



# **Safer Recruitment Policy**

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## Introduction

The safety and wellbeing of our learners is our top priority, and we take all reasonable and sensible measures to ensure they are kept safe from harm.

We operate a Safer Recruitment Policy which ensures that all our staff are committed to safeguarding and promoting the welfare of learners. This helps ensure the safety of the children and young adults who attend our college and our adult volunteers/staff who provide for their supervision and care.

As an employer, Liberty expects all staff and volunteers to share this commitment. We believe this policy should be a working document that is fit for purpose, represents the college ethos, enables consistency and quality across the college.

Safer Recruitment is about more than obtaining a satisfactory criminal record check. It is about attracting the right candidate for the post and ensuring that the information a candidate has given on their application form is consistent, can be verified and is accurate.

Keeping Children Safe in Education statutory guidance provides the legal requirements that governing bodies and proprietors need to understand when appointing individuals to engage in regulated activity relating to children and young people. It covers the importance of ensuring the correct pre-appointment checks are carried out with the aim of helping to identify whether a person may be unsuitable to work with children and young people (and in some cases is legally prohibited from working with children and/or working as a teacher).

Having safer recruitment practices in place can also help to assess whether the candidate has the right attitudes, values and behaviours to work with young people, as well as ensuring potential applicants are given the right messages about the college's commitment to recruit suitable people.

Safer Recruitment is embedded into the Liberty College recruitment process to ensure the following:

- Learners are able to learn and in a safe environment
- Statutory responsibilities are adhered to
- Appropriate staff are appointed for the job they do
- Recruited staff and volunteers are the best in their field.

This policy describes the recruitment processes and the checks which are in place to help deter, reject or identify people who are unsuitable to work within our learning environment.

Our Safer Recruitment practices cover:

- Training to ensure that all managers involved in the recruitment process are aware of their responsibilities with regards to safer recruitment practices
- Information available to candidates to help deter those that are unsuitable from applying and to ensure those that are successfully appointed are clear on the culture of safeguarding and its importance within Liberty College
- Safer Recruitment Checks – References, DBS, Criminal record check of overseas applicants (if applicable), Prohibition Checks and Right to Work in the UK.

## Recruitment and Selection Process

The recruitment steps outlined below are based on part 3 of Keeping Children Safe in Education.

To make sure we recruit suitable people, we will ensure that those involved in the recruitment and employment of staff to work with learners have received appropriate safer recruitment training.

We have put the following steps in place during our recruitment and selection process to ensure we are committed to safeguarding and promoting the welfare of all learners.

### Advertising

When advertising roles, we will make clear:

- Our college's commitment to safeguarding and promoting the welfare of all learners
- That safeguarding checks will be undertaken
- The safeguarding requirements and responsibilities of the role, such as the extent to which the role will involve contact with children and vulnerable adults
- Whether or not the role is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. If the role is exempt, certain spent convictions and cautions are 'protected', so they do not need to be disclosed, and if they are disclosed, we cannot take them into account
- That it is an offence to apply for the role if an applicant is barred from engaging in regulated activity relevant to children (where the role involves this type of regulated activity)
- Include a link to our website which includes our Child & Adult Safeguarding Policy and our Safer Recruitment Policy.

### Application Forms

All applications are made via Kent-Teach.com and adhere to safer recruitment processes.

### Shortlisting

All applications are made via Kent-Teach.com and adhere to safer recruitment processes.

Our shortlisting process will involve at least 2 people and will:

- Consider any inconsistencies and look for gaps in employment & reasons given for them
- Explore all potential concerns
- Social media search

We will carry out an online search on shortlisted candidates to help identify any incidents or issues that are publicly available online. Shortlisted candidates will be informed that online searches may be carried out as part of the recruitment process.

Once we have shortlisted candidates, we will ask shortlisted candidates to:

- Complete a self-declaration of their criminal record or any information that would make them unsuitable to work with children/young people, so that they have the opportunity to share relevant information and discuss it at interview stage. The information we will ask for includes:

- If they have a criminal history
- Whether they are included on the barred list
- Whether they are prohibited from teaching
- Information about any criminal offences committed in any country in line with the law as applicable in England and Wales
- Any relevant overseas information
- Sign a declaration confirming the information they have provided is true

### **Seeking references and checking employment history**

We will obtain references before interview. Any concerns raised will be explored further with referees and taken up with the candidate at interview.

When seeking references we will:

- Not accept open references
- Liaise directly with referees and verify any information contained within references with the referees
- Ensure any references are from the candidate's current employer and completed by a senior person. Where the referee is school based, we will ask for the reference to be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations
- Obtain verification of the candidate's most recent relevant period of employment if they are not currently employed
- Secure a reference from the relevant employer from the last time the candidate worked with children and young people if they are not currently working with children and young people
- Compare the information on the application form with that in the reference and take up any inconsistencies with the candidate
- Resolve any concerns before any appointment is confirmed

### **Interview and selection**

When interviewing candidates, we will:

- Probe any gaps in employment, or where the candidate has changed employment or location frequently, and ask candidates to explain this
- Explore any potential areas of concern to determine the candidate's suitability to work with children and young people
- Record all information considered and decisions made

### **Pre-appointment vetting checks**

We will record all information on the checks carried out in the college's single central record (SCR). Copies of these checks, where appropriate, will be held in individuals' personnel files. We follow requirements & best practice in retaining copies of these checks, as set out below.

## **New Staff**

All offers of appointment will be conditional until satisfactory completion of the necessary pre-employment checks. When appointing new staff, we will:

- Verify their identity

- Obtain (via the applicant) an enhanced DBS certificate, including barred list information for those who will be engaging in regulated activity (see definition below). We will obtain the certificate before appointment, including when using the DBS update service. We will not keep a copy of the certificate for longer than 6 months, but when the copy is destroyed we may still keep a record of the fact that vetting took place, the result of the check and recruitment decision taken
- Obtain a separate barred list check if they will start work in regulated activity before the Liberty DBS certificate is available
- Verify their mental and physical fitness to carry out their work responsibilities
- Verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards
- Verify their professional qualifications, as appropriate
- Ensure they are not subject to a prohibition order if they are employed to be a teacher
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. These could include, where available:
  - For all staff, including teaching positions: criminal records checks for overseas applicants
  - For teaching positions: obtaining a letter from the professional regulating authority in the country where the applicant has worked, confirming that they have not imposed any sanctions or restrictions on that person, and/or are aware of any reason why that person may be unsuitable to teach
  - Check that candidates taking up a management position\* are not subject to a prohibition from management (section 128) direction made by the secretary of state

\* Management positions are most likely to include, but are not limited to those on the Senior Leadership Team.

**Regulated activity** means a person who will be:

- Responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children; or
- Carrying out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- Engaging in intimate or personal care or overnight activity, even if this happens only once and regardless of whether they are supervised or not

## Existing Staff

In certain circumstances we will carry out all the relevant checks on existing staff as if the individual was a new member of staff. These circumstances are when:

- There are concerns about an existing member of staff's suitability to work with children and young people; or
- An individual moves from a post that is not regulated activity to one that is; or
- There has been a break in service of 12 weeks or more

We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- We believe the individual has engaged in [relevant conduct](#); or
- We believe the individual has received a caution or conviction for a relevant (automatic barring either with or without the right to make representations) offence, under the [Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria and Miscellaneous Provisions\) Regulations 2009](#); or
- We believe the 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and
- The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

## Agency and Third Party Staff

We will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

## Contractors

We will ensure that any contractor, or any employee of the contractor, who is to work at the college has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract). This will be:

- An enhanced DBS check with barred list information for contractors engaging in regulated activity
- An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children
- We will obtain the DBS check for self-employed contractors. We will not keep copies of such checks for longer than 6 months. Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.

We will check the identity of all contractors and their staff on arrival at the college.

## Volunteers

We will:

- Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity
- Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in regulated activity
- Obtain two references, one being the most recent employer
- Carry out a risk assessment when deciding whether to seek an enhanced DBS check without barred list information for any volunteers not engaging in regulated activity. We will retain a record of this risk assessment

## Advisory Board

All advisors will have an enhanced DBS check without barred list information.

They will have an enhanced DBS check with barred list information if working in regulated activity.

All advisors will also have the following checks:

- A section 128 check (to check prohibition on participation in management under [section 128 of the Education and Skills Act 2008](#)).
- Identity
- Right to work in the UK
- Other checks deemed necessary if they have lived or worked outside the UK
- Two references

## Directors

All directors will have an enhanced DBS check with barred list information.

All directors will also have the following checks:

- A section 128 check (to check prohibition on participation in management under [section 128 of the Education and Skills Act 2008](#)).
- Identity
- Right to work in the UK
- Other checks deemed necessary if they have lived or worked outside the UK

## Adults Who Supervise Learners on Work Experience

When organising work experience, we will ensure that policies and procedures are in place to protect learners from harm.

We will also consider whether it is necessary for barred list checks to be carried out on the individuals who supervise a learner on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity.

## Recruitment of Ex-Offenders

As a college using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, Liberty 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 Disclosure on the basis of a conviction or other information revealed.

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

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.

Under the relevant legislation, it is unlawful for the college to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the college to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the college to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006".

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the college. The college will report the matter to the Police and/or the DBS if:

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

If the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct.

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 DBS check, the college will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- whether the conviction or caution is 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account);
- 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;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children and vulnerable adults, it is the college's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the college's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the college's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving.