

Safer Recruitment Policy

1. Introduction

This guidance sets a minimum standard for safer recruitment good practice.

All organisations that employ adults or volunteers to work with children should adopt a consistent and thorough process of safer recruitment in order to ensure those recruited are suitable. This document is intended to compliment not replace existing organisational procedures and is good practice safer recruitment guidance.

Everyone involved in the provision of children and young people's services share an objective to help keep them safe by contributing to:

- The provision of a safe environment for children and young people in all settings.
- Identifying children and young people who are suffering or likely to suffer harm, and taking appropriate action with the aim of ensuring they are kept safe.

Achieving this objective requires the development, implementation and ongoing monitoring of systems designed to:

- Prevent unsuitable people from working with children and young people.
- Promote safe practice and challenge poor and unsafe practice.
- Identify instances in which there are grounds for concern about a child's welfare, and initiate or take appropriate action to keep them safe; and
- Contribute to effective partnership working between all those involved with providing services for children and young people.

The impetus for developing safer employment practices resulted from the tragic Soham Murders case and the subsequent Bichard Inquiry Report and Recommendations. The principles of safer employment and, in particular, Safer Recruitment are applicable to all settings in which children and young people are offered and

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receive services. This includes all settings in which children and young people are cared for, trained, supervised and in some cases employed.

“For those agencies whose job it is to protect children and vulnerable people, the harsh reality is that if a sufficiently devious person is determined to seek out opportunities to work their evil, no one can guarantee that they will be stopped. Our task is to make it as difficult as possible for them to succeed...” Sir Michael Bichard, Bichard Inquiry Report, 2004, p 12, para 79.

Safer recruitment is an integral part of safeguarding and promoting the welfare of children and young people, a key part of the government’s strategy as set out in *Every Child Matters* (ECM). Staying Safe is one of the five outcomes for children, which is underpinned by a number of provisions.

Working Together to Safeguard Children available to view at: (<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>) states that “all agencies and individuals should aim to proactively safeguard and promote the welfare of children so that the need for action to protect children from harm is reduced”.

Safer recruitment practice should include those persons who may not have direct contact with children. The Safer Recruitment guidance is based on the principles of safeguarding and promoting the welfare of children and young people. The emphasis of the guidance is on creating a culture of vigilance and deterring people who are deemed unsuitable to work with children and young people to gain access to the workforce. Every stage of the safer recruitment procedure is structured to act as a barrier which seeks to protect children and vulnerable people from harm.

In order to create safe environments for children and young people, it is important that Leicester Community Academy provide services to children and young people ensure that they incorporate recruitment and selection measures that help deter, reject or identify people who might abuse children and young people or are unsuited to work with them.

The principles of safer recruitment should be included in the terms of any commissioning agreement with any provider or contractor that provides services for, or adults to work with, children for whom the organisation is responsible. The commissioner of services should monitor compliance with the contract, which should include a

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requirement that the provider will not sub-contract to any personnel who have not been part of a safer recruitment process.

The following sections provide a step by step guide to safer recruitment.

Terminology

Throughout this document the following terminology shall be taken to mean:

Organisation: Employers, voluntary organisations, schools, stakeholders, agencies, partner organisations.

Employee: An individual who is in paid employment whose duties involve working directly with children and young people or requires them to undertake regulated activity or work in a regulated setting.

Volunteer: An individual or any group of individuals who perform an activity which involves spending time, unpaid (except for travel and other out-of-pocket expenses), doing something which aims to benefit a third party, i.e. someone (individuals or groups) other than or in addition to close relatives."

2. Safeguarding and Employment Legislation & Guidance

Summarised below are key pieces of legislation relating to safeguarding children and vulnerable adults and safer recruitment; as well as generic recruitment and employment.

Children Act 2004:

Places a duty on each local authority to make arrangements with relevant agencies to co-operate to improve the wellbeing of children.

Gives a range of organisations, including LAs, the police and health services, the duty to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children.

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Safeguarding Vulnerable Groups Act 2006:

Provides the legislative framework for the introduction of a new vetting and barring scheme for those working with children and vulnerable adults. The scheme is the Government's response to Recommendation 19 of the Bichard Inquiry, 2004:

"New arrangements should be introduced requiring those who wish to work with children, or vulnerable adults, to be registered. This register – perhaps supported by a card or licence – would confirm that there is no known reason why an individual should not work with these client groups."

The primary aim of the scheme is to bar individuals from working in situations where evidence suggests that they present a risk of harm, to children or vulnerable adults.

The Independent Safeguarding Authority (ISA) is to launch a new Vetting and Barring scheme in October 2009.

Working Together to Safeguard Children:

States that 'all agencies and individuals should aim to proactively safeguard and promote the welfare of children so that the need for action to protect children from harm is reduced.'

The Every Child Matters:

Sets out the national framework for change programmes to build services around the needs of children and young people so that we maximise opportunity and minimise risk. It highlights five outcomes that are key to the wellbeing of children and young people all of which are underpinned by the **Children Act 2004**.

1. Stay Safe
2. Be Healthy
3. Enjoy and Achieve
4. Make a Positive Contribution
5. Achieve Economic Wellbeing

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3. Planning the Recruitment and Selection

Planning each stage of the recruitment activity is essential to ensure safer recruitment is applied consistently to all relevant vacancies. This should be done by drawing up a Recruitment Plan.

The plan should include:

- Identify funding for post(s)
- Gaining authorisation to recruit
- Timetable of events
- Job analysis
- Review and agree job description and person specification
- Agree dates for interview(s)
- Agree selection method / assessment tools
- Compose interview questions
- Invite to interview (ask about special arrangements / notify applicants of tests or presentations if relevant / include recruitment pack)
- Ensure data security

Safer Recruitment Policy/Statement

Organisations should have an explicit written recruitment and selection policy based on the principles of safer recruitment which includes a safeguarding statement (**see sample below*).

The purpose of the policy is to outline clearly to existing and potential employees, the organisation's stance on safer recruitment practices. Robust policies and procedures are essential to:

- Manage the expectation of employees
- Develop a common understanding of the organisation's goals and values

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- Provide a consistent approach for all existing and newly appointed employees
- Ensure that procedures are applied consistently
- Eliminate ambiguity thereby providing clarity

The policy should outline relevant legislation/regulations and be clear about:

- The relevant legislative/mandatory requirements
- The impact this has on the organisation and its employees
- What employees need to do to be compliant
- The scope e.g. what areas of work it covers and who it applies to
- Links to other policies and procedures
- Timescales and deadlines to be met
- Consequences of non-compliance

***Sample Statement**

The Organisation shares a commitment to safeguard and promote the welfare of children and young people. Our commitment is underpinned by robust processes and procedures that seek to maximise opportunity, minimise risk and continuously promote a culture that embraces the ethos of safeguarding amongst our workforce.

Job Description/ Person Specification

It is very important that every job is well defined and has a corresponding job description and person specification. The job description must clearly outline the role, responsibilities and accountabilities of the jobholder, including the tasks/duties they will be required to undertake. Equally, the person specification should clearly outline the knowledge, skills and experience required to do the job.

The job description and person specification must set out the role, responsibilities, accountabilities, knowledge, skills and experience

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required in respect of safeguarding and promoting the welfare of children and young people. This should be clearly stated on all job descriptions and person specifications for jobs that involve work with children and young people.

The job description **must** state that the post is **Exempt from the Rehabilitation of Offenders Act 1974 and subject to a CRB Disclosure check**. If a post is classed as exempt under the Act, all applicants for that post will be required to reveal all spent (convictions that have expired) and unspent (convictions that have not expired or never expire) convictions, reprimands, cautions bindovers etc. (*See the following for further information*).
<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

The job description should also include a clear statement (see *sample statement under Section 2*) of the organisation's commitment to safeguarding and promoting the welfare of children and young people.

In particular, the person specification should outline:

- Knowledge, skills and experience required for the post
- Responsibility and accountability for safeguarding and promoting the welfare of children and young people.
- Qualifications
- Demonstrable competencies and qualities required
- How the essential requirements of the post will be tested e.g. interview, test, assessment centre, presentation

Volunteers should be provided with a 'volunteer profile' which **must** adhere to the principles stated above.

Having this explicitly defined information will ensure that job applicants are clear about the requirements of the post and what is expected of them. It also gives them an opportunity to determine if they have the necessary skills, knowledge and experience to perform the job in question. Most importantly, it may serve as a deterrent to individuals who are seeking to enter the children's workforce for devious reasons.

Job descriptions, person specifications and volunteer profiles should be reviewed regularly to ensure they continue to meet the needs of

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the business and to ensure that ever-changing legislative and other requirements are taken account of.

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Application Forms

It is best practice to use pre-defined application forms for all recruitment and selection activity. They provide a well-structured method for gathering information critical to the recruitment process.

A well structured application form should gather information essential to the principles of safeguarding and safer recruitment, shown below:

- Personal details:
 - ✓ Full name
 - ✓ Current address
 - ✓ National Insurance number
 - ✓ Current salary
- Current and previous employment
- Employment history – chronological order including start and end dates since completion of secondary school education
- Gaps in employment history
- Reasons for leaving past and current employment
- Relevant knowledge, skills and experience of the applicant
- Voluntary and/or unpaid work
- Educational history – academic and/or vocational
- Qualifications and professional membership
- Supporting evidence
- Dismissal from previous employment
- Disciplinary action previous and current
- Referee details
- Exemption statement – Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as Amended)

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- DBS / CRB Self disclosure of criminal records
- Signed declaration
- Equal Opportunities monitoring
- Disability
- Religion
- Ethnicity

The information gathered by the application form is crucial to safer recruitment procedures and it is also an important component of the short-listing process. A well-designed application form should give the applicant an opportunity to provide a self-disclosure on previous criminal convictions, cautions and reprimands and for the panel to explore them during the interview process. This does not remove the need to conduct robust pre-employment checks including CRB /DBS Disclosure checks.

Serious, deliberate fraud or deception in connection with an application for employment may amount to a criminal offence (Obtaining Pecuniary Advantage by Deception). In such cases the employer should in addition to any planned disciplinary action, consider reporting the matter to the police. The case should also be reported to the Secretary of State. Further information about reporting misconduct can be obtained from Appendix 10 of the DCSF Safeguarding Children and Safer Recruitment in Education guidance.

Applicant Information Pack

It is normal practice when recruiting to send out information about the organisation. This helps applicants to gain a better understanding of what the business is all about. For the purposes of safer recruitment, it is recommended that you include information on the process they will undergo if they are short listed and ultimately successful.

An applicant information pack detailing the information show below should be sent:

- Organisation's commitment to safeguarding

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- Clear guidelines detailing the pre-employment vetting process
 - ✓ DBS / CRB Disclosure Application process
 - ✓ Verification of qualifications
 - ✓ Verification of professional body registration
 - ✓ References
 - ✓ Eligibility to work in the UK
 - ✓ Medical assessment
 - ✓ Safeguarding/Child Protection Policy

Self-Declaration of Previous Convictions

Candidates applying for a post that involves work with children and young people will be expected to declare all convictions, cautions, reprimands and bind-overs whether spent or unspent on their application form. This is known as a 'Self Disclosure'.

A self disclosure gives candidates an opportunity to inform the potential employer of any convictions they have/had and enables the employer to explore them during the interview process.

The nature of the self-disclosure will determine a candidate's suitability to proceed to the interview stage. However, it is important that self-disclosure information is not used as a criterion for short listing.

Note: A self disclosure does not remove the need to carry out an Enhanced DBS / CRB Disclosure check for appropriate posts.

All self disclosures are subject to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as Amended which makes certain regulated activity (i.e. work with children and young people) exempt from the Act and therefore require individuals seeking to work with these groups to be subject to an Enhanced Criminal Record Disclosure check.

References

References are an important part of any recruitment and selection process and even more so for safer recruitment. The purpose of seeking references is to obtain objective factual information.

References should always be sought and obtained directly from the referee. Employers should not rely on references or testimonials provided by the candidate, or on open references and testimonials i.e. "To Whom It May Concern".

The information contained in a reference is vital to reaching a decision to employ or not employ:

- References should be requested as soon as short listing has been completed. Seek references for short listed applicants only.
- A minimum of two references must be sought. One reference must be from the current or most recent employer.
- Where the applicant is not currently working with children and has provided details of previous employment that has involved work with children either in a paid or voluntary capacity, then a reference must be sought from that employer even if the applicant has not listed the employer as a referee. Refusal or reluctance by an applicant for you to contact such an employer may be cause for concern and should be explored further.
- For applicants who have never been in paid employment but have undertaken voluntary work, a reference must be sought from the voluntary organisation.
- For applicants who have never worked in paid employment or on a voluntary basis, a character reference should be sought from someone who is able to confirm (as best as possible) the applicant's suitability to work with children and young people. This may be someone in authority e.g. a lecturer or community leader. Character references should normally only be accepted as a supplement to an employer's reference.
- Scrutinise the references against the information provided on the application form to ensure the information matches.
- Any concerns about a reference should be taken up with the referee directly.

A reference request should contain the following:

- Copy of the job description and person specification
- Confirmation of employment dates – from/to
- Confirmation of basic salary and other remunerations
- Specific details of the applicants role and responsibilities in that post
- Performance history, ability and capability of the individual to carry out the post applied for
- Attitude/behaviour towards work/colleagues
- Notable achievements in that post
- Attendance levels
- Sickness absence
- Punctuality

In addition to the above, a reference should seek particular information on:

- Disciplinary action where the sanction is current.
- Disciplinary action where the sanction has expired and it relates to safeguarding or child protection.
- Any known reason that could potentially render the applicant unsuitable to work with children and young people e.g. allegations about the applicant's behaviour towards children; details of the allegation and the outcome of the investigation.

Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case. Cases in which an issue was resolved satisfactorily some time ago or an allegation was determined to be unfounded or did not require formal disciplinary sanctions, and in which no further issues have been raised, are not likely to cause concern. More serious or recent concerns or issues that were not resolved satisfactorily are more likely to cause concern. A history or repeated concerns or allegations over time is also likely to give cause for concern.

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If after you have sent off for a reference, you have not received it two days before the interview, it is good practice to contact the referee by phone to obtain a telephone reference. Detailed notes of the discussion should be made and retained for your records. This does not remove the need to obtain a full written reference from the referee.

Consideration should also be given to an applicant's request to delay seeking references. This could be because the applicant does not want the current employer to know they are actively seeking other employment. Such knowledge may create difficulty for the applicant if they are unsuccessful in securing the post. Where such a request is made, the organisation should make it clear to the applicant that a delay in seeking references could cause a delay in an offer of appointment being made.

It is good practice to contact the referee of the preferred candidate to verify the authenticity of the reference.

Note *References should be sought on all short listed candidates including internal ones.*

4. Pre-Employment Vetting

It is vitally important that people deemed unsuitable to work with children and young people do not gain access to them. It is the employer's duty to utilise robust procedures to prevent/deter such individual's from accessing the children's workforce. Safer recruitment requires strict pre-employment vetting to assess the suitability of an individual to work with children and young people.

An Enhanced DBS / CRB Disclosure check is a legal requirement for anyone (paid employee or volunteer) seeking to work in regulated activity. This includes all settings in which children and young people are cared for, trained, supervised and in some cases employed.

It is strongly recommended that an enhanced DBS / CRB is carried out for everyone who has access, supervised or unsupervised, to children and young people.

Where there has been a break in continuous employment of 3 months or more of an employee or volunteer, a new Enhanced DBS /CRB Disclosure must be conducted. It is good practice to carry out DBS/CRB checks on a 3-yearly rolling basis for staff and volunteers who remain in continuous employment.

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CRB Checks on Overseas Staff and UK Residents

DBS/CRB Disclosures will not generally show offences committed by an individual whilst living abroad (except in the case of service personnel and their families). Therefore, in addition to an enhanced DBS/CRB Disclosure, additional checks such as obtaining **certificates of good conduct** from relevant embassies or police forces are necessary.

Further information about the criminal record information which may be obtained from overseas police forces and countries, is available from **DBS customer services**:

customerservices@dbsgsi.gov.uk

Where an applicant is from or has lived in a country where criminal record checks cannot be made for child protection purposes, or is a refugee with leave to remain in the UK, and has no means of obtaining relevant information, employers must take extra care in taking up references and carrying out other background checks.

For example, additional references should be sought, and references should be followed up by a telephone call as well as a letter.

Appointment Pending DBS/CRB Clearance

An organisation should obtain the satisfactory outcome of a CRB check and other pre-employment checks prior to making an offer of appointment or securing the services of a volunteer. The reality is that this is not always possible and the process in most cases will normally take between 4 – 6 weeks. However, in a small number of cases, it has been known for the process to take up to 6 months.

Where it becomes necessary to make an appointment pending the outcome of the CRB check the organisation should undertake an assessment of the potential risk of employing that person and should consider putting some additional vetting measures in place.

This could be:

- Conducting a List 99 check.
- Ensuring that an individual does not have unsupervised access to children during the period preceding the outcome of the DBS/CRB check. Supervision arrangements should be clearly documented and the arrangements reviewed on a fortnightly basis.

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- Staff subject to additional supervision arrangements must be informed that they will be under supervision and the reason and nature of the supervision should be specified.
- The role of the supervisor must be clearly spelt out and that s/he knows what is required of them.
- Supervision arrangements should be applied to volunteers.
- Restricting the access to or involvement with children by occupying the time with training/induction and other job-related activity, though this is not always possible in some setting e.g. schools, care homes.
- Delays should be regularly followed up with the DBS/CRB

List 99

List 99 is a confidential document maintained by the Department for Children, Schools and Families (DCSF), which contains the names, dates of birth, National Insurance numbers and in the case of teachers, the teacher reference number, of people whose employment in relevant regulated activity has been barred or restricted by the Secretary of State. It is an offence for an employer to knowingly employ someone in a post for which they have been barred.

List 99 is the minimum pre-employment check that must be undertaken for all school staff including local authority employed school staff. A List 99 check is usually completed as part of CRB Enhanced Disclosure request. A separate List 99 check is not required unless the CRB check remains outstanding at the time an individual commences employment.

Eligibility to work in the UK

Organisations need to be sure that where the preferred candidate is a foreign national, s/he has permission to work in the UK.

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Independent Safeguarding Authority (ISA) Scheme

With effect from July 2010, it will become mandatory for all persons seeking to work with children and young people to register with the Scheme. After this date, it will be a criminal offence for an employer to employ the services of an individual to work with children if that individual is not a member of the scheme. The Scheme will be extended, on a phased basis over a number of years, to existing employees of the children's workforce throughout England.

The primary aim of the scheme is to bar individuals from working in situations where there is evidence to suggest that they present a risk of harm to children.

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