



Poplar Adolescent Unit Education Provision

Safer Recruitment and DBS Check Policy and Procedure

Accepted by the Management Committee	May 2022
Review Date	May 2026

Safer Recruitment and DBS checks – Policy and Procedures

The statutory requirements for safeguarding guidance are set out by the Department for Education (DfE) in paragraph 71 of 'Keeping Children Safe in Education', 2016

We will record all information on the checks carried out in the school's single central record (SCR). Copies of these checks, where appropriate, will be held in individuals' personnel files. We follow requirements and best practice in retaining copies of these checks, as set out below.

Further guidance and recruitment checklists are provided by 'Safer Recruitment Top Tips' ESCB, July 2015 See Appendix 1)

Appointing new staff

When appointing new staff, we will:

- Verify their identity
- Obtain (via the applicant) an enhanced Disclosure and Barring Service (DBS) certificate, including barred list information for those who will be engaging in regulated activity (see definition below). We will not keep a copy of this for longer than 6 months
- Obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available
- Verify their mental and physical fitness to carry out their work responsibilities
- Verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards
- Verify their professional qualifications, as appropriate
- Ensure they are not subject to a prohibition order if they are employed to be a teacher
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK, including (where relevant) any teacher sanctions or restrictions imposed by a European Economic Area professional regulating authority, and criminal records checks or their equivalent
- Ask for written information about previous employment history and check that information is not contradictory or incomplete
- We will seek references on all short-listed candidates, including internal candidates, before interview. We will scrutinise these and resolve any concerns before confirming appointments.

Regulated activity means a person who will be:

- Responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children

- Carrying out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children
- Engaging in intimate or personal care or overnight activity, even if this happens only once and regardless of whether they are supervised or not

Existing staff

If we have concerns about an existing member of staff's suitability to work with children, we will carry out all the relevant checks as if the individual was a new member of staff. We will also do this if an individual moves from a post that is not regulated activity to one that is.

We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult:

- Where the 'harm test' is satisfied in respect of the individual (i.e. that no action or inaction occurred but the present risk that it could was significant)
- Where the individual has received a caution or conviction for a relevant offence
- If there is reason to believe that the individual has committed a listed relevant offence, under the [Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria and Miscellaneous Provisions\) Regulations 2009](#)
- If the individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

Agency and third-party staff

We will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

Contractors

We will ensure that any contractor, or any employee of the contractor, who is to work at the school has had the appropriate level of DBS check. This will be:

- An enhanced DBS check with barred list information for contractors engaging in regulated activity
- An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children

We will obtain the DBS check for self-employed contractors.

We will not keep copies of such checks for longer than 6 months.

Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.

We will check the identity of all contractors and their staff on arrival at the school.

Trainee/student teachers

Where applicants for initial teacher training are salaried by us, we will ensure that all necessary checks are carried out.

Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

Volunteers

We will:

- Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity
- Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in regulated activity
- Obtain an enhanced DBS check without barred list information for all volunteers who are not in regulated activity, but who have an opportunity to come into contact with children on a regular basis, for example, supervised volunteers
- Carry out a risk assessment when deciding whether to seek an enhanced DBS check for any volunteers not engaging in regulated activity

Governors

All management committee members will have an enhanced DBS check without barred list information. They will have an enhanced DBS check with barred list information if working in regulated activity.

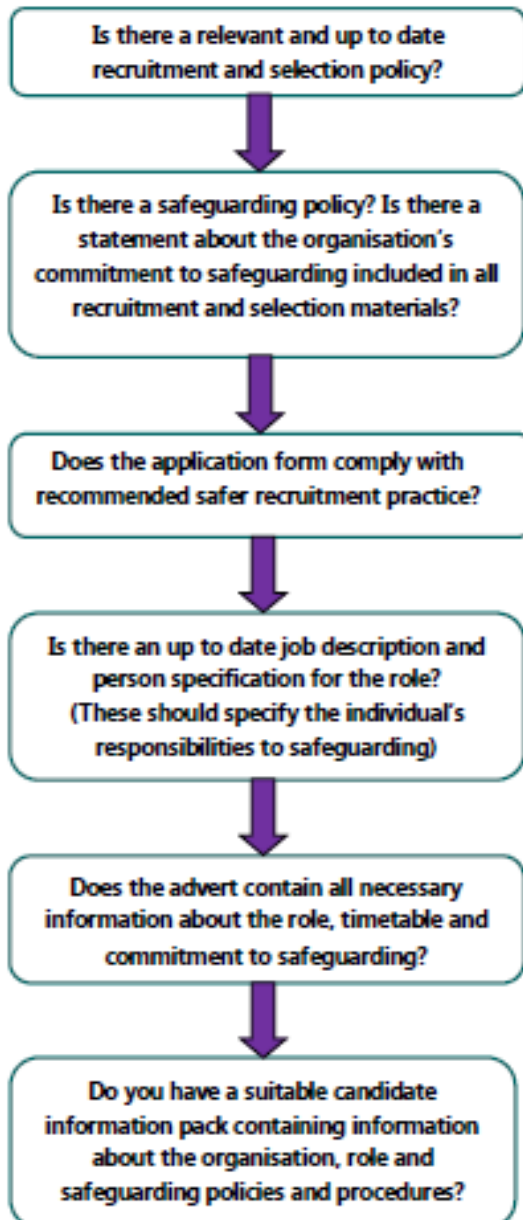
Adults who supervise pupils on work experience

When organising work experience, we will ensure that policies and procedures are in place to protect children from harm.

We will also consider whether it is necessary for barred list checks to be carried out on the individuals who supervise a pupil under 16 on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity.

Appendix 1 RECRUITMENT CHECKLIST

PRE-ADVERTISING THE POST



JOB DESCRIPTION

Include the main duties and responsibilities of the post.

Include the individual's responsibility for promoting and safeguarding the welfare of children and young people they are responsible for, or come into contact with

PERSON SPECIFICATION

Include the qualifications and experience, and any other requirements needed to perform the role in relation to working with children and young people. Describe the competencies and qualities that the successful candidate should be able to demonstrate to fulfil the responsibilities of the role – for example ability, experience, training, attitude or a mixture of these.

Include safeguarding and promoting the welfare of children as part of the short listing for interview process as it can provide objective criteria for selection. The ability to contribute to safeguarding and promoting welfare of the child is an essential attribute.

Set out common core skills and knowledge required such as effective communication and engagement, knowledge of child and young person development, supporting transitions, multi-agency working and sharing information.

PRE-INTERVIEWING/SHORTLISTING

Ensure each application received is scrutinised against the shortlisting criteria by the shortlisting panel in a systematic way before interview.



Write the letter of invite to interview to shortlisted applicants, requesting them to provide all necessary documents at the interview, to carry out Disclosure and Barring Service (DBS) and Right to Work checks. Some organisations may also

All roles working with children and young people require applicants to complete an application form. CVs alone are not acceptable.

All documents should be originals or certified copies.

THE INTERVIEW

Carry out face to face interviews for all shortlisted candidates.



Ensure that the interview questions and any relevant exercises are based on the requirements of the person specification and job description.

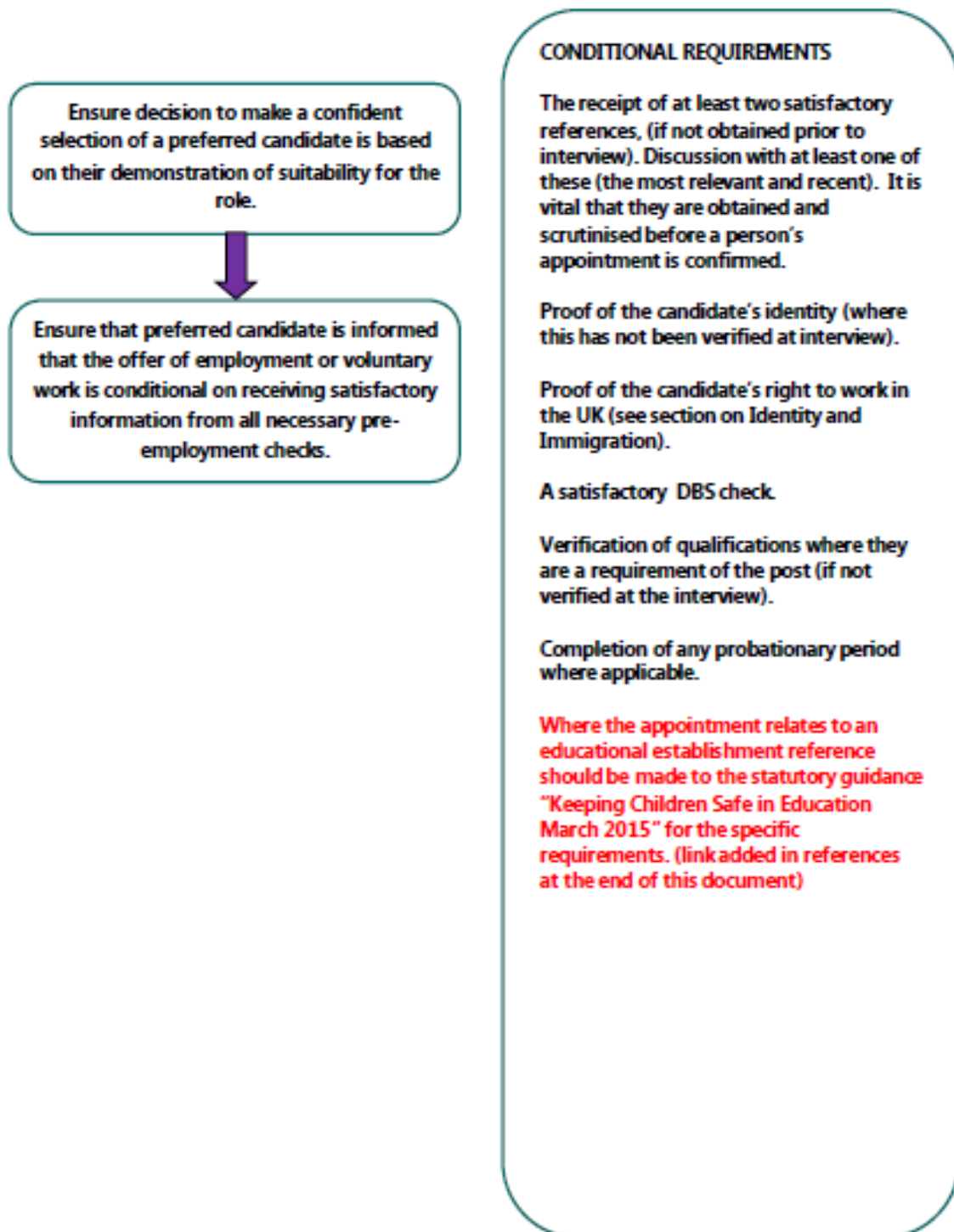


Ensure that questions also focus on suitability to work or volunteer with children. Check for gaps in employment and establish reasons.

In addition to candidates' ability to perform the duties of the post, the interview will also explore issues relating to safeguarding and promoting the welfare of children including their:

- motivation to work with children and young people;
- ability to form and maintain appropriate relationships and personal boundaries with children and young people;
- emotional resilience in working with challenging behaviours; and
- attitudes to use of authority and maintaining discipline.

PRE-APPOINTMENT STAGE



POST- APPOINTMENT STAGE

Induction for all newly appointed staff and volunteers regardless of previous experience.

SAFEGUARDING AND PROMOTING THE WELFARE OF CHILDREN: The Induction should include:

Any written statements of policies and procedures in relation to safeguarding and promoting welfare e.g. child protection, anti-bullying, anti racism, physical intervention or restraint, intimate care, internet safety, Child Sexual Exploitation (CSE), Female Genital Mutilation (FGM), local child protection and safeguarding procedures and whistle blowing policy.

Safe practice and the standards of conduct and behaviour expected of staff in the organisation.

How and with whom any concerns about those issues should be raised; and other relevant personnel procedures e.g. disciplinary, managing performance and whistle blowing.

Opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role or responsibilities.

The person's line manager or mentor should recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately.

Child protection training, as appropriate to the person's role.

THE APPLICATION PACK

The Application Form should contain the following and should be completed by the applicant:

Full identifying details of the applicant, including current and former names and current address.

A statement of any relevant education/ training/qualifications.

A full history in chronological order since leaving secondary education, including periods of any post-secondary education or training, and part-time and voluntary work as well as full-time employment, with start and end dates.*

Details/explanations for periods not in employment, education or training, and reasons for leaving employment.

Details of referees. Two employment references are required, one of which should be the applicant's current or most recent employer. The reference form must make it clear that references will not be accepted from work colleagues, relatives or from people writing solely in the capacity of friends.

Any experience that the applicant believes is relevant to his or her suitability for the post advertised and how they meet the person specification and/or job description.

A signed statement that the person is not disqualified from work with children through the DBS Childrens Barred List or subject to sanctions imposed by a regularly or professional body and has no convictions, cautions or bind-overs.

A signed statement that all the information provided on the application form is true.

*All applications should be scrutinised to ensure that they are fully and properly completed, that the information provided is consistent and does not contain any discrepancies, and to identify any gaps in employment. Incomplete applications will not be accepted. Any anomalies or discrepancies or gaps in employment identified by the scrutiny should be noted so that they can be taken up as part of the consideration of whether to short-list the applicant. As well as reasons for obvious gaps in employment, the reasons for a history of repeated changes of employment without any clear career or salary progression, or a mid-career move from a permanent post to supply teaching or temporary work, also need to be explored and verified.

If an individual has a conviction, caution or bind-over, they should be asked to disclose this on the application form. The details of this may be attached in a sealed envelope, marked confidential. This gives the applicant the opportunity to raise this in a confidential way. This will be discussed with them either prior to or at interview, rather than having to wait for a DBS check.

THE APPLICATION PACK

This should contain the following:

- The application form; and explanatory notes about completing the form.
- The explanatory notes will also outline that incomplete applications will be rejected.
- The job description and person specification; and explanatory notes on how the requirements of each will be tested and assessed during the selection process.

For example: In addition to candidates' ability to perform the duties of the post, the interview will also explore issues relating to safeguarding and promoting the welfare of children including their:

1. Motivation to work with children and young people;
 2. Ability to form and maintain appropriate relationships and personal boundaries with children and young people;
 3. Emotional resilience in working with challenging behaviours; and
 4. Attitudes to use of authority and maintaining discipline.
- Any relevant information about the organisation and the recruitment process, and other relevant policies such as a Child Protection Policy Statement / DBS Policy / Recruitment of Ex-Offenders Policy.
 - Any specific terms and conditions relating to the post.
 - General policy and practice in relation to safeguarding and promoting welfare.
 - A DBS check will be required for the post.
 - If the applicant is shortlisted any relevant issues arising from his or her references will be taken up at interview.
 - The employer will seek references on short-listed/successful candidates, and may approach previous employers for information to verify particular experience or qualifications, before interview.
 - If the applicant is currently working with children, on either a paid or voluntary basis, his or her current employer will be asked about previous or current disciplinary offences relating to children, including any in which the penalty is "time expired", (e.g. where a warning could no longer be taken into account in any new disciplinary hearing)

Whether the applicant has been the subject of any child protection concerns, and if so, the outcome of any enquiry or disciplinary procedure.

- If the applicant is not currently working with children but has done so in the past, then contact will be made with that employer who will be asked about these issues.
- Providing false information or an omission of information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected and possible referral to the police.

SHORTLISTING

- At least two people must be involved in the process of scrutinising applications and shortlisting candidates.
- At least one member of the Panel must also have undertaken Safer Recruitment Training.
- All applications should be checked to ensure that they are fully and properly completed, that the information provided is consistent, does not contain any discrepancies and to ensure that any gaps in employment are identified.
- Incomplete applications should not be accepted and should be screened out as part of the shortlisting process.
- Any anomalies or discrepancies or gaps in employment identified should be noted so that they can be taken up as part of the consideration of whether to shortlist the applicant.
- As well as obtaining reasons for gaps in employment, the reasons for any repeated changes of employment without any clear career or salary progression, or a mid-career move from a permanent post to supply teaching or temporary work should also be explored and verified.
- All candidates should be assessed equally against the criteria contained in the person specification without exception or variation.

REFERENCES

- 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.
- References may be taken up prior to, or after interviews, depending upon organisational guidelines.
- A reference must be obtained from the person's current employer and in most circumstances this will be a role in which the applicant has worked with children. Where an applicant does not have current experience of working with children but has done so in the past, a reference should also be sought from the relevant previous organisation.
- Any offer of employment should always be conditional on the receipt of satisfactory references. References should always be obtained in writing and telephone contact may be made with at least one referee (the most recent or relevant) in order to verify the reference. Referees should be asked to comment on work and professional competence and personal qualities,

although it should be borne in mind that comments on “personal qualities” can be highly subjective.

- References should also specifically request information on the applicant’s suitability to work with children, details of any disciplinary procedures the applicant has been subject to including those where the sanction has expired – a template reference is contained later in this toolkit. All reference requests should contain a copy of the job description and person specification.
- Employers should not rely on references or testimonials provided by the candidate, or on open references and testimonials, i.e. “To Whom It May Concern”. There are cases of candidates forging references and open references/testimonials can be the result of a “compromise agreement” and are, therefore, unlikely to include any adverse comments. Consideration should be given to whether the referee has been very cautious in the information they have given and whether it appears to be an agreed reference. Verbal references are also not acceptable. If an employer says it is not their policy to provide references, the applicant must be asked to nominate another referee.
- References must be thoroughly screened to ensure the referee has answered all the questions. Explanations must be sought in relation to any gaps in employment. Any vague or ambiguous statements must be noted and explored at interview. Information provided by the referee should be compared with the information provided by the applicant in his or her application and any discrepancies checked.
- Where references reveal any inconsistencies or doubts about the person’s suitability, the issues should be followed up and explored with the referee. It is important to keep written records of any telephone conversations and where the issues are significant, more detailed information sought in writing from the referee. This is particularly important where a decision is made not to consider the person further, or where issues need to be explored further with the applicant.
- Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case.

DISCLOSURE AND BARRING SERVICE

- All those appointed to work with children must have a DBS check.
- Where there is a delay in receiving clearance the individual must not work unsupervised with children. In addition to being supervised - a Risk Assessment must be undertaken and approved by an appropriate senior manager / lead officer together with a barring list check (DBS Children’s Barred List)

- Where an individual has worked or lived overseas in the past 5 years there is a need to complete an overseas conviction assessment. This is obtained via the DBS website.
- In cases where the DBS contains prosecutions, cautions or similar information it is the responsibility of the organisation to carry out a risk assessment to determine whether the person is suitable to work with children.

PROOF OF IDENTITY

- Identity checks should be undertaken at the interview stage. The organisation must establish that the person is who they say they are. This should be verified by formal photographic identity such as a passport or driving licence together with confirmation of current address.

IDENTITY & IMMIGRATION

- In accordance with the Asylum and Immigration Act 1996, employers have a duty to check whether job applicants are entitled to live and work in the UK. When applicants are invited to interview they should be asked to bring with them evidence of their right to work in the UK. It is important to be sure that the person is who he or she claims to be. The employer must ask to see documentary evidence of identity and British or European Economic Area citizenship, e.g. a British birth certificate, British or EEA passport together with National Insurance Number.
- It is a criminal offence to employ a person who does not have permission to live and work within the UK. The employer or other person(s) making the appointment could be liable for prosecution. The UK Border Agency also requires that employers, check, copy and keep the evidence that they have verified. This should be held securely on the personnel file.

COMMITMENT TO SAFEGUARDING PRINCIPLES

- A commitment to safeguarding and promoting the welfare of children should be implicit in all organisational policies. It is recommended that the following statement should be included in any model recruitment and selection policy.
- “This organisation is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.”
- The safeguarding message should be made clear in all advertisements, recruitment campaigns and application packs.
- Refer to how as an organisation you provide a safe and secure environment for children.
- State your commitment to the wellbeing of children.

- When talking to interested groups, always mention safeguarding and explain why there are safeguards in place.

CREATING A SAFER CULTURE

To support safer recruitment processes, organisations also need to build a safe culture of continual vigilance through:

- regular staff training on safeguarding
- clear policy and procedure defining appropriate behaviour
- clear procedure for raising concerns
- open culture where safeguarding issues can be raised and discussed

5. ALLEGATIONS AGAINST STAFF / VOLUNTEERS

Whenever it is alleged that an adult working with children in paid or unpaid capacity:

- has or may have harmed a child
 - may have committed a criminal offence related to a child
 - behaved towards a child or children in a way that indicates they may pose a risk of harm to children
- The person receiving the allegation must take it seriously and immediately inform the Designated Senior Manager or his / her deputy in their absence (or if the subject of the allegation).
 - The Designated Senior Manager must **not** investigate the allegation itself, take written or detailed statements and / or ask leading questions to clarify the allegation, but he/she will contact the Local Authority Designated Officer (LADO) immediately, and always within 1 working day, to assess how the allegation should be dealt with. The Essex LADO Duty number is: **03330 139 797**.
 - The person who is the subject of the disclosure should not be informed of the allegation until advice has been taken from the LADO.
 - Regardless of the nature of allegations and who receives the allegation, it must be reported to the Duty LADO. This must include situations where the worker resigns. Compromise agreements are not acceptable in such circumstances and may put others at risk in the future.
 - The LADO will give advice on the conclusion of a case about whether a referral to the Disclosure and Barring Service is required – this is an employer's legal responsibility.

WHISTLEBLOWING

Organisations must ensure that they have an effective allegations policy and procedure which is understood by staff, parents and children, for raising concerns about the behaviours of employees/volunteers who are in a position of trust, working with children. In addition, there should also be a safeguarding 'whistleblowing' policy so that staff can always raise concerns of this nature, even if they are unable, for some reason, to follow the organisation's allegations against staff policy. If an organisation is situated in Essex, their Whistleblowing Policy must state the LADO service contact details as a referral route for staff to follow in these circumstances.

6. DUTY TO REFER TO THE DBS

If you dismiss or remove a person from regulated activity (or may have done so had they not left) because they have harmed or posed a risk of harm to a child (or vulnerable adult), then you have a **LEGAL** duty to refer the person to the DBS.

The DBS' role is to make barring decisions about people who are referred to it (usually following an employer's disciplinary process), with the possible consequence of the person being barred from working or volunteering with children and/or vulnerable adults. The DBS uses a fair, thorough and consistent process that ensures that the decision it reaches is both proportionate and appropriate to the risk the person poses to children or vulnerable adults.

The DBS website is www.homeoffice.gov.uk/DBS and provides a range of materials to help you to consider or make a referral. This includes a Referral Form, Referral Guidance, FAQ's and a series of Fact Sheets.