North Yorkshire Safeguarding Children Partnership

Safer Recruitment

Practice Guidance
Safer Recruitment Practice Guidance

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### Update and Approval Process

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Safer Recruitment Practice Guidance

Introduction

All organisations, which employ staff or volunteers to work with children, should adopt a consistent and thorough process of safer recruitment in order to ensure that people who are unsuitable to work with children and young people are prevented from doing so.

The North Yorkshire Safeguarding Children Partnership will help and encourage partners to create a culture of safer recruitment and adopt procedures that help deter, reject or identify people who might abuse children. To achieve this, safer recruitment and selection practices must be adopted by providing access to relevant government guidance, examples of good practice guidance, and model policies and procedures where needed. In addition to this practice guidance, statutory guidance is also provided to schools and colleges as part of Keeping Children Safe in Education (please see https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/835733/Keeping_children_safe_in_education_2019.pdf).

Safer recruitment practice should also include those persons who may not have direct contact with children, but because of their presence and familiarity in certain settings will still be seen as safe and trustworthy. The principles of safer recruitment should be included in the terms of any contract drawn up between the organisation and contractors or agencies that provide services for children and young people for whom the organisation is responsible. The organisation should monitor compliance with the contract, which should also include a requirement that the provider will not sub-contract to any personnel who have not been part of a safer recruitment process.

Safer Recruitment Practice

Safer recruitment practice should be applied at all stages of the recruitment process and run throughout the time a person is employed by an organisation. Processes required for safer recruitment includes:

- Advertising and information for applicants
- Selection of candidates
- Interviewing short-listed candidates
- Pre-appointment checks
- DBS Checks
- Disqualification under the Childcare Act 2006
- Offer of appointment to successful candidate
- Induction and supervision of newly appointed staff
Advertisements and Information for Applicants

Organisations should demonstrate their commitment to safeguarding and promoting the welfare of children by ensuring that all recruitment advertising material contains a policy statement to this effect. All information given to the interested applicant should highlight the importance placed by the organisation on rigorous selection processes.

The information should stress that the identity of the candidate, if successful, will need to be checked thoroughly, and that where a Disclosure and Barring Service check is appropriate the person will be required to complete an application for a DBS Disclosure at the appropriate level straight away, including Barred List Checks where appropriate.

The job description should clearly set out the extent of the relationship with, and the degree of responsibility for, children with whom the person will have contact. The person specification should explain:

- The qualifications and experience needed for the role.
- The competencies and qualities that the applicant should be able to demonstrate.
- How these will be tested and assessed during the selection process.

The application form should ask for:

- Full personal information, including any former names by which the person has been known in the past
- A full history of employment, both paid and voluntary, since leaving school, including any periods of further education or training. This should include:
  - Start and end dates,
  - Explanations for leaving, and
  - Reasons for any gaps in employment
- Details of any relevant academic and/or vocational qualifications
- A declaration that the person has no convictions, cautions, or bind-overs, including those regarded as spent. This should also include referral to or inclusion on the DBS Children’s or Adult’s Barred List and / or regulatory body restricting or preventing them from working with children or vulnerable adults.

Curriculum vitaes, drawn up by applicants in place of an application form are not acceptable because these will only contain the information the applicant wishes to present and may omit relevant details.

The application form should request a minimum of two references, one of which should be from the applicant’s current or most recent employer. Additional references may be asked for where appropriate. For example, where the applicant is not currently working with children, but has done so in the past, a reference from that employer should be asked for in addition to that from the current or most recent employer if this is different.
Selection of Candidates

There are standard procedures for short listing to ensure that the best candidates are selected fairly. All applicants should be assessed equally against the criteria contained in the person specification without exception or variation.

Safer recruitment means that all application forms should additionally be:

- Checked to ensure that they are fully and properly completed. Incomplete application forms should not be accepted and should be returned to the candidate for completion.
- Scrutinised for any anomalies or discrepancies in the information provided.
- Considered with regard to any history of gaps, or repeated changes in employment, or moves to supply work, without clear and verifiable reasons.

All candidates should be instructed to bring with them documentary evidence of their identity, either a full birth certificate, passport or photo card driving licence and additionally a document such as a utility bill or bank statement that verifies the candidate’s name and address. Where appropriate, change of name documentation must also be brought to the interview.

Candidates should also be asked to bring original or certified copies of documents confirming any necessary or relevant educational and professional qualifications that are an essential requirement of the role. If the successful candidate cannot produce original documents or certified copies written confirmation of his/her relevant qualifications must be obtained from the awarding body before any final offer is confirmed.

Interviewing Short-Listed Candidates

Questions should be set which test the candidate’s specific skills and abilities to carry out the job applied for.

The candidate’s attitude toward children and young people in general should be tested and also their commitment to safeguarding and promoting the welfare of children in particular. At least one member of the interview panel should be trained in safer recruitment practice.

Any gaps and changes in employment history should be fully explored during the interview, as should any discrepancies arising from information supplied by the candidate or by the referee.

Pre-appointment Checks

Schools must ensure that a candidate to be employed to carry out teaching work is not subject to a prohibition order issued by the Secretary of State, or any sanction or restriction imposed (that remains current) by the GTCE before its abolition in March 2012. Schools may undertake checks for all prohibitions, sanctions and restrictions by logging onto the Secure Access Portal via the Teacher Services’ web page.
The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References should be scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed, including for any internal candidate.

It is best practice for employers to obtain references prior to an interview. This is to ensure that any issues of concern raised by the reference can be explored further with the referee and taken up with the candidate during the interview. References should be sent wherever possible to business addresses, not a home address.

References should contain objective, verifiable information and in order to achieve this, a reference pro-forma with questions relating to the candidate’s suitability to work with children and young people should be provided.

References should include:

- length of time the person has known the applicant and in what capacity;
- post held with dates, salary and reasons for leaving;
- ability and suitability to work with children and young people;
- skills, strengths and weaknesses and how these have been demonstrated;
- any current disciplinary investigation and/or sanction;
- any allegations and/or disciplinary investigations relating to the safety or welfare of children and young people and the outcome of these (including where any sanction has expired);
- sickness record; (NB. Any information provided in relation to sickness/absence should only be considered after the initial offer of employment has been made and accepted.)
- if the referee would re-employ the applicant and, if not details of why; and
- verification of the identity of the referee.

Open references or testimonials should not be accepted.

If the applicant states that they have specific essential qualifications or experience relevant to working with children and young people, which cannot be verified by a reference, the facts should be verified by making contact with the relevant body or previous employer and any discrepancy explored during the interview.

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 or if insufficient information is provided. 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.

Any information about past disciplinary action or allegations that are disclosed should be considered carefully when assessing the applicant’s suitability for the post.

A record should be kept of evidence to show that such checks have been carried out in respect of supply staff and volunteers whether recruited directly or through an agency.
Satisfactory references must be kept on the candidate’s personnel file or, in the case of supply staff or volunteers not recruited through an agency, on a central record within the organisation.

Where information gained by the employer from either references or other checks calls into question the candidate’s suitability to work with children, or where the candidate has provided false information in support of the application the facts should be reported to the Police and/or the DBS as appropriate.

**DBS Checks**

The level of DBS certificate required, and whether a check for any prohibition, direction, sanction, or restriction is required, will depend on the role that is being offered and duties involved.

Depending on the nature of the role, a Disclosure and Barring Service (DBS) check may be required.

There are three levels of DBS checks:

- **Standard**: this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out;
- **Enhanced**: this provides the same information as a standard check, plus any approved information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed; and
- **Enhanced with barred list check**: where people are working or seeking to work in regulated activity with children, this allows an additional check to be made as to whether the person appears on the children’s barred list.

A more detailed description of the three types of DBS checks is provided on the DBS website. In law, an organisation will have no entitlement to do a barred list check on a worker who, because they are supervised, is not in regulated activity. For example this may include:

- Governors in maintained schools are required to have an **enhanced criminal records certificate without a barred list check** from the DBS. It is the responsibility of the governing body to apply for the certificate for any of their governors who do not already have one. Governance is not a regulated activity and so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.
- A volunteer who is supervised in a specified place while working with children such as a volunteer who is supervised by someone in regulated activity while assisting children in a classroom.
- A volunteer not in a specified place where they are supervised by someone within regulated activity, such as a sports club coach (in regulated activity) supervising a volunteer, such as a parent who assists the coach.
- An employee in a youth club who helps to instruct a group of children and is supervised by the club leader who is in regulated activity.
The Department for Education has released guidance on supervised activities with children, this can be accessed from:


Organisations do not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors.

Where a volunteer is not engaged in regulated activity but does work with children, employers may obtain an Enhanced DBS Certificate without a Barred List Check. This is set out in DBS workforce guides, which can be found on GOV.UK. Employers are not legally permitted to request barred list information on a supervised volunteer as they are not considered to be engaged in regulated activity.

Staff engaging in regulated activity will require an enhanced DBS certificate which includes barred list information for all appointments. In summary, a person will be considered to be engaging in regulated activity if, as a result of their work, they:

- Will be responsible, on a regular basis in a school or college, for teaching, training instructing, caring for or supervising children; or
- Will carry out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- Engage in intimate or personal care or overnight activity, even if this happens only once.

A more detailed description of regulated activity is available at:


DBS checks cannot be obtained by members of the public directly but are only available to organisations and only for those professions, offices, employments, work and occupations listed in the Exceptions Order (1975) to the Rehabilitation of Offenders Act 1974 as amended by the Protection of Freedoms Act 2012.

Individuals can join the DBS Update Service at the point an application for a new DBS check is made, enabling future status checks to be carried out to confirm that no new information has been added to the certificate since its issue. This allows for portability of a certificate across employers. Before using the Update Service, organisations must:

- Obtain consent from the applicant to do so;
- Confirm the certificate matches the individual's identity; and
- Examine the original certificate to ensure that it is for the appropriate workforce and level of check, e.g. enhanced certificate/enhanced including barred list information.

The organisation can subsequently carry out a free online check. This will identify whether there has been any change to the information recorded since the initial certificate was issued and advise whether the individual should apply for a new certificate. Individuals will be able to see a full list of those organisations that have carried out a status check on their account. Further information about the update service, including when updated information can be used, can be found at GOV.UK.
If any organisation knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.

**Disqualification under the Childcare Act 2006**

For staff who work in childcare provision or who are directly concerned with the management of such provision, the organisation needs to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009. An employer commits an offence if they employ a disqualified person in relevant provision unless they have no reasonable grounds to believing the person was disqualified.

Staff are covered by this legislation if they are employed and / or provide early years childcare (this covers the age range from birth until 1 September following a child’s fifth birthday i.e. up to and including reception age) or later years childcare (this covers children above reception age but who have not attained the age of 8) in nursery provision, primary, or secondary schools, or if they are directly concerned with the management of such childcare.

Further information on the staff to whom these regulations apply, the checks that should be carried out, and the recording of those checks can be found in Disqualification under the Childcare Act 2006 statutory guidance available from:


**Offer of Appointment to Successful Candidate**

Any offer of appointment, including to someone who has lived or worked abroad, should be conditional upon pre-employment checks being satisfactorily completed, including:

- Verify a candidate’s identity. Identification checking guidelines can be found on the GOV.UK website;
- Obtain (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity)
- Obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available

- Verify the candidate’s mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role
- Verify the person’s right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then prospective employers, or volunteer managers, should follow advice on the GOV.UK website
• If the person has lived or worked outside the UK, make any further checks the organisation consider appropriate
• Verify professional qualifications, as appropriate
• Independent schools, including academies and free schools, must check that a person taking up a management position is not subject to a section 128 direction made by the Secretary of State.
• Schools must ensure that a candidate to be employed to carry out teaching work is not subject to a prohibition order

Where an enhanced DBS certificate is required, it must be obtained from the candidate before, or as soon as practicable after, the person’s appointment.

All candidates should bring to interview documentary evidence as detailed in the Asylum and Immigration Act and in line with DBS requirements.

• [Website Link]

https://www.gov.uk/disclosure-barring-service-check/documents-the-applicant-must-provide- Where relevant, change of name documentation must also be brought to the interview.

All checks should be confirmed in writing and retained on the candidate’s personnel file, together with photocopies of documents used to verify his/her identity and qualifications. Schools must maintain a Single Central Record (SCR) to record the statutory vetting and barring checks made on their staff and volunteers.

**Induction and Supervision of Staff & Volunteers**

The process of ensuring safe recruitment of staff does not end when a person is appointed. To maintain a safe recruitment culture it is imperative that appropriate procedures are in place to ensure that staff have appropriate induction to the organisation, are aware of all relevant policies and procedures and have appropriate supervision throughout the time of their employment.

The induction of all newly appointed staff should also include child protection training at a level appropriate to the member of staff’s work with children. This should include being made aware of the identity and specific responsibilities of those staff with designated safeguarding responsibilities.

New staff members should be provided with information about safe practice and given a full explanation of their role and responsibilities and the standard of conduct and behaviour expected.

Staff should also be made aware of the organisation’s personnel procedures relating to disciplinary issues and the relevant whistle blowing policy.

Senior managers should ensure that staff and volunteers are adequately and appropriately supervised and that they have ready access to advice, expertise and management support in all matters relating to safeguarding and child protection.
Appropriate safeguarding controls must be in place for all staff and should be reviewed on a regular basis. Supervision of those undertaking supervised activities must take place “on a regular basis” and means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter.

All staff should be aware of their organisation safeguarding lead/Designated Safeguarding Officer, complaints procedures and how to raise any concerns, whether these are service users or any allegations against staff.

For more information regarding managing allegations against staff please the NYSCP’s Procedures and Practice Guidance at:

https://www.safeguardingchildren.co.uk/professionals/nyscb-procedures/ 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…”

*Bichard Inquiry Report, 2004, p 12 para 79*