
HR Policies and Procedures

Personnel Security Check

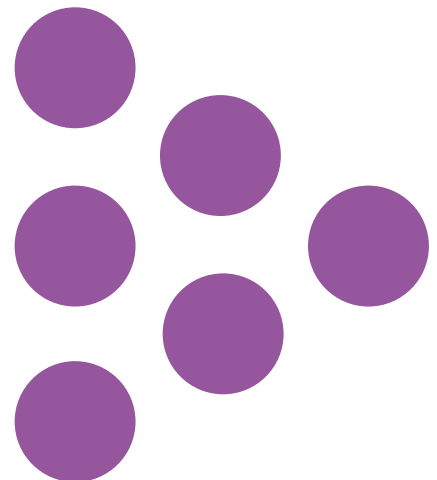
For all NFER Staff & Employees

National Foundation for Educational Research (NFER)

Restricted

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1 Introduction

This policy applies to employees of NFER and its contingent workforce, including associates, agency workers, contractors and consultants.

This policy is non-contractual and does not form part of the terms and conditions of the contract of employment or any terms agreed for contingent workers. The policy may be amended by the company from time to time at its absolute discretion.

NFER takes the safety and security of children seriously. Due to the nature of NFER's work, and that of its clients, it is important that NFER has the correct measures in place to uphold its reputation and integrity, safeguard children and maintain the security of its work and data.

For this reason NFER aligns itself to the following measures and controls:

1. A set of pre-employment screening checks - used by Her Majesty's Government (HMG) known as the Baseline Personnel Security Standard (BPSS)
2. Ongoing security checks for those undertaking regulated activity in compliance with the "Safeguarding Vulnerable Groups Act" (2006) and the "Protection of Freedoms Act" (2012), which created the Disclosure and Barring Service.

The use of the BPSS ensures NFER is employing people entitled to work in the UK, who have the honesty, integrity and values needed to work on UK government-related work. Enhanced DBS checks for all staff whose role requires them to go into schools, regardless to it being classed as regulated work or not, ensures NFER is not putting children at risk when carrying out its work in schools and also protects the ongoing reputation of the organisation.

The responsibility for applying this policy rests within HR, however, HR works with stakeholders across the organisation to ensure the effective and consistent application of the policy.

The purpose of conducting these checks is to:

- Maintain the safety and security of children when staff undertake activities within schools.
- Mirror the BPSS standard, which is a contractual requirements within UK government contracts and seen as best practise.
- Maintain NFER own integrity, safety and security.
- Guard against the employment of anyone posing as a prospective employee for commercial or personal gain.

2 Principles

It is a condition of employment that all prospective NFER staff undergo pre-employment checks.

These include:

- Identification
- Eligibility to work in the UK
- References from the past 3 years (with any 6+ months period abroad covered)
- A basic criminal reference (or an enhanced check if undertaking unsupervised work with children).

Eligibility to work checks are completed prior to the commencement of employment. All other checks will ideally be completed prior to employment, however, there may be occasions when this is not possible. In such instances NFER will assess and manage any risks.

Refusal by an individual to provide any of the required information will be taken into account in the employment decision, as will the refusal by an employee to undertake (or renew) a DBS check. This will be treated as a disciplinary matter and may result in dismissal.

To create a culture in which security is important and accepted, concerns and problems will be addressed confidentially and informally wherever possible.

Employees are to inform HR if their circumstances change, specifically in regards to their immigration status or criminal record. Failure to do so could lead to dismissal.

The Disclosure and Barring Service states that an enhanced DBS check is legally required when a member of staff is engaged in 'regulated activity'. However, NFER carries out enhanced checks on all staff whose role requires them to go into schools, regardless if it is unsupervised or not, or how often this takes place. Enhanced checks are also sort when a role needs to access data from the ONS/SRS system or works within the Data Management Unit.

NFER will treat all applicants for positions fairly and will not discriminate against any subject of a DBS check on the basis of a conviction or any other information revealed.

For non-UK based staff or staff recruited from overseas, it is understood that not all of the pre-employment checks are relevant or possible. HR undertakes to apply all reasonable related verification checks as part of the recruitment processes.

There may be occasions when it is not possible to carry out all of these checks (e.g. for high numbers of short-term contractors or overseas workers). In such instances, the appropriate level of

risk will be managed and the reasons for not applying the BPSS will be shared with the Compliance Team for audit purposes.

2.1 Contingency Workers

Associates working in schools are required to have an enhanced DBS check with children barred that is no more than 3 years old. Where work with us does not require them to go into schools or to have access to NFER's assets no DBS check is required. In all other cases a basis level check which is no more than 3 years old is required. The associated cost will be at their own expense.

For avoidance of doubt, 'assets' include physical assets such as buildings and laptops as well as secure material, data, and documents classified as confidential.

When NFER engages with an Agency Worker, the third party will be contractually required to carry out a similar level of pre-employment vetting. It is recognised that a basic DBS check may not be suitable for all roles and in all cases, however, when the individual will be working on UK government funded contracts or is working unsupervised with access to NFER assets, *and* is likely to do so for a period of more than 1 week, a basic DBS should be sought. The payment for this will be with the third party, although it is recognised there may be occasions when NFER covers this cost.

When individuals are engaged in undertaking work as a consultant or self-employed contractor, NFER will carry out identification vetting to establish the individual is the person they have said they are. Where they will be working on UK government funded contracts or have unsupervised access to NFER's assets, a basic DBS should be sought and paid for by the individual.

When NFER employs individuals provided by a sub-contractor to be employed on UK government funded work, the sub-contractor will be contractually required to provide evidence to confirm that the individual has successfully undergone a similar level of pre-employment vetting including a basic level of DBS.

There may be occasions where Contingency Workers employed in Scotland or Northern Ireland on a temporary basis are required to apply for a criminal check. The HR Department will advise if this is the case and will provide the relevant details.

This group of workers will not be discussed further in this Policy.

3 Procedure

3.1 Identification

A prospective staff member will need to provide documents that show their full name, date of birth and full permanent address. This check will form part of the online DBS service.

HR will carry out the verification of documents that form part of this check.

3.2 Eligibility to work in the UK

All UK based staff, paid via PAYE, need to prove their eligibility to work in the UK as part of the civil penalty scheme to prevent illegal working.

These checks are conducted before employment to ensure staff are legally allowed to do the work in question. Where an individual's right to work is time-limited, a follow-up check will be made shortly before it is due to come to an end.

Checks can be carried out in one of three ways: where possible an online check using the Gov.uk website, a manual document-based check conducted in person, or a Digital Check (as of September 2022).

3.3 References

Upon an offer of employment, a prospective employee will need to provide the contact details for references, along with the dates of employment, to cover a period of no less than 3 years.

HR is responsible for checking the dates and ensuring that, where there are gaps of six or more months, there is a sufficient explanation for this period that have been spent overseas.

When someone is new to the workforce and unable to provide employment references, they can provide educational details and/or a personal references.

Whilst every effort should be made to take up references, this policy also recognises the reluctance of some employers to provide references and frequent delay in getting a response. Therefore, whilst HR will seek to take up suitable references, the response of such references is not a requirement for ongoing appointment.

3.4 Criminal Record Check

All members of staff, with the exception of some contingency workers, will be required to undergo a DBS criminal record check; the level of DBS check will depend on whether the role will be working in school.

3.4.1 Basic DBS Check

NFER requires a basic criminal record check (unspent convictions only) for those staff who do not need an enhanced level check.

Individuals will not be asked to repeat a Basic DBS check unless they are applying for educational data via the Secure Research Service (SRS) in which case they must hold a Basic DBS Certificate which is no more than two years old.

3.4.2 Enhanced DBS Checks

These checks disclose all convictions (spent and unspent), cautions, final warnings and reprimands held on the Police National Computer; they may also reveal local police information (e.g. details of allegations, arrests, not guilty verdicts etc.) that it is felt to be relevant to the job. NFER also checks if individuals appear on the barred list, which includes the names of those people who are deemed to be unsuitable to work with children.

Where an enhanced criminal check is a requirement for the role, failure to agree to a required renewal or not passing such a check may lead to disciplinary action, the withdrawal of an offer of employment or termination of work.

From time to time NFER may need to share evidence of a clear, Enhanced DBS Check with client schools and other interested parties.

DBS checks will be carried out following an offer of employment as employment has been offered subject to satisfactory completion of such checks. Where it is not possible to obtain all checks prior to engagement, the individual may still commence employment on the basis they are not going into schools and/or where the risk is considered low. Checks must be completed within the first 3 months of employment.

Staff whose role requires them to go into schools are encouraged to sign up to the DBS Update Service. The continuation of an employment contract is on the condition of an ongoing clear enhanced check.

3.4.3 Overseas Criminal Checks

Where an individual is new to the UK, every effort will be made to obtain a criminal reference from their country of origin. No work in schools will take place until a clear enhanced level DBS check or equivalent has been obtained.

3.4.4 DBS Checks from other employment / organisations:

DBS checks undertaken by other employers/organisations for work or other activity within the previous 1 years may be accepted. For enhanced checks this needs to also include the children's barring check.

3.4.5 Disclosure of Criminal Charges

Application forms include a disclosure question appropriate to the level of check required for the role. Failure by prospective staff to declare any spent, unspent, pending prosecutions, convictions or cautions (according to the type of check required) may disqualify them from employment and lead to a withdrawal of the job offer.

Current staff should advise HR if they become subject to any criminal charge(s). The relevant SMT member and HR representative will meet confidentially with the individual concerned to discuss the matter. They will then decide whether or not this will impact on the individual's ability to continue to be employed by the Foundation.

In the case of motoring offences, only drink-driving and dishonesty (such as fraud and theft) need be disclosed.

Failure to declare any other criminal charge may lead to disciplinary action as outlined in the company's Disciplinary Policy. This is available on the intranet for employees and within the Code of Conduct for Contingent workers.

3.4.6 Confidentiality

All details contained on the DBS check are confidential and will only be disclosed to those with the authority to make a decision regarding an offer of employment or the continuation of an existing contract.

HR will maintain records of DBS checks (date and number only), ensuring that Enhanced DBS Certificates for staff who are not subscribers to the DBS Update Service are updated at least every three years or, in the case of an extended gap in service, prior to their re-employment.

No copies of any DBS Certificates will be made, or held in the HR Department unless they contain any entries which need to be reviewed with the individual concerned. Should this be the case, hard

copies will only be held as long as necessary for the required purpose and no longer than 6 months.

3.4.7 Outcomes from DBS Checks

Should a DBS check indicate there is a criminal record, this will be dealt with in a sensitive and confidential manner. The following factors will be taken into account when deciding upon any necessary action:

- Whether the conviction or other matter is relevant to the position in question and, in particular, whether the offence was committed against children or vulnerable adults;
- The seriousness of the offence;
- The length of time since the offence occurred;
- Whether the individual has a pattern of offending behaviour or other relevant matter;
- Whether the individual's circumstances have changed since the offending behaviour;
- The circumstances surrounding the offence and explanation (as offered by the individual).

The relevant Senior Manager and HR representative will meet with the individual concerned to discuss the matter confidentially. They will then decide whether or not this will impact on the individual's ability to be employed/continue to be employed by the Foundation.

If the crime was against a child or vulnerable adult and/or the individual has been placed on the Sex Offenders Register, the CEO and Child Protection Officer will be advised and the individual summarily dismissed in line with NFER's Disciplinary Policy or our offer of work withdrawn as detailed in the code of conduct for Contingent Workers.

3.4.8 Recruitment of Ex-offenders

NFER actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates. We select all candidates for possible employment based on their skills, qualifications and experience.

The policy on the recruitment of ex-offenders is available to all applicants on the NFER careers page on the website.

4 References & Resources

[An employer's guide to right to work checks: 31 August 2021](#)

[Baseline Personnel Security Standard - May 2018](#)

[Revised Code of Practice for Disclosure and Barring Service Registered Persons \(Nov 2015\)](#)

[Criminal records checks for overseas applicants](#)

[Criminal Record Check Documents](#)

[Overseas Criminal Checks](#)

[Online right to work checks](#)

[NFER's document lists for Right to Work Checks](#)

[Employer Checking Service](#)

[NFER's Policy for Recruitment of Ex-Offenders](#)