



## **Safer Recruitment Policy (More Education and Subsidiaries)**

### **INTRODUCTION**

The safe recruitment of staff and volunteers in charities (and community hubs) is the first step to safeguarding and promoting the welfare of children and adults. More Education is committed to safeguarding and promoting the welfare of all children, young people and adults in its care. The Charity expects all staff and volunteers to share this commitment.

### **AIMS AND OBJECTIVES**

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

The aims of the Charity'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 Charity meets its commitment to safeguarding and promoting the welfare of children and adults 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 Charity 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 charity 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 REC001 Recruitment Policy).

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

## **ROLES AND RESPONSIBILITIES**

It is the responsibility of the Trustees to:

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

It is the responsibility of the Chair of Trustees and other Managers involved in recruitment to:

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

The Trustee Board has delegated responsibility to the Head of Operations to lead in all appointments. Charity trustees may be involved in staff appointments.

### **Definition of Regulated Activity and Frequency**

Any position undertaken at, or on behalf of the Charity 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 or vulnerable adults

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 Charity is not permitted to check the Children's Barred List unless an individual will be engaging "regulated activity". The Charity 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 Charity 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

Please see REC001

### OFFER OF APPOINTMENT AND NEW EMPLOYEE PROCESS

In accordance with the recommendations set out in REC001 and the requirements of the Department for Education (Independent School Standards) Regulations 2014 the Charity 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 Charity's standard terms and conditions of employment;
- verification of the applicant's identity (if not previously been verified);
- the receipt of two references (one of which must be from the applicant's most recent employer) which the Charity considers to be satisfactory;
- for positions which involve "teaching work":
- the Charity being satisfied that the applicant is not, and has never been, the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency (formerly National College for Teaching and Leadership), or any predecessor or successor body, or by a regulator of the teaching profession in any other European Economic Area country which prevents the applicant working at the Charity or which, in the Charity's opinion, renders the applicant unsuitable to work at the Charity; and

the Charity being satisfied that the applicant is not, and has never been, the subject of any proceedings before a professional conduct panel or equivalent body in the UK or any other country for any reason which prevents the applicant working at the Charity or which, in the Charity's opinion, renders the applicant unsuitable to work at the Charity;

where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which the Charity considers to be satisfactory;

where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List<sup>1</sup>;

confirmation that the applicant is not subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a charity, taking part in the management of an independent charity or working in a position which involves regular contact with children;

confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent charity;

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 Charity deems a requirement for the post, or which the applicant otherwise cites in support of their application (where not previously verified).

Whether a position amounts to "regulated activity" must therefore be considered by the Charity to decide which checks are appropriate. It is however likely that in nearly all cases the Charity 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 children or adults. Therefore, any convictions and cautions that would normally be considered 'SPENT' must be declared when applying for any position at More Education.

### **DBS (Disclosure and Barring Service) Check**

The Charity applies for an enhanced disclosure from the DBS and a check of the Children's Barred List for school based roles (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the Charity 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 Charity's policy that the DBS disclosure must be obtained before the commencement of employment of any new employee.

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<sup>1</sup> *The Charity is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The Charity 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 Charity 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.*



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It is the Charity's policy to re-check employees' DBS Certificates every three years and in addition any employee who takes leave for more than three months (ie maternity leave, career break etc) must be re-checked before they return back to work.

Members of staff at More Education are aware of their obligation to inform the Head of Operations 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 for a fee of £13 per annum, which is payable by the applicant.

This allows for portability of a Certificate across employers. The Charity will:

Obtain consent from the applicant to carry out an update search.

Confirm the Certificate matches the individual's identity.

Examine the original certificate to ensure that it is for the appropriate workforce and level of check, ie enhanced certificate/enhanced including barred list information.

The Update check would identify and advise whether there has been any change to the information recorded, since the initial Certificate was issued. Applicants will be able to see a full list of those organisations that have carried out a status check on their account.

### **DBS Certificate**

The DBS no longer issue Disclosure Certificates to employers, therefore employees/applicants should bring their original Certificate to the Head of operations (for employees within 7 days of issue or applicants before they commence work or any project involving regulated activity).

### **Dealing with convictions**

The charity will operate 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 Head of Human Resources. A decision will be made following this meeting. In the event that relevant information (whether in relation to previous



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convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Head of Human Resources 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 Charity 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.

### **Secretary of State Prohibition Orders (Teaching & Management roles)**

In all cases where an applicant is to undertake a teaching role of any kind, a Prohibition Order check will be made using the Employer Access Online Service. It is anticipated that this will be performed at offer stage. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.

Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the Teaching Regulation Agency. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so. A section 128 direction 39 prohibits or restricts a person from taking part in the management of an independent charity.

A person who is prohibited is unable to participate in any management of an independent charity, a governor on any governing body in an independent charity, or a management position that retains or has been delegated any management responsibilities. A check for a section 128 direction will be carried out using the Teacher Services' system. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

### **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 charity 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 the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines. The Charity does not discriminate on the grounds of age.

Where an applicant claims to have changed their name by deed poll or any other means (eg marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change. In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification legally required for the position and claimed in their application form.

### **Medical Fitness**

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



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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 Charity 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 checks**

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

In addition, applicants who have lived/travelled abroad for more than 3 months will need to obtain a criminal records check from the relevant country. The applicant will not be permitted to commence work until the overseas information has been received and is considered satisfactory by the Charity.

### **Certificates of Sponsorship (CoS)**

If an appointed applicant is a national of a non-EEA country, a CoS may be required. Before any offer of employment is made, the Interviewing Managers should consult with the Human Resources Department to establish whether the charity has any unallocated Sponsorship Certificates.

Criteria for issuing a CoS are:

The job is in a "designated shortage" occupation, or  
It passes the Resident Labour Market Test (RLMT)  
The job is at NQF6 Level or above  
Minimum salary levels as stated by the UKVI are met.

Only the Human Resources Department will be able to issue a CoS. In addition to the CoS the applicant must apply for entry clearance/leave to remain through the UKVI and comply with the UKVI requirements.

The process can take up to three months and staff cannot, under any circumstances, be employed until permission is given.

Detailed advice on the above is available from the Human Resources Department.

### **Induction Programme**

All new employees will be given an induction programme which will clearly identify the charity policies and procedures, including the Child Protection Policy, the Code of Conduct and make clear the expectations which will govern how staff carry out their roles and responsibilities.

### **Single Centralised Register of Members of Staff**



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In addition to the various staff records kept in charity and on individual personnel files, a single centralised record of recruitment and vetting checks is kept in accordance with the Education (Independent Charity Standards) Regulations 2014 requirements. This is kept up-to-date and retained by the Human Resources Department in Kingsland House. The Single Centralised Register will contain details of the following:-

- All employees who are employed to work at the charity;
- all employees who are employed as supply staff to the charity whether employed directly or through an agency;
- all others who have been chosen by the charity to work in regular contact with children. This will cover volunteers, governors, peripatetic staff and people brought into the charity to provide additional teaching or instruction for children or adults but who are not staff members, eg sports coaches etc.
- A designated Governor will be responsible for auditing the Single Centralised Register and reporting his/her findings to the full Governing Body during the Summer Term meeting.

### Record Retention/Data Protection

The Charity is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the Charity 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 Charity to discharge its obligations as an employer, eg so that the Charity 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 Charity for the duration of the successful applicant's employment with the Charity. All information retained on employees is kept centrally in the Human Resources Office in a locked and secure cabinet.

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

More Education will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed (ie shredded). The 6-month retention period is in accordance with the General Data Protection Regulations (GDPR) [DPA18].

### Ongoing Employment

More Education 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 charity will therefore provide ongoing training and support for all staff, as identified through the Annual Review/appraisal procedure.

### Leaving Employment at More Education





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

- has applied for a position at the Charity despite being barred from working with children; or
- has been removed by the Charity 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, the Charity may also decide to make a referral to the Teaching Regulation Agency.

### **Contractors and agency staff**

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

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

The Charity 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 Charity.

### **Visiting Speakers (and Prevent Duty)**

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

The Charity 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 Charity or perform any other regular duties for or on behalf of the Charity.

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

The Charity 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 Charity. In doing so, the Charity will always have regard to the [Visitors and Security Policy], the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:



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*"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 Charity 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 Charity will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with children or adults at or on behalf of the Charity (the definition of regulated activity set out above will be applied to all volunteers). If applicable, the Adult's Barred List will also be included.

Under no circumstances will the Charity permit an unchecked volunteer to have unsupervised contact with children or vulnerable adults.

It is the Charity's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the Charity for three consecutive months or more.

Those volunteers who are likely to be involved in activities with the Charity on a regular basis may be required to sign up to the DBS update service as this permits the Charity to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition the Charity may 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 Head of Operations will be responsible for ensuring that this policy is monitored and evaluated throughout the charity.

Policy Name	Safer Recruitment
Version Number	V1
This policy was developed by	Head of Operations



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These people were consulted/ involved in developing the policy	Chair of Trustees
This Policy was adopted by	Trustee Board
Date	01.12.21
Signed (Chair of Trustees)	