

# **Safer Recruitment Policy**

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*Approved by the Humber UTC  
Board on XXXX*

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## Document History

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### 1. Policy Statement

Humber UTC recognises its staff as being fundamental to its success. A strategic and professional approach to recruitment processes helps enable the college to attract and appoint staff with the necessary skills and attributes to fulfil its strategic aims of maximising student achievement, and supporting its values.

The college is committed to ensuring that the recruitment and selection of staff is conducted in a manner that is systematic, efficient, and effective and promotes recruitment of the highest quality staff and equality of opportunity.

Recruitment should be treated as a key public relations exercise as the way it is managed affects the college's image, and consequently its ability to attract and appoint high calibre staff.

This policy has been designed to provide a flexible framework which promotes good practice and supports fully the college's core business.

Professional advice and support is available at all stages of the recruitment process from Human Resources.

## **2. Scope**

This policy applies to the recruitment and selection of all staff to the college.

All employees involved at any stage of the recruitment and selection of staff should be aware of and adhere to the contents of this policy. In addition, any external consultants, recruitment agencies or external experts who assist in the recruitment process must act in accordance with this policy. The appointing manager is responsible for providing such external parties with this policy prior to their involvement in the recruitment process.

## **3. Aims**

- To ensure that recruitment processes are robust, fit for purpose and can stand up to scrutiny
- To appoint the best person for each position
- To ensure compliance with relevant legislation including the Equality Act 2010, Data Protection Act 1998 and UK Immigration legislation
- To promote the college's values
- To meet the college's operational requirements and strategic aims
- To safeguard young people in the college

## **4. Principles**

### General Principles

All employees involved in the recruitment process, and in particular, chairs of selection panels, should ensure that they are aware of their responsibilities under the relevant employment legislation. At least one person on the selection panel should have the relevant safeguarding training for safer recruitment.

If a member of staff involved in the recruitment process has a close

personal or familial relationship with an applicant, they must declare this as soon as they are aware of the individuals' application. It would normally be necessary for the member of staff to avoid any involvement in the recruitment and selection process.

Documentation relating to applicants will be treated with the utmost confidentiality and in accordance to the requirements of the Data Protection Act (DPA). Applicants will have the right to feedback and to access any documentation held on them in accordance with the DPA.

### Preparation Stage

The recruitment and selection process should not commence until a full evaluation of the need for the role against the college improvement plan and budget has been completed.

The recruitment of staff will take into account the college's need for new ideas and approaches and support its commitment to equality and diversity.

### Sourcing Candidates

As a minimum, all vacancies will normally be advertised across the college. This will help maximise equality of opportunity and provide staff with opportunities for career development, thus maintaining the skills and expertise of existing staff.

In extenuating circumstances, the recruiting manager may waive the need to advertise. This is likely to include the following circumstances:

- Where positions may provide suitable alternative employment for existing staff whose post has been identified for redundancy, including the termination of fixed term contracts or following a restructuring exercise.
- Positions requiring specialised expertise where the recruiting manager can demonstrate that a comprehensive search has been conducted and the nominated individual are the most suitable person for the position.

However, in the circumstances outlined above, if the successful candidate is likely to require a work permit, the post must be advertised in line with the Work Permits (UK) Regulations.

Positions will be advertised using the most appropriate and cost effective medium to maximise the number of suitably qualified candidates. This may include local, national publications and web sites and should adhere to the college's visual identity. Internal advertisements should appear for a minimum of **3 days** and external advertisements should appear for a minimum of **3 days**.

Applicants will be treated with respect and provided with sufficient information to make informed decisions regarding their suitability for the role.

All advertisements must include a short statement on safeguarding checks and equal opportunities. The college may use an agency or external consultancy to assist in recruiting staff where the vacancy is hard to fill.

## 5. Recruitment, selection and pre-employment vetting

It is vital that college creates a culture of safe recruitment and, as part of that, adopt recruitment procedures that help deter, reject or identify people who might abuse children.

The level of DBS certificate required, and whether a prohibition check is required, will depend on the role and duties of an applicant to work in college, as outlined in this policy.

For most appointments, an enhanced DBS certificate, which includes barred list information, will be required as the majority of staff will be engaging in regulated activity. In summary, a person will be considered to be engaging in regulated activity if, as a result of their work, they:

- will be responsible, on a regular basis in college, for teaching, training instructing, caring for or supervising children; or
- will carry out paid, or unsupervised unpaid, work regularly in college where that work provides an opportunity for contact with children; or
- engage in intimate or personal care or overnight activity, even if this happens only once.

A more detailed description of regulated activity is provided in this policy.

For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate. This would include contractors who would have the opportunity for contact with children and who work under a temporary or occasional contract.

In college, a **supervised** volunteer who regularly teaches or

looks after children is not in regulated activity.

In addition to obtaining the DBS certificate described, anyone who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching. For those engaged in management roles (in independent schools - including academies and free schools) an additional check is required to ensure they are not prohibited under section 128 provisions.

## **Regulated activity**

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government has produced a [Factual note on regulated activity in relation to children: scope](#)

Regulated activity includes:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,
- b) work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers;

Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

- c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:
  - personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;
  - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

## **6. Types of check**

### **Disclosure and Barring Service (DBS) checks**

Three types of DBS checks are referred to:

- **Standard:** this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out;
- **Enhanced:** This provides the same information as a standard check, plus any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed; and
- **Enhanced with barred list check:** where people are working or seeking to work in regulated activity with children, this allows for an additional check to be made as to whether the person appears on the children's barred list.

More information is available on the [DBS website](#).

Once the checks are complete, the DBS will send a certificate (the DBS certificate) to the applicant. The applicant must show the original DBS certificate to the college before they take up post or as soon as practicable afterwards.

Where college allows an individual to start work in regulated activity before the DBS certificate is available, they should ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed.

**If college knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.**

## **7. Secretary of State prohibitions**

### **Teacher prohibition orders**

Teacher prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. A check of any prohibition can be carried out using the [Teacher Services' system](#). Prohibition orders are described in the National College for Teaching and Leadership's (NCTL) publication [Teacher misconduct: the prohibition of teachers](#)

Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by NCTL. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

## **8. Pre-appointment checks**

### **All new appointments**

Any offer of appointment made to a successful candidate, including one who has lived or worked abroad, must be conditional on satisfactory completion of the necessary pre-employment checks.

When appointing new staff, college must (subject to \*):

- verify a candidate's identity. Identification checking guidelines can be found on the [GOV.UK website](#);
- obtain (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity);<sup>40,41</sup>
- obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;
- verify the candidate's mental and physical fitness to carry out their work responsibilities.<sup>42</sup> A job

applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role;<sup>43</sup>

- verify the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then prospective employers, or volunteer managers, should follow advice on the [GOV.UK website](#);
- if the person has lived or worked outside the UK, make any further checks the college considers appropriate;
- verify professional qualifications, as appropriate; and
- Independent schools, including academies and free schools, check that a person taking up a management position as described at paragraph 99 is not subject to a section 128 direction made by the Secretary of State.

Schools and sixth form colleges should use the [Teacher Services' system](#) to ensure that a candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State.

Where an enhanced DBS certificate is required, it must be obtained from the candidate before, or as soon as practicable after, the person's appointment.

\*There is **no requirement** to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the applicant has worked:

- in a school in England in a post which brought them into regular contact with children or young persons in any post in a school since 12 May 2006; or

40 Where the individual will be or is engaging in regulated activity, schools will need to ensure that they confirm on the DBS application that they have the right to

barred list information.

41 Regulations 12 and 24 of the School Staffing (England) Regulations 2009 for maintained schools also applies to the management committee of pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007. Part 4 of the Schedule to The Education (Independent School Standards) (England)

Regulations 2014 applies to independent schools, including free schools and academies. The Schedule to the NonMaintained Special Schools (England) Regulations 2015 applies to non-maintained special schools. Regulation 5 of the Further Education (Providers of Education) (England) Regulations 2006 apply to further education institutions. Further

Education providers should also note Regulation 10 of the Further Education (Providers of Education) (England) Regulations 2006, which requires that members of staff who move [within a college] from positions not involving the provision of education into a position involving the provision of education are to be treated as new staff members.

42 Education (Health Standards) (England) Regulations 2003 see also [fitness to teach circular](#).<sup>43</sup> Section 60 of the Equality Act 2010.

- in an institution within the further education sector in England or in a 16-19 Academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

All other pre-appointment checks must still be completed, including where the individual is engaging in regulated activity, a barred list check. Schools or colleges **may** also choose to request an enhanced DBS certificate should they wish to do so.

The DBS cannot provide barred list information on any person, including volunteers, who are not in or seeking to enter in regulated activity.

## **Flowchart of Disclosure and Barring Service criminal record checks and barred list checks**

### **9. Employment history and references**

The college should always ask for written information about previous employment history and check that information is not contradictory or incomplete. References should be sought on all short-listed candidates, including internal ones, before interview, so that any issues of concern they raise can be explored further with the referee and taken up with the candidate at interview.

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References should always be obtained and scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed. They should always be requested directly from the referee and employers should not rely on open references, for example in the form of 'to whom it may concern' testimonials. If a candidate for a teaching post is not currently employed as a teacher, it is also advisable to check with the school, college or local authority at which they were most recently employed, to confirm details of their employment and their reasons for leaving.

On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate, for example if the answers are vague. They should also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies should be taken up with the candidate.

Any information about past disciplinary action or allegations should be considered carefully when assessing the applicant's suitability for the post (including information obtained from the Teacher Services' checks referred to previously).

### **10. Individuals who have lived or worked outside the UK**

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in schools or colleges. In addition, schools and colleges must make any further checks

they think appropriate so that any relevant events that occurred outside the UK can be considered. These further checks should include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed, using the [NCTL Teacher Services](#)' system. Although restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, schools and colleges should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

The Home Office has published guidance on [criminal record checks for overseas applicants](#). The department has also issued [guidance on the employment of overseas trained teachers](#). This gives information on the requirements for overseas-trained teachers from the EEA to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the United States of America.

## **11. Volunteers**

Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

Volunteers who on an unsupervised basis teach or look after children regularly, or provide personal care on a one-off basis in schools and colleges, will be in regulated activity. The college should obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information). However, schools and colleges may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns.

College may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity but have the opportunity to come into contact with children on a regular basis, e.g. supervised volunteers (see

paragraph 126 for supervision). Employers are not legally permitted to request barred list information on a volunteer who, because they are supervised, is not in regulated activity.

College should undertake a risk assessment and use their professional judgement and experience when deciding whether to seek an enhanced DBS check for any volunteer not engaging in regulated activity. In doing so they should consider:

- the nature of the work with children;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and
- whether the role is eligible for an enhanced DBS check.

## **12. College governors**

Governors who are volunteers should be treated on the same basis as other volunteers, that is, an enhanced DBS check (which will include a barred list check) should only be requested if the governor will be engaging in regulated activity. Governing bodies can request an enhanced DBS check without a barred list check on an individual as part of the appointment process for governors.