



SAFER RECRUITMENT AND VETTING POLICY AND PROCEDURE

This document outlines employment policy and future arrangements for the Safer Recruitment and Vetting process.

Equality of opportunity underpins all decision making.

Processes will be equitably and consistently applied to all categories of staff.

1. Introduction

- 1.1 Reaseheath College is committed to providing an environment which recognises that the delivery and management of effective safeguarding of children and adults identified as 'vulnerable', requires sound procedures, good inter-agency co-operation and highly competent and managed staff who are confident via ongoing training and development.
- 1.2 This policy provides a framework which incorporates the advised nationally recommended safeguarding practices, thereby ensuring that the College has in place a robust and rigorous recruitment and selection procedure which precludes unsuitable applicants from gaining a position with the College.
- 1.3 To ensure a secure environment is maintained the policy covers staff who are not directly employed by the College.
- 1.4 The policy should be read in conjunction with the following College policies and procedures:
 - Safeguarding Policies
 - Recruitment of Ex-Offenders statement (Appendix C)
 - Recruitment and Selection Procedure (College intranet)
 - Equality & Diversity Policy (College intranet)
 - Conduct & Probity expected of residents on college premises

2. Legal

- 2.1 The College recognises its explicit duty under Section 175 of the Education Act 2002, the Children Act 2004 and Working Together to Safeguard Children 2015 to provide an environment which safeguards and promotes the welfare of children.

2.2 The Policy refers to the provisions of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012 and defines the activities and work considered to be a 'regulated activity' (work that a barred person must not do.)

2.3 Regulated Activity in relation to children comprises:

- i. Unsupervised activities – namely to teach, train, instruct children, care for or supervise children, or provide advice/guidance on well-being, and drive a vehicle only for children. Supervision means day to day supervision as is reasonable in all circumstances for the protection of the children concerned.
- ii. Work undertaken by individuals in the College (a 'specified place' as defined by the Safeguarding Vulnerable Groups Act 2006) with the opportunity for contact.

Work carried out by volunteers supervised to a reasonable level, in accordance with the statutory guidance on supervision within the College is not a regulated activity. However, a supervised paid Reaseheath College employee does come under regulated employee status because of the definition applied under the Safeguarding Vulnerable Groups Act 2006 as working in a 'specified place.'

- iii. Work under (i) or (ii) is a 'regulated activity' only if it is done regularly. Regularly means carried out by the same person either:
 - Once a week or more often or,
 - 4 or more days in a 30 day period or,
 - Overnight between 2.00 a.m. and 6.00 a.m.

2.4 The definition of 'regulated activity' in relation to adults (any person aged 18 or over). Any adult is regarded as 'vulnerable' if they require regulated activities to be provided on their behalf at a particular time. This means that the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics, or circumstances of the adult receiving the activities. There is also no requirement for a person to do the activities a certain number of times before they are engaged in regulated activity.

2.5 The policy has also been developed in accordance with the Department for Education guidance contained in 'Safeguarding Children and Safer Recruiting in Education' issued in January 2007 and 'Keeping Children Safe in Education' guidance issued in September 2016.

3. Policy scope and purpose

3.1 The College is under a statutory duty not to employ anyone that is barred from working with children and their name appears on any Vetting and Barring list.

3.2 There are three types of criminal record check that are available through the DBS:

- **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 additional 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 for an additional check to be made as to whether the person appears on the children's barred list.

3.3 Under the Protection of Freedoms Act 2012 if a role within the College requires a enhanced DBS check the College will therefore request if appropriate the barred list check (for children, adults or both). Enhanced DBS checks for work within 'regulated activity' will tell the College (when requested) if the person is on one of the barred lists.

3.4 Equality and Diversity - Transgender applicants

The Disclosure and Barring Service has a confidential checking process for Transgender Applicants and other applicants who do not wish to reveal details of their previous identity to the person who has asked them to complete an application form for a DBS check. Further information from the DBS is available by contacting the DBS Sensitive Applications Team at sensitive@dbs.gsi.gov.uk.

3.5 Applicants who have lived outside the United Kingdom

3.5.1 All new staff providing education at the College who have lived outside the United Kingdom are subject to such additional checks as are deemed appropriate where the required DBS Enhanced Disclosure check is not considered sufficient to establish suitability to work with Children and Adults in a regulated activity.

3.5.2 Applicants who have resided outside the UK in the past 5 years will need to provide Criminal Convictions Clearance from the country(ies) which they were residing in, because the DBS cannot generally trace individuals abroad. If the College recruits an individual from overseas, or an individual who has lived abroad in recent years prior to appointment, and needs to check their overseas criminal record, a DBS check may not provide a composite picture of the criminal record.

3.5.3 Applicants will be asked to contact the relevant Embassy to obtain a disclosure which should not be dated more than 6 months at the time of receipt. Upon receipt before full clearance to work is issued the disclosure should be sent to the Human Resources Department.

3.5.4 Documents that are evidence of an individual's overseas identity will be retained securely by Human Resources in accordance with the UK Border Agency guidance for the duration of the individual's employment and for a further two years after the individuals employment with the College has ceased.

3.6 Visiting staff and Volunteers

3.6.1 Visiting staff and volunteers such as education mentors **who do not** have regular and unsupervised access to children will not receive a DBS check. The normal risk assessment that applies to all College visitors will be sufficient.

3.6.2 Visiting staff and volunteers **who do** have unsupervised regular access to children and adults requiring 'regulated activities' such as educational psychologists, sports coaches, learning support assistants - their 'providing organisation' will request the check. Human Resources will prior to an individual's commencement seek written confirmation from the respective agencies of two satisfactory references, ID check and satisfactory DBS check at the appropriate level.

3.7 Agency staff and Contractors

- 3.7.1 Human Resources will seek written confirmation from the respective agencies that the appropriate checks, including two references, ID check and DBS checks have been carried out satisfactorily. The agency will provide the necessary reference number and certificate issue date for the Single Central Record.
- 3.7.2 When an agency has obtained an enhanced certificate, the agency will confirm to the Human Resources Department in writing that the disclosure provides the full details, namely the Police have not, using their common law powers under the Protection of Freedom Act 2012, passed on such relevant information to the agency about the individual which they consider to be justified and proportionate and this has been withheld.

3.8 Students on work /volunteer placements

- 3.8.1 A minimum age limit for criminal record checks has been set in the Protection of Freedoms Act 2012. This means that the College will not apply for a criminal check for individuals unless in circumstances of employment.
- 3.8.2 Any students who require checks for work/volunteer placements will be supported by the College to ensure these are in place. There may be a cost for students over 19 years of age. The College will take all reasonable and appropriate steps to ensure that other employers comply with the DBS Code of Practice and the safeguarding legislative framework.

3.9 Staff

- 3.9.1 The College will ensure that the full range of employment checks for all Reaseheath College staff are carried out to minimize the possibility of any learners suffering harm from those whom they consider to be in positions of trust in whatever capacity.
- 3.9.2 The member of staff will always have the appropriate level of DBS check for their role and if they change role and require a different level of DBS check, this will be carried out before they start the new role.
- 3.9.3 If there is a break in service of 3 months or more a new DBS check will be carried out.

For the purposes of undertaking a DBS check, a 'child' is defined as an individual under the age of 18, except in employment situations where the age limit is 16.

3.10 Residential staff family members

- 3.10.1 Family members living with residential staff in their own home within the College grounds are required to provide a DBS disclosure certificate, and must comply with the standards of conduct and probity expected of College residents.

3.11 Governors

- 3.11.1 Due to the close interaction between students and Governors within Reaseheath College, the College undertakes DBS checks in respect of all Governors.

4. Employment checks

4.1 The College as part of its safer recruitment and selection process, undertakes the following checks on prospective staff in addition to DBS checks:

- Sourcing of a minimum of two written and verified professional references (where appropriate one of the references should be from the most recent employer where the person worked with, or was in contact with children) to confirm previous academic and employment gaps (checking the reasons provided for any identifiable gaps)
- Evidence of relevant qualifications and current memberships of professional bodies
- Right to Work within the United Kingdom through checking the authenticity of pre-employment documentation i.e. passport:

4.2 All members of the immediate and wider Safeguarding team across College will be re-checked during their employment. This includes Student Service and Welfare, Domestic and Estates. This will take place every 3 years.

5. Appointment to post prior to receipt of a DBS check

5.1 Staff will not be appointed into post prior to the DBS check being received by the College, except in exceptional circumstances approved by the Principal or Vice Principal. The appropriate Risk Assessment process must be followed and all relevant checks must be completed before any paperwork can be submitted for approval. The risk assessment process is documented at Appendix A.

6. General

6.1 Any person refusing to be checked by the College will be unable to be employed, as this is a pre-requisite to offering or continuing in any contract of employment.

6.2 The College covers all fees paid to the DBS in the case of employees who earn under £18,000 per annum and student workers. Employees earning over this threshold will have the cost of the DBS check deducted from their first monthly salary payment. Casual and bank staff are responsible for the cost of their own DBS check.

7. DBS Update Service

7.1 For an annual subscription of £13.00, applicants can join the Update Service and have their DBS Certificate kept up-to-date. They can take it with them from role to role, within the same workforce, where the same type and level of check is required. The service is free to volunteers.

7.2 An applicant must subscribe to the Update Service within 28 days of receiving their DBS certificate. Once subscribed, with their permission, the employer can use their current DBS Certificate and carry out a free, instant online Status Check to see if any new information has come to light since its issue.

8. The secure handling and use of disclosures and disclosure information

8.1 The College will continue to use the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust. It will also continue to comply fully with the respective Code of

Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and certificate information.

- 8.2 The College complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of disclosure information.
- 8.3 In accordance with section 124 of the Police Act 1997, Disclosure information will only be passed to those who are authorised to receive it in the course of their duties.
- 8.4 Disclosure information will only be used for the specific purpose for which it was requested and for which the applicants' full consent has been given.
- 8.5 The College will keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique Certificate number as part of its Single Central Record. Certificate information is not kept for any longer than is necessary and disposal is by secure means.

9. Responsibilities for implementation of the policy

- 9.1 The College Corporation together with the Principal will be responsible for ensuring that a regular review of the effectiveness of this Policy and Procedure takes place and it is updated in line with any statutory change.
- 9.2 The Corporation will be provided with statistical data by the Head of Human Resources which demonstrates the effectiveness of the process and which makes subsequent recommendations in development and guidance to support the implementation of the Policy and Procedure.
- 9.3 Line Managers will ensure that all aspects of the policy are adhered to in order to ensure that there is no discrimination against any employee.
- 9.4 It will be the Line Manager's responsibility to ensure that risk assessments are carried out in accordance with this policy and procedure and any request for an individual to start employment before a DBS is received, is approved by the Principal or Vice Principal following the completion of all relevant checks.
- 9.5 It will be the responsibility of the manager to seek advice from their member of Executive, the Head of HR or the College Safeguarding Lead where an employee needs to be removed immediately from an area/activity where it is felt a learner may be put at risk. The procedure for dealing with child protection allegations against staff should be followed.
- 9.6 Visitors to the College, in whatever capacity, must be signed in and out and provided with a visitor's badge. Visitors should be accompanied around the College.
- 9.7 Whenever any type of building work is undertaken of any duration, the College will at the planning stage determine with the contractors and agree the safeguarding measures in relation to the works starting on site. The safe-guarding measures will then be detailed in the building contract. Thereafter, College staff affected will be briefed on the supervision required and the access arrangements with the contractor.
- 9.8 The Head of Human Resources is responsible for ensuring all staff involved in the College recruitment and selection process have received the appropriate guidance and training on safer recruitment.

10. Review and monitoring

The policy and procedure will be reviewed on a regular basis according to legislative change.

11. Single Central Record of recruitment vetting checks

11.1 The College's single central record of recruitment checks maintained by the HR Department covers the following groups:

- All staff who are employed to work at the College - staff providing education, regularly caring for, training, supervising or being in sole charge of children and all other staff who have been employed to work in regular contact with children.
- All staff who are employed as supply staff providing education to the College, whether employed directly by the College or through an agency
- Any volunteers that the College has recruited to work regularly with children and for whom DBS checks have been requested because they are working unsupervised
- People brought into the College to provide regular additional teaching or instruction who are not staff members; for example, a specialist sports coach
- Governors
- Family members who reside in College accommodation with staff that live on site
- Employees of companies who lease employment premises within the College grounds
- Neighbours of the College who use the grounds for recreational activities with College permission

The following information is held:

- Date of DBS check, validation by a member of the HR team and DBS certificate number
- Full name and position details, start date in employment
- Two satisfactory and verified references
- Sight of qualifications
- Right to work in the UK check
- Where the individual has been living outside the United Kingdom, whether further checks considered appropriate in respect of the person have been carried out.

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Lead	Head of HR
Approved on	8 November 2016
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Published	College website policies and safeguarding page/ Staff Intranet
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RISK ASSESSMENT – commencing employment before a DBS certificate has been received

In exceptional circumstances it may be necessary for the College to allow an individual to start employment in regulated activity before a DBS Certificate is available. This is in accordance with the guidance provided in ‘Keeping children safe in education -statutory guidance for schools and colleges (July 2015)’ paragraph 58:

“Where a school or college allows an individual to start work in regulated activity before the DBS certificate is available, then they should ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed.”

This decision can only be made by the Principal or Vice Principal and there must be clear documented justification for this decision.

This Risk Assessment applies to staff working on or off the main Reaseheath College site.

<i>Name of new member of staff</i>
<i>Department/Unit</i>
<i>Job Title</i>
<i>Start Date</i>
<i>Line Manager taking responsibility for this RA</i>
What is their previous experience and do they currently hold a DBS Certificate for a previous role?
If they hold a current DBS Certificate what is the Disclosure No and date (and please provide a copy):
Briefly describe the business reasons why the new starter needs to join the College urgently

HR Department to complete – tick to indicate check completed	
Minimum of 2 written and verified professional references (at least one being from their current or most recent employer), validated by HR by telephone discussion	
Checking gaps in employment or education	
Right to work in the UK check (checking authenticity of pre-employment documentation)	
Evidence of relevant qualifications and current memberships of professional bodies	
Individual to complete a separate declaration regarding previous convictions (see Annex 2 below)	
Separate barred list check	
DBS applied for: reference no, date applied and current status:	
Signed on behalf of HR Department: Signature: _____ Date: _____	
Line Manager Declaration	
<p>The following restrictions apply during a risk assessment period. The new member of staff:</p> <ul style="list-style-type: none"> • MUST be accompanied AT ALL TIMES including when walking around the campus, conducting any teaching/instructing or interacting with students • MUST report in and out of campus via their Programme Administrator/Dept Reception • MUST wear a visitors badge at all times when on campus • MUST not have any access to College data systems <p>The new member of staff should only have access to areas of campus which are required for their role and should not have access to Student accommodation or student social areas.</p> <p>As Line Manager with responsibility for this new member of staff, I understand that I am responsible for enforcing the above restrictions during the risk assessment period.</p> Signature: _____ Date: _____	
<p>Any breaches of the restrictions will be investigated and could lead to disciplinary action against the individuals responsible. Any questions or queries, or difficulties in enforcing the restrictions should be raised with HR and the Vice Principal asap.</p>	
Decision	
Risk assessment decision:	Approved / Not Approved
Start Date of Risk Assessment : Risk Assessment valid until:	

Signature:
(Principal / Vice Principal)

Risk Assessment reviews

The Risk Assessment will be reviewed on a 2 weekly basis until the DBS certificate has been received and is deemed to be satisfactory. At that point HR will withdraw the Risk Assessment.

Details of Review, extension dates and authorisation:

Date Risk Assessment was lifted and all checks completed satisfactorily:



RISK ASSESSMENT NEW STARTER DECLARATION

(Commencing employment before a DBS certificate has been received)

In exceptional circumstances the College can allow an individual to start employment in regulated activity before a DBS Certificate is available. This decision can only be made by the Principal or Vice Principal and there must be clear documented justification for this decision. If approved, you will be subject to a Risk Assessment which contains clear restrictions on the activities you can undertake and in what format. These must be complied with until all satisfactory checks have been completed and the risk assessment is lifted.

The following restrictions apply during a risk assessment period.

You:

- **MUST be accompanied AT ALL TIMES including when walking around the campus, conducting any teaching/instructing or interacting with students**
- **MUST report in and out of campus via your Programme Administrator/Department reception**
- **MUST wear a visitors badge at all times when on campus**
- **MUST not have any access to College data systems**

You should only have access to areas of campus which are required for your role and you should not have access to Student accommodation or student social areas.

Declaration:

I understand the restrictions that are placed upon me whilst subject to a risk assessment and I agree to comply with these. I acknowledge that my offer of employment is subject to a satisfactory DBS check and this offer can still be withdrawn by the College should my DBS check prove unsatisfactory.

Signed:

Name:

Date:

Job:

Appendix B – The Prospective Employee’s statement of no convictions

**Declaration of Previous Convictions for posts exempt from the Rehabilitation of Offenders Act 1974**

The **Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended** makes certain regulated activity (i.e. work with children and/or young people) exempt from the Act and therefore requires individuals seeking to work with these groups to be subject to an Enhanced Criminal Records Bureau Disclosure check, amongst other safer recruitment checks.

Where a post is classed as exempt under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, you are required to reveal all convictions, both spent and unspent, which would not be filtered in accordance with current guidance.

Have you ever been convicted of a criminal offence or cautioned? YES / NO

If Yes, please provide details

Are there any criminal charges pending against you? YES / NO

If Yes, please provide details

Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

The College undertakes to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment

Having a criminal record will not necessarily bar applicants from working at the College. This will depend on the nature of the position and the circumstances and background of their offences

I certify that the information on this form is true and accurate. I understand that if the information I have supplied is false or misleading in any way, it may automatically disqualify me from appointment or may render me liable to dismissal without notice.

Signed:

Name:

Date:

Job applied for:

APPENDIX C

Policy Statement on the Recruitment of Ex-offenders

It is a requirement of the DBS's Code of Practice that all Registered Bodies must treat DBS applicants who have a criminal record fairly and do not discriminate because of a conviction or other information revealed. It also obliges Registered Bodies to have a written policy on the recruitment of ex-offenders; a copy of which is available to DBS applicants at the outset of the recruitment process.

Statement

- As an organisation using the Disclosure and Barring Service (DBS) service to assess applicants' suitability for positions of trust, Reaseheath College complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.
- Reaseheath College is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, marital status, age, disability or offending background.
- The College has a written statement on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process.
- The College actively promotes equality of opportunity for all with the right level of talent, skills and potential and welcomes applications from a wide range of candidates.
- Having a criminal record will not necessarily be a bar from working at Reaseheath College. It will depend on the nature of the position and the circumstances and background of the offence.
- The College selects all candidates for interview based on their skills, qualifications and experience.
- A DBS check is only requested after a thorough risk assessment has indicated that one is proportionate and relevant to the position concerned. For those positions where a DBS check is required, all job adverts and job descriptions will contain a statement that a DBS check will be requested in the event of the individual being offered the position.
- Where a DBS check is to form part of the recruitment process, the College will encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. The College will request that this information is passed under separate, confidential cover, to the Head of Human Resources. The College guarantees that this information will only be seen by those who need to see it as part of the recruitment process.
- The College will ensure that all those involved in the recruitment process are aware of what to do should any disclosures be made to them as part of the recruitment process, and there are staff suitably trained to assess the relevance and circumstances of offences.
- On the subject of any offences or other matter that might be relevant to the position the College will ensure that an open and measured discussion takes place as defined in the Rehabilitation of Offenders Act 1974. This is usually with the Lead Safeguarding Officer/Vice Principal. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer.

- The College will make every individual who is the subject of a DBS check aware of the existence of the DBS Code of Practice.
- The College will undertake to discuss any matter revealed in a DBS check with the individual seeking the position before withdrawing a conditional offer of employment.