

## General Welfare Requirement: Suitable People

Providers must ensure that adults looking after children, or having unsupervised access to them, are suitable to do so.

## Employment

### 2.1.5 Safer Recruitment

#### Policy Statement for St Joseph's Pre-school

St Joseph's Pre-school is committed to safeguarding and promoting the welfare of children and young people and requires all staff (paid and unpaid), volunteers and agency staff to share and demonstrate this commitment in every aspect of their work.

Safer recruitment is a day to day commitment. It is applied to all roles where there is access to children, without exception. The aim of this policy is to enable the setting to identify the best candidate for the job, and also deter, reject or identify "unsuitable"<sup>1</sup> candidates.

We are committed to using disciplinary procedures that deal effectively with adults who fail to comply with the pre-school's safeguarding children and child protection procedures and practices, including referring any allegation of abuse against an adult working with children to the Local Authority Designated Officer (LADO)<sup>2</sup>.

We will do all we can to ensure that all those working with children in our Pre-school are suitable people.

#### Aims

The purpose of this policy is to set out the requirements of a recruitment process that aims to:

- Attract the best possible applicants to vacancies.
- Deter prospective applicants who are unsuitable to work with children.
- Identify and reject applicants who are unsuitable to work with children.
- The appointment of all employees will be made on merit and in accordance with the provisions of Employment Law, 'Keeping Children Safe in Education' (KCSiE). We will also ensure that people are treated solely on the basis of their abilities and potential, in line with our Valuing Diversity and Promoting Equality policy.

#### The legal framework for this work is:

- All necessary checks will be carried out in accordance with KCSiE.
- This policy takes into account the requests set out in the Children Act 2004 ('Every Child Matters'). This involves scrutinising applicants and volunteers, verifying their identity and obtaining references before interview, as well as the mandatory check of the barred list and Disclosures and Barring Service (DBS) checks<sup>3</sup>. The outcome of these checks will be contained in a single document, the 'Single Central Record'.
- All recruitment will be carried out in accordance with safer recruitment practices.

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<sup>1</sup> "Unsuitable" does not only refer to child sex a uses, but also those with a history of violence of substance misuse. They may be unsuitable character references or previous employment and may not be who they say they are either.

<sup>2</sup> LADO: Nigel Hatton – 01452 426994

<sup>3</sup> See flowchart of DBS criminal records checks and barred list checks at Appendix 1

## Method

We will:

- Ensure effective policies and procedures are in place for the safe and fair recruitment and selection of staff and volunteers in accordance with Department for Education (DfE) and Safer Recruitment guidance and legal requirements.
- Ensure that these policies are regularly reviewed and updated to reflect any changes to legislation and statutory guidance.
- Ensure that all appropriate checks have been carried out on staff (paid or unpaid), volunteers and agency staff in the Pre-school, whether they are **on or off-site**.
- Promote the safety and well-being of children at every stage of the recruitment process.
- Selection panels will comprise of a minimum of two people (normally three). In accordance with the statutory requirement<sup>4</sup>, every selection panel will have at least one member who has undertaken Safer Recruitment Training<sup>5</sup>.
- Ideally one member of the committee and at least two members of staff will be Safer Recruitment trained.

## Advertising

All vacant posts will be advertised to ensure equality of opportunity and encourage as wide a field of candidates as possible. This normally means placing an advertisement externally. However, where there is a reasonable expectation that there are sufficient, suitably qualified internal candidates, or staff are at risk of redundancy, vacancies may be advertised internally before an external advertisement is placed. Any internal recruitment process will follow the procedures set out in this policy.

All advertisements for posts, paid or unpaid, will include the following statements:

*“St Joseph’s Pre-school is committed to promoting the safety and wellbeing of children. Copies of our safeguarding and other policies can be found on the website.*

*All positions are subject to an enhanced disclosure and barring check”.*

## Applicant Information Pack

St Joseph’s Pre-school will collate the following information:

- Job description: outlining the duties of the post
- Person specification
- Application form (CVs will not be accepted)
- The Pre-school’s Safeguarding Statement
- The Pre-school’s Recruitment Statement
- Equality and Diversity Monitoring form
- A Self-Disclosure Form
- The Pre-school’s Reference Proforma
- Reference to the Pre-school’s policy and equality and diversity and whistleblowing
- Reference to the Pre-school’s Safeguarding Policy and Safer Recruitment Policy, DBS and other pre-employment requirements
- An outline of terms of employment including salary
- An outline of the selection process and confirmation of the closing date for the receipt of applications

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<sup>4</sup> Regulation 9 of the School Staffing (England) Regulations 2009.

<sup>5</sup> Training renewed every 5 years

Prospective applicants must complete, in full, and return a signed application form. Incomplete application forms will be returned to the applicant where the deadline for completed forms has not passed.

Candidates submitting an application form completed on line will be asked to sign the form if invited to interview.

A CV will not be accepted in place of a completed application form. Application forms present a common set of information for each candidate. This means:

- It is easier to check and compare for accuracy;
- Applicants have a fair opportunity to provide relevant information; and
- It helps to identify gaps/anomalies in their application.

The application form supports the safer recruitment process whereas a CV does not.

### **Shortlisting and Reference Requests**

The selection panel will shortlist applicants against the Person Specification for the post. The criteria for selection will be consistently applied to all applicants. The selection panel will agree the applicants to be invited to interview. At least two members of the interview panel will be involved in the shortlisting procedure, one of whom will have completed safer recruitment training.

Two written references, one of which must be from the candidate's current/most recent employer, will be taken up before the interview stage so that any discrepancies may be probed during this stage of the selection process. Candidates are entitled to see and receive copies of their employment references and should request these from their referees.

References are sought from both the most recent employer and the most recent educational setting (if applicable). They are sought directly from the referee and will be scrutinised. Where necessary, they will be contacted to clarify any anomalies or discrepancies. Detailed written records will be kept of such exchanges. Internal references will only be acceptable from someone with authority, not a work colleague. We will endeavour to check that any electronic references received are from a legitimate source, by asking that it be posted to us as well.

Where necessary, previous employers who have not been named as referees may be contacted in order to clarify any such anomalies or discrepancies. Detailed written records will be kept of such exchanges.

If a candidate for a post working with children is not currently employed in a post working with children, a reference will be sought from the most recent employment in which the candidate has worked with children to confirm details of the candidate's employment and their reasons for leaving.

Reference requests will ask the referee to confirm, in writing:

- The referee's relationship to the candidate;
- The candidate's performance history and conduct;
- Whether the candidate has been subject to disciplinary action relating to the safety and welfare of children, including where the sanction has expired, and the outcome of this;
- Details of any substantiated allegations or concerns about the candidate relating to the safety and welfare of children;

- Whether the referee has any reservations as to the candidate's suitability to work with children and young people (if so, the school will ask for specific details of the concerns and the reasons why the referee believes the candidate may be unsuitable to work with children); and
- The candidate's suitability for the post with explicit reference to the job description and person specification.

All appointments are subject to satisfactory references, vetting procedures and DBS clearance.

References are the "property" of the selection panel and strict confidentiality will be observed. Employer testimonials i.e. those provided by the candidate and/or marked "to whom it may concern" will not be accepted. References must be in writing and be specific to the job for which the candidate has applied. The selection panel will not accept references from people writing solely in the capacity as a friend/relative/partner of the candidate, for any post. References will be verified and any discrepancies or areas of potential concern will be discussed with the candidate at interview.

If the field of applicants is felt to be weak, the post may be re-advertised or the recruitment process halted.

### **Interviews**

Before the interviews, the selection panel will agree on the interview format. Selection techniques will be determined by the nature and duties of the vacant post, but all vacancies will require an interview of short-listed candidates.

Interviews will, in most cases, be face-to-face. Where this is not possible due to other circumstances, e.g. COVID-19 restrictions (2020/21), interviews will be held via Zoom (as recommended by PATA). Telephone interviews may be used at the shortlisting stage but will not be a substitute for a face-to-face interview (which may be via visual electronic link).

Candidates invited to interview will receive:

- A letter confirming the interview and any other selection techniques
- Details of the interview day including details of the panel members
- Details of any tasks to be undertaken as part of the interview process
- The opportunity to discuss the process or request any reasonable adjustments prior to the interview

The questions asked will be aimed at obtaining evidence of how each candidate meets the requirement of the Job Description and the Person Specification and each candidate will be assessed against all of the criteria for the post. Any gaps in employment will be explored at interview, as will whether the applicant has lived or worked overseas<sup>6</sup> and/or has the right to work in the UK<sup>7</sup>.

The same areas of questioning will be covered for each applicant and no questions which would discriminate directly or indirectly on protected characteristics under the Equality

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<sup>6</sup> It is for the individual to apply for a criminal records check if they have lived or worked abroad for 12 months or more (whether continuously or in total) in the last 10 years whilst aged 18 or over.  
[www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants](http://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants)

<sup>7</sup> Right to work in the UK is evidenced by a UK passport or a UK birth certificate. Since leaving the European Union (Brexit), all non UK citizens have to apply for settlement status through the Government website [www.gov.uk/transition](http://www.gov.uk/transition)

Act will be asked.

The selection process for every post will include exploration of the candidate's understanding of child safeguarding issues. The job application may also be asked relevant questions about disabilities and health in order to establish whether they have the physical or mental capacity for the specific role<sup>8</sup>.

Candidates will always be required:

- To explain satisfactorily any gaps in employment
- To explain satisfactorily any anomalies or discrepancies in the information available to the selection panel
- To declare any information that is likely to appear on a DBS disclosure
- To demonstrate their capacity to safeguard and protect the welfare of children and young people

The interview will also include a discussion of any convictions, cautions or pending prosecutions, other than those protected, that the candidate has declared and are relevant to the prospective employment.

The recruitment documentation will be retained. Under the Data Protection Act 2018 and the General Data Protection Regulations 2018, applicants have the right to request access to notes written about them during the recruitment process. After 6 months, all information about unsuccessful candidates will be securely destroyed.

### **Conditional Offer of Employment**

The offer of employment by the selection plan and acceptance by the candidate is binding on both parties, subject to satisfactory completion of the pre-employment checks and satisfactory references. The successful candidate will be informed, normally by letter, that the appointment is subject to satisfactory completion of these checks within 3 working days of the interview.

Those applicants who are unsuccessful, will be notified, in writing, within 14 working days of the interview.

### **Pre-appointment checks**

An offer of appointment to a successful candidate, including one who has lived or worked abroad, will be conditional upon satisfactory completion of pre-employment checks. When appointing new staff we will:

- Verify a candidate's identity from current photo ID (originals) and proof of address (originals) except where, for exceptional reasons, none is available; the advice of ACAS/NDNA will be sought if this is the case
- Obtain a certificate for an enhanced DBS check with barred list information where the candidate will be engaging in regulated activity<sup>9</sup>. We recommend that staff sign up to the DBS update service
- Obtain a separate barred list check if, after carrying out a risk assessment, an individual will be judged as suitable to start work in regulated activity before the DBS enhanced disclosure (see Appendix 2) is available

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<sup>8</sup> Section 60 of the Equality Act 2010

<sup>9</sup> Definition of Regulated Activity for the Child Workforce (relevant to PATA members): Staff/volunteers working with children under 18 years of age:

(a) Unsupervised and (b) once a week or more, or 4 days in any 30 day period, or overnight and (c) in a specific role (eg. teacher) OR in a specific place (eg. educational institution/childcare premises).

- Verify the candidate's right to work in the UK (originals)<sup>10</sup>. If there is uncertainty about whether an individual needs permission to work in the UK, then we will follow advice on the GOV.UK website)
- Make any further checks that we consider appropriate, if the candidate has lived or worked outside the UK
- Verify professional qualifications (original certificates), as appropriate
- Require the candidate to complete the Pre-school's Staff Suitability Declaration where applicable to the role in Pre-school, i.e. in a 'relevant childcare' role and an Annual Criminal Declaration when they start employment

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

All checks will be:

- Documented and retained on the personnel file
- Recorded on the Pre-school's Single Central Record
- Followed up if they are unsatisfactory or if there are any discrepancies in the information received

### **Start of Employment and Induction**

The pre-employment checks listed above must be completed before the employee starts work. Exceptions will only be made in circumstances where a risk assessment has been undertaken, in these cases the new employee will be supervised at all times. All new employees will be provided with an induction programme which will cover all relevant matters of Pre-school policy including safeguarding and promoting the welfare of children, child protection procedures, whistleblowing and guidance on safe working practices.

All roles within the Pre-school, paid or unpaid, are subject to a **6 month** probationary period. New employees will receive a mid and end term review during this period.

### **Personnel file and Single Central Record (SCR)**

Recruitment and selection information for the successful candidate will be retained securely and confidentially for the duration of **their** employment with the Pre-school including:

- Application form – signed by the applicant
- Interview notes – including explanation of any gaps in the employment history references – minimum of two
- Proof of identity
- Proof of right to work in the UK
- Proof of relevant academic qualifications
- Evidence of DBS clearance and Barred List (where applicable) – SCR only. Any copies of DBS certificates will be destroyed within 6 months.
- Offer of employment letter and signed contract of employment

The Pre-school maintains a SCR of employment checks in accordance with Department for Education guidance.

### **Volunteers**

We follow our policy 2.8 Managing Volunteers and carry out DBS and pre-start vetting checks appropriate to the post (as detailed above) and require regular volunteers to provide details of two referees. References are taken up, as specified in this policy. Volunteers who

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<sup>10</sup> EG: UK birth certificate

help on an occasional basis (e.g. trips/Committee Members) are supervised, in accordance with legislation. The Pre-school has a generic risk assessment with regards those volunteers who have not had a DBS check.

### **Agency and Third Party Staff**

St Joseph's Pre-school will obtain written notification from the agency or third party organisation that we use to confirm that the organisation has carried out the DBS checks on an individual who will be working at the setting.

Where the position requires a barred list check this must be obtained by the agency or third party prior to appointing the individual. The Pre-school will ensure that they check that the person presenting themselves for work is the same on whom the checks have been made.

### **Students on placement**

When volunteers are working in school as part of a recognised training course (such as PGCE, NVQ etc.), references and completion of an application form will not be required. However, we will require proof of DBS enhanced clearance with barred list check and will carry out identity checks when the student arrives at St Joseph's Pre-school. We will also require students to complete the Staff Suitability Declaration if they are working within the Early Years Foundation Stage (EYFS).

### **Students on work experience**

Students on work experience will always be supervised.

### **Exit Interviews**

An exit interview is the Pre-school's last opportunity to support our staff, help them feel valued and hear their safeguarding concerns. By asking the right questions at an exit interview, it can reveal problems that have been hidden previously. This can help the setting improve safeguarding across the organisation, even if it is too late to do anything for the person involved. It may also enable the setting to find information that leads it to start a new disciplinary or grievance procedure or raise an historic safeguarding concern.

St Joseph's Pre-school has a set of questions to ask at the exit interview. The response of which will be recorded and kept on the individual's file in line with the Pre-school's Retention Periods of Records Policy<sup>11</sup>. Prior to holding an exit interview, the interviewer will ensure that they have read the Pre-school's disciplinary, grievance and whistleblowing policies.

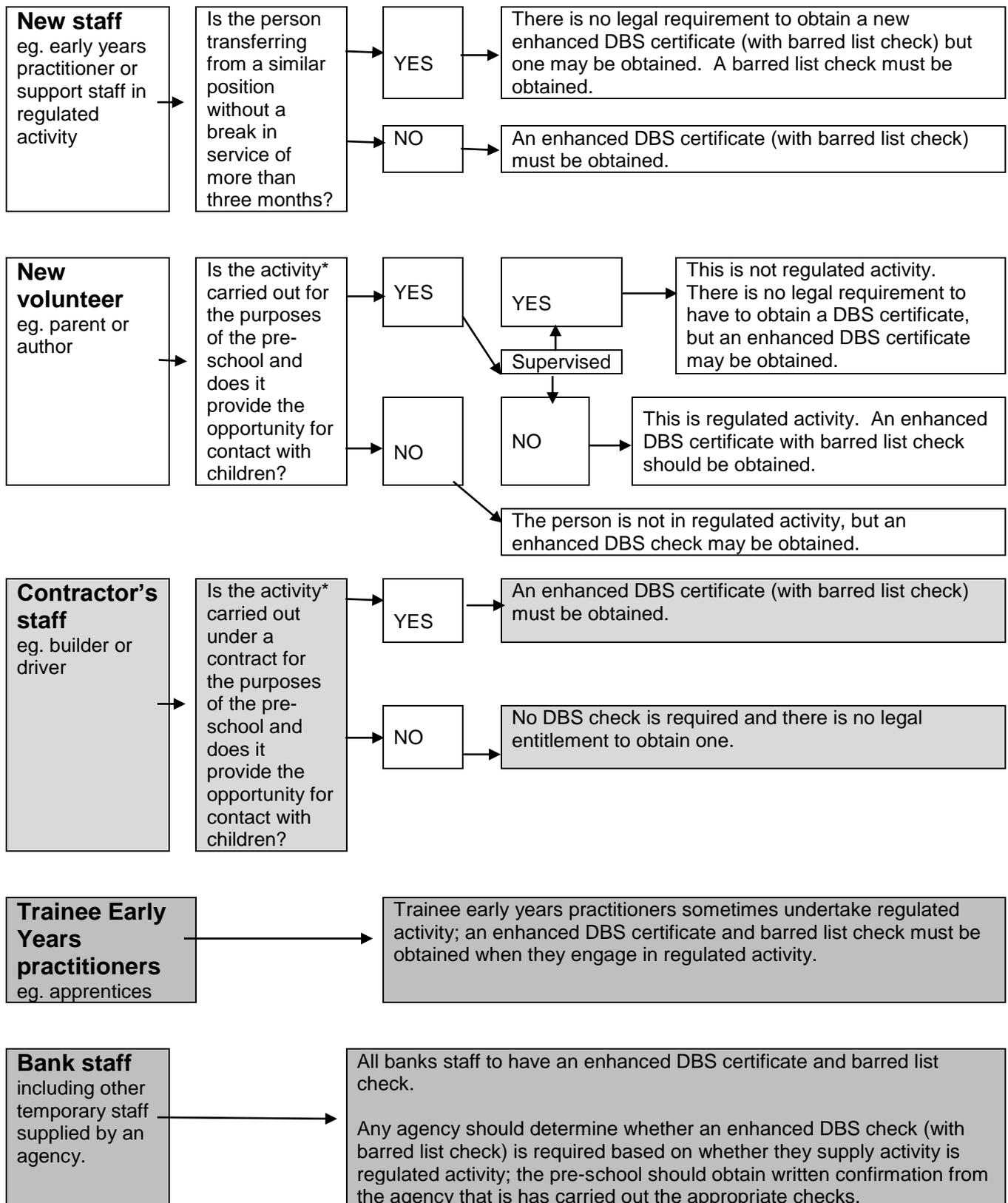
### **Further Guidance**

- Keeping Children Safe in Education 2020 (DfE updated January 2021 post EU exit)
- Working Together to Safeguard Children 2018 (updated 9 December 2020)

<b>Version Number</b>	<b>Author</b>	<b>Purpose of change</b>	<b>Date</b>
1.0	K Coupe & T Clapp	New Policy as a result of three members of staff completing Safer Recruitment Training. Policy reviewed & wording tweaked as necessary	29/04/2021 Cttee via email (quorate)

<sup>11</sup> Policy 4.7 Retention Periods of Records

## Appendix 1: Flowchart of DBS Criminal Record Checks and Barred List Checks



\*Activities listed under the guidance's definition of regulated activity which are carried out frequently.

## Appendix 2: DBS Checks and Levels

The Rehabilitation of Offenders Act (ROA) means that some offences are considered 'protected' and, therefore, will not appear on an individual's DBS check – they are often referred to as filtered offences. However, offences relating to safeguarding children and vulnerable adults will never be subject to the ROA and are classed as exempt and are not subject to filtering laws. This means they are *not protected* and will always appear on a standard, enhanced or enhanced with barred list disclosure checks. St Joseph's Pre-school will always be asking our volunteers or staff members to undergo either an enhanced or enhanced with barred disclosure and, therefore, these offences will always show, and we have a right to ask about them.

**Enhanced disclosures** (enhanced DBS checks) contain details of all cautions, convictions, reprimands and final warnings which are not protected, and may also include other relevant information. Other relevant information may be disclosed at the discretion of the chief police officer of the force that holds the information, if they reasonably believe it to be relevant to the role. Enhanced disclosures are only available for certain jobs and activities listed in both the ROA Exceptions Order and also the Police Act 1997 (Criminal Records) regulations. This would include temporary contractors in schools and *supervised* volunteers who work with children.

**Enhanced disclosures with children's and/or adult's barred list check(s)** include the same criminal record information as enhanced disclosures, but also detail whether the person is barred from working with either children or vulnerable groups or both. To be eligible to request a check of the children's or adults' barred list, the position must be eligible for an enhanced disclosure and also specifically listed in the Police Act 1997 (Criminal Records) regulations as eligible to check against the appropriate barred list(s). This check is therefore *only* available for those individuals who are carrying out *regulated activity* and an additional small number of positions such as prospective adoptive parents.

As an organisation requesting DBS checks, St Joseph's Pre-school legally has to have a defensible audit trail as to why someone is subject to an enhanced or enhanced with barred list check because of the serious nature of the information that is potentially being disclosed.

We do not have the legal right to ask for an enhanced with barred list check for a volunteer who is not left alone in a regulatory capacity, but we can ask for an enhanced check. If we have a volunteer on an ad hoc basis (e.g. a parent who is coming on a trip/outing on one occasion), we will carry out a risk assessment stating that the volunteer will not be left unsupervised.

### How long does a disclosure certificate last?

Criminal disclosure certificates do not have expiry dates, they display only an issue date. There is no set period for which they are valid.

St Joseph's Pre-school may be required to obtain a new check if a staff member's job role has changed and, therefore, the level of certificate required has changed. A new check will be undertaken if there are concerns with an employee, or the employee has taken extended unpaid maternity leave.

St Joseph's Pre-school recommend that all new applicants subscribe to the DBS update service to ensure their disclosure is up to date at all times and allows portability of certificates across employers.