

Safer Recruitment and Selection Policy

1. Introduction

1.1 Definition – ‘Divisional recruitment lead’ refers to the person who administers and manages the recruitment process, on behalf of the recruiting manager and the accountable individual, for the vacancy being recruited.

1.2 ‘Accountable individual’ changes with divisions:

- Children’s Education- Headteachers/Principals
- Children’s Residential- Registered Managers
- Adult’s Education- Headteachers/Principals
- Adult’s Residential- Registered Managers
- Fostering – Registered Manager
- Central- Head of Department

1.3 Definition – Wherever “the Group” is mentioned, this refers to Outcomes First Group.

1.4 Definition- Recruiting Manager is the line manager who is recruiting a vacancy that reports directly into them.

1.5 The safe recruitment and selection of Group employees, workers and contractors is central to achieving the highest quality of service, care and education.

1.6 This policy covers all companies, divisions and subsidiaries in the Group, including but not limited to, Acorn Education and Care, Options, National Fostering Group, and central functions.

1.7 The Group is committed to safeguarding and promoting the welfare of children and vulnerable adults and expects all employees, workers and contractors to share this commitment. The Group recognises the vulnerability of the children and vulnerable people in its care, and in the care of those who we train and support, and is committed to operating to the highest standards when recruiting. The Group is wholly committed to recruitment and selection procedures that help to deter, reject or identify people who might abuse or cause harm to children or are otherwise unsuited to work with them.

1.8 The Group operates a non-discriminatory, fair and objective recruitment and selection process. In line with the Equal Opportunities Policy, all applicants will receive equal treatment and access to opportunities, irrespective of sex, age, sexual orientation, race, ethnic origin, religion or belief, disability, membership or non-membership of a Trade Union.

1.9 It is the responsibility of the recruiting manager to consider any conflicts of interest and safeguarding risks as a result of existing personal relationships between anyone currently within the team and candidates applying to vacancies. Steps must be taken by the hiring manager to ensure an objective and transparent recruitment process is conducted. The

hiring manager should seek advice from HR if there is any concern about a conflict of interest, safeguarding risks and/or a lack of transparency in the recruitment process.

2. Scope

2.1 This policy applies to the recruitment of everyone who works for the Group as an employee or a worker, whether they are employed, self-employed, or a contractor. This includes, but is not limited to, bank workers, panel members, freelance assessors and sessional support workers. The policy also applies to the recruitment of agency workers and contractors, working on our sites and employed by a third party.

3. Safer Recruitment

3.1 The Group is dedicated to safeguarding children, young people and vulnerable adults and therefore safer recruitment processes are at the heart of this policy in order to identify, deter and reject unsuitable candidates. It is the responsibility of every recruiting employee to conduct themselves in a manner that champions the spirit of the Bichard Enquiry Report 2004: *'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...'* [p.12, para 79 - <http://dera.ioe.ac.uk/6394/1/report.pdf>]

3.2 This procedure and related guidelines have been produced with reference to the DfE publication 'Keeping Children Safe in Education' (KCSIE September 2020) related obligations under the Childcare Act 2006, Fostering Services: National Minimum Standards, the Guide to Children's Homes Regulations, CQC, Independent School Standards, Residential Special Schools National Minimum Standards 2015, the Scottish Social Services Council (SSSC) 'Safer Recruitment Through Better Recruitment' report (November 2016) and current employment legislation. Where possible, taking into account the above, this procedure complies with the Equality Act 2010. This is not an exhaustive list and the Group Head of Safeguarding ensures that the current practice is in line with any regulatory changes.

4. Approval to Recruit

4.1 All vacancies must be submitted for approval through the designated applicant tracking system, using the correct approval chain and vacancy request form.

4.2 No recruitment activity should take place prior to vacancy approval.

5. The Recruitment Process

- 5.1 The hiring manager will consider carefully the skills, knowledge and experience the successful candidate will need to demonstrate, and whether there are any particular elements that need to be included in the job description and job advertisement for the post in order to attract suitable candidates. The information for candidates will set out clearly the extent of the relationships/contact with children and vulnerable adults, and the degree of responsibility for children and vulnerable people that the appointed person will have.
- 5.2 The Job Description will be revised where appropriate in consultation with HR to include the required skills, knowledge and experience, as well as the essential and desirable criteria. The Job Description will make reference to the responsibility for safeguarding and promoting the welfare of children/vulnerable adults.
- 5.3 The Group's safeguarding statement, as outlined below, must be added to the bottom of both the advert copy and the job description: 'Outcomes First Group/ *Divisional Brand Name* is committed to safeguarding and promoting the welfare of the children and vulnerable adults in our care. Successful applicants will be subject to a Disclosure and Barring Service check. We expect all employees to understand our Group Safeguarding Policy and undertake training. We will undertake recruitment checks throughout the recruitment process where permission has been given by candidates.'
- 5.4 All jobs will be advertised internally for at least one full week using the internal jobs portal and employees will be notified via email on a weekly basis.
- 5.5 When it is necessary to attract external applicants, jobs will be advertised externally, using the designated applicant tracking system on the relevant careers website and using appropriate external media channels when necessary, dependent on guidance and approval from central resourcing team or HR.
- 5.6 Recruitment agencies will only be used with agreement from the central resourcing team or HR. An agency will be appointed by HR to source candidates if advertising has failed to source the quantity and quality of candidates required. HR may agree to go direct to agency before advertising a vacancy if the type of role being recruited is known to be a hard to fill job.
- 5.7 An application form **must** always be used in order to obtain a common set of core data from all applicants. CV's will not be accepted in place of a completed application form but may be submitted alongside.
- 5.8 Incomplete applications should not be accepted and should be returned for completion. Candidates can be considered for interview (shortlisting) on a shortened application but a full application form (including full employment history since mandatory school leaving age and reference details) needs to be submitted before attending the interview so that any anomalies, discrepancies or gaps in employment can be discussed at interview
- 5.9 Every candidate will be asked to complete a voluntary Equal Opportunities Form. This form includes personal demographic data and is collected for monitoring the objectivity of Group

recruitment processes. This information is not visible to the hiring manager and other employees responsible for making recruitment decisions.

- 5.10 Reasonable adjustments will be made to accommodate any candidate who makes a request at any stage in the recruitment process.
- 5.11 Shortlisting for interview will be carried out using the Job Description and Application Form. Shortlisting can be conducted using a shortened application form as long as the same form is used for all applicants applying to a vacancy. The shortlisting decision should be recorded on the applicant tracking system.
- 5.12 The full application form should be completed prior to interview, including any gaps in employment history; any gaps or inconsistencies must be explored further during the interview. All candidates need to provide full employment history since mandatory school leaving age.
- 5.13 For some roles it may be required to run additional background checks before the interview. It is the responsibility of the divisional recruitment lead to establish the requirement of these checks pre-interview with the hiring manager. These checks typically involve internet searches using the candidates name and any employment and job titles from their employment history, and any inspection reports from any sites where they were in a leadership role. These background checks are designed to ensure there are no quality or reputational concerns that might impact their ability to carry out the role or the reputation of the Group.
- 5.14 Candidates will be asked about any personal circumstances involving child protection, criminal convictions and referrals to regulatory bodies at both application and interview. **It is the responsibility of the recruiting manager to review the application form for any answers to these questions and question further either at interview or after the interview.** If a recruiting manager is unsure of how to question around the information provided they should speak to the central resourcing team before the interview to see how to handle the questioning. Any information needs to be flagged to both the HRBP and the accountable individual. A risk assessment must be completed and fully signed off before the candidate is formally offered the role. During the pre-employment checking process (following offer) candidates will also be asked to volunteer information not already disclosed. If anything is disclosed the recruiting manager should speak to the candidate to question further and then flag to HR and the accountable individual to complete a risk assessment and agree next steps, along with sign off from the Regional Director and, if a residential role the National Care Manager. Please see appendix 1 for further information.
- 5.15 For education appointments, including but not limited to Teaching Assistants, Teachers and Senior Leadership Team, references should be sought on all short-listed candidates before interview, so that any issues of concern they raise can be explored further with the referee and taken up with the candidate at interview. In exceptional circumstances we may be unable to approach a candidate's references prior to the

interview if the candidate has withheld permission to do so using the applicant tracking system. All references must be sought and verified before the candidate begins employment.

- 5.16 All candidates must be interviewed in person at least once. The interview assesses the candidate's suitability to work with children and/or vulnerable adults. The interview panel should consist of at least two people, one of whom must have been trained in Safer Recruitment. The minimum standard of safer recruitment training is delivered through the Group's designated online module.
- 5.17 To ensure fairness and objectivity, all candidates will be assessed at interview against the required skills, attributes, behaviours and experience set out in the job description.
- 5.18 Interview questions should be prepared in advance of the interview. Questions should be well structured and the same questions applied for each candidate throughout the interviewing process. At least one set of complete interview notes must be uploaded to the relevant applicant tracking system. A record of the interviewer's assessment of the candidate's response will be recorded on the appropriate applicant tracking system.
- 5.19 Interview questions should test a candidate's attitudes, motives and suitability for this role. At least one question in the interview must be relevant to safeguarding children and vulnerable adults. The central resourcing team will provide interview template and help with writing questions upon request.
- 5.20 All interviews must allow for the candidate to volunteer any personal information involving child protection, criminal convictions and referrals to regulatory bodies that has not previously been covered by the application form or interview questions. All candidates must be made aware of this by the lead interviewer reading the following statement at the end of the interview to the candidates:

'If you are successful you will share the responsibility for safeguarding all young people and vulnerable adults in the UK. As part of this responsibility you will be asked to volunteer information from your personal life that might pose a safeguarding risk, for example any relationships and associations. You will be asked to volunteer this information prior to starting.'
- 5.21 Where practicably possible the Group expects a young person's panel should form part of the assessment for positions with regular contact with children and young people (for example Supervising Social Workers and Teachers). Interview dates should be scheduled as early as possible in the recruitment process in order to include the young person's panel. Care should be taken in order to avoid any potential conflicts between the candidate and young person's panel.
- 5.22 Some roles will require additional testing and assessment. Hiring managers should consult HR for any guidance and assistance designing the assessment and selection process and stages.

- 5.23 The main interview panel must agree on scores and outcomes for all candidates interviewed. All candidates should be informed of the result of the interview and candidate feedback will be provided by a member of the interview panel upon request. Interview forms for all assessed candidates must be kept for 6 months in a secure filing cabinet. Successful candidate interview notes should be stored in their personnel file.
- 5.24 All candidates invited to interview will be asked to bring original documents to confirm the educational and professional qualifications required for the role as specified in the Job Description/Person Specification. The interview panel is responsible for collecting, inspecting and copying the originals at interview. Safer Recruitment requires that each copy obtained is signed to verify the original has been seen using the following format: 'Original seen by [printed panel member name], [panel member signature], [Date].' Copies cannot be obtained over email.
- 5.25 The candidates will also be asked to bring original right to work documents. Right to work documents include EU passport, an EU Birth Certificate with proof of National Insurance, or a valid residence permit/Visa stating they are able to work in the UK. You need to check that what you are given is a valid document using this link: <https://www.gov.uk/government/publications/right-to-work-checklist>. The interview panel is responsible for collecting, inspecting and copying the originals at interview. Safer Recruitment requires that each copy obtained is signed to verify the original has been seen using the following format: 'Original seen by [printed panel member name], [panel member signature], [Date].' Copies cannot be obtained over email.
- 5.26 Candidates should also bring evidence of a current DBS / Disclosure Scotland check / Access NI (if they already hold one) along with 3 proof of identification documents for their application, including at least one form of photo ID and at least one document with their current home address from the document guidance list here: <https://www.gov.uk/guidance/documents-the-applicant-must-provide>. The interview panel must copy, sign and verify the documents, ensuring the photo ID looks like the candidate using the following format "True likeness to candidate and original seen by [printed panel member name], [panel member signature], [Date]." (Copies cannot be obtained over email.)
- 5.27 The hiring manager is able to make a verbal offer of employment to the successful candidate conditional of successful pre-employment checks if all necessary documents have been seen, including right to work and ID. The conditional offer can include a salary within the approved range and the contractual terms signed off at vacancy approval stage and templated to the role (including location, hours and benefits).
- 5.28 One copy of the interview notes (deemed by the interview panel as the mast copy) will be saved and sent to the divisional recruitment lead or uploaded to the applicant tracking system as well as verified copies of qualifications and identification documents to allow for references to be collected and pre-employment checks to be completed prior to commencing the formal offer process.

6. Pre-employment checks

6.1 All pre-employment checks are the responsibility of the divisional recruitment lead, and the accountable individual is accountable for ensuring each new employee has complete and satisfactory pre-employment checks for their division. This also includes temporary workers and contractors.

6.2 Unless stated otherwise all pre-employment checks listed below must be completed for all areas of the UK across all divisions. Any offer of appointment made to a successful candidate must be conditional on satisfactory completion of the necessary pre-employment checks, it is unacceptable for any candidate to start without all pre-employment checks completed (see following paragraphs for further detail and clarification):

- Full employment history from mandatory school leaving age and all gaps in employment accounted for (see 5.7 & 5.12)
- Verify the candidate's identity (see 5.26).
- Verify the individual's right to work in the UK (see 5.25).
- Obtain (via the applicant) an enhanced DBS/Disclosure Scotland/Access NI certificate (including barred list information, for those who will be engaging in regulated activity. A barred list check checks whether applicants are barred from working with children or vulnerable adults) (see 5.26 & 6.3 to 6.8).
- Verify relevant professional qualifications and professional status where required (see 5.24 & 6.9 & 6.15)
- The receipt of at least two satisfactory references, covering 3 years, one of which must be the most recent employer. All references must be verified by phone to the referee on a landline phone number confirming the name of person who it was verified with, name of verifier, date and time of verification. This check must always be recorded. (see 8.1)
- Additional reference from the British Armed Forces for those who have ever worked for on a British Armed Forces Base (see 6.12)
- Confirmation of the reason for leaving will be requested from all previous employers where they worked in a position involving work with children or vulnerable adults (see 8.5)
- A Medical Questionnaire fully completed by the candidate (6.20)
- For all roles within an education setting check for a teacher prohibition order (see 6.13 & 6.14)
- For all middle management and senior roles in education settings, and roles within the school governance hierarchy an additional check is required to ensure the individual is not prohibited under section 128 provisions (see 6.16)
- For all roles within the Fostering, Children's and Adult Divisions A satisfactory overseas check is needed for individuals who have lived or worked outside the UK in the last 10 years. (see 6.10)

All new starter files need to be signed off by the accountable individual to confirm pre-employment checks are complete and satisfactory.

- Children’s Education- Headteachers/Principals
- Children’s Residential- Registered Managers
- Adult’s Education- Headteachers/Principals
- Adult’s Residential- Registered Managers
- Fostering – Registered Manager
- Central- Head of Department

6.3 The Group will adhere to its mandatory responsibility to secure a certificate from DBS (England & Wales), Disclosure Scotland, or Access NI (Northern Ireland) for all new employees before their appointment. It is our policy that these checks will be renewed every three years. If a candidate is on the update service it is their own responsibility to ensure this is renewed annually. It is the responsibility of individual responsible for personnel files to check every three years that the employee holds a valid DBS. **It is the responsibility of the employee to alert their divisional recruitment lead or line manager if there should be any changes with the status of their DBS. The Accountable Individual is accountable for ensuring all DBS checks are valid.**

6.4 The level of check required will depend on the employee’s role and the duties they fulfil. At least a standard check certificate is required for every employee and agency worker/contractor. For those who are working based at one of our services, or if their role involves unsupervised access to any of our children or vulnerable adults, an enhanced check certificate will be required as a minimum.

6.5 An enhanced check certificate, which includes barred list information, will be required for those engaging in regulated activity. The barred list check must be carried out using the correct category (children and/or adult) dependent on the role and level of contact with children and vulnerable adults. This covers the majority of the Group, as outlined in the following definition of regulated activity.

6.6 Regulated activity includes:

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

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

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

(see 'Keeping children safe in education (2020)' for more detail on regulated activity in schools in England)

6.7 All employees based in England and Wales will be encouraged to register for the DBS update service. See <https://www.gov.uk/government/collections/dbs-update-service-promotional-material> for further information. The cost of this can be reclaimed from the company (Please see the expenses policy for more information)

6.8 For contractors (self-employed, or through a recruitment agency), it is the contractor's responsibility to secure and provide a valid DBS and Overseas Check as appropriate before they complete any work for the Group. A contractor is a worker who provides services for an organisation under a contract for services. Independent contractors are not employees and are typically highly skilled, providing their clients with specialist skills or additional capacity on an as needed basis. The proof provided needs to be signed, copied and verified by the divisional recruitment lead and kept in their personnel file. The level of check for a contractor will vary depending on the work they are doing and the following questions should be considered for contractors who are based at a school or residential home:

- Will the contractor be working there in term time, or when students/residents are present?
- Will the contractor be working there more than three times in a 30-day period?

If the answer to either of these questions is yes, the contractor should have an enhanced DBS including Children's Barred List.

6.9 All social work positions are subject to a registration check with the relevant council: England (Social Work England), Wales (Social Care Wales), Scotland (Scottish Social Services Council), and Northern Ireland (Northern Ireland Social Care Council).

6.10 For candidates who have lived or worked outside of the UK at any point you must take a risk based approach in asking the candidate to provide Overseas Criminal Records checks, this must always include the last 10 years as a minimum. If they were in a country for more than three months you can consider this as living there rather than visiting. As well as these additional overseas checks the candidate should undergo the same checks as all other candidates. The overseas checks must include:

- A check of information about any teacher sanction or restriction that an EEA (European Economic Area) professional regulating authority has imposed, using the NCTL Teacher Services' system (<https://teacherservices.education.gov.uk/>). Although restrictions imposed by another EEA regulating authority do not prevent a person from

taking up teaching positions in England, schools and colleges should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

- An overseas criminal records check. The home office has published guidance on criminal record checks for overseas applicants. You will find here information on who to contact and how to contact them for every country: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

- 6.11 For candidates with refugee status you should attempt to contact the relevant police force to confirm that gaining a police check from the country is not possible. If no overseas police check is available, then additional references should be sought above and beyond the required two. The Assistant Director of Education/Regional Operations Directors, along with the accountable individual should be given sight of the complete file of pre-employment checks. If they are satisfied there is no risk to recruiting the candidate, then the file should be signed off and we can proceed to hire the candidate. If you are unable to seek and verify references you must not appoint.
- 6.12 For anyone who has ever lived on a British Armed Forces Base overseas you need to gain an employment reference from the Armed Forces directly. It is unlikely an overseas criminal records check will be available in all cases. If we have not been successful in obtaining the overseas criminal record check, it is sufficient to get proof of employment of the individual, along with an employment reference from the Armed Forces. If the candidate was the spouse in these situations living at the base, it is necessary to see proof of the marriage certificate and if the spouse worked outside the base it is required to gain an employment reference from that employer.
- 6.13 For all appointments based in a school or college it is also necessary to check the individual is not prohibited from teaching. This is check required for all non-teaching roles working in an education setting, as well as teaching roles, because of the high level of access to children in the non-teaching roles and the potential for future internal progression into a teaching role.
- 6.14 Teaching prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A check of any prohibition can be carried out using the 'Teacher Services' system' (<https://teacherservices.education.gov.uk/>). Prohibition orders are described in the National College for Teaching and Leadership's (NCTL) publication 'Teacher misconduct: the prohibition of teachers'. This needs to be carried out for all roles within an education setting.
- 6.15 For all teaching roles we need to verify the candidate's qualified teacher status and the completion of teacher induction or teacher probation. This can be done using the 'Teacher Services' webpage for England (<https://teacherservices.education.gov.uk/>). For Scotland this can be done using General Teaching Council for Scotland (<https://gtcs.org.uk>). For

Wales all education qualifications can be checked using Education Workforce Council (<https://www.ewc.wales>).

- 6.16 For all Education management (including middle management) and senior management roles, (including group roles outside of the school structure, including: governors/ any teaching positions on the senior leadership team, and any teaching positions which carry a department headship) an additional check is required to ensure the individual is not prohibited under section 128 provisions. A section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. Where the individual will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction. So, a separate check for a section 128 direction is only required for management positions in our schools where the individual is not engaging in regulated activity and is not subject to a barred list check. A check for a section 128 direction can be carried out using the 'Teacher Services' system' (see 'Keeping children safe in education (2020)' and 'The Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014').
- 6.17 All employees working within Children and Adult services in Wales are subject to successful completion of the All Wales Induction Framework and registering with Social Care Wales (SCW) within the first 6 months of employment. Employees can register on <https://socialcare.wales/registration> using their qualifications. The divisional recruitment lead can check the register using <https://www.scwonline.wales/en/>
- 6.18 On receipt of a candidate's DBS (and other statutory checks) the recruiting manager must review any information that is raised. If there is anything disclosed a Risk Assessment must be completed by the recruiting manager and the operational 'accountable individual' for recruitment on site (as defined in the table at the end of this policy) to determine whether to appoint or withdraw the offer. A secondary sign off should be undertaken by the Regional Director and, if the candidate is due to start a residential role, the National Care Manager. HR should be consulted before a decision is made on whether to hire the individual. Please see Appendix 1 for the Risk Assessment pro forma. The risk assessment must be kept on the individual's file.
- 6.19 In respect of contractors/agency staff supplied by a third party, the recruiting manager must obtain written notification from the third-party confirming they have carried out all the pre-employment checks that would normally be conducted internally (as set out in this policy). On the temporary worker's start date the manager must check that the person presenting themselves for work is the same person on whom the checks have been made by checking their proof of photo ID on their first day, as well as proof of their DBS check. See section 9 for full guidance on the recruitment of agency staff and contractors. In addition, for any residential temporary agency workers who have been supplied by a third party, the divisional recruitment lead must obtain their full recruitment file from the third party (e.g. recruitment agency). The accountable individual must review and sign the file off as compliant before the agency worker's first day. This includes adult residential homes

and any residential homes based at a school site. A safer recruitment checklist is available from the resourcing team, which can be used by manager to check the file.

- 6.20 All employees need to complete a Medical Questionnaire after they have been offered a role. This should be sent to the candidate with their offer pack and completed before a start date is confirmed. Once this is completed it should be saved in their HR file along with all other pre-employment checks. If anything is disclosed a Risk Assessment needs to be completed by the Hiring Manager and HR are available for guidance
- 6.21 All employees whose roles involve driving will be subject to a driving licence check before they commence employment. This can be done by sending the candidate the Government licence checking website once they have been offered the role :<https://www.viewdrivingrecord.service.gov.uk/driving-record/licence-number>
- 6.22 All pre-employment checks (see 6.2) must be reviewed by the accountable individual. If anything is disclosed a risk assessment must be completed by the hiring manager and reviewed by the HR Business Partner and a decision made on whether the candidate can be appointed into the role (see 6.18 for more information). Please see appendix 1 for the Risk Assessment pro forma.
- 6.23 If a recruiting manager intends for an school or college based employee to work within a residential home (on site or aligned to the school) you need to ensure they have all the relevant checks for a residential role completed before completing any shifts within a residential home (e.g. reason for leaving references and relevant DBS). If a recruiting manager intends for a residential employee to work within a school or college, you need to ensure that all relevant checks to work in education are completed before they complete any work within an education role (e.g. prohibition check and relevant DBS). Consideration also needs to be taken to ensure the candidate has the correct level of DBS check if they are to move from an adult's provision to a children's provision, or from a children's provision to an adult's provision.

7. Employment of Persons with Criminal Convictions

- 7.1 The Group is committed to the fair and transparent treatment of all of its employees and job applicants. The importance of equality of opportunity for all is recognised, as are the benefits of having diversity of talent, skills and potential. As such the Group welcomes applications from as wide a range of applicants as possible, including those with criminal records.
- 7.2 The existence of a criminal record does not lead to the automatic withdrawal of a conditional offer. A considered and objective decision will be made by the operational lead (i.e. Headteacher, Registered Manager, and Head of Department) taking into account the nature of the job vacancy and the background of the offences.

- 7.3 Candidates will be asked about any personal circumstances involving child protection, criminal convictions and referrals to regulatory bodies at both application and interview. **It is the responsibility of the recruiting manager to review the application form for any answers to these questions and question further either at interview or after the interview.** If a recruiting manager is unsure of how to question around the information provided they should speak to the central resourcing team before the interview to see how to handle the questioning. Any information needs to be flagged to both the HRBP and the accountable individual. A risk assessment must be completed before the candidate is formally offered the role and signed off by the HRBP, Accountable Individual, Regional Director and, if a residential employee the National Care Manager. During the pre-employment checking process (following offer) candidates will also be asked to volunteer information not already disclosed. If anything is disclosed the recruiting manager should speak to the candidate to question further and then flag to HR and the accountable individual to complete a risk assessment and agree next steps, along with sign off from the Regional Director and, if a residential role the National Care Manager. Please see appendix 1 for further information.
- 7.4 Applicants are asked to declare all 'unspent' convictions unless the nature of the position being applied for is exempt as defined in the Rehabilitation of Offenders Act 1974 (Exclusions) (Amendment) Order 2001 and Rehabilitation of Offenders Act (Exclusions and Exceptions) (Scotland) Order 2003 (as amended) and it is a requirement that an entire criminal record (including spent convictions) is declared including spent convictions. This is made clear in the recruitment literature. To clarify, for all roles working in regulated activity we would seek a declaration of all unspent and spent convictions.
- 7.5 A candidate's failure to disclose any convictions as part of their application should lead to withdrawal of an offer of employment or considered as gross misconduct if this is identified at a later date.
- 7.6 At interview an open discussion will take place about the declared convictions to aid the decision-making process. This discussion must be recorded and kept in the individual's file. If the candidate is dishonest at interview their offer of employment should be withdrawn.
- 7.7 On receipt of a candidate's DBS (and other statutory checks) the recruiting manager must review any information that is raised. If there is anything disclosed a Risk Assessment must be completed by the recruiting manager and the operational 'accountable individual' for recruitment on site (as defined in the table at the end of this policy) to determine whether to appoint or withdraw the offer. HR should be consulted before a decision is made on whether to hire the individual. The risk assessment pro forma is held by the operational 'accountable individual' and HR are able to provide advice and guidance. A secondary sign off should be undertaken by the Regional Director and, if the candidate is due to start a residential role, the National Care Manager. The risk assessment must be kept on the individual's file (see 6.18 for more information). Please see appendix 1 for further information.

8. Employment History and References

- 8.1 All offers of employment will be subject to at least two satisfactory references, one of which must be from their current/most recent employer and should cover a total of three years. The purpose of seeking references is to obtain objective and factual information to support appointment decisions. They should always be sought and obtained directly from the referee, and must always come from a company email address. References should always be verified over the phone (using a landline number) with the referee and a written record maintained. If a second employment reference is unavailable (e.g. recent lengthy gap in employment/ previous company closed) a character reference will be accepted in exceptional circumstances. This must be from 'a person of good standing in their community' or work in (or be retired from) a recognised profession (<https://www.gov.uk/countersigning-passport-applications/accepted-occupations-for-countersignatories>)
- 8.2 For internal candidates, references need only be sought for those employees moving divisions, school, residential home or fostering agency. For internal candidates moving roles within the same division at least one reference should be obtained from the previous line manager. For internal candidates moving to another division full references must be obtained, including reason for leaving references for positions within Residential and Fostering. Before confirming their start date their file must be audited and signed off by the accountable individual. This is an opportunity to correct any historical omissions and account for any changes in legislation.
- 8.3 For education appointments, including but not limited to Teaching Assistants, Teachers and Senior Leadership Team, references should be sought on all short-listed candidates before interview, so that any issues of concern they raise can be explored further with the referee and taken up with the candidate at interview. In exceptional circumstances we may be unable to approach a candidate's references prior to the interview if the candidate has withheld permission to do so using the applicant tracking system. **All references must be sought and verified before the candidate begins employment** (see 5.15).
- 8.4 If a candidate for a teaching post is not currently employed as a teacher a reference should be sought from the school, college or local authority the candidate was most recently employed by, this also includes any work placements as part of their qualification.
- 8.5 For all positions within the Fostering and Residential divisions with regular access to children and/or vulnerable adults, where reasonably practical, confirmation of their reason for leaving will be requested from all previous employers where they worked in a position involving work with children or vulnerable adults, this also includes any work placements. These must be verified over the phone using a landline number. Evidence that the references have been sought must be saved in the individual's file.
- 8.6 A standard proforma will be used to seek references; in cases where referees prefer to write a letter instead of using the standard proforma, these employment references will be

acceptable as long as they are addressed directly. Open references in the form of 'to whom it may concern' testimonials are not acceptable.

- 8.7 References should request details of all disciplinary offences and whether the candidate has been the subject of any child protection allegations or concerns, including the outcome of any enquiry or disciplinary procedure. Details of allegations that have not been substantiated, are false or malicious will not be sought. When a candidate's employment history has never involved working with children or young people, referees should still be asked about their suitability to work with children and young people.
- 8.8 On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate, for example if the answers are vague. They should also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies should be taken up with the candidate.
- 8.9 References should always be obtained and scrutinised with any concerns resolved satisfactorily, before the appointment is confirmed.
- 8.10 The Divisional recruitment lead will keep a record of all detailed checks of staff including identity, qualification requirements, and security checks.
- 8.11 In respect of contractors/agency staff supplied by a third party, the recruiting manager must obtain written notification from the third-party confirming they have carried out all the pre-employment checks that would normally be conducted internally (as set out in this policy). On the temporary worker's start date the manager must check that the person presenting themselves for work is the same person on whom the checks have been made by checking their proof of photo ID on their first day, as well as proof of their DBS check. See section 9 for full guidance on the recruitment of agency staff and contractors. In addition, for any residential temporary agency workers who have been supplied by a third party, the divisional recruitment lead must obtain their full recruitment file from the third party (e.g. recruitment agency). The accountable individual must review and sign the file off as compliant before the agency worker's first day. This includes adult residential homes and any residential homes based at a school site. A safer recruitment checklist is available from the resourcing team, which can be used by manager to check the file.
- 8.12 Schools and colleges must keep a single central record, referred to in the regulations (described in the following paragraph) as the register. The single central record must cover the following people:
- all staff (including supply staff, and teacher trainees on salaried routes) who work at schools and colleges;
and
 - for independent schools, including academies and free schools, all members of the proprietor body.

The information that must be recorded in respect of staff members (including teacher trainees on salaried routes) is whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained (see above for required checks):

- an identity check;
- a barred list check;
- an enhanced DBS/Disclosure Scotland/Access NI check/certificate;
- a prohibition from teaching check;
- a section 128 check
- further checks for those individuals who have lived or worked outside of the UK
- a check of professional qualifications; and
- a check to establish the person's right to work in the UK.

For supply staff written confirmation from the recruitment agency that all checks have been carried out must be recorded (9.6)

8.13 Withdrawals of job offers shall be made in writing and shall be made if a candidate does not provide satisfactory references, statutory checks, evidence of relevant qualifications, if it comes to light that false information was included on the application form or during the selection process, or if information was deliberately withheld during the recruitment process, and if the candidate is uncooperative during the pre-employment checking process.

8.14 All employees will receive a contract of employment before their first day with the organisation. The contract should be sent through the applicant tracking system and candidates will complete an online acceptance of the terms & conditions.

8.15 All roles are offered subject to a six-month probation period, with employees being confirmed in post following successful completion of this period, (also see Induction and Probation Policy). The organisation will review an individual's progress during the probationary period and failure to achieve the required standard during this time will lead to an extension of the probation period or the termination of employment.

9. Agency staff, Self-Employed Contractors and Bank Staff

9.1 Definition- Self Employed Contractors are workers who provide services for an organisation under a contract for services. Independent contractors are not employees and are typically highly skilled, providing their clients with specialist skills or additional capacity on an as needed basis.

9.2 Definition- Agency Staff are workers employed through a third party, such as a recruitment agency. **The third party is responsible for undertaking all pre-employment checks for workers and ensuring they are safely recruited.**

- 9.3 Definition- Bank Staff are employed directly through the Group. They are sessional workers who work flexible hours on demand and do not have contracted working hours.
- 9.4 In the event that a Bank Staff member applies for a permanent position within the Group, the usual recruitment and selection process must be followed. However, in circumstances where the Bank Staff member has regularly worked for the Group, documentation relating to their eligibility to work in the UK, DBS and references may be up to date and may not require all recruitment and vetting checks
- 9.5 In the event that the Bank Staff member has not worked regularly or within the last 12 weeks, reasons for their gap in employment must be explored and verified in addition to requesting employment references for any recent places of work that are not stated on their original application form
- 9.6 In respect of contractors/agency staff supplied by a third party, the recruiting manager must obtain written notification from the third-party confirming they have carried out all the pre-employment checks that would normally be conducted internally (as set out in this policy). On the temporary worker's start date the manager must check that the person presenting themselves for work is the same person on whom the checks have been made by checking their proof of photo ID on their first day, as well as proof of their DBS check. See section 9 for full guidance on the recruitment of agency staff and contractors. In addition, for any residential temporary agency workers who have been supplied by a third party, the divisional recruitment lead must obtain their full recruitment file from the third party (e.g. recruitment agency). The accountable individual must review and sign the file off as compliant before the agency worker's first day. This includes adult residential homes and any residential homes based at a school site. A safer recruitment checklist is available from the resourcing team, which can be used by manager to check the file.
- 9.7 Agency candidates cannot move between divisions before ensuring that they have had the correct level of checks completed for that division and role.
- 9.8 There must be written confirmation that each required element of the pre-employment checks has been completed and all required references have been received and verified.
- 9.9 All qualifications and training required for the role must be confirmed with dates of attainment and renewal recorded where necessary.
- 9.10 On the temporary worker's start date the manager must check that the person presenting themselves for work is the same person on whom the checks have been made.
- 9.11 In education settings the written confirmation from the supplier must be held on the single central record. This includes confirming that the worker holds the relevant checks and the appropriate certificates, and the date that confirmation was received and whether any enhanced DBS certificate check has been provided in respect of the member of staff.

9.12 For self-employed contractors, it is the contractor's responsibility to secure and provide a valid DBS and Overseas Check as appropriate before they complete any work for the Group. This needs to be signed, copied and verified by the divisional recruitment lead. The level of check for a contractor will vary depending on the work they are doing and the following questions should be considered for contractors who are based at a school or residential home:

- Will the contractor be working there in term time, or when students/residents are present?
- Will the contractor be working there more than three times in a 30-day period?

If the answer to either of these questions is yes, the contractor should have an enhanced DBS including Children's Barred List.

9.13 Contractors working directly for the Group (self-employed basis) are subject to the same pre-employment checks as a direct permanent employee.

9.14 Any external consultants appointed must evidence Professional Indemnity Insurance and a copy retained on file along with the signed consultancy agreement

10. Induction

10.1 An induction programme will be undertaken by all new colleagues and the hiring manager is responsible for arranging this. Certain elements of the induction will also be applicable to those who are changing roles within the Group.

10.2 The content and nature of the induction process will vary according to the role and previous experience of the new colleagues, but as far as safeguarding the individual and promoting the welfare of children is concerned, the induction programme **must** include information about, and written statements concerning:

- The structure and role of relevant departments and/or services.
- Policies and procedures in relation to safeguarding and promoting the welfare of children e.g. child protection, anti-bullying, anti-racism, physical intervention/restraint, intimate care, CSE, Radicalisation, FGM, internet safety and any local child protection/safeguarding procedures.
- Safe practice and the standards of conduct and behaviour expected of staff and pupils/residents in the establishment.
- Health, Safety and Welfare.
- How and with whom any concerns about issues should be raised.
- Other relevant personnel and school/residential home policies and procedures e.g. grievance, disciplinary, capability, absence management, computer usage, dealing with allegations of abuse against staff, and whistle-blowing.

Author:	Human Resources
Document Title:	Safer Recruitment & Selection Policy
Review Date:	Reviewed annually. Updated as required.
Approval:	Executive Group – 6 th February 2018 Group Safeguarding & Quality Committee – 8 th February 2018 October 2018 & September 2019 & July 2020 Amendments approved by HR Director and Director of Compliance & Quality
Executive Officer Responsible:	Group HR Director & Group Compliance & Quality Director
Accountable Individuals:	Responsible individuals and registered managers for children’s homes Nominated individuals and registered managers for adult homes Registered Manager for fostering offices Headteacher or Principal for education settings Head of Division for Central Services

List of Policy Amendments made for August 2020

Paragraph	Amendment
5.13	Detail added on additional background checks.
5.14 & 6.18 & 6.22 & 7.3 & 7.7 & Appendix 1	Detail added on who is required to sign off risk assessments for any disclosures relating to circumstances involving child protection, criminal convictions and regulatory body referrals
5.14 & 7.3	Detail added on how to ask candidates information regarding personal circumstances involving child protection, criminal convictions and regulatory body referrals.
5.20	Point added to clarify mandatory interview statement that managers should read to candidates.
6.1	Detail added to clarify who is accountable for ensuring pre-employment checks are completed.
6.2	Detail added regarding full employment history
6.4	Detail added on the level of check required for DBS, Disclosure Scotland or Access NI.
6.8	Clarity on DBS checks for Contractors
6.12	Detail added on Overseas Criminal Records checks for candidates who have lived on a British Armed Forces Base overseas. Confirmation that if they have ever worked at a British Armed Forces base a reference is required.
6.17	Detail added on employees registering with SCW and completion of the All Wales Induction Framework
6.20 & 8.12 & 9.7	Detail added on recruitment files for temporary residential workers supplied by a third party
6.22	Detail added on driving licence checks
8.5	Clarification on when to seek additional reason for leaving references
8.15	Updated information on when employees should receive their contract
9.1 & 9.2 & 9.3	Definitions added to clarify the difference between agency staff, contractors and bank staff
9.4 & 9.5	Detail added on Bank Staff

Appendix 1 - Risk Assessment-

Personal Circumstances, Criminal Convictions & Regulatory Body Referrals

This form should be completed when assessing the individual’s suitability for employment with the Group. Where anything has been disclosed throughout the recruitment process relating to any personal circumstances involving child protection, criminal convictions and referrals to regulatory bodies the Hiring Manager needs to discuss the information detailed and carry out a full risk assessment and gain full sign off before the individual commences employment. If it is deemed appropriate, the individual will commence employment with the Group. However, if it is deemed inappropriate for the individual to be working with vulnerable young people and adults, the offer of employment will be withdrawn. Please seek guidance and support from HR where applicable.

The risk assessment needs to be signed off by the hiring manager, accountable individual, HRBP, Regional Manager, and, if a residential role, the National Care Manager before confirming a candidates start date.

Please note that a risk assessment needs to be carried out for any existing staff with new disclosures on renewed checks. It is company policy to renew DBS/PVG/Access NI checks every three years.

Name of Applicant:		Date of Birth:	
Position Applied For:		Interviewed by:	
Location:		Date of Interview:	

Nature of personal circumstances involving child protection. Please provide as much detail as possible and dates.	
Description	Date

Nature of caution/warning/conviction and penalty disclosed on DBS certificate. Please provide as much detail as possible and dates.

Description	Date

Nature of any referrals to regulatory bodies. Please provide as much detail as possible and dates.

Description	Date

Were the offences disclosed on the application form, at interview stage or after offer? Please provide detail for each stage below.

Application Form	
Interview	
After Offer	

**If no for all of the above, please ask the individual to explain why they failed to disclose the information.
Where there are variations, please explore differences**

Statement from applicant – this is an opportunity for the individual to explain any mitigating circumstances and defend their actions if applicable.

If criminal conviction, does the offence have a recommended rehabilitation period?	YES / NO / N/A
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If yes, please circle the relevant rehabilitation period from the table below.

Sentence	Rehabilitation Period	
	People aged 18 or over when convicted	People aged 17 and under when convicted
Prison sentences of 6 months or less	7 years	3 1/2 years
Prison sentences of more than 6 months to 2.5 years	10 years	5 years
Borstal (abolished in 1983)	7 years	7 years
Detention centres (abolished in 1988)	3 years	3 years
Fines, probation, compensation, community service, combination action plan, curfew orders, drug treatment and testing, and reparation orders	5 years	2 1/2 years
Absolute discharge	6 months	6 months
Caution, Reprimand, Final Warning	Nil	Nil

Specified Offences that ban people from working with children. Please contact HR if any of the below are applicable.
Abduction and False Imprisonment
Abuse of trust
Assault occasioning actual bodily harm (if on a person under 18)
Homicide and threats to kill

- Incest and cruelty to children
- Intercourse with a girl under 16
- Offences relating to child pornography
- Offences relating to prostitution
- Rape and indecent assault
- Supplying a class A drug to a child
- Wounding and causing grievous bodily harm

Consider whether the candidate could pose unacceptable risks for:	YES/NO	Identified Risk	Measures to be taken to reduce any risk identified
<p>Service users (young people and adults within our care)</p> <p>Other employees</p> <p>Stakeholders</p> <p>The public</p>			

Additional Comments – please assess any further risk not stated in the above

--

Due to the information disclosed, do you have any concerns about this candidate working with vulnerable children and young people in our care? YES/NO

If yes, please provide an explanation:

--

Would you advise that this person still be offered a position with the company? YES/NO

If no, please justify:

--

If the person has been offered a position, would you advise that any extra training or supervision is necessary? If so, please advise and justify:

--

Have satisfactory employment references been received? YES/NO

(Please pass these to the Responsible Individual for review)

Signed by HRBP: _____ Date: _____

To be completed by the Accountable Individual as registered with OFSTED:

Please indicate the matters taken into consideration when making your decision, for example, nature of conviction, time lapsed since conviction and rehabilitation period, has the candidate worked in a similar sector previously, how have previous employers assessed this candidate on the employment references, any mitigating circumstances:

Please tick as appropriate:

I agree with the recommendations outlined above

I disagree with the recommendations outlined above

(please provide explanation)

Signed: _____ Date: _____

Accountable Individual

Signed: _____ Date: _____

Regional Director

Signed: _____ Date: _____

National Care Manager (residential roles only)