

# Safer recruitment

## Document control –

<b>Document:</b>	Safer recruitment policy				
<b>Document reference:</b>	PO1 – V3	<b>Version:</b>	V3		
<b>Issue date:</b>	March 24	<b>Review date:</b>	March 25	<b>Original date:</b>	2019 – part of HR manual
<b>Author:</b>	Jayne Wass – Quality Director				
<b>Owner:</b>	HR Manager				
<b>Summary:</b>	This policy sets out The Apprenticeship Colleges approach to safer recruitment of staff to help deter, reject or identify people who are unsuited to working with our learners by having the appropriate procedures for appointing staff in place that meet with relevant legislation.				

## Authorisation

<b>Signature:</b>	<i>Graham D Howe</i>	<b>Title</b>	<i>Managing Director</i>	<i>19 March 2024</i>
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## Purpose

The aim of this safer recruitment policy is to help deter, reject or identify people who are unsuited to working with our learners by having appropriate procedures for appointing our staff as their safe recruitment is the first step to safeguarding and promoting the welfare of our learners. We are committed to safeguarding and promoting the welfare of all our learners and as an employer, we expect our staff to share this commitment.

The aims of our recruitment policies are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to deter, identify and reject prospective applicants who are unsuitable for work with children or young people;
- 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 2023 (KCSIE), the Prevent Duty Guidance for England and Wales (Updated 2024) (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS),
- to ensure that we meet our commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

## Scope

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

We have a principle of open competition in our 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 staff 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 2023 and Prevent Duty Guidance [Updated 2024]). If a member of staff involved in the recruitment process has a close personal or familial relationship with a candidate 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.

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

## Responsibilities

<b>HR Manager</b>	<ul style="list-style-type: none"><li>● Ensure we have effective policies and procedures in place for recruitment of all staff and volunteers in accordance with legal requirements</li><li>● Ensure that we operate safe recruitment procedures and make sure all appropriate checks are carried out on all staff and volunteers who work here, prior to starting work with us.</li><li>● To monitor contractors' and agencies' compliance with this document.</li><li>● Promote the welfare of our learners at every stage of the procedure.</li></ul>
<b>Delivery managers</b>	It is the responsibility of the Delivery Manager to lead in all appointments of education staff.
<b>Operations managers</b>	It is the responsibility of the operations managers to lead in all appointments of operational staff.

## Context

## Definition of Regulated Activity and Frequency

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

- frequently, meaning once a week or more
- overnight, meaning between 2.00 am and 6.00 am
- satisfies the "period condition", meaning four times or more in a 30 day period
- provides the opportunity for contact with children and young people

This definition will cover nearly all posts within our organisation

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.

We are not permitted to check the Children's Barred List (UK only) unless an individual is engaging in "regulated activity".

We are required to carry out an enhanced DBS check or equivalent or obtain police clearance from a last country of domicile, for all staff, supply staff, contractors and volunteers who will be engaging in regulated activity. However, we can also carry out an enhanced DBS check (or equivalent) 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

The aim of advertising is to attract a wide range of high-quality candidates from diverse backgrounds. All advertisements for posts, whether in newspapers, journals or online should include a statement confirming that we are committed to safeguarding and that all candidates who may come into contact with our learners or prospective learners, either online or in person, will be required to undergo an enhanced DBS check or equivalent.

The wording of job adverts will clearly highlight our commitment to safeguarding and will help deter, reject or identify people who might abuse learners or are otherwise unsuited to working with them by stating the appropriate procedures for appointing staff.

All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act (DPA 2018) or Data Privacy Regulations.

All applicants will be made aware that providing false information is an offence and could result in the application being rejected or 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 recruitment process.

It will clearly and accurately set out the duties and responsibilities of the job role.

It details the skills, experience, abilities and expertise that are required to do the job and will include a specific reference to suitability to work with children.

## Application Forms

We will only accept copies of a curriculum vitae alongside an application form. A curriculum vitae on its own will not provide adequate information.

Where a role involves engaging in regulated activity we will include a statement in the application form or elsewhere in the information provided to applicants that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity.

We will require applicants to provide:

- personal details, current and former names, current address and national insurance number
- details of their present (or last) employment and reason for leaving
- full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment
- qualifications, the awarding body and date of award
- details of referees/references
- a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.

## References

References will be requested on offer of employment and prior to start date, this allows any concerns raised to be explored further with the referee and taken up with the applicant.

One of the references must normally be from the applicant's current or most recent employer. If the current / most recent employment does / did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children wherever possible. Neither referee should be a relative or someone known to the applicant solely as a friend.

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. All referees will normally be sent a copy of the job description for the role for which the applicant has applied.

If the referee is a current or previous employer, he/she will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title / duties, reason for leaving, performance, and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures

We will only accept references obtained directly from the referee and from a company email address.

We will compare all references with information given on the application form and at interview. It will enable the interview 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). 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, if it has been disclosed. At least one member of any interviewing panel will have undertaken safer recruitment training or refresher training as applicable.

Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before start date.

Unsuccessful applicant documents will be destroyed or deleted.

### Conditional Offer of Employment

In accordance with the recommendations set out in KCSIE we will carry out a number of pre-employment checks in respect of all prospective employees.

Any offer of employment will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating our standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified); ● the receipt of two employment references (or more if more than 2 roles within the previous two years. One of which normally must be from the applicant's most recent employer) which we consider to be satisfactory;
- where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS (or equivalent), or police clearance from country of residence, which we consider to be satisfactory;
- where the position amounts to "regulated activity" we are required to carry out an enhanced DBS check. However, we 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.
- any further checks which are necessary as a result of the applicant having lived or worked outside of UK; and
- verification of professional qualifications which we deem a requirement for the post, or which the applicant cites in support of their application (where they have not been previously verified).
- Online searches and checks, where necessary. Anything relevant and of concern can be raised with the applicant, and professional judgement used with regards to further action required. We may view applicants' online presence, including social media. It is at our discretion whether content is deemed appropriate or inappropriate.

A personal file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment Training.

All employee documentation will be held securely on our HR data management system.

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 a position with us.

## **DBS (Disclosure and Barring Service) Check (or equivalent)**

We apply (personally or through an agency) for an enhanced disclosure from the DBS (or equivalent) in respect of all positions which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended).

The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information. It is our policy that the Enhanced DBS disclosure (or equivalent) must be obtained before the commencement of employment of any new employee.

It is our policy to re-check employee's DBS Certificates every three years.

Members of staff are made aware of their obligation to inform the HR manager and the designated safeguarding lead of any cautions or convictions that arise between these checks taking place.

Disclosure Update Service (England and Wales only)

The Disclosure Update Service allows individuals to register their details online with the DBS (as part of their enhanced disclosure application) and pay an annual fee to keep their DBS certificate details updated. This means that any future employers can quickly check the certificate online which will avoid many unnecessary repeat applications. Applicants that have signed up to this service are encouraged to declare at this at application. Further information on the service is available online at <https://www.gov.uk/dbs-update-service>.

## **Dealing with Convictions**

We operate a formal procedure if a DBS Certificate is returned with details of convictions. 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 to establish the facts with the Designated Safeguarding Lead and a safeguarding risk assessment will be carried out. 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 Designated Safeguarding Lead 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 we may, where practicable and at our 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 & Verification of Qualifications and/or Professional Status**

All applicants will be required to provide their identification documentation such as passport or driving licence etc. as proof of identity/eligibility to an offer of employment being given.

Where an applicant claims to have changed their name by deed poll or any other means (e.g. 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. We retain the right to establish the authenticity of these documents, where required.

**Overseas Checks** If we do not consider the DBS certificate (or equivalent) alone as sufficient (because it would not cover offences committed abroad), we will require whatever evidence of checking is available from the person's country of origin (or any other countries in which they lived) before the appointment is confirmed. An overseas check will be required where the applicant has lived and/or worked abroad for three months or more in the last five years (in accordance with ISI requirements). The Home Office has published updated guides on what checks are available from different countries. A UK national returning after working in a foreign country is required to obtain a certificate of good conduct or equivalent from the country/countries in question. We will request extra references from countries that do not provide criminal record checks or should the overseas criminal record check be delayed.

If an employee needs to start prior to receipt of the overseas police check, we will confirm a start date provided that a risk assessment and all other pre-employment checks, including DBS and reference checks, are in place.

## **Record Retention / Data Protection**

We are legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, 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 and qualifications.

Medical information may be used to help us to discharge our obligations as an employer e.g. so that we may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained for the duration of the successful applicant's employment. All information retained on employees is held securely and electronically. The same policy applies to any suitability information obtained about volunteers.

Copies of DBS certificates and records of criminal information disclosed by the candidate are covered by UK GDPR/DPA 2018 Article 10.

## **Single Central Register**

An entry will be made on the Single Central Register for all current members of staff and all individuals who work in regular contact with learners including volunteers, and those employed as third parties. The SCR shows the checks that have been made by us. Our HR department takes responsibility for the maintenance of this record and regular checks are carried out by the safeguarding team to ensure that it is maintained correctly.

## **Induction Programme**

All new employees will be given an induction programme which will clearly identify our policies and procedures, including those relating to Safeguarding, and will include appropriate safeguarding training. It will be made clear the expectations which will govern how staff carry out their roles and responsibilities.

### Ongoing Employment

We recognise 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. We will therefore provide ongoing training and support for all staff, as identified through the appraisal process.

Safeguarding training must be undertaken by all staff at least every three years, to continue to provide staff with the relevant skills and knowledge to safeguard children effectively.

Access to platforms during extended periods of leave e.g maternity leave or long-term illness, that contain sensitive information, will be suspended. Access will be reinstated once the relevant checks have been completed and the agreed return date is approaching.

### Leaving Employment

Despite the best efforts to recruit safely there will be occasions when allegations of serious misconduct or abuse 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 we also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position despite being barred from working with children; or
- has been removed 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 young person.

### Contractors

Contractors engaged by us must complete the same checks for their employees that we are required to complete for our staff. We require confirmation, i.e. through view of the relevant documentation, that these checks have been completed before employees of the contractor can commence work at The Apprenticeship College

### Visiting Speakers (and Prevent Duty)

The Prevent Duty Guidance requires us to have clear protocols for ensuring that all office staff and any visiting speakers are suitable and appropriately supervised.

We are not permitted to obtain a DBS disclosure on any visiting speaker who does not engage in regulated activity with us or perform any other regular duties for or on behalf of us. We will keep a record of all visiting speakers detailing the dates and groups they engaged with.

All visiting speakers will be supervised by a permanent member of The Apprenticeship College. We will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend. In doing so we will always have regard to 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 our Prevent Duty obligations we do 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 HR manager supported by the safeguarding lead will be responsible for ensuring that this policy is monitored and evaluated.

**Monitoring**

Reporting to the senior management team will take place at least quarterly .....

