

Kingston and Richmond LSCB

Safer Recruitment Model Policy and Procedures

Please also see:

[Guidance for safer working practice for those working with children and young people in education settings October 2015 \(Safer Recruitment Consortium\)](#)

Working Together to Safeguard Children 2015:
www.workingtogetheronline.co.uk

Keeping Children Safe in Education 2016:
www.gov.uk/government/publications/keeping-children-safe-in-education--2

Introduction

This policy provides guidance for all managers in all agencies involved in the recruitment of staff and/or volunteers to work with children to ensure they meet their obligations under safeguarding and attain a safer, more robust recruitment process. Safeguarding seeks to ensure children and young people are protected from harm. As the Richard Inquiry Report into the deaths of Holly Wells and Jessica Chapman points out:

'...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...'

It is therefore vital that managers understand there is a risk that abuse could happen in their organisation and there is a need for a culture of openness, transparency and vigilance to be created. Additionally, those who raise concerns should be left in no doubt that support in raising concerns will be offered and the commitment to take action is assured.

Purpose

Everyone has a responsibility to safeguard children and this policy aims to proactively safeguard and promote the welfare of children and young people so that the need for action to protect children from harm is reduced. This model policy and procedures seeks to embed safer recruitment practices throughout the borough's organisations and ensure managers, employees and candidates for employment are aware of the minimum standards used for recruiting and selecting staff.

This policy reinforces the Code of Conduct and Whistleblowing policies which all employees are expected to be familiar with. All successful candidates for paid or volunteer employment will be made aware of these policies when their placement commences.

It is important that we provide staff and volunteers with opportunities to reflect on practice and to feel able to self-report and challenge others- working towards staff thinking 'what if I'm right?' rather than 'what if I'm wrong?'

Defining the Role

The recruiting manager has the responsibility to ensure each job is accurately and realistically defined every time a post goes out to advert. The criteria for short listing and interviewing will be based on the job description, person specification and competencies. It is therefore vital these documents are meticulous. Managers must be clear whether a Disclosure and Barring Service (DBS) check is required for a particular post and at what level. A list of categories that represent the professions, offices, employments, work and occupations that are known as the exceptions to the Rehabilitation of Offenders Act 1974 are available by clicking here [DBS website](#). The application pack must contain a safeguarding statement.

Application Form

Application forms must be used, in preference to CV's (Curriculum Vitae). CV's only contain information applicants want you to know, which may exclude other relevant information. Application packs must contain guidance stating this, and instructions on how to complete the application form. This ensures that the data being supplied is consistent and information the organisation requires. Application forms must require as a minimum the following information:

- Personal details and National Insurance number;
- Relevant academic/professional/vocational qualifications, date and awarding body;
- Full chronological history of full or part time employment since leaving secondary school, including:
 - Voluntary work, education and training;
 - Reasons for leaving jobs;
 - Any gaps which must be clearly accounted for;

Two referees, one of which must be the current or most recent line manager.

The Rehabilitation of Offenders Act 1974 does not apply to posts which involve working with, or to have access to children, young people and/or vulnerable adults or their records. Therefore any convictions, cautions, bind-overs that would normally be considered 'spent' must be declared when applying for this type of post. Qualification, Education and Professional certificates must be provided.

Selection Process

Managers must short list having regard to the extent to which candidates meet the person specification and competencies that were available with the job details. To create the shortlist the interviewing panel must score each applicant against the person specification for the job. Managers must scrutinise applications, identify any inconsistencies and be cautious about missing or vague information. At the interview, managers must take the opportunity to investigate gaps in the employment history and/or any disclosures of criminal history. The Recruiting manager must give consideration to:

- The interview panel; which must consist of at least two people who are directly employed by the organisation and at least one of whom has received safer recruitment training.
- The assessment criteria and method of assessment (including presentations) which must be considered based on the requirements of the person specification;
- The content and number of questions, the evidence looked for in the answer, who will ask each question and what weighting (if any) will need to be decided;
- The pass mark required, (as decided by the interviewing panel);
- The timescale for making a decision and who will give feedback to the candidates at the end of the process;
- Whether candidates could visit the working environment as part of the process. This can assist candidates in understanding the working context and environment. During any visit all candidates must be afforded the same opportunities.

Self-Disclosure

Interview invitation letters must include a self-disclosure opportunity. These give candidates an opportunity to share relevant information at an early stage, and allow information to be discussed and considered before any DBS checks come back. This is also a method of deterring unsuitable candidates. Offences that are declared must be individually explored. The contents of self-disclosure must not be used to shortlist unless it is obvious an offence will have an effect on the candidate's ability to carry out the role. If a candidate who declares a self-disclosure is successful the recruitment process can be continued if appropriate and comparisons made with the DBS check once received.

Interviews

These should include:

- Introductions;
- The interview questions and responses recorded;
- Candidates have the opportunity to ask questions and find out about the job and their prospective employer. Probe gaps/frequent changes in employment/vagueness/areas of concern.
- Close:
 - Explain the next stage in the process, i.e. informing the candidate of the outcome and when;
 - Ensure identification and qualifications have been verified as original documents and that they are bona fide and take photocopies;
 - Confirm the process for taking up references, obtaining medical clearance and Disclosure and Barring Service (DBS) checks, where appropriate. Managers must make it clear any offer of employment to a candidate would be subject to these being satisfactory.

Where ever appropriate, the recruitment and selection process should not just consist of an interview. A variety of selection and/or presentation processes can be adopted providing qualified examiners are used when required. The interview should be scored and documents retained for 6 months after the interview.

Documents

For every candidate interviewed, managers should complete an original document inspection. This ensures compliance with Asylum and Immigration legislation to ensure a candidates eligibility to work, and also provides sufficient information for a DBS check to be completed. At least 3 documents must be inspected for the DBS form.

Recruitment of Ex-Offenders

Criminal records will be taken into account for recruitment purposes only when the conviction is relevant. Having an 'unspent' conviction will not necessarily be a bar to employment. This will depend on the circumstances and background to the applicant's offence(s).

Disclosure and Barring Service (DBS) checks

DBS checks must be carried out on positions that involve regular contact with children, young people or vulnerable adults/vulnerable groups. Managers must ensure when completing 'Section X' of the DBS form (Evidence of identity seen by the employer/volunteering organisation/registered body) that original documents are provided and photocopies retained for the personal file. Further guidance on acceptable documentation is available on the [DBS website](#). Currently DBS checks must only be submitted for the candidate selected for appointment. DBS checks that are undertaken by other organisations should not be used – this is known as Portability. Portability should not be used by organisations. The DBS no longer facilitates portability and organisations that choose to accept a previously issued Disclosure do so at their own risk. Further guidance on Portability is available from the [DBS website](#). The law in relation to the scope of criminal records and barring checks changed in 2012, making a distinction between supervised and unsupervised positions. The 'best practice' requirement to renew checks on an individual every three years is now unstated. The current guidance on safe recruitment also allows for explicit use of 'judgement' in decision-making. Employees must be made aware of their obligation to inform their manager of any cautions or convictions that arise between these checks taking place.

Disqualification by Association

Staff are covered by the Act if they are employed and/or provide childcare in either the early years or later years.

- Early Years means from birth until 1st September following a child's fifth birthday i.e. up to and including reception age.
- Later Years means children under the age of 8.

Staff who are directly concerned in the management of early or later years provision are covered by the legislation. Schools will need to use their judgement to determine who is

covered, but this will include the headteacher, and may also include other members of the school's leadership team and any manager, supervisor, leader or volunteer responsible for the day-to-day management of the provision.

Which staff are covered is set out in the table below:

	During School Hours	Outside School Hours*
Reception age or younger	Covered	Covered
Older than Reception age until age 8	Not Covered	Covered
8 years or older	Not Covered	Not Covered

**Outside school hours does not include school clubs, eg. choir or sports' teams, or detentions, but does include breakfast clubs or after-school provision.*

Staff such as caretakers, cleaners, drivers, transport escorts, catering and office staff, who are not employed to directly provide childcare, are not covered by the legislation. Anybody involved in any form of health care provision for a child, including school nurses, and local authority staff, such as speech and language therapists and education psychologists are not covered by the legislation. School governors and proprietors are not covered by the legislation, unless they directly manage, work or volunteer in a relevant provision.

Schools should make staff aware of the disqualification guidance by:

- referring to the guidance in the school's safeguarding policy or another document
- drawing the guidance to the attention of their staff
- recording these checks on the Single Central Record or maintain a separate record

In order to identify cases where a staff member working in relevant childcare settings may be disqualified 'by association', schools must ask only relevant staff to provide, to the best of their knowledge, information about someone who lives or is employed in their household. It is not necessary for schools to ask staff to complete a self-declaration form to obtain information about whether a staff member is 'disqualified by association', but they do need to 'take steps to gather sufficient and accurate information' [about staff in relevant provisions]. Schools must record the date on which disqualification checks were made, either on the single central record or a separately.

Schools must be careful not to ask for information to which they are not entitled when establishing whether a staff member is 'disqualified by association'. Paragraphs 22 – 33 of 'Disqualification under the Childcare Act 2006' gives guidance on appropriate and relevant information sources. *Headteachers are advised to seek HR or legal advice to clarify which information may be requested from relevant staff.*

If a staff member believes they may be disqualified, the first step should be to contact the school's HR provider, legal provider, LADO, safeguarding lead officer or advisor and explain the circumstances. If the school is satisfied that the staff member is 'disqualified by association', they should inform Ofsted and explain to the member of staff that they may apply to Ofsted for a waiver. Although a school must not continue to employ an individual who is disqualified, it does not imply that individuals are prevented from working in a school in any other setting.

Options whilst an Ofsted waiver is being considered

Whilst a waiver is being considered, schools may redeploy staff away from the relevant age groups or adjust their role.

Where a school is unable to redeploy the member of staff or adjust their role, they should consider paid leave or, as a last resort, suspend the person whilst the waiver is considered.

Options where a staff member decides not to apply for a waiver

The school will have to decide with the person could be permanently redeployed or whether dismissal would be appropriate.

Options when a waiver is declined

The school will have to decide with the person could be permanently redeployed or whether dismissal would be appropriate.

Relevant Offences

The table of relevant offences can be found in the document: 'Disqualification under the Childcare Act 2006'.

Applying to Ofsted to waive a disqualification

If you are disqualified, you can request a form from Ofsted to waive the disqualification by emailing them here: disqualification@ofsted.gov.uk The form must be completed in writing. They will not agree to waive a disqualification on the strength of information given over the telephone.

Dealing with convictions

If a DBS is returned with details of convictions HR advice must be sought. Consideration will be given to the Rehabilitation of Offenders Act and also:

- The nature, seriousness and relevance of the offence;
- How long ago the offence occurred;
- One-off or history of offences;
- Circumstances surrounding the offence;
- Changes in circumstances;
- Country in which the offence occurred;
- Decriminalisation and remorse.

Retaining information provided by the DBS

The DBS advice 'Disclosure documents' must be destroyed six months after they are no longer needed. The information recorded must be:

Record of receipt	Information on decisions made	Reference number	Date of issue	Standard or Enhanced check

Information must be readily available for inspectors, to ensure the correct recruitment procedures are being followed. For further information your HR or DBS Disclosure unit should be contacted. Details of discussions with staff about criminal or other declarations must be retained on personal files.

Vetting and Barring Scheme

From October 2009, every employee and candidate recruited to work with children, young people or vulnerable adults will have their Disclosure and Barring Service (DBS) status checked. This will determine whether or not they can be employed or be taken on as a volunteer, and may affect what activities they can undertake. These checks will take place in the same way as DBS checks, and at present no additional forms are envisaged. Employers will also be required to carry out an online check that a prospective employee is a member of the scheme and hence not barred and therefore able to work with children, young people and/or vulnerable adults. The scheme will be based on two barred lists:

- People barred from working with children and/or young people;
- People barred from working with vulnerable adults.

Individuals will be barred either automatically if they are convicted or cautioned for certain offences or following a decision by the DBS. Further information is available from the [Disclosure and Barring Service \(GOV.UK\) website](http://www.gov.uk).

References

When the offer of appointment is made, references must be sought. A minimum of two satisfactory references are required, these must be obtained directly by the organisation. At least one reference must be from the candidates' current or most recent employer. References provide factual information to support appointment decisions, requests must include information on

- The candidate's suitability for the post;
- The qualities and experience the candidate(s) have;
- Details of any disciplinary offences against children or if there have been any child protection concerns (if the post involves working with vulnerable groups) and their outcomes;
- Reason for leaving;
- The referee's relationship to the candidate;

Whether the referee is satisfied that the candidate is suitable to work with children, and if not the referee's concerns and why they think the candidate is not suitable. Open references or testimonials provided by the candidate, i.e. "to whom it may concern" must not be accepted. Open references/ testimonials may be forged or the result of a "compromise agreement". On receipt, references must be scrupulously checked to ensure all questions have been answered satisfactorily. References must be checked against application forms to verify dates of employment. Managers are advised to read between the lines and verify the authenticity of the referee and if the content is ambiguous or unguarded, seek expansion by telephone. Where further information is required the manager may choose to telephone referees to confirm their views on the candidate and to ensure the information provided is accurate. Details of any contact with referees must also be kept i.e. telephone calls. Any information about past disciplinary action or allegations must be considered in the circumstances of the individual case. Cases in which an issue was satisfactorily resolved some time ago or an allegation determined to be unfounded or did not require formal disciplinary sanctions, and in which no further issues have been raised, are less likely to cause concern than more serious or recent concerns, or issues that were not resolved satisfactorily. A history of repeated concerns or allegations over time should give cause for concern. References should be signed.

Temporary or Agency Staff

Organisations that use temporary staff provided by a recruitment agency must still be satisfied that the prospective worker has undergone the necessary reference and criminal record checks. If there is a contract in place with a specific recruitment agency then it is possible to insert a requirement that the agency fully vets all staff before they are put forward for an assignment into that contractual agreement. Alternatively if that contractual assurance is not in place organisations should ensure that they carry out reference checks and DBS checks on temporary staff in the same way as they do on permanent staff.

Overseas Candidates

Candidates are required to ensure they are eligible to work in the UK. Organisations may choose to pay for work permits if appropriate. The DBS are able to provide an 'Overseas information service' which will provide employers with details of the information that applicants may be able to obtain from their country of origin. With references special efforts

need to be taken to ensure sources are reliable, employment history is break-free or explained, and supplementary references must be obtained in order to produce a proper historical work/training history. The Recruiting Manager must take care to ensure sufficient breadth and depth of information is available to make a safe decision.

Risk Assessments – Starting staff before checks are complete

Where there are gaps in information, concerns or matters of judgement, the Recruiting Manager will undertake a risk assessment to determine whether the appointment should proceed or the offer is withdrawn. Consideration will need to be given to the information available and whether further information/advice is required, whether the safety risk is small or can be mitigated by temporary work restrictions. Advice from HR must be sought on potential employment rights matters (for example; where a temporary contract may be considered). The Recruiting Manager will be held accountable for this decision and must 'sign off' the documentation to clear the appointment for processing. Where concerns arise these need to be discussed with HR before any appointment is confirmed.

Withdrawing the Offer

Once an offer of employment has been made it can be rescinded providing the checks outlined in any offer letter are not satisfactory. This is superseded by any legal requirements such as the right to work. It is recommended you contact your HR department before any offer of employment is withdrawn. Where it is appropriate, any concerns must be reported to the designated Local Authority Designated Officer (LADO), in accordance with the Whistle Blowing policy.

Induction

- The introduction of a new member of staff to the organisation begins at the recruitment stage, when messages about being a 'Safe Organisation' are first given. This must be continued through the selection process and when the new person starts work as part of induction. Staff need to feel confident that they can raise issues or concerns about the safety or welfare of children, young people and that they will be listened to and be taken seriously. That can be achieved by maintaining an ethos of safeguarding and promoting the welfare of children, young people and vulnerable adults. All new staff, regardless of previous experience should have an induction. The induction process should:
 - Provide training and information about policies and procedures;
 - Support individuals in a way that is appropriate for the role for which they have been engaged;
 - Confirm the conduct of staff and standards of behaviour the organisation expects and the methods in which issues can be reported;
 - Provide opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role or responsibilities; and
 - Enable the person's line manager or mentor to recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately.
- Information about, and written statements of:
 - Policies and procedures in relation to safeguarding and promoting welfare e.g. child protection, anti-bullying, antiracism, physical intervention or

restraint, intimate care, internet safety and any local child protection and safeguarding procedures;

- Safe practice and the standards of conduct and behaviour expected of staff and how and with whom any concerns about those issues should be raised; and other relevant personnel procedures e.g. disciplinary, capability and whistle blowing.
- Individual supervision, one to one sessions between manager and employee, and appraisal sessions should be diarised.

Monitoring Systems

Organisations must ensure monitoring systems and quality assurance are embedded to ensure that policies are followed through into practice. This will be done in the following ways:

- i. Formal audits of sufficient quality and quantity conducted regularly, allowing ample time for improvements to be made post audit, with results recorded and reported effectively;
- ii. Managers monitor the day to day work environment;
- iii. Employees demonstrate their commitment to providing a protective environment for children and young people. For example, they monitor the supervision of children and young people and demonstrate good practice in relation to physical contact with children; there are clear, appropriate and rigorously enforced policies and procedures in place concerning the transportation of children and young people, ensuring that safeguarding principles are strictly adhered to;
- iv. Guidance on safe working practices is provided for each member of staff and includes clarity in relation to such areas as:
 - a. Non-routine events, such as school trips;
 - b. Child injury/illness;
 - c. Internet use;
 - d. The use, supervision and handling of text and photographic media.

Probationary Period

All new staff (either paid or volunteer) or staff who change posts in an organisation should be closely monitored and there should be clear and timely performance management measures in place. Where formal employment terms and conditions allow, a new starter should be subject to a probationary period. The probationary process ensures that following an appointment, employees are given the necessary support and guidance to enable them to reach the required standard by the end of the probationary period. The probationary period can also ensure a successful induction of employees into their new role. Managers are responsible for monitoring their employee's conduct and performance closely and agreeing a strategy to overcome any shortcomings in a formalised setting, if appropriate. Organisations need to ensure where they have a probationary policy that this provides a process for dealing with employees who are unsuccessful in their probationary period. Probationary periods can usually extend up to a maximum of one year, with employment not normally being confirmed until the end of the probation period.

Code of Conduct

The Staff Code of Conduct provides the values and framework within which employees are required to work and summarises what is expected of employees during their employment. We are committed to the highest standards of honesty and accountability based on legal obligations and statutory guidance. It must be a condition of employment that employees read, understand and adhere to their organisations code of conduct. Failure to adhere should lead to action in line with the disciplinary policy and may in some cases lead to legal action. Codes of conduct cannot cover every eventuality and are neither an exclusive nor exhaustive list of acceptable conduct at work. If employees are unsure whether particular conduct or behaviour is acceptable at work, they must seek guidance from their manager.

Whistle Blowing and Complaints Procedure

Candidates and employees may at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice, health and safety risks to the public or to other employees, damage to the environment, possible fraud or corruption, sexual or physical abuse of other staff or children, or any other unethical conduct, it can be difficult to know what to do. Employees should feel confident about raising serious concerns by providing clear avenues through which concerns can be raised, and reassuring those who raise concerns that they will not be victimised. Those who raise concerns will receive a response and be informed about how their concerns are being dealt with.

Managing Allegations

Despite best efforts to recruit safely there will be occasions when allegations of abuse against children and young people are raised. In cases relating to children instances the London Child Protection Procedures Manual, Allegations against Staff or Volunteers, who Work with Children Procedure will be applied to situations where allegations of this nature are made. These procedures should be applied when there is an allegation or concern that any person who works with children and young people, in connection with their employment or voluntary activity has:

- Behaved in a way that has harmed a child or vulnerable adult;
- Possibly committed a criminal offence against or related to a child;
- Behaved towards a child or children in a way that indicates that they are unsuitable to work with children.

These behaviours should be considered within the context of the 4 categories of abuse (i.e. physical, sexual and emotional abuse and neglect). These include concerns relating to inappropriate relationships between members of staff and children or young people, and also include allegations made against staff in their private lives. (All references in this document to members of staff should be interpreted as meaning "all paid or unpaid staff "). Each partner agency within the Kingston and Richmond Safeguarding Children Board is to identify a named Designated Safeguarding Lead with overall responsibility for :

- Ensuring that the organisation deals with allegations in accordance with the All London Child Protection procedures;
- Resolving any inter agency issues;
- Liaising with the Kingston and Richmond Safeguarding Children Board about these matters.

In accordance with the procedures, Achieving for Children has designated an officer to:

- Be involved in the management and oversight of individual cases;
- Provide advice and guidance to employers and voluntary organisations;
- Liaise with the police and other agencies;

Monitor the progress of cases to ensure we have dealt with this as quickly as possible consistent with the thorough and fair process.

A local authority designated officer (LADO) has also been appointed for schools to help manage the process of to help manage allegations of abuse against staff and teachers within the school setting. In all cases where there is an allegation against an adult working within the children's workforce, a complex strategy meeting will be convened. This meeting will be chaired by an independent officer who will ensure that the appropriate investigations are carried out whether via the criminal processes or through internal disciplinary procedures; or through a child protection enquiry. (Section 47, Children Act 1989). The officer will be responsible for ensuring that the outcomes of these allegations are properly recorded and that due consideration is given to whether a referral needs to be made to the Disclosure and Barring Service (DBS) in terms of suitability to continue working with children or vulnerable adults. It may also be necessary to refer the matter to the relevant professional body of the individual. A decision to do so will be made based on the merits of the case. If the professional body is to be advised of an allegation then the individual must be made aware of that action before doing so. A regular report will be made to the Kingston and Richmond Safeguarding Children Board to highlight the numbers of allegations that have been completed in relation to those adults who work with children from each of the Partner Agencies. Information will be recorded and kept centrally within the Safeguarding Children and Quality Assurance Service, in the Local Authority in accordance with Data Protection Act 1998.

Professional Bodies

Candidates, employees and volunteers are expected to co-operate with Professional/regulatory bodies. Where professional qualifications are required for a position, managers should ensure that copies of relevant qualifications as outlined in the person specification are retained on the employee's personal file. Where membership of regulatory bodies is required, employees are required to ensure these are kept up to date. Where concerns arise employees have a responsibility to disclose this to their manager and discuss where appropriate, this may include adjustments to a post on a temporary basis.

Single Central Records

Records and Personal files must be easily accessible and available for inspection. Files may be kept 'off the premises', however in some circumstances prior agreement may be required. All agencies that interact with schools must keep and maintain a paper or electronic record of the checks which have been carried out on:

- All staff employed at the school;
- Supply staff employed by the school;
- Supply staff engaged through an agency (see 6. below);
- All others who have regular contact with children at the school including:
 - Volunteers;

- Governors who also work as volunteers;
- Others brought into school to provide additional instruction to pupils e.g. sports coaches, artists etc.;
- 'Contractors'.

The SCR must be complete for all persons listed above engaged at the school at 1 January 2007 and all new persons from that date on an ongoing basis - irrespective of how long they are actually at the school (i.e. you must include agency supply staff even if they only come once).

In summary we will ensure that our recruitment process, when recruiting to any safeguarding roles, includes the use of:

- Clear, well defined job descriptions;
- Full and complete application forms from potential candidates;
- "Self - disclosure" forms for the purpose of disclosing convictions early in the recruitment process;
- Full face to face interviews, conducted by staff trained in recruitment and safeguarding awareness;
- Fully recorded document inspections;
- New Disclosure and Barring Service (DBS) checks on recruitment; and every subsequent three years;
- A minimum of two checkable references, with one from the most recent employer, obtained directly by the recruiting organisation;
- Medical checks to ensure candidate's ability to undertake the role;
- Checks to ensure overseas candidates are eligible to work in the UK;
- An appropriate and monitored new starter process and well defined induction;
- A clear code of conduct which is communicated to new starters.

And that the organisations we represent, where we interact with schools:

- Maintain a record of checks carried out on staff or volunteers who have regular contact with schools.

And that our organisation has a policy and procedure to enable:

- Staff to raise any concerns over possible malpractice within the organisation in a safe environment without fear of victimisation;
- Allegations of abuse against staff to be investigated appropriately and in accordance with current best practice guidance.

We will encourage staff and volunteers in our organisations to attend any training provided in relation to safe recruitment and actively promote and encourage best practice.