

Safer Recruitment

Policy Title	Safer Recruitment v3
Name of SLT lead	Cath Goodwin - Director of HR, Quality and Client Services
Policy approved by	Senior Leadership Team
Date of approval	February 2022
Dates of previous reviews	Feb 21
Date of next formal review	February 2023
Method of communicating policy:	Employee induction, application of vacancy

INTRODUCTION

The safe recruitment of employees at Total Training Provision is the first step to safeguarding and promoting the welfare of children and vulnerable adults in education. Total Training Provision (TTP) is committed to safeguarding and promoting the welfare of all learners. As an employer, we expect all employees and associates to share this commitment.

AIMS AND OBJECTIVES

The aims of the Safer Recruitment policy is to help deter, reject or identify people who might abuse learners or are otherwise unsuited to working with them by having appropriate procedures for appointing employees.

The aims of the TTP's recruitment policy are as follows:

- to ensure that the best possible employees are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to 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;
- to 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 - 2021(KCSIE), the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- to ensure that the TTP meets its commitment to safeguarding and promoting the welfare of children and young people and vulnerable adults by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of new employees are responsible for familiarising themselves with and complying with the provisions of this policy.

TTP has a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the job. The recruitment and selection process should ensure the identification of the person best suited to the job based on the applicant's abilities, qualification, experience, and merit as measured against the job description and person specification.

The recruitment and selection of employees will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, and relevant safeguarding legislation and statutory guidance (including KCSIE 2021 and Prevent Duty Guidance).

If a member an employee 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 and avoid any involvement in the recruitment and selection decision-making process.

TTP aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing, and evaluating information from and about applicants applying for job vacancies at TTP.

ROLES AND RESPONSIBILITIES

It is the responsibility of the governing board to:

- Ensure the TTP has effective policies and procedures in place for recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements.
- Monitor TTP's compliance with them.

It is the responsibility of the Managing Director, HR Department and other Managers involved in recruitment to:

- Ensure that TTP operates safe recruitment procedures and makes sure all appropriate checks are carried out on all employees and associates who work in the business.
- To monitor contractors' and agencies' compliance with this document.
- Promote welfare of children and young people and vulnerable adults at every stage of the procedure.
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Definition of Regulated Activity and Frequency

Any position undertaken at, or on behalf of the TTP will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- satisfies the "period condition", meaning four times or more in a 30-day period; and
- provides the opportunity for contact with children or vulnerable adults.

TTP is required to carry out an enhanced DBS check for all employees, associates and governors who will be engaging in regulated activity. However, TTP 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.

RECRUITMENT AND SELECTION PROCEDURE

Advertising

To ensure equality of opportunity, TTP will advertise all vacant posts to encourage as wide a field of applicant as possible, normally this entails an external advertisement.

Any advertisement will make clear TTP's commitment to safeguarding and promoting the welfare of children and vulnerable adults.

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

Applications

TTP requires all applicants to submit an up-to-date CV detailing about their academic and full employment history and their suitability for the role (in addition all applicants are required to account for any gaps or discrepancies in employment history). Applicants submitting an incomplete CV will not be shortlisted.

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

Job Descriptions and Person Specifications

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

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. The person specification will include a specific reference to suitability to work with children in a boarding environment.

References

References applicants will be sent for immediately after offering a position.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory. One of the references must be from the applicant's current or most recent employer. The referee should not be a relative. References will always be sought and obtained directly from the referee and their purpose is to provide objective and factual information to support appointment decisions.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether there are any safeguarding issues throughout their employment. Referees will also be asked to confirm that the applicant has not been radicalised, so that they do not support terrorism or any form of "extremism".

Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

Any discrepancies or anomalies will be followed up. Direct contact by phone will be undertaken with each referee to verify the reference.

TTP does not accept open references, testimonials, or references from relatives.

Interviews

There will be a face-to-face interview wherever possible, and a minimum of two interviewers will see the applicants for the vacant position. The interview process will explore the applicant's ability to carry out the job description and meet the person specification.

Any information in regard to past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process, if it has been disclosed.

At least one member of any interviewing panel will have undertaken safer recruitment training or refresher training as applicable.

All applicants who are invited to an interview will be required to bring evidence of their identity, address and qualifications. Original documents will only be accepted and photocopies will be taken. Unsuccessful applicant documents will be destroyed 6 months after the recruitment programme.

OFFER OF APPOINTMENT AND NEW EMPLOYEE PROCESS

In accordance with the recommendations set out in KCSIE, TTP carries out a number of pre-employment checks in respect of all prospective employees.

If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating TTP's standard terms and conditions of employment;
- verification of the applicant's identity (if not previously been verified);
- the receipt of two references (one of which must be from the applicant's most recent employer) which TTP considers to be satisfactory
- TTP being satisfied that the applicant is not, and has never been, the subject of any proceedings before a professional conduct panel or equivalent body in the UK or any other country for any reason which prevents the applicant working at the Schools or further education or which, in TTP's opinion, renders the applicant unsuitable to work in the business.
- where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which TTP considers to be satisfactory;
- where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List ;
- verification of the applicant's right to work in the UK;
- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK; and
- verification of professional qualifications which the TTP deems a requirement for the post, or which the applicant otherwise cites in support of their application (where not previously verified).

Whether a position amounts to "regulated activity" must therefore be considered by TTP in order to decide which checks are appropriate. It is however likely that in nearly all cases TTP will be able to carry out an enhanced DBS check.

A personal 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.

The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to learners. Therefore, any convictions and cautions that would normally be considered 'SPENT' must be declared when applying for any position at TTP.

DBS (Disclosure and Barring Service) Check

TTP applies for an enhanced disclosure from the DBS through an umbrella organisation (Barnsley Council) in respect of all positions at the TTP which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended).

It is the TTP's policy that the DBS disclosure must be obtained before the commencement of employment of any new employee.

It is the TTP's policy to re-check employees' DBS Certificates every three years and in addition any employee who takes leave for more than three months (ie maternity leave, career break etc) must be re-checked before they return back to work.

Employees at TTP are aware of their obligation to inform the HR Department of any cautions or convictions that arise between these checks taking place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence.

Portability of DBS Certificates Checks

Employees may wish to join the DBS Update Service if they are likely to require another check in the future. Applicants may sign up to the Service for a fee of £13 per annum, which is payable by the applicant.

This allows for portability of a Certificate across employers. TTP will:

- Obtain consent from the applicant to carry out an update search.
- Confirm the Certificate matches the individual's identity.
- Examine the original certificate to ensure that it is for the appropriate workforce and level of check, ie enhanced certificate/enhanced including barred list information.

The Update check would identify and advise whether there has been any change to the information recorded, since the initial Certificate was issued. Applicants will be able to see a full list of those organisations that have carried out a status check on their account.

DBS Certificate

The DBS no longer issue Disclosure Certificates to employers, therefore employees/applicants should bring their original Certificate to the HR Department.

Dealing with convictions

TTP operates a formal procedure if a DBS Certificate is returned with details of convictions. Please also see 'Recruitment of Ex-offenders' policy and procedure.

Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- the nature, seriousness and relevance of the offence;
- how long ago the offence occurred;
- one-off or history of offences;
- changes in circumstances,
- decriminalisation and remorse.

A formal meeting will take place face-to-face to establish the facts with the Director of Quality & HR. A decision will be made following this meeting. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Director of Quality & HR will evaluate all of the risk factors above before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, TTP may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status

All applicants invited to attend an interview at TTP will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in UK in accordance with the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines. TTP does not discriminate on the grounds of age.

Where an applicant claims to have changed their name by deed poll or any other means (eg marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change.

In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification legally required for the position and claimed in their application form.

Induction Programme

All new employees will be given an induction programme which will clearly identify TTP policies and procedures, the Code of Conduct, and KCSIE, Safeguarding and Prevent and make clear the expectations which will govern how staff carry out their roles and responsibilities.

Keeping Children Safe in Education 2021

The Department for Education (DfE) issues the [Keeping Children Safe in Education](#) statutory guidance. Schools and colleges in England must have regard to the statutory guidance when carrying out their duties to safeguard and promote the welfare of children. All staff who work in schools and colleges must read and understand Part 1 and Annex A of Keeping Children Safe in Education.

On induction and refreshed on an annual basis, all employees are required to read and confirm their understanding of this guidance.

Single Centralised Register of Members of Staff

In addition to the various employee records kept on our HR database and on individual personnel files, a single centralised record of recruitment and vetting checks is kept. This is kept up-to-date and retained by the HR Department. The Single Centralised Register will contain details of the following:-

- all employees who are employed to work at TTP;
- all others who have been chosen by TTP to work in regular contact with children or vulnerable adults.

Record Retention/Data Protection

TTP is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, TTP will retain on their personnel file any relevant information provided as part of the application process workplace issue.

This documentation will be retained for the duration of the successful applicant's employment with TTP. All information retained on the secure HR database.

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

TTP will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed. The 6-month retention period is in accordance with the General Data Protection Regulations (GDPR) [DPA18].

Ongoing Employment

TTP 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 employees. TTP will therefore provide ongoing training and support for all staff, as identified through the Annual Review/appraisal procedure.

Leaving Employment at Total Training Provision

Despite the best efforts to recruit safely, there will be occasions when allegations of serious misconduct or abuse against vulnerable adults and children and young people are raised. This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks, TTP also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at the TTP despite being barred from working with children; or vulnerable adults
- has been removed by TTP 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.

Visiting Speakers (and Prevent Duty)

The Prevent Duty Guidance requires TTP to have clear protocols for ensuring that any visiting speakers, whether invited by employees or Learners, are suitable and appropriately supervised. TTP is not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity or perform any other regular duties for or on behalf of TTP.

All visiting speakers will be subject to TTP's usual visitors signing in protocol. This will include signing in and out at Reception, the wearing of a visitor's badge at all times and being escorted by a fully vetted member of staff between appointments.

The Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

"'Extremism' is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."

In fulfilling its Prevent Duty obligations TTP does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

Monitoring and Evaluation

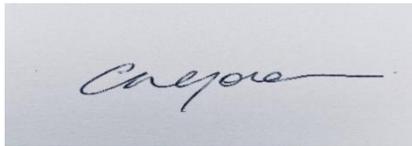
The Director of Quality & HR will be responsible for ensuring that this policy is monitored and evaluated throughout TTP.

Last Review Date: February 2022

Next Review Date: February 2023

Catherine Goodwin
Director of HR, Quality and Client Services

Signed

A rectangular box containing a handwritten signature in black ink. The signature is cursive and appears to read 'Catherine Goodwin'.