

# Safer Recruitment, Selection & Disclosure Policy and Procedure

May 2019 v2

## 1 Introduction

SCCU is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. SCCU is also committed to providing a supportive and flexible working environment to all its members of staff. SCCU recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

The aims of SCCU'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), Safeguarding children and safer recruitment in education (Guidance), Keeping Children Safe in Education (KCSIE) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- to ensure that SCCU 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.



## 2 Recruitment and selection procedure

All applicants for employment will be required to complete an online application or paper application form containing questions about their academic and employment history and their suitability for the role. A Curriculum Vitae will not be accepted in place of the completed application form.

Applicants will receive a job description and person specification for the role applied for. Application forms, job descriptions, person specifications and SCCU's Child Protection Policy are available from SCCU's website.

The applicant may then be invited to attend a formal interview at which his / her relevant skills and experience will be discussed in more detail.

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 SCCU's standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified);
- the receipt of two references (one of which must be from the applicant's most recent employer) which SCCU considers to be satisfactory; for teaching positions, confirmation from the National College for Teaching and Leadership that the applicant is not subject to a prohibition order;
- the receipt of an enhanced disclosure from the DBS which SCCU considers to be satisfactory;
- where the position amounts to "regulated activity" (see section 4.3 below) confirmation that

- the applicant is not named on the Children's Barred List administered by the DBS\*;
- verification of the applicant's medical fitness for the role (see section 3 below); and
- 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 SCCU deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).

\*A check of the Children's Barred List is not permitted if an individual will not be undertaking "regulated activity". Whether a position amounts to "regulated activity" must therefore be considered by SCCU in order to decide which DBS checks are appropriate. It is however likely that in nearly all cases a Children's Barred List check will be carried out.

### 3 Medical fitness

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

It is SCCU's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire. SCCU will arrange for the information contained in the Health Questionnaire to be reviewed by SCCU's occupational health advisor. This information will be reviewed against the Job Description and the Person Specification for the particular role. If SCCU's medical advisor has any doubts about an applicant's fitness SCCU will consider reasonable adjustments in consultation with the applicant. SCCU may also seek further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

SCCU 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, considering reasonable adjustments and suitable alternative employment.

## 4 Pre-employment checks

Pre-employment checks in respect of all prospective employees.

### 4.1 Verification of identity and address

All applicants who are invited to an interview will be required to bring with them evidence of identity, right to work in the UK, address and qualifications as set out below and in the list of valid identity documents at Appendix 1 (these requirements comply with DBS identity checking guidelines):

- one document from Group 1; and
- two further documents from either of Group 1, Group 2a or Group 2b, one of which must verify the applicant's current address; and
- original documents confirming any educational and professional qualifications referred to in their application form.

Where an applicant claims to have changed his / her name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) he / she will be required to provide documentary evidence of the change.

SCCU asks for the date of birth of all applicants (and proof of this) in accordance with the Guidance and KCSIE. Proof of date of birth is necessary so that SCCU may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. SCCU does not discriminate on the grounds of age.

### 4.2 References

References will be taken up on short listed candidates for teaching posts prior to interview. Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made. For support staff posts references will only be taken up once an offer is made.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by SCCU. One of the references must be from the applicant's current or most recent employer. If the current / most recent employment does / did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

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. All referees will be sent a copy of the job description and person specification for the role for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title / duties, reason for leaving, performance, sickness (questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made) and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated, unfounded or malicious; and
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated, unfounded or malicious.

SCCU will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials.

SCCU will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.

### 4.3 Criminal records check

Due to the nature of the work, SCCU applies for an enhanced disclosure from the DBS in respect of all prospective staff members and volunteers.

Prior to 29 May 2013 an enhanced disclosure contained details of all convictions on record (including those which are defined as "spent" under the Rehabilitation of Offenders Act 1974) together with details of any cautions, reprimands or warnings held on the Police National Computer. It could also contain non-conviction information from local police records which a chief police officer considered relevant to the role applied for at SCCU.

As of 29 May 2013 the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The DBS and the Home Office have developed a set of filtering rules relating to spent convictions which work as follows:

#### **For those aged 18 or over at the time of an offence**

An adult conviction will be removed from a DBS disclosure if:

- eleven years have elapsed since the date of conviction;
- it is the person's only offence; and
- it did not result in a custodial sentence.

It will not be removed under any circumstances if it appears on a list of "specified offences" which must always be disclosed. If a person has more than one offence

on their criminal record, then the details of all their convictions will always be included.

A caution received when a person was aged 18 or over will not be disclosed if six years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

## For those aged under 18 at the time of an offence

A conviction will be removed from a DBS disclosure if:

- five and a half years have elapsed since the date of conviction; and
- it is the person's only offence; and
- it did not result in a custodial sentence.

Again, the conviction will not be removed under any circumstances if it appears on the list of "specified offences", or if a person has more than one offence on their criminal record.

A caution received when a person was aged under 18 will not be disclosed if two years have elapsed since the date it was issued, and if it does not appear on the list of "specified offences".

The list of "specified offences" which must always be disclosed

This contains a large number of offences, which includes certain sexual, violent and other offences that are considered so serious they will always be disclosed, regardless of when they took place or of the person's previous or subsequent criminal record. The list of "specified offences" can be found at:

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

SCCU 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 SCCU 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 maintained by the DBS. Any position undertaken at, or on behalf of, SCCU (whether paid or unpaid), 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.

This definition will cover nearly all posts at SCCU. Limited exceptions could include an administrative post undertaken on a temporary basis in a school office outside of term time. It is for SCCU to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances.

The DBS now issues a DBS disclosure certificate to the subject of the check only, rather than to SCCU. It is a condition of employment with SCCU that the original disclosure certificate is provided to SCCU within two weeks of it being received by the applicant. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by SCCU.

If there is a delay in receiving a DBS disclosure the Lower Master has discretion to allow an individual to begin work pending receipt of the disclosure. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place. A risk assessment will be completed and reviewed on a fortnightly basis until receipt of the disclosure.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. These applicants may also be asked to provide further information, including a criminal records check from the relevant jurisdiction(s).

## 5 Contractors and agency staff

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

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

SCCU will independently verify the identity of staff supplied by contractors or an agency in accordance with section 4.1 above.

## 6 Policy on recruitment of ex-offenders

### 6.1 Background

SCCU will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. SCCU makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar him / her from employment within SCCU. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 6.2 below.

All positions within SCCU are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except for those to which the DBS filtering rules apply (see paragraph 4.3 above). A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

It is unlawful for SCCU 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 attempt to apply for a position at SCCU. SCCU will make a report to the Police and / or the DBS if:

- it receives an application from a barred person;
- it is provided with false information in, or in support of an applicant's application; or
- it has serious concerns about an applicant's suitability to work with children.

## 6.2 Assessment criteria

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, SCCU will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

### 6.3 Assessment procedure

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, SCCU will carry out a risk assessment by reference to the criteria set out above. The risk assessment must be signed by the HR Director before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, he / she can do so by contacting the DBS direct. In cases where the applicant would otherwise be offered a position were it not for the disputed information, SCCU will, 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.

### 6.4 Retention and security of disclosure information

SCCU's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

In particular, SCCU will:

- store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the HR department;
- not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months. SCCU will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any disclosure information is destroyed by suitably secure means such as shredding; and

- prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates.

## **7 Retention of records**

SCCU is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, SCCU will retain on his / her 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 SCCU to discharge its obligations as an employer e.g. so that SCCU 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 SCCU for the duration of the successful applicant's employment with SCCU. After employment ends it will be retained in accordance with SCCU's document retention guidelines.

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after twelve months.

In line with the Data Protection Act 2018, we rely upon our contractual, legal rights and our legitimate interests for processing and storing this data.

## **8 Referrals to the DBS and National College for Teaching and Leadership (NCTL)**

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 SCCU also has a legal duty to make a referral to the DBS in circumstances where an individual:-

- has applied for a position at SCCU despite being barred from working with children; or
- has been removed by SCCU 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.

If the individual referred to the DBS is a teacher, SCCU may also decide to make a referral to the NCTL.

## 9 Queries

If an applicant has any queries on how to complete the application form or any other matter he / she should contact the HR department.

## Appendix 1

### List of valid identity documents

#### Group 1: primary trusted identity credentials

- current valid passport
- biometric residence permit (UK)
- current driving licence (full or provisional) (UK / Isle of Man / Channel Islands; photo card with the associated counterpart licence; except Jersey)
- birth certificate (UK & Channel Islands) - issued at the time of birth (within 42 days of the date of birth); Full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces

#### Group 2a: trusted government / state issued documents

- current UK driving licence (old style paper version)
- current non-UK driving licence (valid for up to 12 months from the date the applicant entered the UK)
- birth certificate (UK and Channel Islands) – issued at any time after the date of birth by the General Registrar Office / relevant authority i.e. Registrars)
- marriage / civil partnership certificate (UK and Channel Islands)
- adoption certificate (UK and Channel Islands)
- HM Forces ID card (UK)
- fire arms licence (UK and Channel Islands)

#### Group 2b: Financial / social history documents

- mortgage statement (UK or EEA)\*\*

- bank / building society statement (UK and Channel Islands or EEA)\*
  - bank / building society account opening confirmation letter (UK)
  - credit card statement (UK or EEA)\*
  - financial statement \*\* - e.g. pension, endowment, ISA (UK)
  - P45 / P60 statement \*\*(UK and Channel Islands)
  - council tax statement (UK and Channel Islands) \*\*
  - work permit / visa (UK) (UK Residence Permit) \*\*
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- letter of sponsorship from future employment provider (non UK / non EEA only valid for applicants residing outside the UK at the time of application)
  - utility bill (UK)\* – not mobile telephone
  - benefit statement\* - e.g. child benefit, pension
  - a document from central / local government/ government agency / local authority giving entitlement (UK and Channel Islands)\*- e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs (HMRC), Job Centre, Job Centre Plus, Social Security
  - EU national ID card
  - cards carrying the PASS accreditation logo (UK)
  - letter from Head or College Principal (UK) for 16-19 year olds in full time education.

This is only used in exceptional circumstances if other documents cannot be provided.

## Note

If a document in the list of valid identity documents is:

denoted with \* - it should be less than three months old

denoted with \*\* - it should be less than 12 months old





not denoted – it can be more than 12 months old