to work for 2.5 days per week.

For any declarations not reaching the required standard we follow the procedures under part 7 of The Education (Health Standards) (England) Regulations 2003 - https://www.legislation.gov.uk/uksi/2003/3139/regulation/7/made.

Unsuitable Worker Policy:

Under the Conduct Regulations no. 20 it places agencies and employment businesses under an obligation to act if they find out a worker is unsuitable. At Zest Education we supply temporary workers as an employment business.

Where the Company obtains information during the course of an assignment which gives reasonable grounds to believe a worker supplied to the hirer is unsuitable, Zest Education will, without delay, end the assignment.

If the information only indicates that the work seeker may be unsuitable but is insufficient to give reasonable grounds to believe that the worker is unsuitable, we will commence such enquiries as are reasonably practicable and inform the hirer of the information received and the enquiries being made. If as a result of those enquiries we have reasonable grounds to believe the worker is unsuitable then without delay will inform the hirer and end the assignment.

The information that might indicate a worker is unsuitable will depend on the circumstances but may be a relevant criminal conviction that should have been disclosed; qualification found to be false; a medical condition that means the worker may either be at risk by performing the work or may be placing others at risk. It is likely that 'processing'

of data under Regulation 20 will be an exception to the Data Protection Act requirements where “it is necessary for the purposes of exercising or performance any right or obligation which is conferred or imposed by law on the data controller in connection with employment” or it is “necessary to protect the vital interests of the data subject or another person in a case where consent cannot be given… or the data controller cannot reasonably be expected to obtain the consent of the data subject (Schedule 3 Data Protection Act 1998). We will carefully check the accuracy of any information received & will therefore ensure that if a situation arises that not to disclose more information to the client than is necessary.

Strike & Industrial Action Policy:

Regulation 7 of the Conduct of Employment Agencies and Employment Business Regulations 2003, prohibits an employment business from supplying workers to clients to perform:

(a) the duties normally performed by a worker who is taking part in a strike or other industrial action ("the first worker"); or

(b) the duties normally performed by any other worker employed by the hirer (client) and who is assigned by the hirer to perform the duties normally performed by the first worker.

This means that an employment business must not supply a work-seeker to a client to perform the duties of the client's own staff (the first worker) or any other worker who has been assigned by the client to carry out the duties of the first worker where the first worker is taking part in official industrial action (unless you are unaware or have no reason or grounds for knowing that the first worker is involved in industrial action).

Although we cannot supply additional workers to cover the work of those employees who are on strike, the existing temporary workers can still continue to work if they are undertaking the same work as they were before the strike and do not take on any additional duties to cover the staff participating in the strike.

In any cases where we are aware that there could be potential issues relating to industrial action, we will seek additional protection by requesting a written undertaking from our client that the temporary workers the client has requested will not replace the employees or workers who are participating in the strike and neither will they replace staff that the client has transferred to undertake the duties of employees or workers who are taking part in official industrial action.

Safeguarding training:

Zest Education fully recognises its responsibility to safeguarding.

We ensure all of our candidates have completed a relevant safeguarding children course within the last 12 months prior to commencing work with us. If they have not already completed a suitable course elsewhere, then they are required to complete a safeguarding course through ourselves and will not be cleared for work until this has been completed. As part of our ongoing checks, we also ensure all of our candidates complete new safeguarding training every 12 months.

All of our candidates are also required to have read the Keeping Children Safe in Education guidance every year and to confirm in writing that they have done so. We regularly check for updates and keep our staff informed of these and send out new guidance whenever necessary.

Upon clearance, candidates will be added to 2 further CPD courses – FGM & Prevent training.

Policy Statement on the Recruitment of ex-offenders:

Having a criminal record will not necessarily bar a candidate from working with us. This will depend on the nature of the position and the circumstances and background of the offences.

- As an organisation using The Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, Zest Education complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. Zest Education undertakes not to discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed.
- Zest Education is committed to the fair treatment of its staff, potential staff or users or its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- Zest Education actively promotes equality of opportunity for all, with the right mix of talent, skills and potential, and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- A disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a disclosure will be requested in the event of the individual being offered the position.
- Where a disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- Unless the nature of the position allows Zest Education to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2014.
- We ensure that all those in Zest Education who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2014.
- At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought, could lead to withdrawal of an offer of employment.
- We make every subject of a DBS disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed in a disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Overseas Police Checks:

Where a candidate has worked/lived overseas, while aged 18 and over during the last 5 years for a period of 6 months or more we will need to see evidence of an overseas police check. Where a police check is not possible, you will need to consider alternatives, such as a letter of good conduct from the overseas police force, from the relevant embassy or their most recent employer whilst in the country.

Additionally, we aim to get references from the work-seekers employers in the overseas territory to help establish suitability as per Regulation 19 of the Conduct Regulations.

Guidance on police checks can be found 'https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants'.

Equal Opportunity/No Discrimination Policy:

1. Zest Education is committed to policies that will promote equal opportunity in all aspects of its employment and business, regardless of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy or maternity, or any other grounds not bearing on a person's ability or potential.
2. Zest Education aims to ensure that no job applicant, employee or customer receives less favourable treatment or is disadvantaged by employment conditions or requirements, which cannot be shown to be justifiable. The application of the policy will be monitored but information gathered will only be used for this purpose.
3. Zest Education will actively promote opportunities through the application of employment policies that value diversity and ensure that individuals receive treatment that is fair, equitable and consistent with their skills and abilities.
4. Zest Education affirms its policy to uphold education programmes to ensure:
    - there is equality of opportunity for all
    - the rights of all groups are protected
    - racial and cultural differences are respected
    - the elimination of all practice which discriminates unfairly between the sexes
5. Zest Education is also concerned for the rights of pupils with special needs and wishes to ensure that they are granted the same opportunities as those without
6. Zest Education requires all candidates on registration to be fully aware of the implications of equal opportunities. (Should you be unsure of any aspect of the above please ask your consultant to explain them to you in more detail)
7. Zest Education wishes to make clear to candidates that it does not support any inappropriate form of physical contact to discipline a child. It is a condition of inclusion on our register that you comply with the spirit of Equal opportunities and that you do not use unreasonable force to control or restrain a pupil.

Our full Equal Opportunities and Diversity Policy can be viewed via our website:

www.zesteducation.co.uk/equal-opportunities-and-diversity-policy

Agency Workers Regulations:

These regulations give agency workers the right to the same basic working and employment conditions they would receive if they were engaged directly by an end user client to do the same job.

This is limited to conditions and pay that relate to pay and working time.

To be entitled to equal treatment, the agency worker must have completed a 12 week qualifying period in the same role. The qualifying period can exceed 12 weeks where the clock is paused, which can be a pause of anything up to 6 weeks, however, even if the worker carries out work for 1 hour in a week, during the qualifying period, it will contribute towards the full 12 week qualifying period.

If there is a pause for more than 6 weeks, the clock for AWR will be reset.

The right to access a client's collective facilities and information about permanent roles will apply from day one of an agency worker's assignment, whereas pay and equal treatment only applies once the 12 week qualifying period has been completed.

Equal treatment is classed as the following basic working and employment conditions:

- Pay
- Duration or working time
- Night work
- Rest periods
- Annual leave

Day One rights are the sole responsibility of the client so the agency worker should address requests for information to the client. REC recommends dealing with any other queries about equal treatment on an informal basis.

However, if an agency worker believes that s/he has not received his/ her equal treatment rights, the Regulations allow the agency worker to request a written statement from an agency requesting information about the treatment that the agency worker has received (though s/he can only do this once s/he has completed the 12 week qualifying period).

To trigger this formal procedure, the agency worker must make the request in writing. Once the agency receives this request it will have 28 days to respond and in order to comply with the Regulations the written response must include the following information:

• relevant information relating to the basic working and employment conditions of the client's workers;

• the factors the agency considered when determining the basic working and employment conditions which applied to the agency worker at the time s/he allegedly did not receive the equal treatment they claim they were entitled to receive;

• relevant information which explains the basis on which the client's comparable employee was identified and the relevant terms and conditions applicable to that employee.

If the agency does not comply with this request, the agency worker can instead request a written statement from the client as to the information about the relevant basic working and employment conditions that apply to the client's own workers, once 30 days from the date of the original request to the agency has passed.

Requests for information regarding Day One rights

If an agency worker believes that the right to access the client's collective facilities and amenities, or to receive information about relevant client vacancies has been breached, the agency worker can request information directly from the client about the access facilities and vacancies which is offered to the client's own workers. The agency worker can go directly to the client in respect of these rights without contacting the agency in the first instance.

What happens if the agency or client fails to respond to the request for information?

The failure to respond to an agency worker's request for information by either the agency or client may have serious consequences in the event that an agency worker makes a claim to an Employment Tribunal for either a failure to provide equal treatment (basic working and employment conditions) or a failure to provide access to collective facilities and amenities and vacancies.

If an Employment Tribunal finds that the agency or client deliberately and without good reason failed to provide the information requested, or that any written statement given in response to an information request is evasive or equivocal, it will be able draw an inference that the agency worker's rights have been breached.

Online Searches:

Part of our compliance checks will include an online search, this is based on the guidance included in keeping children safe.

A one page google search of the candidates full name, plus a one page google search of the candidates full name + prison, will be searched, this will be ran for every name the candidate has gone by. Any potential matches to yourself will be disclosed and discussed with you for comment. These results may also be shared with the school.

Qualifications policy:

We must verify the following qualifications for our candidates:

Qualified Teachers: Qualification checked via the TRA check and if present, a PGCE/QTS certificate. This includes NQT's and we follow the government guidance on NQT induction restrictions if necessary

Cover Supervisors: Ideally degree qualified, this qualification will be checked via a reference from the University and if present, a degree certificate

Teaching Assistants (TA's) or Learning Supports Assistants (LSA's): Ideally level 2 or level 3 qualified, this qualification will be checked via a reference from the College and if present, a certificate

TRA check policy:

We must undertake a TRA check on all candidates to ensure that the candidate has a valid Qualified Teacher Status (QTS) qualification, that there are no active restrictions and/or prohibitions. The check will be ran prior to clearance and at least every 12 months, or whenever deemed necessary.

All Teachers and Support staff are checked on: https://www.gov.uk/guidance/check-a-teachers-record, and are checked via their surname and date of birth.

If there are any active restrictions and/or prohibitions, these will be discussed with the candidate and referred where necessary to the TRA.

Induction status will be checked for all candidates who have teachers who have qualified since 8 May 1999, the Teachers record will show their induction status which will be the evidence that the induction period has been completed satisfactorily. If the record shows that the induction period has not been completed, this will be discussed with the candidate, in most cases where the induction period has been completed but the record has not been updated, the candidate can contact the TRA to get this updated – the candidate will not be able to be cleared as qualified teacher until this has been updated. For those who have not completed induction within the 5-year period, we will follow guidance surrounding working on short term supply.

Section 128 Direction Check: This check will be ran for all candidates who have applied for a management and governance roles within maintained and independent schools. A Section 128 Direction, checks and provides the names of individuals who are barred from taking part in the management of any independent or maintained school. https://www.gov.uk/government/collections/individuals-prohibited-from-managing-or-governing-schools

Overseas Qualified Teachers policy:

If a candidate is qualified outside of the UK, we may need to do certain further checks to ensure they are suitable to work as a Teacher in the UK. Guidance can be found here - https://www.gov.uk/government/publications/awarding-qualified-teacher-status-to-overseas-teachers/a-fairer-approach-to-awarding-qts-to-overseas-teachers--2 & https://www.gov.uk/guidance/recruit-teachers-from-overseas.

We require that all overseas qualifications are checked with ENIC (https://www.enic-naric.net/) and that relevant overseas documents are officially translated, to ensure that candidates are suitable.

Overseas Trained Teachers (Outside EEA, Switzerland, Australia, Canada, New Zealand, & US):

Candidates who have trained in the above areas can work in the UK as a qualified teacher for four continuous calendar years from the first date on which they start work as a qualified teacher.

The candidate will need provide a letter from the professional regulating authority in the country (or countries) in which the candidate has worked, confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach. We will then verify this document and copy, sign, and date it.

If the candidate would like to obtain QTS there are different arrangements based on what qualifications they have.

The 4-year rule exemption

Overseas applicants do not need QTS to teach in maintained schools in England for the first 4 years of their stay in the UK, an exemption known as the '4-year rule'.

In academies and free schools, there is no legal requirement for teachers to hold QTS, at any point in their employment.

To be eligible for the 4-year rule, the applicant will need to have:

- qualified as a teacher in a country outside the UK

- successfully completed a course of teacher training recognised by the organisation that regulates teachers in the country where they qualified

The 4-year rule exemption does not apply to:

- pupil referral units (PRUs)
- alternative provision academies
- alternative provision free schools, where QTS is required from the beginning of their employment.

If we are employing an overseas teacher, they need to already possess right to work in the UK and we need to ensure to inform them:

- about the 4-year rule when you employ them
- that they need QTS (or another legal basis) to teach longer than 4 years in some types of school

Overseas Trained Teachers (From EEA, Switzerland, Australia, Canada, New Zealand, & US)

- The candidate will need provide a letter from the professional regulating authority in the country (or countries) in which the candidate has worked, confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach. We will then verify this document and copy, sign, and date it.
- The candidate will also need to provide evidence to us that they have applied to the Teaching Regulation Agency ("TRA") for the award of QTS. We will sight the evidence provided and copy, sign and date, and file it.
- No more than 12 weeks after the candidate provides evidence of their application for QTS, the candidate will provide us with evidence of their QTS award from the TRA. We will sight the evidence provided and copy, sign and date, and file it. Until the QTS award has been confirmed, they should **not** be placed in qualified teaching roles, instead they can work as an Instructor.

Records retention

Please see our privacy policy for more information.

Handling of DBS certificate information

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, Zest Education complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

It also complies fully with its obligations under the General Data Protection Regulation (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters, which is available to those who wish to see it on request.

Storage and access

Certificate information should be kept securely, in lockable, non-portable, storage containers or on a secure system, with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

In addition, organisations that require retention of certificates in order to demonstrate 'safer recruitment' practice for the purpose of safeguarding audits may be legally entitled to retain the certificate. This practice will need to be compliant with the Data Protection Act, Human Rights Act, General Data Protection Regulation (GDPR), and incorporated within the individual organisation's policy on the correct handling and safekeeping of DBS certificate information.

Usage

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, not withstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

Acting as an umbrella body

Before acting as an umbrella body (an umbrella body being a registered body which countersigns applications and receives certificate information on behalf of other employers or recruiting organisations), we will take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of certificate information in full compliance with the code of practice and in full accordance with this policy.

We will also ensure that any body or individual, at whose request applications for DBS certificates are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

Continued Suitability – DBS and TRA checks

In-line with our commitment to safeguarding, it is our company policy to undertake regular checks for both; criminal records and the Teaching Regulation Agency (TRA) to ensure that there has been no change to any information given/obtained since the initial point of registration.

Subsequently, it is standard company practice to carry out DBS Update Service checks and TRA checks on an annual basis, unless there has been a gap in employment of 3 months or more with Zest Education, in which case, we would have to carry out a new check for both (where applicable)

This is also included in the registration form, which requires a signature and date, prior to undertaking any assignments with Zest Education.