

# Safer Recruitment of Staff and Volunteers

## 1. Purpose and content

The purpose of this appendix of the College Safeguarding Policy is to provide a clear set of guidelines to learners, their parent/carers; and staff and other workers within the College community; together with wider stakeholders regarding the College's recruitment procedures and how these will ensure people who might abuse children and/or vulnerable adults are deterred, rejected or identified to ensure inappropriate people do not work with College learners.

The College Safeguarding Policy has been developed in line with statutory guidance and the locally agreed inter-agency procedures put in place by the Stockton Local Safeguarding Children Board and the Teeswide Safeguarding Adults Board. The policy applies to all learners and all staff (including agency and hourly paid staff) irrespective of anyone's position or role in the College, together with governors and any workers who are at the College on a voluntary/placement/other professional basis.

Please note that the term 'College' is used throughout this appendix, as a generic term that encompasses all organisations within the wider College group; namely Stockton Riverside College, Redcar & Cleveland College, NETA, Bede Sixth Form College, The Skills Academy and Tees Valley Catering. The term 'staff' is also used as a generic term that encompasses all groups of workers as outlined in the paragraph above.

## 2. Definitions

The key terms in this document are defined as:

- **Children:** Those under the age of eighteen
- **Vulnerable Adults:** For the purpose of safeguarding, and the College duty of care, a vulnerable adult is defined as any adult considered to be at risk

## 3. Relevant external guidance

This document has been prepared with reference to statutory requirements, including:

- 'Keeping Children Safe in Education'; Department for Education, September 2018
- 'An employer's guide to right to work checks'; Home Office, May 2015
- The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)

The College defines itself as a 'specified place' in accordance with the guidance outlined in 'Keeping Children Safe in Education' September 2016 and staff working within the College as in 'regulated activity' as their positions could involve regular contact with children under the

age of 18. Therefore the College is legally entitled to ask all applicants to disclose any convictions and cautions that are not protected under the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (as amended in 2013).

The ROA 1974 makes provision for most convictions and all cautions, reprimands and final warnings to be considered spent after a certain period for many types of employment. However, because all roles within the College are deemed to be 'regulated activity' the College is entitled to request details of all convictions and cautions that are not protected (i.e. eligible for filtering) under the amendments to the ROA Exceptions Order 1975 (2013).

The enhanced Disclosure and Barring Service (DBS) certificate requested by the College will reveal all non-protected convictions and cautions recorded on the Police National Computer (PNC). Offences which are serious, relate to sexual or violent offending, or are relevant in the context of safeguarding will never be filtered and will always appear. The certificate will also show any information held on the barred lists for children and adults. The police may also provide additional information which a chief officer reasonably believes to be relevant and considers ought to be disclosed.

#### **4. College requirements**

The College requires all applicants to confirm on their application form whether or not they have any non-protected convictions and cautions. If the applicant is called for interview the College will ensure that an open and measured discussion takes place on the subject of any offences or other matters that might be relevant to the position. Applicants are not protected by the Rehabilitation of Offenders Act if they fail to disclose relevant information and will be warned that failure to reveal information could lead to the withdrawal of an offer of employment or the termination of employment if an appointment has already taken place.

The Human Resources (HR) department will also check to see that appointed staff and those persons that wish to volunteer to work in the College are not barred from working with children or vulnerable adults by undertaking a separate barred lists check prior to staff or volunteers starting work at the College. This will include a check against the Secretary of State's Prohibition Orders for teachers where relevant to the applicant's role.

The College is nevertheless committed to promoting equality of opportunity and will accept applications from candidates with criminal records where these offences are not relevant to employment at the College. The College undertakes to comply fully with the revised DBS Code of Practice (November 2015) and does not automatically exclude applicants on the basis of convictions or other information received (unless there is a legal bar). Candidates are selected for interview and for appointment based on their overall suitability for the post, which takes into account skills, qualifications, experience and attitude to the job they have applied for.

In order to comply with statutory requirements, the HR department maintains Single Central Records (SCRs) for Stockton Riverside College (which includes Tees Valley Catering staff) and NETA of the pre-employment checks the College is required to carry out on staff and volunteers. It is essential that employees involved in the recruitment of staff work together to ensure that all the necessary checks are completed and recorded promptly to ensure that children and vulnerable adults are not put at risk and that the College complies fully with statutory requirements. Financial penalties and criminal action may be imposed on the College if a barred individual or someone who does not have the right to work in the UK is appointed to a post in the College. There are also penalties of up to five years in prison if a barred person is convicted of engaging, or attempting to engage, in work at the College.

The table in section 19 shows the pre-employment checks that must be undertaken for different groups of staff and volunteers before they start work at the College. The relevant information, and the date of the check will be entered on the SCR and a copy of relevant documents (e.g. copies of photographic ID and qualifications) will be included on the individual's HR file.

It is the responsibility of the recruiting manager to ensure that HR are aware of all planned appointments, including hourly paid staff, agency staff and volunteers in sufficient time to ensure that the correct checks are carried out and recorded on the SCR before the planned start date. Staff and volunteers who have had a 3 month+ break in College service must complete all pre-employment checks as if they were a new appointment. It is the responsibility of the HR Department to ensure that the appropriate checks are carried out, and that employees are not permitted to start work with the College prior to this. Relevant guidance has been issued to all staff involved in recruitment and it is essential that they comply with the guidance. Failure to do so may have consequences for learners, the College and for the individual themselves if it can be demonstrated that he/she acted in contravention of the safer recruitment section of the safeguarding policy.

In all cases, an identity check, barred lists check, right to work in the UK check, qualification check and health declaration check must be completed prior to staff commencing employment. In all but exceptional cases, the DBS certificate and two written references should also both have been received prior to employment. If these later checks have not been completed the actions outlined in sections 9 and 10 must have been completed. This includes clear and detailed risk assessments which are reviewed every two weeks.

***Note: Volunteers and Initial Teacher Education (ITE) students, or other learners, must not start their role/placement until all checks are complete.***

Pre-employment recruitment checks do not, however, take away the need for ongoing safeguarding awareness. Recruitment checks are only likely to identify those people that

have been convicted or who have come to the attention of the police. Some individuals who are unsuitable to work with children and/or vulnerable adults will not have any previous convictions or appear on the barred lists. Ongoing awareness during the course of employment is essential, not only during the induction or probationary periods. All employees and volunteers must be aware of what is likely to constitute inappropriate conduct and their responsibilities to report it through the correct channels if they have a concern about a colleague. A copy of the overarching College Safeguarding Policy, together with Appendix A (Child and Vulnerable Adult Protection) and Appendix B (Staff Code of Conduct) will be provided to all staff and volunteers by HR during induction. The role of the Designated Lead for Safeguarding will also be explained. This induction will be followed up by further and regular (at least yearly) refresher training for staff and volunteers to improve awareness of safeguarding issues.

## **5. Detering unsuitable applicants from applying or volunteering to work at the College**

In order to discharge its obligations under safer recruitment requirements, the College has put in place a number of actions that will help to prevent unsuitable people applying for positions at the College. These include:

- All advertisements for posts carrying an explicit safeguarding statement
- Job descriptions carrying a specific clause regarding the College commitment to safeguarding
- The College only accepting CVs if they are accompanied by a fully completed application form
- The application form containing a statement stating the College's commitment to safeguarding and a requirement for the applicant to disclose all non-protected convictions, cautions and pending prosecutions
- Conditional offers of employment subject to the College receiving a satisfactory DBS certificate with a statement to this effect in all job advertisements

## **6. Shortlisting and interviews**

All interview panels must have at least one panel member who has completed training in safer recruitment practices within the previous 3 year period. HR will inform managers of appropriate safer recruitment training options and issue reminders at least 3 month prior to the 3 year time limit being reached.

Application forms must be scrutinised prior to interview and any issues such as gaps in employment or contradictory information noted for shortlisted candidates for discussion at interview.

A question to identify any potential safeguarding concerns or to test an applicant's attitude towards working with children and vulnerable adults must be incorporated into all interviews and it must also be established whether the applicant has the physical and mental capacity

for the role. This will assess the applicant's ability to effectively contribute towards the College's commitment to safeguarding.

At least one panel member, who must have undertaken safer recruitment training, must ensure that any non-protected convictions, cautions or potential pending offences are fully explored (either before, during or after the interview as appropriate) in order to assess suitability for appointment. This should be discussed in private with the applicant.

Applicants should be made aware at interview that if they have committed an offence overseas they should seek independent expert or legal advice to ensure that they disclose information on their offending history that is in alignment with the UK guidance and that is truthful and accurate.

### **7. ID, barred lists and right to work in the UK checks**

Identity will be established from the documents accepted by HR to support the applicant's DBS application. Once identity is confirmed an endorsed dated copy of the relevant document will be taken and retained on the applicant's HR file. An online barred lists check will then be completed by HR.

Right to work in the UK checks for applicants for staff posts will be conducted in accordance with Home Office guidance. Applicants will need to provide acceptable documents in line with the guidance to establish either a permanent or temporary right to work in the UK. For example a standard UK passport that confirms British citizenship establishes a permanent right to work in the UK. Documents will be checked in the presence of the applicant and an endorsed dated copy of the relevant part/s of the document/s retained on the applicant's HR file.

Further checks will be conducted at an appropriate later date/s for individuals with a temporary right to work in the UK to ensure College employment practice adheres to legislation.

### **8. Qualification checks**

As all staff are in 'regulated activity' all shortlisted applicants are required to provide original certificates or academic transcripts prior to, or at interview to provide proof of the most significant qualifications noted on their application form. This must include all qualifications noted to be 'essential' on the person specification for the role, teaching and/or assessing qualifications for curriculum delivery staff and any level 2+ qualifications in English and maths.

HR will make a dated endorsed copy of the most significant qualifications and the copy/ies will be retained on the individual's HR file. All managers, curriculum delivery and curriculum support staff must have the qualifications deemed to be essential for their role. Any

exceptions to this must be agreed, prior to appointment, by the budget holder with the relevant member of the Senior Leadership Team.

A minority of other support staff may not have any relevant qualifications. Each case will be assessed with reasons for why a decision to proceed with an appointment was made noted on the interview records by the relevant Head of Department and agreed by HR. A qualification check is not required for volunteers.

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

DBS checks are initiated by HR, sent to the DBS via HR and the DBS certificate returned from the DBS to the individual. It is essential that all new applicants return their DBS certificate to HR as soon as they receive it to ensure that there are no unnecessary delays within the recruitment process. Where an offence is disclosed through the checking process, HR will liaise with the relevant line manager. If the offence has potential safeguarding implications (e.g. offences involving violence, sexual activity or drugs) HR will also inform the Director of HR and the College Designated Lead for Safeguarding. The offence/s will be assessed to determine whether an appointment can be confirmed.

In exceptional circumstances, the Head of Department may require a member of staff to commence in post prior to the DBS certificate being available. In these cases the following must apply:

- The DBS certificate must have been applied for.
- A risk assessment must have been completed by the Head of Department prior to employment commencing.
- The risk assessment must note the date and contents of any existing DBS certificate and clearly state the agreed arrangements for supervision
- The DBS certificate must be received by HR within 10 working days of being dispatched by the DBS service. If this does not happen the employee will be contacted by the HR department and invited to an interview with the Director of HR and informed that the DBS certificate must be received by the HR Department on the next working day.
- If the DBS certificate is not received within the allotted time, the employee will be informed by the Director of HR and his/her Head of Department that he/she will not be permitted to work in the College until the DBS certificate is received and deemed satisfactory.
- The Head of Department must review and update the risk assessment on a two weekly basis until HR confirm the DBS certificate has been received.

## **10. References**

Two written references are required for all applicants. One reference should be from the current employer/line manager and the other from another appropriate person in their current or most recent post wherever possible.

HR will apply for written references directly from the referee for all short listed applicants, including internal applicants, so that any issues of concern can be discussed at interview. Referees must be contacted if the information provided is vague or incomplete and requested to provide further information.

Additional references may be requested at the discretion of the College. Where an applicant is not currently working with children or vulnerable adults, but has done so in the past a reference may also be obtained from the employer by whom the person was most recently employed in relevant work.

References that appear to have been “agreed” and which may have been agreed as part of a settlement agreement with a previous employer should be fully explored prior to an appointment being made.

In exceptional circumstances, the Head of Department may require a member of staff to commence in post prior to two written references being received. In these cases the following must apply:

- The written references must have been requested by HR
- At least one verbal reference, from a valid source such as the current/previous employer, must have been obtained with a clear and dated record of this noted on the member of staff’s file in HR
- A risk assessment must have been completed by the Head of Department
- The risk assessment must be reviewed every two weeks until the written references are received with rigorous action taken to secure them
- If they are not received within one calendar month HR will notify the Director of HR who will provide advice on further actions

#### **11. Further checks for applicants who have lived or worked outside the UK**

HR will carry out any additional checks it is felt to be necessary for applicants who have lived or worked outside the UK so relevant events can be considered. Home Office guidance for checks in relevant countries will be consulted and considered in each case.

#### **12. Volunteers**

Occasionally people may wish to volunteer to work at the College, for example to gain work experience. Volunteers are subject to the same level of scrutiny in terms of statutory checking as employed staff as the College deems them to be in ‘regulated activity’ as full supervision,

at all times, is not always practicable. The required checks must be completed before the voluntary work begins.

### **13. Agency staff / partner organisations**

The College needs to be confident that staff employed by agencies have been subject to the appropriate checks. Managers requiring this sort of provision must ensure that HR has been informed and that the relevant confirmation of pre-employment checks has been obtained from the agency prior to the appointment date. However in all cases the agency worker must provide valid photographic evidence of identity prior to starting work.

The College also needs to assure itself that staff from organisations that legitimately require access to College learners have been subject to appropriate checks. This includes staff from partner organisations such as the NHS, social services, Youth Directions and employers of apprentices. A letter from an appropriate department within each organisation (e.g. HR) that identifies each member of staff and confirms that all appropriate checks have been completed must have been received and logged with HR by Student Services (for welfare related aspects) or the Head of the relevant department (for employers) before access is allowed.

Similarly managers may receive requests for vetting information about College staff that are engaged in activities with learners from partner organisations e.g. staff working with 14-16 learners in local schools. Any requests should be referred to HR who will provide a letter to confirm the checks which have been completed.

### **14. Visitors to the College**

Accompanied visitors to the College do not require DBS checks to be undertaken, however they must register their presence at reception on site upon arrival, obtain a visitor's lanyard which must be worn at all times during their time on the College premises and be accompanied by a member of staff at all times.

### **15. Online update DBS checking service**

Where an applicant has an enhanced DBS certificate that details the relevant checks covering both the Children and Adult workforce and they subscribe to the online DBS update service, they must provide HR with the original DBS certificate and details of their registration with the update service. They must also sign a consent form to allow HR to access the update service to check there have been no changes since the certificate was issued.

HR will conduct a check to confirm the certificate matches the applicant's identity. Where a status check online reveals a change(s) to the certificate then the applicant must apply for a new certificate.



## **16. Secure storage, handling use, retention and disposal of DBS information**

DBS information is only used for the specific purpose for which it is requested and for which the applicant's full consent has been given. DBS information will be kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those entitled to see it as part of their duties.

Once a recruitment decision has been made the College will return the DBS certificate to the member of staff or volunteer. The College will not keep any photocopy or other image of the certificate or representation of the contents. The College will (as required by law) keep a record of the certificate unique reference number and the date of issue.

## **17. Receiving a criminal record/conviction whilst in employment at the College**

Ongoing awareness during the course of employment is vitally important in order to protect learners. As part of this the College reserves the right to request any member of staff or any volunteer to undergo repeat checks, including a DBS check, at any time.

The College also requires staff and volunteers to disclose to HR details of any criminal offences or police investigations into potential criminal offences that are acquired, or occur, during the period of employment or placement with the College. Failure to disclose this information may be deemed to be gross misconduct and lead to summary dismissal. HR will share the information disclosed only with those who have a need and right to know (e.g. the line manager) and the information disclosed will be discussed with the member of staff or volunteer before reaching a decision about any action to be taken.

Receiving a criminal record, or being the subject of an ongoing investigation, whilst employed or placed at the College does not automatically mean that the member of staff or volunteer cannot continue in their role. Where necessary, any action deemed necessary by the College will be pursued with reference to the relevant provisions within the College's Disciplinary Policy.

## **18. Referral to other agencies**

The College has a duty to refer any suspected safeguarding issues involving staff or a volunteer to the Local Authority Designated Officer for Safeguarding.

Where the College ceases to use the services of a teacher because of serious misconduct, or would have dismissed them had they not left first, the College will consider whether to refer the case to the Secretary of State, as required by the Education Act 2002. The Secretary of State may investigate the case, and may then decide to make a prohibition order in respect of the person.

The College has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or a vulnerable adult; where the individual has been removed from working (paid or unpaid) in regulated activity or would have been removed if they had not left.

**19. Table showing the checks required for each category of staff/volunteer**

Full time, fractional & hourly paid staff	Agency staff and ITE students on placement	Volunteers (excluding governors)	Governors
<ul style="list-style-type: none"> <li>• Identity (ID)</li> <li>• Barred lists</li> <li>• Right to work in the UK</li> <li>• Qualification/s</li> <li>• Two references</li> <li>• Health declaration</li> <li>• Enhanced Disclosure and Barring Service</li> </ul>	<ul style="list-style-type: none"> <li>• Identity for both groups, and either;</li> <li>• Written confirmation from the agency that all pre-recruitment checks (as outlined in staff column) have been completed</li> <li>• Written confirmation from the training provider that ID, barred list, qualification, reference and DBS checks have been completed</li> </ul>	<ul style="list-style-type: none"> <li>• Identity</li> <li>• Barred list</li> <li>• Two references</li> <li>• Enhanced Disclosure and Barring Service</li> </ul>	<ul style="list-style-type: none"> <li>• Identity</li> <li>• Barred list</li> <li>• Enhanced Disclosure and Barring Service</li> </ul>