

SAFER RECRUITMENT POLICY

1. Introduction

The safe recruitment of staff is the first step to safeguarding and promoting the welfare of children and adults with a care and support need in education. SB Skills Solutions is committed to safeguarding and promoting the welfare of all learners. As an employer, the Company expects all staff and volunteers to share this commitment.

2. Aims and Objectives

- 2.1. The aims of the Safer Recruitment Policy are to help deter, reject or identify people who might abuse learners or are otherwise unsuited to working with them by having appropriate procedures for appointing staff.
- 2.2. The aims of the Company's recruitment policy are as follows:
 - 2.2.1. To ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
 - 2.2.2. To ensure that all job applicants are considered equally and consistently;
 - 2.2.3. To ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age;
 - 2.2.4. To ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education – September 2018 (KCSIE), the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS);
 - 2.2.5. To ensure that the Company meets its commitment to safeguarding and promoting the welfare of learners by carrying out all necessary pre-employment checks.
- 2.3. Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.
- 2.4. The Company has a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the job. The recruitment and selection process should ensure the identification of the person best suited to the job at the Company based on the applicant's abilities, qualification, experience and merit as measured against the job description and person specification.
- 2.5. The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, and relevant safeguarding legislation and statutory guidance (including KCSIE 2018 and Prevent Duty Guidance).
- 2.6. If a current member of staff involved in the recruitment process has a close personal or familial relationship with an applicant they must declare it as soon as they are aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process.
- 2.7. The Company aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job vacancies at SB Skills Solutions.

3. Roles and Responsibilities

- 3.1. It is the responsibility of the Designated Safeguarding Lead to:
 - 3.1.1. Ensure the Company has effective policies and procedures in place for recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements;
 - 3.1.2. Monitor the Company's compliance with them.
- 3.2. It is the responsibility of the Senior Management Team and other Managers involved in recruitment to:
 - 3.2.1. Ensure that the Company operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the Company;
 - 3.2.2. Monitor contractors' and agencies' compliance with this document;
 - 3.2.3. Promote welfare of learners at every stage of the procedure.
- 3.3. The Designated Safeguarding Lead has delegated responsibility to the Senior Management Team to lead in all appointments.

4. Definition of Regulated Activity and Frequency

- 4.1. Any position undertaken at, or on behalf of the Company will amount to "regulated activity" if it is carried out:
 - 4.1.1. Frequently, meaning once a week or more; or;
 - 4.1.2. Overnight, meaning between 2.00am and 6.00am; or;
 - 4.1.3. Satisfied the "period condition", meaning four times or more in a 30 day period; or;
 - 4.1.4. Provides the opportunity for contact with children or adults with a care and support need.
- 4.2. Roles which are carried out on an unpaid/voluntary basis will only amount to regulated activity, if, in addition to the above, they are carried out on an unsupervised basis.
- 4.3. The Company is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The Company is required to carry out an enhanced DBS check for all staff who will be engaging in regulated activity. However, the Company can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough, i.e. roles which would amount to regulated activity if carried out more frequently.
- 4.4. Whether a position amounts to "regulated activity" must therefore be considered by the Company in order to decide which checks are appropriate. The company is therefore required to carry out an enhanced DBS check for all staff under this policy.

5. Recruitment and Selection Procedure

- 5.1. Advertising
 - 5.1.1 To ensure equality of opportunity, the Company will advertise all vacant posts to encourage as wide a field of applicant as possible; normally this entails an external advertisement.
 - 5.1.2. Any advertisement will make clear the Company's commitment to safeguarding and

promoting the welfare of learners.

5.1.3. All documentation relating to applicants will be treated confidentially in accordance with our Data Protection Policy.

5.2. Job Descriptions

5.2.1. A job description is a key document in the recruitment process, and must be finalised prior to taking any other steps in the recruitment process. It will clearly and accurately set out the duties and responsibilities of the job role.

5.3. References

5.3.1. All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the Company. The referee should not be a relative. References will always be sought and obtained directly from the referee and their purpose is to provide an objective and factual information to support appointment decisions.

5.3.2. All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism".

5.3.3. No questions will be asked about health or medical fitness prior to any offer of employment being made.

5.3.4. Any discrepancies or anomalies will be followed up, including any gaps in employment. Direct contact by phone will be undertaken with each referee to verify the reference.

5.3.5. The Company does not accept open references, testimonials or references from relatives.

5.4. Interviews

5.4.1. There will be a face-to-face interview wherever possible, and a minimum of two interviewers will see the applicants for the vacant position. The interview process will explore the applicant's ability to carry out the job description. It will enable the panel to explore any anomalies or gaps have been identified in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training).

5.4.2. Any information in regard to past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstances of the individual case during the interview process.

5.4.3. At least one member of any interviewing panel will have undertaken Safer Recruitment Training or refresher training as applicable.

5.4.4. All applicants who are invited to an interview will be required to bring evidence of their identity, address and qualifications. Original documents will only be accepted as photocopies will be taken. Unsuccessful applicant documents will be destroyed six months after the recruitment programme.

6. Offer of Appointment and New Employee Process

- 6.1. In accordance with the recommendations set out in KCSIE and the requirements of the Education (Independent School Standards) Regulations 2014, the Company carries out a number of pre-employment checks in respect of all prospective employees.
- 6.2. If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:
 - 6.2.1. The agreement of a mutually acceptable start date and the signing of a contract incorporating the Company's standard terms and conditions of employment;
 - 6.2.2. Verification of the applicant's identity (where that has not previously been verified);
 - 6.2.3. The receipt of two references (one of which must be from the applicant's most recent employer) which the Company considers to be satisfactory;
 - 6.2.4. For positions which involve "teaching work":
 - 6.2.4.1. The Company being satisfied that the applicant is not, and has never been, the subject of any proceedings before a professional conduct panel or equivalent body in the UK or any other country for any reason which prevents the applicant working at the Company or which, in the Company's opinion, renders the applicant unsuitable to work at the Company.
 - 6.2.5. For all positions the receipt of an enhanced disclosure from the DBS which the Company considers to be satisfactory;
 - 6.2.6. Where the position requires confirmation that the applicant is not named on the Children's Barred List;
 - 6.2.7. Where the position requires confirmation that the applicant is not subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education, taking part in the management of education or working in a position which involves regular contact with children;
 - 6.2.8. where the position requires confirmation that the applicant is not subject to a direction under section 128 of the Education Act 2002 which prohibits, disqualifies or restricts them from being involved in the management of education;
 - 6.2.9. Verification of the applicant's medical fitness for the role;
 - 6.2.10. Verification of the applicant's right to work in the UK;
 - 6.2.11. Any further checks which are necessary as a result of the applicant having lived or worked outside of the UK;
 - 6.2.12. Verification of professional qualifications which the Company deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).
- 6.3. A personal file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personal files.
- 6.4. The Rehabilitation of Offenders Act 1974
 - 6.4.1. The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to learners. Therefore, any convictions and cautions that would normally be considered 'spent' **must be** declared when applying for any position at SB Skills Solutions.

- 6.5. DBS (Disclosure and Barring Service) Certificate (formerly known as CRB Disclosure)
 - 6.5.1. The Company applies for an enhanced disclosure from the DBS in respect of all positions as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children.
 - 6.5.2. It is the Company's policy that the DBS disclosure **must be** obtained before the commencement of employment of any new employee.
 - 6.5.3. It is the Company's policy to re-check employee's DBS Certificates every three years and in addition any employee that takes leave for more than three months (i.e. maternity leave, career break, etc.) must be re-checked before they return back to work.
 - 6.5.4. Members of staff at SB Skills Solutions are aware of their obligation to inform their line manager of any cautions or convictions that arise between these checks taking place.
 - 6.5.5. DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence.
- 6.6. Dealing with convictions
 - 6.6.1. The Company operates a formal procedure if a DBS Certificate is returned with details of convictions. Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:
 - 6.6.1.1. The nature, seriousness and relevance of the offence;
 - 6.6.1.2. How long ago the offence occurred;
 - 6.6.1.3. One-off or history of offences;
 - 6.6.1.4. Decriminalisation and remorse.
 - 6.6.2. A formal meeting will take place face-to-face to establish the facts with the Designated Safeguarding Lead. A decision will be made following this meeting. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Designated Safeguarding Lead will evaluate all of the risk factors above before a position is offered or confirmed.
 - 6.6.3. If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the Company may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.
- 6.7. Secretary of State Prohibition Orders (Teaching and Management roles)
 - 6.7.2. A section 128 direction 39 prohibits or restricts a person from taking part in the management of an independent training provider.
 - 6.7.3. A person who is prohibited is unable to participate in any management of an independent training provider or a management position that retains or has been delegated any management responsibilities. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.
- 6.8. Proof of identity, Right to Work in the UK and Verification of Qualifications and/or professional status

- 6.8.1. All applicants invited to attend an interview at the Company will be required to bring their identification documentation such as a passport, birth certificate, driving licence, etc. with them as proof of identity/eligibility to work in the UK in accordance with those set out in the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines. The Company does not discriminate on the grounds of age.
 - 6.8.2. Where an applicant claims to have changed their name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change.
 - 6.8.3. In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocation qualification legally required for the position and claim in their application.
- 6.9. Medical Fitness
- 6.9.1. The Company is legally required to verify the medical fitness of anyone to be appointed to a post at the Company, **after** an offer of employment has been made but **before** the appointment can be confirmed.
 - 6.9.2. The Company is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence and considering reasonable adjustments.
- 6.10. Overseas checks
- 6.10.1. In addition, applicants who have lived/travelled abroad for more than 3 months will need to obtain a criminal records check from the relevant country. The applicant will not be permitted to commence work until the overseas information has been received and is considered satisfactory by the Company.
- 6.11. Induction Programme
- 6.11.1. All new employees will be given an induction programme which will clearly identify the Company policies and procedures, including the Code of Conduct and Part One of the KCSIE, and make clear the expectations which will govern how staff carry out their roles and responsibilities.
- 6.12. Single Centralised Register of Members of Staff
- 6.12.1. In addition to the various staff records kept in the Company and on individual personnel files, a single centralised record of recruitment and vetting checks is also kept. The Single Centralised Register contains details of the following:
 - 6.12.1.1. All employees who are employed to work at the Company;
 - 6.12.1.2. All employees who are employed directly or through an agency;
 - 6.12.1.3. All others who have been chosen by the Company to work in regular contact with children. This will cover volunteers, peripatetic staff and contractors.
- 6.13. Record Retention/Data Protection
- 6.13.1. The Company is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the Company will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to help the

Company to discharge its obligations as an employer, e.g. so that the Company may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

6.13.2. This documentation will be retained by the Company for the duration of the successful applicant's employment with the Company. All information retained on employees is kept centrally on a secure electronic system accessible only by Human Resources and Finance.

6.13.3. The same policy applies to any suitability information obtained about volunteers involved in Company activities.

6.13.4. SB Skills Solutions will retain all interview notes on all unsuccessful applicants for a period of six months, after which time the notes will be confidentially destroyed (i.e. shredded). The six month retention period is in accordance with the General Data Protection Regulations (GDPR).

6.14. Ongoing Employment

6.14.1. SB Skills Solutions recognises that safer recruitment and selection is not just about the start of employment, but should be part of a larger policy framework for all staff. The Company will therefore provide ongoing training and support for all staff, as identified through the annual review/appraisal procedure.

6.15. Leaving Employment at SB Skills Solutions

6.15.1. Despite the best efforts to recruit safely there will be occasions when allegations of serious misconduct or abuse against learners are raised. This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks, the Company also has a legal duty to make a referral to the DBS in circumstances where an individual:

6.15.1.1. Has applied for a position at the Company despite being barred from working with children;

6.15.1.2. Has been removed by the Company from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to a learner.

6.16. Contractors and agency staff

6.16.1. Contractors engaged by the Company must complete the same check for their employees that the Company is required to complete for its staff. The Company requires confirmation that these checks have been completed before employees of the Contractor can commence work at the Company.

6.16.2. Agencies who supply staff to the Company must also complete the pre-employment checks which the Company would otherwise complete for its staff. Again, the Company requires confirmation that these checks have been completed before an individual can commence work at the Company.

6.16.3. The Company will independently verify the identity of staff supplies by contractors or an agency and will require the provision of the original DBS certificate before contractors or agency staff can commence work at the Company.

6.17. Volunteers

6.17.1. The Company will request an enhanced DBS disclosure on all volunteers undertaking regulated activity with pupils at or on behalf of the Company (the definition of regulated

activity at out above will be applied to all volunteers).

- 6.17.2. Under no circumstances will the Company permit an unchecked volunteer to have unsupervised contact with pupils.
- 6.17.3. It is the Company's policy that a new enhanced DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the Company for three consecutive months or more.
- 6.17.4. In addition the Company will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to) the following:
 - 6.17.4.1. Formal or informal information provided by staff and other volunteers;
 - 6.17.4.2. Character references from the volunteer's place of work or any other relevant source;
 - 6.17.4.3. An informal safer recruitment interview.

6.18. Monitoring and Evaluation

- 6.18.1. The Designated Safeguarding Lead will be responsible for ensuring that this policy is monitored and evaluated throughout the Company. This will be undertaken through formal audits of job vacancies and a yearly Safer Recruitment Evaluation audit.

Manager with responsibility for this document – Philippa Plumpton (Funding Manager)

- 11. Approved on – April 28th, 2023.
- 12. Review Due by – April 28th, 2024