


Recruitment Policy and Employment of Illegal Workers	Author: Alastair Walker Finance Director.		
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1. Introduction


- 1.1 This policy demonstrates and satisfies the requirements of the following Acts of law:
 - 1.1.1.1 Asylum & Nationality Act 2006, Sections 15-25 of the Immigration.
 - 1.1.1.2 Equality Act 2010, for further details, refer to CDOC010 -GDUK Equality, Diversity & Inclusivity policy and procedure.
 - 1.1.1.3 The Rehabilitation of Offenders Act 1974.
- 1.2 Effective and consistent recruitment practices are essential to ensure that all applicants are treated fairly and with equality of opportunity.
- 1.3 This Recruitment Policy defines the principles that the Company considers important in the recruitment process and aims to ensure that good practice is applied consistently across the Company.
- 1.4 This Recruitment Policy covers all current employees and applicants for employment with the Company. The policy covers all internal and external recruitment

2. Equality, Diversity and Inclusion in Recruitment.

- 2.1 It is against the Company's Equality and Diversity Policy to discriminate either directly or indirectly on the grounds of race, nationality, ethnic origin, gender, marital status, pregnancy, age, disability, sexual orientation, gender reassignment, ethnicity, cultural or religious beliefs. Reasonable adjustments to the recruitment process will be made to ensure that no applicant is disadvantaged because of their disability.
- 2.2 The Company will never exclude any candidate with a disability unless it is clear that the candidate is unable to perform a duty that is intrinsic to the role, having taken into account reasonable adjustments. Interviewers must only ask a candidate questions about their health where this is directly necessary for a particular role and, in any event, only once they have been shortlisted.
- 2.3 As required by the Equality Act 2010, additional support will be provided to disabled employees to ensure they are not subject to unlawful or less favourable treatment during the recruitment and selection process. Reasonable adjustments will be made to remove any barriers the employee faces during the process.
- 2.4 All employees are required to comply with the requirements of the Equality and Diversity Policy at every stage of the recruitment process including production of job descriptions, advertising material, instructions given to recruitment agencies, shortlisting of applications, interviewing, selection decisions and offers of employment.

3. Monitoring Equality and Diversity in Recruitment.

- 3.1 In order to monitor the effectiveness of the Recruitment and Equality and Diversity Policy, the Company asks that all candidates complete the Equal Opportunities Monitoring Form. Any data which is collected regarding gender and ethnic origins will be collected solely for the purpose of monitoring equality of opportunity and will be held confidentially by the Company and in accordance with its Data Protection Policy

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4. Recruitment Authorisation.

- 4.1 Any vacancy must be authorised by the Executive Chairman and Finance Director before any attempt is made to fill the role. In making the request consideration should be given as to whether the duties of a vacant role could be redistributed among the rest of the team or elsewhere in the Company.

5. Job Descriptions and Person Specifications.


- 5.1 Once authorisation has been obtained, the recruiting manager must produce a job description for the vacancy which provides a fair and accurate representation of the role and follows the format which is laid out in the Job Description Form. The job description will include a clearly drafted person specification.
- 5.2 The job description will describe the duties, responsibilities and seniority of the post and the person specification will describe the qualifications, knowledge, experience, skills and competencies needed for the role to be carried out effectively.
- 5.3 The Job Description Form should be given to all candidates prior to interview to enable them to prepare adequately for the interview, which will improve the success of the interviewing process.
- 5.4 Particular care must be taken when producing job descriptions to ensure that unreasonable requirements are not placed on the job holder, which cannot be objectively justified and may unfairly disadvantage certain groups e.g. women, ethnic minorities, elderly or disabled persons.

6. Advertising of Vacancies.

- 6.1 All vacancies will be advertised within the Company prior to external methods of recruitment being used. Wherever possible, internal candidates will be considered in preference to external candidates and reasonable training and coaching will be provided to enable employees to achieve career advancement. Where it has not been possible to recruit within the Company, external methods of recruitment may then be considered.
- 6.2 Where the job is to be advertised, the proposed advertisement must be submitted to the Financial Director for approval. An advertisement must not show any intention to discriminate unlawfully.

7. Shortlisting.

- 7.1 In order to shortlist candidates for interviews, the Company will:
- 7.1.1 Identify specific job-related criteria using the job description.
 - 7.1.2 Match these criteria with those detailed in the candidate's CV; and
 - 7.1.3 Use this information to select which candidates will be invited for an interview.
- 7.2 Candidates who apply for positions with the Company, whether through a direct advertisement or a recruitment agency, will be informed of the outcome of their application as quickly as possible.
- 7.3 Screening will be carried out by matching details of applicants to the requirements of the job. The screening criteria will be applied consistently to all applicants. Records of the screening process will be retained for a period of one year.

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8. Recruitment Interviews.


- 8.1 The interview will focus on the needs of the job and skills needed to perform it effectively
- 8.2 Managers conducting recruitment interviews will ensure that the questions that they ask job applicants are not in any way discriminatory or unnecessarily intrusive. No assumptions will be made on the grounds of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation
- 8.3 A record of every recruitment interview will be made and passed to be retained for a suitable period of time, usually a year.
- 8.4 Sometimes, interviews may be held remotely via online video platform, such as Zoom or Microsoft Teams. Before the interview, the interviewer will provide the interviewee with details of how the interview will be conducted. The interviewer will also give the interviewee the opportunity to provide details of any reasonable adjustments that should be made or technological difficulties that they may encounter.
- 8.5 If it is necessary to use selection tests as part of the interview process, they will only relate to non-biased, genuine requirements of the job. Records of any testing undertaken will be retained for a period of one year.

9. Offer of Employment.

- 9.1 Once the most appropriate candidate has been selected, this appointment needs to be approved by the Executive Chairman and the terms and condition of the offer of employment must be confirmed by the Finance Director
- 9.2 In setting a starting salary, the Company must bear in mind the salary of existing employees in a similar role in order to ensure that inconsistencies are not created within the Company.
- 9.3 An offer should be made verbally to the candidate and, once agreed, a contract of employment must be raised and sent out with the offer letter.

10. Right to Work in the UK and Illegal Working.

- 10.1 It is against the law for a Company to employ a person who does not have permission to live and work in the UK. The Company will not employ an individual unless they have a legal right to work in the UK. If we were found to have employed an illegal worker the Company could be subject to a fine of up to £20,000 per illegal worker. Furthermore, it is also a criminal offence to knowingly employ an illegal worker; if found guilty of this offence the Company may face an unlimited fine and the individuals responsible could face up to five years imprisonment.
- 10.2 All offers of employment will be subject to the individual providing the required original documents in accordance with the Home Office Guidance "Comprehensive Guidance for Employers on Preventing Illegal Working" or the Company being able to carry out a check on the Home Office online right to work checking service, confirming their right to do the work. In order to enable the Company to conduct an online check, the individual must have shared their right to work details using the Home Office 'Prove your right to work to an employer' online service. Appendix A sets out the list of acceptable documents as published by the Home Office and the steps that should be taken to verify those documents.
- 10.3 Copies of the original documents provided under Clause 10.2 must be kept for the duration of the person's employment, and then for not less than two years after they have stopped working for us.

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- 10.4 The requirement to prove a legal right to work in the UK will apply to every person who is offered employment with the Company, regardless of their race, nationality or ethnic or national origins.
- 10.5 If an applicant is not able to prove a legal right to work in the UK, then they will be advised to contact the Citizens Advice Bureau for further advice. In these circumstances, the employment offer will be put on hold while further checks are made.
- 10.6 In the event that an individual has time-limited permission to live and work in the UK, they must provide evidence of their renewed right to live and work in the UK at the expiry of the current permission.
- 10.7 If it becomes evident to the Company during the course of an employee's employment that they do not have the right to work in the UK, the Company will, following an investigation into the circumstances and having established that the employee does not have the right to work in the UK, terminate the employee's contract of employment.
- 10.8 If a line manager becomes concerned that an employee in their team or department is working in the UK illegally, they should report the matter to the Financial Director, giving reasons for the concern. The Financial Director will investigate the matter further.

11. References.

- 11.1 All employment offers, unless otherwise agreed by the Financial Director are conditional upon receipt of 2 professional references which are satisfactory to the Company. The referees should usually be the applicant's current and previous employers although, in the case of a college or school leaver, a college tutor or teacher will be acceptable.
- 11.2 Details of referees will usually be sought from an applicant once an offer of employment is made and referees will not be approached without the applicant's permission.
- 11.3 References will usually be sought in writing and require that a standard reference form be completed. Details may be checked or clarified by telephone where necessary.
- 11.4 Any offer of employment will be conditional on references being satisfactory to the Company.

12. The Bribery Act.

- 12.1 When recruiting for posts that may be vulnerable to bribery risks (such as roles in Purchasing, Marketing or Distribution), and subject to the requirements of the Rehabilitation of Offenders Act 1974, the Company may need to carry out additional checks during the recruitment process.
- 12.2 These checks may include carrying out criminal record, bankruptcy and credit reference checks and/or taking up additional references.
- 13. Complaints Procedure
- 13.1 Any applicants who consider that they have been unfairly treated or discriminated against during the recruitment process should write to the Financial Director, stating the grounds of the complaint. Any employee who wishes to complain about their experience of the recruitment process should do so by means of the Grievance Procedure.

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Appendix A.

List of Acceptable Documentation to Evidence the Right to Work in the UK

The original documentation asked for and to be provided under Clause 10.2 should consist of either:

One of the single documents, or two of the documents in the specified combination given, from List A or
One of the single documents, or two of the documents in the specified combination given, from List B

Only original documents should be accepted, and reasonable steps should be taken to satisfy yourself that the person presenting the documents is the rightful holder and is allowed to undertake the work that we are offering, by:

1. Checking that the photographs are consistent with the appearance of the person presenting them. (This means that you will need to see the individual when they present their documents to you)
2. Checking the consistency of the date of birth on all the documents presented and that it matches with the person's appearance (this again means that you will need to see the individual when they present their documents to you);
3. Checking that the expiry dates of any visas have not passed (this means that you will need to carefully examine any visas to check they are still valid); and
4. Checking any UK government endorsements (biometric resident permits, stamps, stickers, visas etc) to see if the person is able to do, or to continue to do, the type of work being offered. (This means that if a person has restrictions on the type of work they can do, or the amount of hours they can work, you need to be satisfied that their work does not contravene these requirements.).


You should satisfy yourself, as far as possible, that the documents are genuine, have not been tampered with, and belong to the holder. If you have any concerns at this point contact the UK SBS Immigration Team.

You must take a copy of the relevant page(s) of the document(s). This copy must be clear; please make sure it is possible to identify any photos/stamps/endorsements etc.

LIST A.

A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom. [Under the regulations which came into force on 16 May 2014 you may not accept an expired passport unless it is a UK passport or a passport issued by a member state of the European Economic Area. Expired passports issued by any other country are not acceptable, even if they purport to contain older immigration stamps conferring indefinite leave to enter or remain

- A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of the European Economic Area or Switzerland.
- A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

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- A permanent residence card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Residence Permit issued by the Home Office to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom, or has no time limit on their stay in the United Kingdom.
- A current passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.
- The following documents must be accompanied by an official document issued by a previous employer or a Government agency (e.g. HMRC, DWP or Jobcentre Plus) showing the person's National Insurance number and name:
 - o A current immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom.
 - o A full birth certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's parents.
 - o A full adoption certificate issued in the United Kingdom which includes the names(s) of at least one of the holder's adoptive parents.
 - o A birth certificate issued in the Channel Islands, the Isle of Man or Ireland.
 - o An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland.
 - o A certificate of registration or naturalisation as a British citizen.


LIST B - Documents which show a Right to Work for a limited period of time.

Group 1 – Documents where a time-limited statutory excuse lasts until the expiry date of Leave

- 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.
- 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.
- A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
- 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.

Group 2 – Documents where a time-limited statutory excuse lasts for 6 months

1. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006 to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Office Employer Checking Service.

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2. 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.
3. 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.

Group 1 Documents:

If the employee is able to produce a current document in Group 1 or 2, a follow-up check should be made using this document. Any time-limited statutory excuse will continue for as long as the employee has permission to be in the UK and do the work in question, as evidenced by the document, or combination of documents, the employee produced for the right to work check.


If however, at the point that permission expires, we are reasonably satisfied that the employee has an outstanding application or appeal to vary or extend their leave in the UK, any time-limited statutory excuse will continue from the expiry date of the employee's permission for a further period of up to 28 days. This is to enable us as the employer to verify whether the employee has permission to continue working for us. During this 28 day period we, via the UK SBS Immigration Team, must contact the Employer Checking Service and receive a Positive Verification Notice confirming the employee continues to have the right to undertake the work in question.

In the event that a Positive Verification Notice is received, the statutory excuse will last for a further six months from the date specified in the Notice. We will then need to make a further check, as above, upon its expiry.

In the event that a Negative Verification Notice is received, any statutory excuse will be terminated and we should not engage with, employ, or continue to employ this person, as this notice confirms that they do not have permission to do the work in question.

An application or appeal must be made on or before a person's permission to be in the UK and do the work in question expires in order to be deemed 'in-time' and valid. In the event that a Negative Verification Notice is received from the Employer Checking Service stating that the employee does not have permission to undertake the work in question, we will not have a statutory excuse and we should no longer employ that person; further advice should be sought from the UK SBS Immigration team to identify an appropriate response to the situation

It is possible for someone to make an application after their permission to be in the UK has expired, but it must normally be within 28 days of expiry. Although the Home Office may consider and grant such applications, it is important to note that we will not be able to employ this individual pending the outcome of their application. This is because when an application or appeal is made 'out of time' any previous permission to work expires when their previous permission to be in the UK expires. It is therefore important that a person makes an application to the Home Office before their permission to be here expires.

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Group 2 Documents:

If the prospective employee or employee holds one of the documents in Group 2 or is unable to present an acceptable document because they have an outstanding application with the Home Office or an appeal in respect of their leave to remain, we, via the UK SBS Immigration team, must contact the Employer Checking Service and receive a Positive Verification Notice. Any time-limited statutory excuse will last for six months from the date specified in the Positive Verification Notice. We will then need to make a further check, as above, upon its expiry.

The UK SBS Immigration team will receive a response from the Employer Checking Service - either a Positive Verification Notice or a Negative Verification Notice - within 5 working days. It is the responsibility of the UK SBS Immigration team to inform the person we intend to employ, or continue employing, that they are carrying out this check.

Documents which are not acceptable for providing Right to Work.

The following documents are not acceptable for proving a person has the right to work in the UK and will not provide us with an excuse against payment of a civil or criminal penalty:

- A Home office Standard Acknowledgement Letter or Immigration Service Letter (IS96W) which states that an asylum seeker can work in the UK. If you are presented with these documents then you should advise the applicant to call the Home Office, details of how can be found at <https://www.gov.uk/browse/visas-immigrationfor> for information about how you they can apply for an Application Registration Card;
- A National Insurance number on its own in any format;
- A driving license issued by the Driver and Vehicle Licensing Agency;
- A bill issued by a financial institution or a utility company;
- A passport describing the holder as a British Dependant Territories Citizen which stated that the holder has a connection with Gibraltar;
- A short (abbreviated) birth certificate issued in the UK which does not have details of at least one of the holder's parents;
- A license provided by a Security Industry Authority;
- A document check by the Criminal Records Bureau;
- A card or certificate.

Signed by:

Alastair Walker
Finance Director.