



Safer Recruitment

TRUST POLICY & PROCEDURE

Document Revised:	December 2021
Ratified by Trustees:	January 2022
Next Review Date:	January 2023

Content

The following sections are included in this policy document:

Introduction

1. Recruitment and selection policy statement
2. Purpose
3. Aims and objectives
4. Principles
5. Pre-recruitment process
6. Conditional offer of appointment and pre-appointment checks
7. Probationary period
8. Post appointment induction
9. Retention and security of records
10. Training
11. Policy Review

Appendix 1

Policy statement on the recruitment of ex-offenders

Appendix 2 (a & b)

Flow Chart for DBS Cautions and Convictions



Safer Recruitment

Introduction

Safe recruitment is central to the safeguarding of children. All organisations which employ staff or volunteers to work with children have a duty to safeguard and promote their welfare. This includes ensuring that the organisation adopts safe recruitment and selection procedures which prevent unsuitable persons from gaining access to children.

This Safer Recruitment policy has been produced in line with the Department for Education (DfE) Statutory Guidance 'Keeping Children Safe in Education'.

This policy aims to ensure both safe and fair recruitment and selection is conducted at all times. Safeguarding and promoting the welfare of The Trust's children are an integral factor in recruitment and selection and an essential part of creating safe environments for the children.

This policy applies to all applicants, interviewees and employees, including employees applying for an alternative role.

Talbot House Trust (North East) Limited ("the Trust") expects all employees to work within the Trust's rules and procedure. All employees have a responsibility to conduct themselves in an appropriate and professional manner in accordance with the Trust's Code of Conduct and values, and co-operate in the application of this procedure.

This policy and procedure does not form part of any employee's contract of employment and it may be amended at any time. The Trust may also vary this procedure, including any time limits, as appropriate in any case.

1. Recruitment and Selection policy statement

The Trust is committed to:

- ensuring the best possible environment for our children attending in our school and / or living within our children's residential care home. Safeguarding and promoting the welfare of the children is our highest priority.
- attracting, selecting and retaining employees who will successfully contribute to the aims of the Trust. Motivated and committed staff with appropriate knowledge, skills, experience and ability to do the job is essential to the Trust's success.

The Trust aims to recruit staff that share and understand our commitment and to ensure that no applicant is treated unfairly by reason of a protected characteristic as identified within the Equality Act 2010.

2. Purpose

To ensure the recruitment of staff is conducted in a fair, effective and economic manner.

To achieve this purpose those responsible for each stage of the recruitment process will deal honestly, efficiently and fairly with all internal and external applicants.

3. Aims & Objectives

To ensure that the safeguarding and welfare of the Trust's children takes place at each stage of the process and to ensure consistent and equitable approach to the appointment of all the Trust's staff.

4. Principles

The following principles are encompassed in this policy:

- All applicants will receive fair treatment;
- The job description and person specification are essential tools used throughout the process;
- Staff will be recruited on the basis of the knowledge, experience and skills needed for the job;
- Selection will be carried out by a panel of at least two, but preferably three, members;
- Selection will be based on a minimum of the following: a completed application form, shortlisting and an interview;
- Interviews will include two different personality sections designed both to relax the interviewee and to get an insight in to their personality;
- All posts will be advertised, however the Trust reserves the right to advertise internally first and / or internally and externally at the same time;
- The Disability Discrimination Act requires that reasonable adjustment is made to the recruitment process if an applicant makes the Trust aware that they have a disability. This applies to the whole recruitment process from advertisement to appointment.
- During any pandemic the Trust reserves the right to the adapt the above procedures, however, will ensure, in so far as is reasonability practicable, to continue to follow the full process despite any adaptations made (for example conducting interviews online rather than in person).

5. Pre-recruitment Process

5.1 Advertising

The advertisement will include a statement about the Trust's commitment to safeguarding and promoting the welfare of children and reference to the need for the successful applicant to undertake an enhanced Disclosure and Barring Service or DBS Update Service check. For Teaching roles this will also include a Teacher Status Check.

5.2 Job Description & Person Specification

An accurate job description is required for all posts, which includes the following:

- The main duties of the post;
- The extent of contact / responsibility for children.

A person specification, which is a profile of the necessary requirements for the post, is also required, which includes the following:

- The essential and desirable qualifications and experience;
- Other requirements needed to perform the role in relation to working with children;
- The competencies and qualities that the successful candidate should be able to demonstrate.

5.3 Information Packs

All information given / made available to applicants should highlight the importance of the rigorous selection processes and the duty to safeguard and promote the welfare of children. It should be clear that proof of identity will be required, as well as a **Disclosure and Barring Service** check.

Each applicant should be issued / have access to / be directed to the following:

- The application form (to include explanatory notes about completing the form);
- The job description and person specification;
- Relevant information about the organisation;
- The Safer Recruitment Policy;
- A Safer Recruitment Form;
- A Diversity & Monitoring Form.

5.4 Application Form

Applicants must complete an application form; this is to obtain a common set of core data. The Trust will not accept a curriculum vitae (CV) in place of an application form. This is because CVs may only contain the information that the applicant wishes to present and may omit relevant details.

The application form and information contained within other recruitment documents listed above refer to the Trust's commitment to safeguarding. The Trust will make applicants aware that all posts involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post.

Application Forms include:

- Identifying details of the applicant including current and former names, current address and National Insurance Number;

Safer Recruitment

- A full history in chronological order since leaving secondary education, including periods of any post-secondary education/training and part-time and voluntary work as well as full time employment, with start dates, explanations for periods not in employment (or education/training) and reasons for leaving employment;
- A history of any academic and / or vocational qualifications with details of grade achieved, awarding body and date of award;
- A section to details referees contact information. See section 5.5 for further details of referees / references.
- A section for the applicant to write a detailed statement of the skills and abilities, and competencies / experience that the applicant believes are relevant to their suitability for the post and how they meet the essential and desirable criteria of the person specification;
- A statement explaining that the post is exempt from the Rehabilitation of Offenders Act 1974;
- An area requesting any previous - including spent - convictions, cautions, reprimands, warnings or bind-overs is included in the Safer Recruitment Form which must be submitted at time of application;
- To comply with the Equality Act 2010, the date of birth is no longer included on the main application form, but added to a diversity monitoring form, which can be retained by HR and not made available to those involved in the short-listing process;

The Trust is aware that some online platforms only allow an applicant to submit their CV, it is always specified in the advert and so applicants who do not apply as per the advert are not guaranteed contact, however, the Trust will endeavour to contact the applicant to further request an application is completed.

If an applicant required additional help to complete an application form the Trust reserves the right to invite them to attend a meeting to help them complete an application form.

As the position for which applicants are applying involves substantial opportunity for access to children, it is important that applicants provide the Trust with legally accurate answers. Upfront disclosure of a criminal record may not debar an applicant from appointment as the Trust shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors.

Any unspent convictions, cautions, reprimands or warnings must be disclosed to the Trust. Amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring Service website.

Successful applicants will be required to complete an online Disclosure from the Disclosure and Barring Service (DBS) for the position, this is paid for by the Trust. Additionally, successful applicants should be aware that they are required to notify the Trust immediately if there are any reasons why they should not be working with children. Following receipt of the DBS the applicant must subscribe to the DBS Update Service which is renewed each year and paid for by the Trust during continued employment.

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

5.5 References

Although there is no obligation for employers to provide references, the Trust aims to provide references on request, wherever possible.

The purpose of references is to obtain factual information, in confidence, from a third party to provide a factual check on a candidate's employment history, qualifications, experience etc. in relation to the post for which they have applied. This is to support either the selection process or appointment decisions.

The information sought usually includes length of employment, job title, brief details of responsibilities, reasons for leaving etc. References may also be used to check factual evidence such as time keeping, sickness absence record, general performance and development.

The purpose of references is to obtain objective and factual information.

Referees will be asked to complete the Trust's reference request pro-forma.

Details of referees are required to be completed in full on the application form. One referee should be the applicant's current or most recent employer, to include details of their direct line manager (Head Teacher for teaching and direct school support staff). The Trust will not accept references from previous / current colleagues.

A second reference may be academic, however, the Trust reserves the right to contact any previous company, educational establishment and / or any other institution listed on the application form to obtain a reference.

By completing an application form the applicant gives permission to the Trust to obtain references from the point of receipt onwards;

A minimum of two referees will be sought for each applicant who is short listed / each new employee;

Where an applicant is not currently working with children, but has done so in the past, an additional reference is also obtained from that organisation in addition to the current or most recent employer;

Where an applicant is applying to work within our children's residential home the Trust must do everything we can to confirm reason for leaving all previous posts which involved working with children. Therefore, additional references must be sought and so applicants are required to complete all additional details where this is applicable.

The Trust will verify all electronic references by phone call as minimum.

References should not be accepted from relatives or friends.

If the applicant does not wish the Trust to take up references in advance of the interview, they should indicate this on the application form. Where a reference has not been obtained on the preferred

Safer Recruitment

candidate before the interview, once received it should be scrutinised and any concerns resolved satisfactorily before the applicant's appointment is confirmed;

All referees will be provided with a copy of the job description and person specification and will be asked, amongst other things, to confirm the following:

- The referee's relationship with the candidate, e.g. did they have a working relationship and how long has the referee known the candidate (start and end dates);
- Confirmation of the applicants current / previous job title and final salary;
- Whether they believe that the applicant is suitable for the job for which they have applied;
- Whether they have any reason to believe that the applicant is unsuitable to work with children;
- The applicant's date of employment, salary, job title/duties, reason for leaving, performance 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);
- Whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or their behaviour towards children;
- Whether the referee is satisfied that the candidate is suitable to work with children/Adults at Risk. If not, for details of the referee's concerns and the reason why the person might be unsuitable.

References may be sought at any point from receipt of application form, and wherever possible, prior to an interview being held. The Trust reserves the right to seek references following interview stage pending the number of interviews. By applying for the role applicants given permission for references to be sought.

5.6 On receipt of references:

Each reference will be checked to ensure all questions have been answered and that answers are deemed satisfactory by the Trust;

Any information about past disciplinary action or allegations will 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.

Offers of employment are subject to satisfactory references (the references must be deemed satisfactory by the Trust, not the applicant). If any references sought, including any additional references, are returned and are deemed to be unsatisfactory by the Trust an offer of employment may be withdrawn at that time.

References may not always be shared, please refer to the Trust's **Data Protection Policy** for more details.

5.7 Short Listing

The same selection panel should short list and interview the applicant. At least one member of the panel should have undertaken safer recruitment training. Shortlisting will usually be completed group during a meeting of the panel.

The Trust will shortlist applicants according to the relevance and suitability of their professional attributes and personal qualities to the role. Short-listed applicants will then be invited to attend a formal interview at which their relevant skills and experience will be discussed in more details.

All application forms should be scrutinised to ensure:

- They are fully and properly completed;
- The information is consistent and does not contain any discrepancies;
- Gaps in employment/training or a history of repeated changes of employment are identified.

Incomplete applications should not be accepted.

Any anomalies, discrepancies or gaps in employment and the reasons for this should be noted, so that they can be taken up as part of the consideration of whether to short list the applicant, as well as a history of repeated changes of employment without any clear career or salary progression or a mid-career move from a permanent to temporary post.

All candidates should be assessed equally against the criteria contained in the person specification.

5.8 Interviews

All formal interviews will have a panel of at least two people. One person will be appointed as chair of the panel; this is usually the most senior member of the panel. At least one person on the appointment panel will have undertaken safer recruitment training.

Prior to the interview the panel will meet to agree the assessment criteria and to prepare a list of questions they will ask all applicants relating to the requirements of the post. The panel will also identify any issues they wish to explore with each applicant based on the information provided in their application form, safer recruitment form and within their references.

The interview will assess the merits of each applicant against the job requirements and explore their suitability to work with children. No job offer will be made without a face-to-face interview. During any pandemic the Trust reserves the right to adapt the above procedures, however, it will ensure, in so far as is reasonably practicable, to continue to follow the full process despite any adaptations made (for example the need to hold interviews online may prevent face-to-face in person).

Interviews will usually be a two-stage process with a first interview for those successfully short listed and second interview for those who are successful following their first interview.

During the interview process, open ended questions will be used to explore the applicant's suitability for the post. Questions will also be asked about the applicant's attitude towards child protection / safeguarding requesting examples of incidents from the applicant's history rather than hypothetical incidents.

The interview panel will apply the same procedures to all applicants.

Safer Recruitment

All applicants should bring with them documentary evidence of their right to work in the UK and their identity. Evidence should be as prescribed by UK Visas and Immigration and the Disclosure and Barring Service, and can include a current passport or driving licence including a photograph, or, alternatively, a full birth certificate along with proof of national insurance number. All applicants must also bring with them a document such as a utility bill or financial statement that shows the candidate's current name and address (please note that these latter two are time-limited and must be no more than 3 months old). If appropriate change of name documentation must be evidenced. Please note that originals of the above are required. Photocopies or certified copies are not sufficient. Some form of photographic ID must be seen at first interview stage. Photocopies may not be taken at this stage.

Applicants should bring documents confirming any educational and professional qualification(s). If this is not possible, written confirmation must be obtained from the awarding body. Also documentation of registration with appropriate professional body. Photocopies may not be taken at this stage.

A copy of the documents used to verify the successful candidate's identity and qualifications must be kept for the personnel file if successful following interview and the role is offered and accepted. The successful applicant is required to submit the same documentation usually within 5 days following an offer of employment, where upon copies will be taken and retained on file to complete pre-employment checks and online enhanced DBS submission.

Applicants with disabilities who are invited to interview are invited to inform the Trust of any necessary reasonable adjustments or arrangements to assist them in attending the interview. The Trust will endeavour to make any such reasonable adjustments to accommodate an interviewees requests.

Notes of the applicant's interview answers should be collated by chair of the panel and stored by HR in accordance with data protection requirements.

5.9 The interview panel

A minimum of two people will make up the interview panel. At least one being safer recruitment trained, however, who sits on the panel will differ pending the role, as follows:

- CEO – will usually be present at all interviews involving management level roles, school direct staff, residential staff, administration staff and appointment of Trustees and Governors;
- The Head of Development / Deputy CEO, will provide cover in the absence of the CEO and will also usually be present at all interviews involving, management level roles, administration staff, maintenance staff, kitchen and domestic staff and the appointments of Trustees and Governors;
- The Head Teacher will usually be present at all interviews involving direct school staff and the appointment of Trustees and Governors;
- The Registered Manager will usually be present at all interviews involving residential staff;
- The Assistant Head of Primary will usually be present at all interviews involving direct Primary school staff;
- At least one Trustee will be invited to attend interviews for management level roles as well as teaching roles or other senior school roles;
- A member of the HR Department will be present at all interviews.

5.10 Scope of the Interview

In addition to assessing and evaluating the applicant's suitability for the particular post the interview panel will also explore:

- The applicant's attitude towards children;
- The applicant's ability to support the Trust's agenda for safeguarding and promoting the welfare of children;
- Gaps in the applicant's employment history;
- Concerns or discrepancies arising from the information provided by the applicants and / or a referee;
- If the applicant wishes to declare anything in light of the requirement for an enhanced DBS check;
- If there is an occasion when references cannot be obtained before the interview, applicants will be asked at interview if there is anything they wish to declare/disclose in light of the questions that will be put to their referees;
- The applicant's motivation to work with children;
- Ability to form and maintain appropriate relationships and personal boundaries;
- Emotional resilience in working with challenging behaviours;
- Attitudes to use of authority;
- Notes made by members of the interview panel will be retained, and in the case of the successful applicant will form part of their employment records. The notes and other documentation for unsuccessful applicants will be shredded no later than six months after the date of interview.

5.11 Participation of Children

Children can make a valuable contribution to the recruitment process and their participation should be considered for key strategic and managerial posts as well as posts where staff will have a high level of responsibility for children's day to day care e.g. teaching posts, direct school staff and residential staff.

The following considerations should be taken into account in planning children's involvement:

- Clarification of the role children will take in the process, how their views will be taken into account in selection and what weighting these will be given;
- Preparation and / or training;
- Process for debriefing / feedback.

5.12 Safeguarding (Warner) Interviews

For posts requiring the post holder to work with highly vulnerable children, e.g. Looked After children, children with disabilities, or posts where staff will have sole care of responsibility for a child/group of children, e.g. staff taking children on residential trips, consideration should be given to the need for an additional safeguarding (Warner) interview. Such interviews were a recommendation of The Report of the Committee of Inquiry into Selection, Development and Management of Staff in Children's Homes (Warner, 1992). The aim is to address areas that are more difficult to assess in the formal interview setting.

As set out in regulations 31-33 of Chapter 4 of the Children's Homes Regulations and Quality Standards, the registered person must ensure that recruitment of staff safeguards children and

minimises potential risk to them. The Bichard Report recommended the assessment of personal qualities during the selection process. Training is essential for staff prior to undertaking these interviews.

Areas of assessment include:

- Motivation;
- Integrity and values;
- Authority;
- Accountability;
- Ethical standards;
- Emotional resilience;
- Team work.

Elements include:

- Identification of support for candidate if necessary;
- Careful recording to evidence findings;
- Feedback to candidate.

6. Conditional Offer of Appointment and Pre-appointment Checks

6.1 Any offer to a successful applicant will be conditional upon:

- Receipt of at least two satisfactory references (if these have not already been received);
- Verification of identity and right to work in the UK;
- Verification of current address;
- Verification of National Insurance Number;
- Verification of qualifications;
- A satisfactory enhanced DBS check, deemed appropriate by the Trust, (unless the **Disclosure and Barring Service Update Service** applies) and if appropriate, a check of the Barred List maintained by the DBS;
- A Teacher Status Check. For an applicant to be employed as a Teacher, a check that the applicant is not subject to a prohibition order issued by the Secretary of State. Teaching work is defined in the Teachers' Disciplinary (England) Regulations 2012 to encompass:
 - Planning and preparing lessons and courses for children;
 - Delivering and preparing lessons to children;
 - Assessing the development, progress and attainment of children;
 - Reporting on the development, progress and attainment of children.
- Verification of professional qualifications, where appropriate;
- Verification of successful completion of statutory induction period (for teaching posts – applies to those who obtained QTS after 7th May 1999);
- Where the successful applicant has worked or been resident overseas such checks and confirmations as the Trust may consider appropriate so that any relevant events that occurred outside the UK can be considered;
- Satisfactory medical fitness (health questionnaire to be completed);
- Confirmation from you that you are not disqualified from providing childcare under the Childcare (Disqualification) Regulations 2009 or receipt of a signed Staff Suitability Declaration form showing that you are not disqualified from providing childcare under the Childcare (Disqualification) Regulations 2009;

Safer Recruitment

- Where the successful applicant will be taking part in the management of the Trust, a check will be carried out under section 128 of the Independent Provision in England (Prohibition on Participation in Management) Regulations 2014. This applies to all Governors and Senior Management Team;
- For an applicant that has lived or worked outside the UK, an EEA check using NCTL Teacher Service system for information about any teacher sanction or restriction.

It is the Trust's practice that a successful applicant must complete a pre-employment health questionnaire. The information contained in the questionnaire will then be held by the Trust in strictest confidence. The 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 i.e. proposed workload, extra-curricular activities, layout of the Trust.

the Trust is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, considering medical evidence and considering reasonable adjustments.

All checks will be:

- Confirmed in writing;
- Documented and retained on the personnel file (subject to certain DBS and Data Protection Act restrictions);
- Recorded on the Trust's single central record (where applicable);
- Followed up if they are unsatisfactory or there are discrepancies in the information received.

Where the following facts are found (see list below) they will be reported to the police and / or Disclosure and Barring Service (if they are not already aware). Anyone who is barred from work with children is committing an offence if they apply for, offer to do, accept or do any work which constitutes **Regulated Activity**. It is also an offence for an employer knowingly to offer work in a regulated position, or to procure work in a regulated position for an individual who is disqualified from working with children, or fail to remove such an individual from such work:

- The candidate is found to be on the Barred Lists, or the Disclosure and Barring Service Disclosure shows s/he has been disqualified from working with children by a Court;
- The applicant has provided false information in, or in support of, his/her application;
- There are serious concerns about an applicant's suitability to work with children.

Employment cannot normally commence until all the checks and procedures required by this policy have been fully completed in full.

6.2 Disclosure and Baring Service Check (DBS)

The Trust applies for an enhanced disclosure from the DBS in respect of all positions at the Trust. 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.

Statutory Guidance Keeping Children Safe in Education sets out detailed provisions on checks and levels of supervision for staff, volunteers, contractors and visitors in educational establishments.

Enhanced checks will be undertaken where the activities will fall within the definition of Work with Children or Regulated Activity, as used by the Disclosure and Barring Service. The concept of Work with Children includes, but is wider than, Regulated Activity. The term has been adopted by the DBS from 2014 to give a single definition of roles which will be subject to an Enhanced check, which were previously dealt with under various provisions. The term does not alter the relevant activities; it merely clarifies the situation.

6.3 DBS Update Service:

Where an applicant subscribes to the DBS Update Service a DBS disclosure is not usually sought providing the DBS Update Service is in date and the Trust is able to view the information provided on the original and corresponding DBS Certificate and is satisfied with the information provided on the DBS Update Service along with the DBS certificate;

The applicant must give consent to the Trust to check there have not been changes since the issue of a disclosure certificate. If the applicant is offered employment and becomes an employee, by accepting the offer of employment, the employee gives consent to the Trust to check the DBS Update Service, at any time during the period of employment, to ensure there have been no changes since the issue of a disclosure certificate;

A record should be kept of the date when the disclosure was obtained, by whom, level of disclosure and unique reference number. Disclosure and Barring Service checks should be:

- Treated as confidential;
- Kept secure;
- Destroyed as soon as no longer required (not normally longer than 6 months after decision to appoint; however, note that it may be necessary to retain them for longer for inspection regimes).

6.4 If disclosure is delayed:

Within the School only a short period of work may be allowed under controlled conditions, at the Chief Executive's discretion. However, if an 'enhanced disclosure' is delayed, the Chief Executive may allow the member of staff to commence work under a risk assessment:

- Without confirming the appointment;
- After a satisfactory check of the barred list if the person will be working in regulated activity and all other relevant checks (including any appropriate prohibition checks) having been completed satisfactorily;
- Provided that the DBS application has been made in advance;
- With appropriate safeguards taken (for example, will not work unsupervised);
- Providing safeguards are reviewed at least every two weeks;
- Providing the new employee is informed of what these safeguards are and they agree to work within the temporary measures;
- Risk assessment completed.

6.5 Criminal Record

The Trust will make a judgement about suitability, taking into account only those offences which may be relevant to the post in question. Please see Appendix 1 - Policy Statement on the Recruitment of Ex-Offenders.

6.6 Disclosure and Barring Service Update Service

An optional online Update Service is operated by the **Disclosure and Barring Service (DBS)**, designed to reduce the number of DBS checks requested.

Instead of a new criminal records/Barred Lists check being necessary whenever an individual applies for a new paid or voluntary role working with children/Adults at Risk, individuals can opt to subscribe to the online Update Service. This will allow them to keep their criminal record certificate up to date, so that they can take it with them from role to role, within the same workforce.

Employers do not need to register, but can carry out free, instant, online status checks of a registered individual's status. A new DBS check will only be necessary if the status check indicates a change in the individual's status (because new information has been added).

6.7 Childcare Disqualification

For staff who work in childcare provision or who are directly concerned with the management of such provision, appropriate checks must be carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018. Further information on the staff to whom these Regulations apply, the checks that should be carried out, and the recording of those checks can be found in **Statutory Guidance: Disqualification under the Childcare Act 2006**.

These 2018 Regulations remove 'disqualification by association' (living in the same household where another person who is disqualified lives or is employed) for individuals working in childcare in **non-domestic** settings (e.g. schools and nurseries). Disqualification by association continues to apply for individuals providing and working in childcare in domestic settings (e.g. where childcare is provided in a childminder's home).

The arrangements continue to disqualify individuals working in domestic and non-domestic settings if they themselves have been found to have committed a relevant offence.

6.8 Checks on Overseas Staff

The same checks should be made on overseas staff as for all other staff, (although it is not possible to conduct overseas Disclosure and Barring Service checks). A 'Certificate of Good Conduct' or equivalent should be obtained.

Where an applicant has worked or been resident overseas in the previous 5 years, the employer should obtain a check of the applicant's criminal record from the relevant authority in that country and seek additional information about an applicant's conduct. Not all countries provide this service and advice can be sought from the Disclosure and Barring Service. The application process for criminal records checks or 'Certificates of Good Character' for someone from overseas varies from country to country. For further information, see **GOV.UK - Criminal records checks for overseas applicants**.

Applicants from non EEA countries must have a Sponsorship Licence under the UK Visas and Immigration points-based system, and the employer must be registered UK Visas and Immigration to be able to issue such a Licence. For further information, see the **UK Visas and Immigration website**.

6.9 Employment Agency Staff

Where staff are recruited through an agency, written confirmation should be obtained that the appropriate checks have been undertaken. Similarly, safe recruitment practices need to be observed with sessional staff.

6.10 Staff Records

In relation to each member of staff appointed a record should be kept to show:

- Written references obtained and confirmed by telephone;
- Gaps in employment history checked;
- A satisfactory Disclosure and Barring Service / Enhanced Disclosure and Barring Service certificate obtained, with unique reference number and date;
- Reasons/decision to appoint despite criminal convictions (i.e. a Risk Assessment);
- Evidence of proof of identity (this will have been provided for the Disclosure and Barring Service check);
- Evidence of qualifications;
- Details of registration with appropriate professional body;
- Confirmation of right to work in UK;
- Record of interview questions and answers;
- Records should be signed and dated by appointing manager/chair of the interview panel.

7. Probationary Period

The first six months of employment will be probationary. For those working term time only, the probationary is only counted as the first 26 worked weeks of employment i.e. it excludes any period of allocated school holidays. The probationary period may be extended at the Trust's discretion.

Probationary reviews will usually occur at month 1, 3 and 6 for non-school direct staff and term weeks 4, 12 and 26 for direct school staff.

8. Post-appointment Induction

There will be an induction programme for all staff appointed to the Trust regardless of previous experience.

9. Retention and Security of Records

The Trust will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its GDPR Policy. Copies of DBS certificates will not be retained for longer than 6 months.

10. Training

All those involved in recruitment and selection of staff, including key managers and HR professionals, should have regular comprehensive safe recruitment and selection training, and appropriate updates, e.g. Department for Education.

All those involved in recruitment and selection of staff, including key managers and HR professionals, should have regular comprehensive safe recruitment and selection training, and appropriate updates, e.g. Department for Education.

Each interview panel should include at least one person who is suitably trained.

11. Policy Review

This policy is non-contractual and is subject for review in line with changes to legislation.

This policy may be subject for review prior to the date shown if deemed necessary.

The HR Department will be responsible for reviewing this policy.

Appendix 1

Policy Statement on the Recruitment of Ex-Offenders

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS) the Trust complies with the DBS Code of Practice: <https://www.gov.uk/government/publications/dbs-code-of-practice> and will treat all applicants for positions fairly.

The Trust undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed. We are committed to treat all people equally irrespective of race, gender, religion, sexual orientation, responsibilities for dependents, age, political belief, trade union membership and activities, physical/mental disability or offending background.

The Trust will make a judgement about suitability, taking into account only those offences which may be relevant to the post in question. In deciding the relevance the following will be considered:

- The nature of the appointment;
- The nature of the offence;
- The age at which the offence took place;
- The frequency of the offence.

The Trust will make a copy of this policy statement available to all applicants at the start of the recruitment process.

A disclosure is requested for all positions within the Trust. Recruitment information will contain a statement that a DBS certificate will be requested in the event of the individual being offered the position.

We can only ask an individual about convictions and cautions that are not protected.

The Trust actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of applicants, including those with criminal records. Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.

The Trust select all applicants for interview based on their skills, qualifications and experience.

Where a disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to the Chief Executive Officer. We guarantee that this information is only to be seen by those who need to see it as part of the recruitment process. The information will be disposed of once a recruitment decision has been made.

We ensure that all those in the Trust who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that

Safer Recruitment

they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position.

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

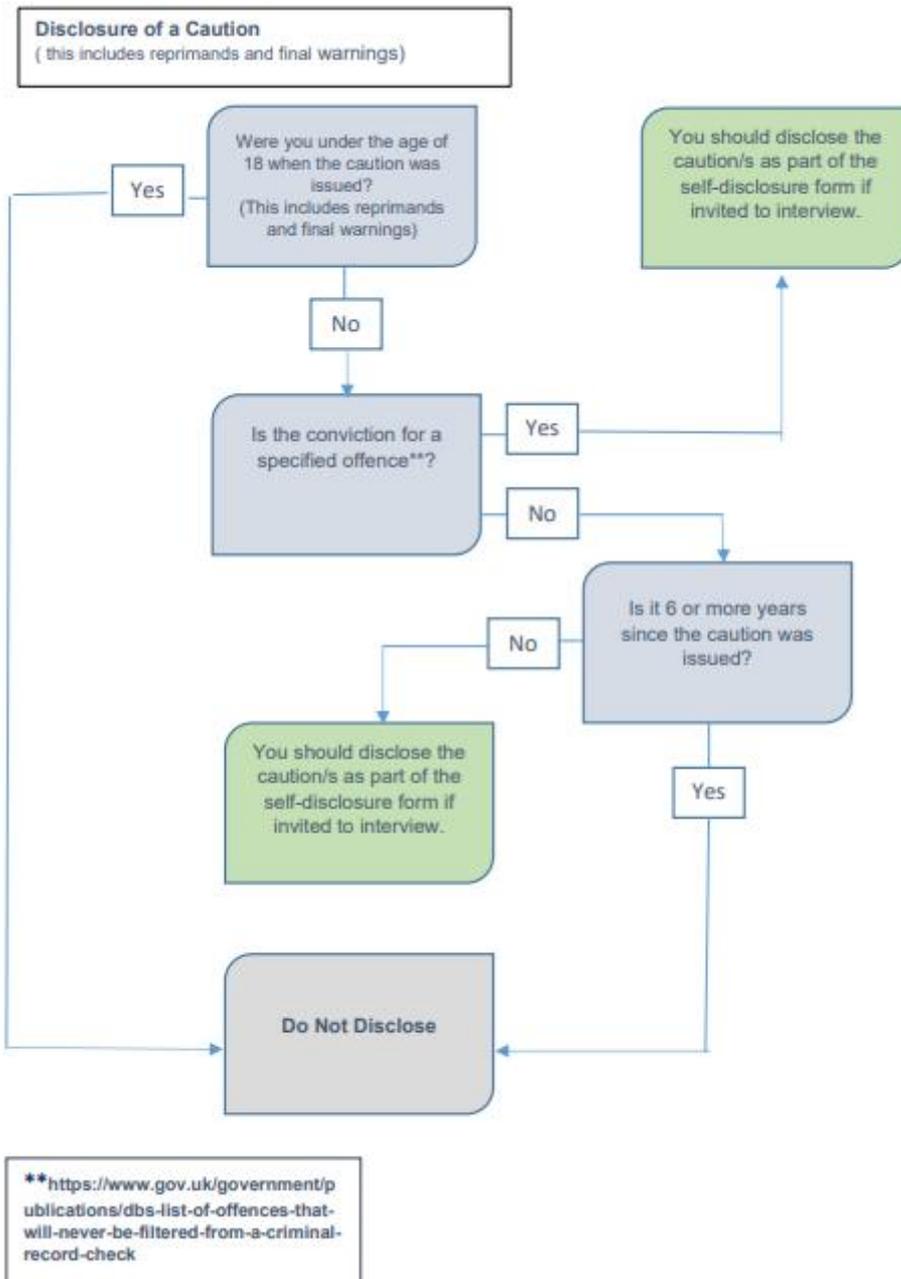
We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

Anyone who is barred from work with children is committing an offence if they apply for, offer to do, accept or do any work constituting Regulated Activity.

It is an offence for an employer to knowingly offer employment in a regulated position, or to procure work in a regulated position, for an individual who is disqualified from working with children, or fail to remove such an individual from such work.

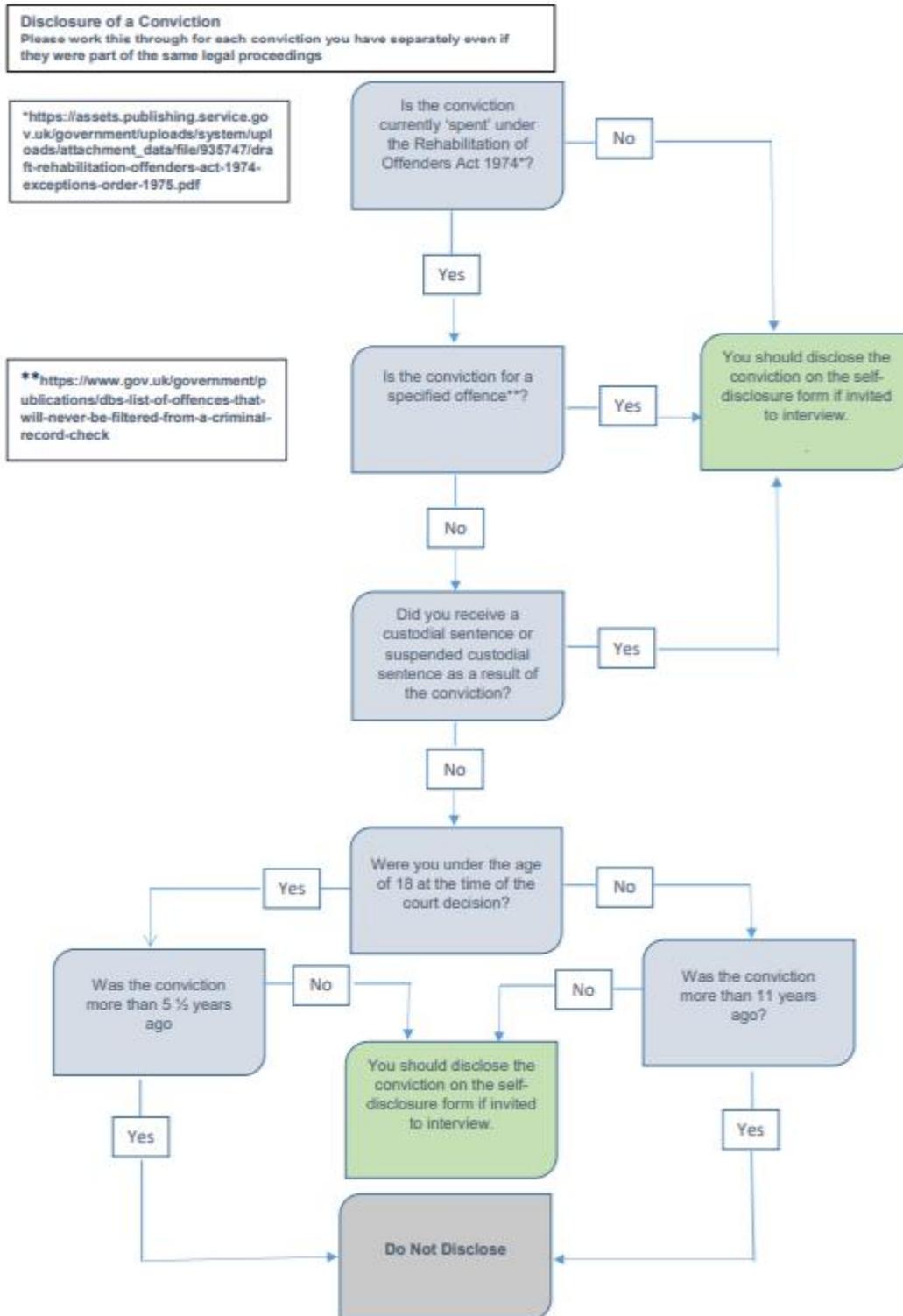
Appendix 2 (a)

Flow Chart – Disclosure of a Caution



Appendix 2 (b)

Flow Chart – Disclosure of a Conviction





Safer Recruitment



I have read, understood and acknowledge this Policy and will endeavour to follow the guidance outlined within.

Print name: _____

Job Title: _____

Department: _____

Sign: _____

Date: _____

Please complete full details above, once complete please return to the HR Department within 5 working days.

Please do not hesitate to contact me should you have any questions.

HR Department

Talbot House Trust