

**RNC Policy & Procedure: Safer Recruitment Policy**

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| Responsibility: | Human Resources |
| Approved by SMT: | October 2023 |
| Date of next review: | October 2024 |
| EIA Completed: | 26.02.19 |
| Other relevant Policies and reference documents:* DBS Checks
* RNC Safeguarding Children Policy
* Safeguarding Vulnerable Adults Policy
* Induction Policy
* RNC Code of Conduct
* Part One of KCSIE
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| Version | Date | Amendments | Author  |
| 1.0 | January 2019 | Re-write of previous Staff Recruitment and Selection Policy | LB |
| 1.1 | February 2019 | Minor amendments and addition of Appendix 1 – Recruitment check matrixApproved by SMT panel. | LB/MKJ |
| 1.2 | October 2019 | Point 5.4.8 amended in line with KCSiE guidance.  | LB |
| 1.3 | April 2021 | Point 2.2: amended to KCSiE September 2020. Amended listing out RNC is committed to safeguardng to ‘all students’ | LB |
| 1.4 | April 2022 | Point 2.2 and Point 5: amended to KCSiE September 2021Point 4.2: definition updatedPoint 5.5 added Point 6.1.3 addedAppendix 2 added | LB |
| 1.5 | October 2022 | Point 2.2 and Point 5: amended to KCSiE September 2022Point 5.6 addedPoint 6.1.2 amended to reflect the process used when a reference from the current employer cannot be sought. Appendix 1 updated to reflect that where pre-employment checks are not complete this is referred to HR Manager and Executive Principal, with Lead DSO. | LB |
| 1.6 | October 2023 | Point 2.2 and Point 5: amended to KCSiE September 2023Point 5.3.4 addedPoint 6.1.9 addedRecruitment matrix updated | LB |

**Commitment Statement**

RNC is committed to the fundamental values of equality, diversity and inclusion, which creates a supportive environment for all members of our community to live, work and study. Our commitment to equality and diversity means that this policy has been screened in relation to the use of plain English, the promotion of the positive duty in relation to race, gender and disability and to eliminate discrimination to other equality groups related to age, sexual orientation, gender identity, marital or civil partnership status, pregnancy or maternity and religion or belief. We believe that safeguarding has paramount importance and RNC recognises its responsibility and duties within the Government Prevent Strategy to be aware of and where appropriate act to ensure the safety of all students from radicalisation and extremism.

This document is available in alternative formats on request. If you think RNC can improve the fairness of this policy please contact the author who has responsibility for the review and update.

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# 1. Introduction

The safe recruitment of staff is the first step to safeguarding and promoting the welfare of children, young people and vulnerable adults in education. RNC is committed to safeguarding and promoting the welfare of all students in its care. As an employer, RNC expects all governors, staff and volunteers to share this commitment.

RNC has a separate policy regarding the administration and dealing with Disclosure and Barring Service (DBS) checks. The DBS Checks policy explains how RNC deals with the administration of DBS checks, responsibility of checks, DBS certificates and positive disclosures.

# 2. Aims

2.1 The aim of the RNC Safer Recruitment Policy is to deter, reject or identify people who might abuse students or are otherwise unsuited to working with them by having appropriate procedures for appointing staff.

2.2 In order to achieve this RNC will follow the procedures within this policy to:

* ensure that the best possible staff are recruited on the basis of their abilities, qualifications, experience and suitability as measured against the job description and person specification
* ensure that all job applicants are considered equally and consistently
* ensure that no job applicant is treated unfairly on any grounds, including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age
* ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education – September 2023 (KCSIE), the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the DBS
* ensure that RNC meets it commitment to safeguarding and promoting the welfare of all students by carrying out all necessary pre-employment checks

2.3 RNC will operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job vacancies at RNC.

# 3. Role and Responsibilities

3.1 It is the responsibility of the governing body to:

* Ensure RNC has effective policies and procedures in place for recruitment of all staff and volunteers in accordance all the legal requirements.
* Monitor RNC’s compliance with legal requirements.

3.2 It is the responsibility of the Executive Principal, Senior Management Team (SMT) and other managers involved in recruitment to:

* Ensure that RNC operates safer recruitment procedures and makes sure all appropriate checks are carried out on all staff, governors and volunteers at RNC.
* Monitor contractors’ and agencies’ compliance with this document.
* Promote the welfare of children, young people and vulnerable adults at every stage of the procedure.

3.3 All employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

3.4 If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant, they must declare it as soon as they are aware of the individual’s application. They must not be involved in the recruitment and selection decision-making process.

# 4. Definition of Regulated Activity

4.1 The Lead Designated Safeguarding Officer, SMT and the HR Manager will routinely review job descriptions and whether vacant posts are in regulated activity.

4.2 In summary, any position undertaken at, or on behalf of, RNC will amount to regulated activity if the person in the position;

* will be responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children;
* will be working on a regular basis in a specified establishment, such as a school, for or in connection with the purposes of the establishment, where the work gives opportunity for contact with children; or
* will engage in intimate or personal care of healthcare or any overnight activity, even if this happens only once.

4.3 Whether someone is working in regulated activity in relation to vulnerable adults is not necessarily determined by their place of work, but on six defined types of activity. A basic outline of these is:

* providing personal care
* providing healthcare
* providing social work
* providing assistance with conducting an individual’s own affairs
* providing assistance with household matters
* conveying to a place of care/social work

4.4 Roles which are carried out on an unpaid/voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

# 5. Recruitment and Selection Procedure

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, relevant safeguarding legislation and statutory guidance including Keeping Children Safe in Education (KCSIE) 2023 and Prevent Duty Guidance.

## 5.1 Job Descriptions and Person Specifications

5.1.1 The job description is a key document and must be finalised prior to taking any other steps in the recruitment process. It will clearly and accurately set out the duties and responsibilities for the role.

5.1.2 The person specification is of equal importance and informs the selection decision. It details the skills, experience, abilities and expertise that are required to do the job.

## 5.2 Advertising

5.2.1To ensure equality of opportunity, RNC will normally advertise all vacant posts to encourage as wide a field of applicants as possible; normally this will entail an external advertisement.

5.2.2 Any advertisement will make clear RNC’s commitment to safeguarding and promoting the welfare of children, young people and vulnerable adults.

##  5.3 Application Forms

5.3.1 All applicants for employment will be required to complete the RNC application form containing questions about their suitability for the role, their qualifications and their full employment history. All applicants will be required to account for any gaps or discrepancies in employment history.

5.3.2 At the discretion of SMT, RNC may accept CVs from applicants, but such applicants will also be required to complete an RNC application form which will be scrutinised prior to appointment should they be successful.

5.3.3 The application form includes the applicant’s declaration regarding convictions and working with children and vulnerable adults, and makes it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974.

5.3.4 The application form will make it clear that candidates should note that RNC reserves the right to undertake online searches of prospective candidates as part of RNC due diligence on shortlisted individuals, and that any information that arises from the online checks would form part of our recruitment and pre-employment checks.

5.3.5 It is a criminal offence for any person who is barred from working with children to apply for a position at RNC. All applicants will be made aware that providing false information is an offence and could result in the application being rejected, or in summary dismissal if the applicant has been appointed, and referral to the police and/or the DBS.

5.3.6 The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to, students. Therefore, any convictions and cautions that would normally be considered ‘spent’ must be declared when applying for any position at RNC.

5.3.7 All documentation relating to applicants will be treated confidentially in accordance with the General Data Protection Regulations.

##  5.4 References

5.4.1 For student-facing posts, references for shortlisted candidates will be sent for immediately after shortlisting. The exceptions to this are where an applicant has indicated on their application form that they do not wish their current employer to be contacted at that stage or HR have not had the relevant details to request the references, for example where the candidate has been invited in through a CV as opposed to an application form. In such cases, the reference will be taken up immediately after interview for the successful candidate.

5.4.2 Where candidates have applied to work within the Residential provision and have worked in a care environment before, RNC may seek a reference from this employer.

5.4.3 For the majority of non-student facing posts references will be taken up after interview, when an offer subject to the necessary checks has been made and accepted.

5.4.4 All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by RNC. One of the references must be from the applicant’s current or most recent employer. If the current/most recent employment does not/did not involve work with children and/or vulnerable adults, then the second reference will be requested from the employer with whom the applicant most recently worked with children/vulnerable adults should they have such experience.

5.4.5 References will always be sought and obtained directly from the referee. Their purpose is to provide objective and factual information to support appointment decisions.

5.4.6 All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children and/or vulnerable adults.

5.4.7 Referees will be asked to confirm that to their knowledge the applicant has not been radicalised and do not support terrorism or any form of ‘extremism’.

5.4.8 RNC will first internally verify the reference, and will ensure that any discrepancies or anomalies will be followed up by externally verifying the reference, should this be required.

5.4.9 RNC does not accept open references, testimonials or references from relatives.

**5.5 Self-disclosure form**

5.5.1 For student-facing posts, short listed candidates will be sent a self-disclosure form for completion to bring to their interview.

**5.6 Online searches**

5.6.1 The HR department will carry out online searches , which, for clarity is all ‘publicly available online information’ on all shortlisted candidates. This will be used to to identify any incidents or issues related to suitability to work with children. Should the HR department find anything that may be a cause for concern this will be referred to the hiring manager to be raised or clarified at interview, if necessary.

5.6.2 The HR department will do this through the recognised search engine, Google, followed by a review of the most prominent social media and video networking sites, for example: Facebook, Instagram, LinkedIn, Twitter, Tik Tok and YouTube.

5.6.3 Where a number of individuals appear in a name search, HR will combine their name with key words such as the name of their current or previous employer and the city or town in which they are residing or have lived.

5.6.4 The search criteria and the number of searches carried out will be limited to what is necessary to identity the correct individual if possible and locate the relevant data, if any.

5.6.5 HR will avoid searches which may be considered excessive in terms of time spent and search results and sources reviewed.

## 5.6 Interviews

5.6.1 For some posts, with the approval of the relevant SMT member, the HR Manager may conduct an initial telephone interview with the view to ascertain basic suitability for the role.

5.6.2 There will be a face-to-face interview, and a minimum of two interviewers will see the applicants for the vacant position. Where possible, the interview panel will be gender balanced.

5.6.3 At least one interviewer will have completed the Safer Recruitment in Education training.

5.6.4 The interview process will explore the applicant’s ability to carry out the job description and meet the person specification. It will enable the panel to explore any anomalies or gaps that have been identified in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training).

5.6.5 All applicants who are invited to an interview will be required to bring evidence of their qualifications. Only original documents will be accepted and photocopies will be taken of these. Unsuccessful applicants’ documents will be destroyed six months after the completion of the recruitment process.

# 6. Offer of Appointment and New Employee Process

6.1 In accordance with the recommendations set out in KCSIE, RNC will carry out a number of pre-employment checks in respect of all prospective employees, workers, volunteers and governors. If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

* + 1. Verification of the applicant’s right to work in the UK.
		2. The receipt of two references (one of which must be from the applicant’s most recent employer) which RNC considers to be satisfactory. If this is not possible, for example where the current employer has not provided the reference, then a third reference will be obtained, along with a risk assessment with an explanation of why this was not possible will be held on file.
		3. Where the new appointment’s start date is delayed for a period of three months or more for any reason, further checks may be required, such as an up to date reference.
		4. Where the position involves ‘teaching work’ and where the applicant states they have been awarded Qualified Teacher Status (QTS), RNC will use the ‘Teaching Regulation Agency’ to check if the teacher has QTS, has completed their teacher induction, and any prohibitions, sanctions and restrictions that might prevent the individual from taking part in certain activities or working in specific positions.
		5. Where the position amounts to regulated activity the receipt of an enhanced disclosure from DBS and confirmation that the applicant is not named on the Children’s Barred List or Adults Barred List.

* + 1. Confirmation that the applicant is not subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a school, taking part in the management of an independent school, or working in a position which involves regular contract with children.
		2. Confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school.
		3. Verification of the applicant’s medical fitness for the role.
		4. Candidates must provide a criminal record certificate for any country (excluding the UK) where they have lived for 12 months or more (whether continuous or in total), in the 10 years before your application, while aged 18 or over.
		5. Any further checks which are necessary as a result of the applicant having lived or worked outside the UK.

6.1.11 Verification of professional qualifications which RNC deems a requirement for the post, or which the applicant otherwise cites in support of their application which are relevant to the post (where they have not been previously verified).

6.2 In accordance with Section 4 of KCSIE – Definition of Regulated Activity, RNC is not permitted to check the Children’s Barred List unless the post holder will be engaging in regulated activity.

6.3 RNC is required to carry out an enhanced DBS check for all staff, supply staff, self-employed contractors, volunteers and governors who will be engaging in regulated activity. RNC can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough, i.e. roles which would amount to regulated activity if carried out more frequently.

6.4 A personnel file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personal files.

# 7. Induction Programme

All new employees will be given an induction programme, as outlined in RNC’s Induction Policy, which will clearly identify key policies and procedures, including the RNC Code of Conduct, Safeguarding and Part One of KCSIE. The member of staff will need to confirm when these have been read.

# 8. Single Central Record

In addition to the various staff records kept at RNC and on individual personnel files, a single centralised record of recruitment and vetting checks will be kept for all paid staff and governors. All other recruitment and vetting checks will be kept on a separate register which covers volunteers and self-employed contractors, which includes peripatetic staff.

# 9. Record Retention/Data Protection

9.1 RNC is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, RNC will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications relevant to the post. Medical information may be used to help RNC to discharge its obligations as an employer, for example so that RNC may consider reasonable adjustments if an employee has a disability, or to assist with any other workplace issue.

9.2 This documentation will be retained by RNC for the duration of the successful applicant’s employment with RNC. All information about employees is kept centrally and maintained by the Human Resources department. It will be stored for six years after the individual leaves their employment.

9.3 The same policy applies to any suitability information obtained about volunteers involved with RNC activities.

9.4 RNC will retain all interview notes on all unsuccessful applicants for a period of six months, after which time the notes will be confidentially destroyed. The six month retention period is in accordance with the General Data Protection Regulations (GDPR).

# 10. Ongoing Employment

RNC recognises that safer recruitment and selection is not just about the start of employment, but should be part of a larger policy framework for all staff. RNC will therefore provide ongoing training and support for all staff, as identified through annual performance reviews.

# 11. Leaving Employment

* 1. Despite the best efforts to recruit safely there will be occasions when allegations of serious misconduct or abuse against children or vulnerable adults are raised. This policy is primarily involved in the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. RNC has a legal duty to make a referral to the DBS in circumstances where an individual:
* Has applied for a position at RNC despite being barred from working with children or vulnerable adults; or
* Has been removed by RNC from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child or vulnerable adult.
	1. If the individual referred to the DBS is a teacher, RNC may also make a referral to the Teaching Regulation Agency.

# 12. Agency Staff

* 1. Agencies who supply staff to RNC must complete the pre-employment checks which RNC would otherwise complete for its staff. RNC will require confirmation that these checks have been completed before an individual can commence work at RNC.
	2. RNC will independently verify the identity of staff supplied by an agency and will require the provision of the original DBS certificate before agency staff can commence at RNC.

# 13. Monitoring and Evaluation

SMT will be responsible for ensuring that this policy is monitored and evaluated throughout RNC. This will be undertaken through formal audits of personnel files.

# Appendix 1 – Recruitment Checks Matrix

If starting when there are no students on campus and pre-employment checks are not complete, each case must be referred to the HR Manager and Executive Principal, together with Designated Safeguarding Officer, for final decision.

Contracted Employee

* Full employment application form
* Enhanced DBS
* 2 verified references
* Eligibility to work in the UK
* Investigate employment gaps
* Overseas checks, as appropriate
* Any applicable qualifications checked & verified,
	+ If essential requirement and they do not have the qualification then we may pay for this. Will be decided on an individual basis.
* If Residential:
	+ *“RNC reserves the right to contact any previous employer whose nature of business is Health and Social Care, this will be necessary for those applying for posts within residential areas of the College, please ensure you provide as much contact information as possible for such previous employers“*
	+ one reference must be from Health and Social Care organisation (or attempted to contact) should they show they have previously worked in one on their employment history
* If Teacher: check Teachers prohibited list

**Note**: for teachers/residential HR will add to checklists to do this check if they apply internally

Worker (or bank employee)

* Full employment application form
* Enhanced DBS
* 2 verified references
* Eligibility to work in the UK
* Investigate employment gaps
* Any applicable qualifications checked & verified
	+ If essential requirement and they do not have the qualification then we may pay for this. Will be decided on an individual basis.
* If Residential: same as above
* If Teacher: same as above

**Note**: for teachers/residential HR will add to checklists to do this check if they apply internally.

Both a worker and an employee may be able to start without the above checks when there are no students (i.e. summer holidays, half term etc) – this needs to be approved by HR Manager and Executive Principal, together with Designated Safeguarding Officer, for final decision.

Self-Employed – Does not rent off us (example: Assessors, Class Instructors)

* Self Employed application form
* Portable enhanced DBS
* Eligibility to work in the UK
* 2 verified references
* Any applicable qualifications checked & verified
* Investigate employment gaps
* Assessors: require liability insurance

Self-Employed – Does rent off us (example: Personal Trainers)

* Standard DBS (they pay for this, not RNC)
* Eligibility to work in the UK
* Liability Insurance

**Note: this would not be classed as regulated activity and therefore not covered under keeping children safe in education.**

***Difference as an example:* Hereford Gas are supplying a service to us, Class instructors are supplying a service for us.**

**Not allowed to send someone in as a replacement. Brought in and out: public areas only.**

Organisations that supply workers to us

* These organisations are vetted and contracts signed to ensure they have the responsibility to check to the standards we ask for.
* Details held by Designated Safeguarding Officer (DSO)
* Spreadsheet maintained with DBS details by DSO

Work placement (any age)

* No HR involvement – approved through DSO
* No documents required, eligibility DBS etc
* Has to be supervised by a member of staff at all times

Volunteer

* Volunteer application form
* Enhanced DBS
* Eligibility to work in the UK
* 2 verified references
* Investigate employment gaps
* Overseas checks, as appropriate
* Any applicable qualifications checked & verified,
* If essential requirement and they do not have the qualification then we may pay for this. Will be decided on an individual basis

Governors

* Full employment application form
	+ The search committee (our current governors) recruit with a CV and then once appointed a clerk sends out the application form.
* Enhanced DBS
* 2 verified references
* Eligibility to work in the UK
* Gain employment gaps

Associate Governors

* Standard DBS



# Appendix 2 - Self – disclosure form

As the role you have applied for involves contact with children and vulnerable adults, RNC require you to complete this self-disclosure form and bring it with you to interview.

If successful, you will also be required to undergo the relevant vetting and barring checks, this will include checking criminal convictions and checking that you are not barred from working with children and vulnerable adults.

All information you provide will be treated as confidential and managed in accordance with relevant data protection legislation and guidance. You have a legal right to access any information held about you

|  |  |
| --- | --- |
| Name  |  |
| Previous name(s):Please include date(s) each name was used (MM/YYYY) |  |
| Address with postcode:Please include dates from and to (MM/YYYY) for each address |  |
| Telephone/mobile number: |  |
| Date of birth: |  |
| Gender: |  |

|  |  |
| --- | --- |
| Have you ever been known to any Children’s Services department or Police as being a risk or potential risk to children and/or vulnerable adults?  | Yes / No (please circle) |
| If yes, please provide further information: |
| Have you been the subject of any investigation and/or sanction by any organisation or body due to concerns about your behaviour towards children and/or vulnerable adults?  | Yes / No (please circle) |
| If yes, please provide further information and include details of the outcome: |
| Have you ever been the subject of disciplinary sanctions or been asked to leave employment or voluntary activity due to inappropriate behaviour towards children and/or vulnerable adults? | Yes / No (please circle) |
| If yes, please provide further information: |
| Do you have any overseas convictions? | Yes / No (please circle) |
| If yes, please provide further information: |

|  |
| --- |
| Confirmation of declaration (initial each box below) |
|  | I agree that the information provided here may be processed in connection with recruitment purposes and I understand that an offer of employment may be withdrawn or disciplinary action may be taken if information is not disclosed by me and subsequently comes to RNC’s attention.  |
|  | In accordance with RNC’s procedures if required I agree to a DBS check  |
|  | I agree to inform RNC within 24 hours if I am subsequently investigated by any agency or organisation in relation to concerns about my behaviour towards children, young people and/or vulnerable adults. |
|  | I understand that the information contained on this form, the results of the DBS check and information supplied by third parties may be supplied by the organisation to other persons or organisations in circumstances where this is considered necessary to safeguard children and vulnerable adults.  |

|  |  |
| --- | --- |
| Signature of candidate: |  |
| Print name: |  |
| Date: |  |



# Equality Impact Assessment (EIA)

Date: 26.02.19

Function: Safer Recruitment

This policy, plan, procedure, process has been examined for equality impact, i.e., the impact that this function will have on different groups of actual and potential learners, service users and staff taking account of the protected characteristics of the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation).

1. If Equality Impact Assessment is not relevant to this function, give reasons and proceed to section 5 below.

In the ‘Aims’ of the policy it states - ensure that no job applicant is treated unfairly on any grounds, including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age. Therefore if the policy is adhered to there should be no impact negatively or positively on any groups.

1. In what ways could this function have a negative impact on any of the groups above? What actions have been taken to eliminate these?
2. In what ways could this function have a positive impact on any of the groups above? How will this function be used to eliminate discrimination, advance equality of opportunity and foster good relations between different groups? Are there plans for the future which will further advance equality?
3. What evidence supports your judgment e.g. consultations, observations, expert opinions, quantitative or qualitative surveys? If the evidence is in the form of an additional document, where is it stored?
4. Name and job title of manager completing EIA: Nicola Smith, Director of Learning and Curriculum

SMT reviewved and approved 12.10.22