



Rays of Sunshine

Recruitment Policy

Including

Safer Recruitment and Right to Work Checks

Document Control

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Contents

General Recruitment Policy	4
Purpose:	4
Scope:.....	4
Aims:	4
Vacancy/post availability:	4
Role and Person Specifications:	5
Selection Panel:.....	5
Shortlisting:	5
Template/Blank Candidate Scoring Sheet:	6
Interviews:	6
Appointment:.....	6
Safer Recruitment	8
Use of the Disclosure and Barring Service and the Recruitment of Ex-Offenders:.....	8
Right to Work in the UK:	9
*List A: acceptable documents to establish a continuous statutory excuse	10
List B - Group 1*	11
List B - Group 2*	12
Documents Checking Process:	13
Appendix 1:	14
Conducting a manual document-based right to work check*	14
Step 1: Obtain	14
Step 2: Check.....	14
Step 3: Copy	14
Acceptable documents	15
Checking the validity of documents.....	16
Retaining evidence.....	17

General Recruitment Policy

Purpose:

This policy is in place to ensure the procedures by which staff are recruited into post are fit for purpose, fair, transparent and consistent with the Rays of Sunshine policy position regarding equality, diversity and inclusion.

Scope:

This policy covers all current employees and applicants for employment with Rays of Sunshine, including those for a temporary, fixed term or permanent position. The policy will cover all internal and external recruitment and remains available to all employees.

Aims:

- To recruit the right person for an available role
- To recruit in accordance with current legislation (including Right to Work checks)
- To recruit in accordance with Rays of Sunshine's safeguarding policies
- To recruit in accordance with the Rays of Sunshine commitment to equality, diversity and inclusion
- Where relevant, to provide existing staff with the opportunity for career progression

Vacancy/post availability:

All employees (including fixed term employees) will be notified of any positions that arise during their employment by email.

Rays of Sunshine reserves the right to make appointments without advertising externally.

Rays of Sunshine is a committed equal opportunities employer and will not advertise in any way that discriminates against a protected group as defined within s4 of the Equality Act 2010 ([here](#)) and listed below:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;

- sex;
- sexual orientation.

All job externally advertised job packs will contain the following action statement:

Rays of Sunshine welcomes applications from all sections of the community and actively encourages diversity to maximise achievements, creativity and good practice. We positively welcome and seek to ensure we achieve diversity in our workforce and that all job applicants and employees receive equal and fair treatment, regardless of age, race, gender, religion, sexual orientation, disability or nationality.

Role and Person Specifications:

All posts will be described within an initial, dedicated role specification or 'job description' document.

This will be subject to regular review as the role evolves or in response to structural and/or organisational changes within the charity.

The recruitment process is in place to attract the best candidate for an available role. As such, the related person specification details for a role will set out the degree to which a prospective applicant's skills, experience and attributes are considered essential or desirable prior to the shortlisting and/or appointment process.

These may include:

- Existing skills, experience or specialised knowledge
- Qualifications
- Personal attributes

Selection Panel:

Selection panels wherever possible will comprise of at least two members of staff with relevant experience in the area of work being recruited for, with a diverse representation where possible. Trustees, major donors or other external parties can be used as part of the selection panel where this is relevant.

The selection panel is expected to declare any potential conflict of interest, for example, if they know any of the applicants. It will not necessarily preclude them from serving on the panel, but it should be noted in the recruitment documentation.

Shortlisting:

Shortlisting decisions will be based on the applicant's CV plus any accompanying cover letter as compared to the Role and Person Specifications.

For external candidates, at least two people from the prospective interview panel will in the first instance shortlist applicants independently of one another.

Where possible a Candidate Scoring Sheet should be completed (and stored for 12 months) for all posts to capture and collate each element of the shortlisting process.

Template/Blank Candidate Scoring Sheet:



Candidate scoring
sheet for shortlisting.c

Interviews:

Wherever possible interviews will be held in person at the Rays of Sunshine offices. Remote interviewing can be offered at the discretion of the panel or in accordance with government (e.g. pandemic) advice.

As part of the preparation process, panellists (or delegated authority) must offer candidate's access to appropriate adjustments to facilitate equal access to the interview process in accordance with the requirements of the Equality Act 2010.

The panel will use the same questioning strategy for all candidates and base the questions on the requirements of the job.

The panel is entitled to use other selection tools to augment the interview process including (but not limited to) in-tray exercises and presentations.

Panelists should keep a note of each interview including each candidate's responses/performance in connection with their suitability for the role for 12 months in accordance with the Rays of Sunshine privacy notice [here](#).

A member of the panel (or delegated authority) will contact candidates to notify them of the interview outcome and provide feedback if requested.

Rays of Sunshine reserves the right to conduct a second interview process.

Appointment:

Successful (external) candidates will receive a provisional offer subject to:

- Two satisfactory references; including one of their most recent employer unless exceptional circumstances apply.

- Disclosure and Barring Service (DBS) clearance (see later). Rays of Sunshine reserves the right to conduct an enhanced DBS check for some posts, including volunteer positions. Where this is necessary, it will be clearly marked in the job pack.
- Consideration of any disclosed and/or unspent convictions.
- Satisfactory completion of Proof of Right to Work in the UK checks (see later).
- Proof of qualifications where this is appropriate.
- Satisfactory completion of a probation period.

These requirements will be summarised within a formal offer letter, which will include the agreed start date if available.

Safer Recruitment

Use of the Disclosure and Barring Service and the Recruitment of Ex-Offenders:

Rays of Sunshine reserves the right to require staff to submit to a DBS check or an enhanced DBS check prior to starting work and regularly thereafter according to the role they are fulfilling for the charity.

This includes employed staff, volunteers and Trustees.

Rays of Sunshine acts in accordance with the following documents and tools:

- The 2019 publication 'DBS Checks: Working with children in the charity sector' ([here](#))
- The 2015 publication '*Revised Code of Practice for Disclosure and Barring Service Registered Persons*' (click [here](#))
- The UK.GOV eligibility tool, in place to assist with determining which charity staff require a DBS check ([here](#))

Rays of Sunshine recognises that not all roles warrant a DBS check, however reserves the right to proceed with basic, standard or enhanced DBS checks if this is considered necessary to remain compliant with our overarching safeguarding obligations.

All applicants called for interview must provide details of any unspent convictions at an early stage of the application process. The requirement to provide this information will be set out within the job application form or – if this is unavailable – made available to prospective candidates directly through the provision of this document.

Whilst the presence of a criminal record is not an automatic bar to employment at Rays of Sunshine, their existence will prompt a closer assessment as to role/position suitability.

Failure by candidate to reveal information that is directly relevant to the position sought is likely to lead to the offer of employment being withdrawn.

Rays of Sunshine will not discriminate unfairly against any subject of a disclosure on the basis of conviction or other information revealed, however does reserve the right to consider whether any disclosed information renders a candidate incompatible with the role to which they have been provisionally appointed.

Staff already in post are required to notify their Line Manager immediately of any circumstances that may impact on their suitability to work with vulnerable adults/children, including but not limited to any convictions, charges or cautions for criminal offences.

Right to Work in the UK:

All candidates must provide Rays of Sunshine with the following documents to demonstrate their eligibility to work in the UK in accordance with the Immigration, Asylum and Nationality Act 2006 ([here](#)). This cannot be delegated by the employer to any other organisation.

Evaluating a candidate's right to work is an employer's legal obligation and individuals cannot do any work for Rays of Sunshine until the Right to Work in the UK check has been satisfactorily completed in line with up to date government guidance. For Rays of Sunshine to remain compliant with the law, checks (which are time stamped) must take place **before** the onset of their employment or (at the latest) at the very start of the first day.

This means originals of documents must be presented either at interview, where copies will be taken, or on the first day of employment.

No prospective employee will be permitted to begin work without these documents being provided and verified by Rays of Sunshine.

Rays of Sunshine conducts this check in accordance with current guidance as set out within the December 2021 Home Office publication '*Employer Right to Work Checks Supporting Guidance*' at this [link](#) and, where relevant, '*Coronavirus (Covid-19): right to work checks (temporary adjustments)*' [here](#).

Government guidance regarding Right to Work Checks, is subject to regular update and as such, whilst every effort is made to ensure local policies are updated in accordance with any new changes, users should routinely check for changes (including changes to the document lists) at the GOV.UK website and/or at this [link](#).

Rays of Sunshine cannot accept photocopies in lieu of original documents as proof of eligibility to work in the UK unless an exemption exists in the above Home Office guidance or as part of pandemic related amendments, which can be found at this [link](#).

All candidates must provide either one set of documents from **List A** (below), which provides ongoing evidence of eligibility to work in the UK or one set of documents from **List B** which provides up to 12 months proof of eligibility to work in the UK.

Interval checks will be required for those employees only able to provide documents from **List B**.

Further Home Office guidance on Employer Right to Work Checks is available at this [link](#).

See also Appendix 1 for detailed guidance regarding how to undertake a manual right to work in the UK check drawn from January 2022 Home Office Guidance.

***List A: acceptable documents to establish a continuous statutory excuse**

*always check for changes at <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>

1. A passport (current or expired) 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 passport card (current or expired) showing that the holder is a national of the Republic of Ireland.
3. A current document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom indefinitely.
4. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
6. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, 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 UK, 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 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.

10. 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

List B - Group 1*

Documents where a time-limited statutory excuse lasts until the expiry date of leave

*always check for changes at <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>

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 document issued by the Home Office to a family member of an EEA or Swiss citizen, and which indicates that the holder is permitted to stay in the United Kingdom for a time limited period and to do the type of work in question.
4. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
5. A document issued by the Bailiwick of Jersey or the Bailiwick of Guernsey, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008, on or before 30 June 2021. Entry to be removed - refer to List B, Group 2, no. 2
6. A frontier worker permit issued under regulation 8 of the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020.
7. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with 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.

List B - Group 2*

Documents where a time-limited statutory excuse lasts for six months

*always check for changes at <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>

1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
2. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU to the Jersey Immigration Rules or Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 together with a Positive Verification Notice from the Home Office Employer Checking Service. Entry amended.
3. 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.
4. 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.
5. A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.

Documents Checking Process:

Rays of Sunshine operates the following process in relation to the above documents to ensure we are protected against the civil liabilities arising from employing someone who does not have a right to work in the UK.

This involves the following checking process (see also Appendix):

1	Are photographs consistent across documents and with the person's appearance?	Y	N	N/A
2	Are dates of birth correct and consistent across documents?			
3	Are expiry dates for time-limited permission to be in the UK in the future i.e. they have not passed (if applicable)?			
4	Have you checked work restrictions to determine if the person is able to work for you and do the type of work you are offering? (For students who have limited permission to work during term-time, you must also obtain, copy and retain details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed.)			
5	Are you satisfied the document is genuine, has not been tampered with and belongs to the holder?			
6	Have you checked the reasons for any different names across documents (e.g. marriage certificate, divorce decree, deed poll)? (Supporting documents should also be photocopied and a copy retained.)			

Copies of the following documents – recording also the date on which the check was made and by whom - will then be made using a format which cannot later be altered as follows:

1. Passports: any page with the document expiry date, nationality, date of birth, signature, leave expiry date, biometric details and photograph, and any page containing information indicating the holder has an entitlement to enter or remain in the UK and undertake the work in question.
2. All other documents: the document in full, both sides of a biometric residence permit. Rays of Sunshine will retain these copies securely using an electronic format or platform (uploaded to BreatheHR) and/or in hardcopy.

Appendix 1:

Conducting a manual document-based right to work check*

*Extract from the Home Office publication 'An Employer's Guide to Right to Work Checks' 17.January 2022

There are three steps to conducting a manual document-based right to work check. You need to complete all three steps before employment commences to ensure you have conducted a check in the prescribed manner, in order to establish a statutory excuse.

Step 1: Obtain

You must obtain original documents from either **List A** or **List B** of acceptable documents (see earlier).

Step 2: Check

You must check that the documents are genuine and that the person presenting them is the prospective employee or employee, the rightful holder and allowed to do the type of work you are offering. You must check that:

1. Photographs and dates of birth are consistent across documents and with the person's appearance in order to detect impersonation;
2. Expiry dates for permission to be in the UK have not passed;
3. Any work restrictions to determine if they are allowed to do the type of work on offer (for students who have limited permission to work during term-times, you must also obtain, copy and retain details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed);
4. The documents are genuine, have not been tampered with and belong to the holder; and
5. The reasons for any difference in names across documents can be explained by providing evidence (e.g. original marriage certificate, divorce decree absolute, deed poll). These supporting documents must also be photocopied and a copy retained.

Step 3: Copy

You must make a clear copy of each document in a format which cannot manually be altered and retain the copy securely: electronically or in hardcopy.

You must also retain a secure record of the date on which you made the check.

Simply writing a date on the copy document does not, in itself, confirm that this is the actual date when the check was undertaken.

If you write a date on the copy document, you must also record that this is the date on which you conducted the check.

You must copy and retain copies of:

1. Passports: any page with the document expiry date, the holder's nationality, date of birth, signature, leave expiry date, biometric details, photograph and any page containing information indicating the holder has an entitlement to enter or remain in the UK (visa or entry stamp) and undertake the work in question (the front cover no longer has to be copied).
2. All other documents: the document in full, including both sides of a Biometric Residence Permit, Application Registration Card and a Residence Card (biometric format).

All copies of documents taken should be kept securely for the duration of the worker's employment and for two years afterwards.

The copy must then be securely destroyed.

We recommend you use the '**Employers' Right to Work Checklist**' (see earlier) to ensure you have correctly carried out all the steps you need to or the online interactive tool '**Check if someone can work in the UK**', which will take you through the process by asking you a series of questions.

Both will help you to confirm that you have undertaken each step correctly to establish your statutory excuse.

Acceptable documents

The documents you may accept from a person to demonstrate their right to work are set out in two lists – List A and List B.

List A contains the range of documents you may accept for a person who has a permanent right to work in the UK. **Always check you are using the most up to date list.**

If you conduct the right to work checks correctly before employment begins, you will establish a continuous statutory excuse for the duration of that person's employment with you.

You do not have to conduct any further checks on this individual.

List B contains a range of documents you may accept for a person who has a temporary right to work in the UK. **Always check you are using the most up to date list.**

If you conduct the right to work checks correctly, you will establish a time-limited statutory excuse.

You will be required to conduct a follow-up check in order to retain your statutory excuse.

This should be undertaken in the same way as the original check.

Checking the validity of documents

When you are checking the validity of the documents, you should ensure that you do this in the presence of the holder.

This can be a physical presence in person or via a live video link.

In both cases you must be in physical possession of the original documents. For example, an individual may choose to send their documents to you by post to enable you to conduct the check with them via live video link.

You may not rely on the inspection of the document via a live video link or by checking a faxed or scanned copy of the document.

The responsibility for checking the document is yours.

Whilst it may be delegated to your members of staff, you will remain liable for the penalty in the event the individual is found to be working illegally and the prescribed check has not been correctly carried out.

You may not delegate this responsibility to a third party.

Whilst you may use a third party to provide support in terms of technical knowledge or specialised equipment to prevent the employment of illegal workers, the responsibility for performing the check (in order to obtain a statutory excuse from a civil penalty) will remain with you as the employer.

If you are given a false document, you will only be liable for a civil penalty if it is reasonably apparent that it is false.

This means that a person who is untrained in the identification of false documents, examining it carefully, but briefly, and without the use of technological aids could reasonably be expected to realise that the document in question is not genuine.

You will not obtain a statutory excuse if:

- the check is performed by an individual who is not employed by you;
- it is reasonably apparent that the person presenting the document is not the person referred to in that document, even if the document itself is genuine.
- You may be liable to prosecution if you know or have reasonable cause to believe that the individual does not have immigration permission to work;
- You know that the individual is not permitted to undertake the work in question; or
- You know that the documents are false or do not rightfully belong to the holder.

You may wish to read the online guidance about recognising fraudulent identity documents. [Guidance on examining identity documents](#) can be found on GOV.UK.

You can also compare identity and travel documents against the images published on:

- PRADO - [Public Register of Authentic Travel and Identity Documents Online](#) ; or
- [EdisonTD](#)

These are archives of identity and travel documents.

You may also wish to consider using commercially available document validation technology to help check the authenticity of biometric documents presented to you, notably passports and biometric residence permits (BRPs). There is no requirement that you do this in order to have a statutory excuse against a civil penalty, but using this technology is likely to increase the security of your checking procedures. Guidance about [identity document validation technology](#) is available on GOV.UK.

If someone gives you a false document or a genuine document that does not belong to them, you should use this link to report the individual to us, or call our Employer Enquiry helpline on 0300 790 6268 (Monday to Thursday, 9am to 4:45pm; Friday 9am to 4:30pm).

Retaining evidence

You must keep a record of every document you have checked.

This can be a hardcopy or a scanned copy in a format which cannot be manually altered, such as a jpeg or pdf document.

You should keep the copies securely for the duration of the person's employment and for a further two years after they stop working for you.

You should also be able to produce these document copies quickly in the event that you are requested to show them to demonstrate that you have performed a right to work check and retain a statutory excuse.

You must also make a note of the date on which you conducted the check. This can be by either making a dated declaration on the copy or by holding a separate record, securely, which can be shown to us upon request.

This date may be written on the document copy as follows: '*the date on which this right to work check was made: [insert date]*' or a manual or digital record may be made at the time you conduct and copy the documents which includes this information.

You must be able to show this evidence if requested to do so in order to demonstrate that you have established a statutory excuse.

You must repeat this process in respect of any follow up check.

You may face a civil penalty if you do not record the date on which the check was performed.

Simply writing a date on the copy document does not, in itself, confirm that this is the actual date when the check was undertaken.

If you write a date on the copy document, you must also record that this is the date on which you conducted the check.