

Safer Recruitment Policy

INTRODUCTION

The safe recruitment of staff in schools is the first step to safeguarding and promoting the welfare of children in education. London Brookes College (LBC) is committed to safeguarding and promoting the welfare of all pupils in its care. As an employer, LBC expects all staff and volunteers to share this commitment.

In line with recent legislation including the Children Act 2004, Safeguarding Children and Safer Recruitment in Education Guidance DfES/04217/2006, The Independent Schools Standards Regulations 2009 (Standards 4, 4A, 4B, 4C), and the Safeguarding Vulnerable Groups Act 2006 the College takes very seriously its duty of care for all pupils. In order to help safeguard and promote the welfare of all its pupils the College is committed to a thorough and consistent Safer Recruitment Policy.

AIMS AND OBJECTIVES

The aims of the Safer Recruitment policy is to help deter, reject or identify people who might abuse pupils or are otherwise unsuited to working with them by having appropriate procedures for appointing staff.

The aims of the College's recruitment policy are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education - September 2019 (KCSIE), the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- to ensure that the College meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

The College has a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the job. The recruitment and selection process should ensure the identification of the person best suited to the job at the college based on the applicant's abilities, qualification, experience and merit as measured against the job description and person specification.

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, and relevant safeguarding legislation and statutory guidance (including KCSIE 2019 and Prevent Duty Guidance).

If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant they must declare it as soon as they are aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process.

The College aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job vacancies at LBC.

ROLES AND RESPONSIBILITIES

It is the responsibility of the Governing Body to:

- Ensure the College has effective policies and procedures in place for recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements.
- Monitor the College's compliance with them.

It is the responsibility of the Vice-Principal, General Manager and other Managers involved in recruitment to:

- Ensure that the College operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the College.
- Monitor contractors' and agencies' compliance with this document.
- Promote welfare of children and young people at every stage of the procedure.

The Governing Body has delegated responsibility to the Vice-Principal (teaching staff) and General Manager (support staff) to lead in all appointments. College Governors may be involved in staff appointments but the final decision will rest with the Vice-Principal / General Manager.

Definition of Regulated Activity and Frequency

Any position undertaken at, or on behalf of the College will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am; or
- satisfies the "period condition", meaning four times or more in a 30 day period; and
- provides the opportunity for contact with children.

Roles which are carried out on an unpaid / voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

The College is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The College is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, the College can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently

RECRUITMENT AND SELECTION PROCEDURE

Advertising

To ensure equality of opportunity, the College will advertise all vacant posts to encourage as wide a field of applicant as possible; normally this entails an external advertisement.

Any advertisement will make clear the College's commitment to safeguarding and promoting the welfare of children.

All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act (DPA).

Applications

It is unlawful for the College to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at the College. All applicants will be made aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and referral to the police and/or the DBS.

Job Descriptions and Person Specifications

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

The person specification is of equal importance and informs the selection decision. It details the skills, experience, abilities and expertise that are required to do the job. The person specification will include a specific reference to suitability to work with children.

References

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

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

Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

Any discrepancies or anomalies will be followed up. Direct contact by phone will be undertaken with each referee to verify the reference.

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

Interviews

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

At least one member of any interviewing panel will have undertaken safer recruitment training or refresher training as applicable and there is an expectation that **ALL** staff involved in the recruitment process will undertake safe recruitment training.

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

OFFER OF APPOINTMENT AND NEW EMPLOYEE PROCESS

In accordance with the recommendations set out in KCSIE and the requirements of the Education (Independent School Standards) Regulations 2014 and the Boarding schools: national minimum standards the College carries out a number of pre-employment checks in respect of all prospective employees.

If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the College's standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified);
- the receipt of a reference which the College considers to be satisfactory;
- for positions which involve "teaching work":
 - where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which the College considers to be satisfactory;
- where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List*;
- verification of the applicant's medical fitness for the role;
- verification of the applicant's right to work in the UK;
- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK; and
- verification of professional qualifications which the College deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).

*The College is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The College is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, the College can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.

Whether a position amounts to "regulated activity" must therefore be considered by the College in order to decide which checks are appropriate. It is however likely that in nearly all cases the College will be able to carry out an enhanced DBS check and a Children's Barred List check.

A personal file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personal files.

The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to pupils. Therefore, any convictions and cautions that would normally be considered 'SPENT' **must be** declared when applying for any position at LBC.

DBS (Disclosure and Barring Service) Certificate (formerly known as CRB Disclosure)

The College applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the College which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information.

It is the College policy that the DBS disclosure **must be** obtained before the commencement of employment of **any** new employee performing a “regulated activity”.

Members of staff at LBC are aware of their obligation to inform the Vice-Principal or General Manager of any cautions or convictions that arise between these checks taking place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence.

Portability of DBS Certificates Checks

Staff may wish to join the DBS Update Service if they are likely to require another check in the future. Applicants may sign up to the Service if their check was issued after 17 June 2013, for a fee of £13 per annum, which is payable by the applicant.

Copies of DBS Checks

The DBS no longer issue Disclosure Certificates to employers, therefore employees/applicants should bring their Certificate to the General Manager.

Dealing with convictions

The College operates a formal procedure if a DBS Certificate is returned with details of convictions. Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- the nature, seriousness and relevance of the offence;
- how long ago the offence occurred;
- one-off or history of offences;
- changes in circumstances,
- decriminalisation and remorse.

A formal meeting will take place face-to-face to establish the facts with the General Manager. A decision will be made following this meeting. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the General Manager will evaluate all of the risk factors above before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the College may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status

All applicants invited to attend an interview at the College will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in UK in accordance with those set out in the Immigration, Asylum and Nationality Act 2006

Medical Fitness

The College is legally required to verify the medical fitness of anyone to be appointed to a post at the College, after an offer of employment has been made but before the appointment can be confirmed.

All applicants are requested to complete a medical questionnaire and where appropriate a doctor's medical report may be required. This information will be reviewed against the Job Description and the

Person Specification for the particular role, together with details of any other physical or mental requirements of the role

The College is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence and considering reasonable adjustments.

Overseas recruitment

The College, in accordance with the UK Visas and Immigration (UKVI) will, if applicable, sponsor new foreign nationals (see Certificate of Sponsorship section).

Certificates of Sponsorship (CoS)

If an appointed applicant is a national of a non-EEA country, a CoS may be required.

Induction Programme

All new employees will be given an induction programme which will clearly identify the College policies and procedures, including the Child Protection Policy.

Single Centralised Register of Members of Staff

In addition to the various staff records kept in College and on individual personnel files, a single centralised record of recruitment and vetting checks is kept in accordance with the Education (Independent School Standards) Regulations 2014 requirements. The Single Centralised Register will contain details of the following:-

- All employees who are employed to work at the College;
- all employees who are employed as supply staff to the College whether employed directly or through an agency;
- all others who have been chosen by the College to work in regular contact with children.

Record Retention / Data Protection

The College is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the College will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to help the College to discharge its obligations as an employer e.g. so that the College may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained by the College for the duration of the successful applicant's employment with the College.

The same policy applies to any suitability information obtained about volunteers involved with College activities.

Ongoing Employment

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

Leaving Employment

Despite the best efforts to recruit safely there will be occasions when allegations of serious misconduct or abuse against children and young people are raised. This policy is primarily concerned with the promotion of safer recruitment and details the pre employment checks that will be undertaken

prior to employment being confirmed. Whilst these are pre-employment checks the College also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at the College despite being barred from working with children; or
- has been removed by the College from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

Contractors and agency staff

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

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

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

Visiting Speakers

The Prevent Duty Guidance requires the College to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by pupils, are suitable and appropriately supervised.

The College is not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity at the College or perform any other regular duties for or on behalf of the College.

All visiting speakers will be subject to the College's usual visitors signing in protocol. This will include signing in and out at Reception, the wearing of a visitors badge at all times and being escorted by a fully vetted member of staff between appointments.

The College will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend the College. In doing so the College will always have regard to the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

"Extremism' is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."

In fulfilling its Prevent Duty obligations the College does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

Volunteers

The College will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the College (the definition of regulated activity set out above will be applied to all volunteers).

Under no circumstances will the College permit an unchecked volunteer to have unsupervised contact with pupils.

In addition the College will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to the following):

- formal or informal information provided by staff, parents and other volunteers;
- character references from the volunteer's place of work or any other relevant source; and
- an informal safer recruitment interview.

Monitoring and Evaluation

The General Manager will be responsible for ensuring that this policy is monitored and evaluated throughout the College.

Checked 4th August 2021 by Cillian Logue