

# **SAFER RECRUITMENT & SELECTION POLICY & PROCEDURE**

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## Policy Control/Monitoring

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### Equality Impact Assessment

This document forms part of Percy Hedley's commitment to create a positive culture of respect for all staff and service users. The intention is to identify, remove or minimise discriminatory practice in relation to the protected characteristics (race, disability, gender, sexual orientation, age, religious or other belief, marriage and civil partnership, gender reassignment, pregnancy and maternity), as well as to promote positive practice and value the diversity of all individuals and communities. As part of its development this document and its impact on equality has been analysed and no detriment identified.

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## **Abbreviations**

**ISA:** Independent Safeguarding Authority

**DBS:** Disclosure and Barring Service

**DCSF:** Department for Children, Schools and Families

**NPQH:** National Professional Qualification for Headship

**QTS:** Qualified Teacher Status

**GTC:** General Teaching Council

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## 1. Introduction

This policy and procedure has been produced in line with the 'Keeping Children Safe in Education' (*and 'Safeguarding Vulnerable Adults'*) documentation and should be read in conjunction with the guidance given in these documents. The policy aims to ensure that safe and fair recruitment and selection is conducted at all times. Making safeguarding and promoting the welfare of children and vulnerable adults an integral factor in recruitment and selection is an essential part of creating safe environments for The Percy Hedley Foundation service users.

## 2. Scope

The policy applies to the recruitment and selection of all levels and grades of staff across The Percy Hedley Foundation.

## 3. Purpose

The purpose of the policy is to ensure the recruitment of both permanent and temporary (including voluntary) staff is conducted in a safe, fair, effective and economic manner.

To achieve this purpose, those responsible for each stage of the recruitment process will demonstrate a professional approach by dealing honestly, efficiently and fairly with all internal and external applicants.

NB: In line with DfE guidance the paragraph below should be included in all advertisements, recruitment websites, candidate information packs, person specifications, job descriptions, induction training materials:-

'The Percy Hedley Foundation is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expects all staff and volunteers to share in this commitment. The successful applicant will be required to undertake an Enhanced Disclosure via the DBS'

## 4. Principles

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

The following principles are encompassed into this policy:

- To ensure that the safeguarding and welfare of children, young people and vulnerable adults occurs at each stage of the process;
- 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;

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- 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;
- Selection will be carried out by a panel with at least two members. At least one panel member will have undertaken Safer Recruitment Training arranged through the Foundation.
- Selection should be based on a minimum of a completed application form, short-listing and interview
- 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 2022 (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);
- To ensure that the Foundation meets its commitment to safeguarding and promoting the welfare of our learners by carrying out all necessary pre-employment checks; and
- Regular monitoring and evaluation of the recruitment process shall be carried out to assess its effectiveness and the impact on recruitment and retention, equality and diversity.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy. The Foundation 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 Foundation 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 KCSIE 2022 and Prevent Duty Guidance).

## 5. Responsibilities

It is the responsibility of the Foundation Trustees to:

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

It is the responsibility of the Head of each service and other Managers involved in recruitment to:

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- Ensure that the Foundation operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the Foundation. To monitor contractors' and agencies' compliance with this document.
- If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant, they 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. This is in line with the Foundations Conflict of Interest Policy.
- Promote welfare of children, young people and vulnerable adults at every stage of the procedure.

## 6. Safer Recruitment Training

The training provides valuable information on a safer culture for the Foundation and advice and guidance to strengthen safeguards against employing unsuitable people within the Foundation. The training will help the Foundation demonstrate that there are effective recruitment and selection processes in place. It is a requirement that at least one member of the interview panel has completed this training successfully prior to the start of the recruitment process.

The Percy Hedley Foundation undertakes regular training of its managers and employees on safeguarding. This includes safer recruitment for all employees involved with the recruitment and selection of Foundation employees. Approved Safer Recruitment Training should can be booked through the Learning and Development team.

## 7 Recruitment Procedure

Adopting a structured recruitment process will:

- Minimise the risk of appointing someone unsuitable
- Ensure the capabilities and conduct of new staff
- Enable the Foundation to 'track' the process and ensure all relevant steps are taken
- Ensure written records of procedures are available for future reference if required

### 7.1 Defining the Need to Recruit

When a new position is planned it should be discussed with the Chief Executive or relevant Director as appropriate. Once the position has been agreed an 'Authorisation to Recruit' form must be completed by the Head of Service and forwarded to HR.

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When the position is a 'like for like' replacement already in budget, authorisation from CEO/Director is not required, however the Head of Service must complete an 'Authorisation to Recruit' form and forward to HR.

Following receipt of the completed 'Authorisation to Recruit' form a member of HR will obtain 'sign off' from the CEO or delegated member of Foundation Executive Group. Once agreed, the position will be advertised using The Percy Hedley Foundation website recruitment system and appropriate online job boards and social media.

Where a number of positions are required through one advert e.g. 2 domestic staff, then this number must be reflected and incorporated in the 'Authorisation to Recruit' Form

When an employee leaves it is important to spend some time reviewing the post and considering whether there is really a need for a replacement of 'like for like' or whether other alternatives could be more suitable. Therefore, when a vacancy occurs consideration should be given to the need, such as:

- What is the purpose of the post?
- Is the post still required?
- Has the job remained the same or have changing work patterns, organisation or technology resulted in changes to the role?
- Could the tasks be carried out differently e.g., could any additional duties, responsibilities or hours be advertised internally to offer advancement or increased hours offered to existing staff
- Is job-sharing appropriate?
- Will any review of the role affect the salary?
- Has agreement been gained from the relevant Director that the necessary resource is available for the post?
- Should the new post be permanent or temporary?

## **7.2 Job Description and Person Specification**

If, having considered the factors in 7.1, the decision is to recruit, the next step is to write a job description and person specification if it is a new role, or review the existing job description and person specification if it is an existing role to ensure that they are up to date. Where a new post is being created the Head of Department is responsible for drafting the Job Description and Person Specification. A template and samples can be provided by the HR Team for reference upon request.

### **Job Description**

The job description is a list of the responsibilities and tasks to be undertaken by the post holder. It is an effective way of communicating expectations about standards to

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employees and management to help ensure effective performance in the job. The document also assists in writing the person specification.

For safeguarding purposes, in addition to the list of the responsibilities and tasks to be undertaken, the job description should include the post holder's responsibility for promoting and safeguarding the welfare of children, young persons and vulnerable adults he/she is responsible for, or comes into contact with.

## Person Specification

The person specification is essential to the recruitment process as it defines the type of person being sought. It describes the essential and desirable skills, knowledge, qualifications, specific conditions and competences required to undertake the duties of the job description and should state how these will be tested and assessed during the selection process. It must also make reference to the person's responsibility for the safeguarding and welfare of children, young people and vulnerable adults.

A badly defined person specification risks the recruitment of someone unsuitable for the post which can be expensive in terms of management time and money, and may not meet the commitment to safeguarding children, young people and vulnerable adults.

The person specification will be used to:

- Inform the advertisement;
- Assess applications to shortlist for interview
- Plan interview questions
- Assess applicants and make the final selection

## 7.3 Advertising the Vacancy

The Head of Service/ recruiting manager, with a member of the HR department should draft an advert and agree a timescale of the recruitment process.

Any advertisement will make clear the Foundation's commitment to safeguarding and promoting the welfare of children. All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act (DPA18). All advertisements will contain the statement on the safeguarding stated in section 3.

The main aim of this stage is to attract suitable applicants in the most effective and efficient way. To help decide on the most effective recruitment method, consideration will need to be given to the nature of the post, the circumstances of the Foundation at the time, the type of person required, and budgetary implications.

A succinct summary should be used for an advertisement. The advertisement should reflect the vision and values of the Foundation and the kind of applicants the Foundation wishes to attract.

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Consideration should be given to the time of year when advertising. Where possible advertising near the school holidays should be avoided because it may ultimately affect the response received because people will be away on holiday and may not see the advert and this may result in the Foundation losing a potentially suitable applicant.

Whenever possible all people on the Appointment Panel will agree dates for short listing and interviews before advertising the post; and the date for interviews should be incorporated into the advertisement.

Consideration should also be given at this stage to whether or not applicants can visit the Foundation and whether this is to be offered to applicants prior to making their application or to short-listed candidates only (see Section 10). If applicants are able to visit the Foundation prior to making an application this should be mentioned in the advert together with details of how applicants can arrange a visit.

#### **7.4 Online Candidate Portal**

Through the PHF website, Candidates will be directed to an online recruitment system where they will complete the online application form. Once completed this will appear in the recruiting manager portal where they will be able to view the applications. The HR team will provide manager and administrator will guidance documents and coaching on the use of the online portal system.

All applicants for employment will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role (in addition all applicants are required to account for any gaps or discrepancies in employment history).

Applicants submitting an incomplete application form will not be shortlisted. CVs will not be accepted.

The application form does not include any declaration regarding convictions and working with children. The applicant's declaration of convictions form is sent separately to only shortlisted candidates together with the offer of interview. This form must be returned prior to interview and will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974.

It is unlawful for the Foundation 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 apply for a position at the Foundation.

All applicants will be made aware that providing false information is an offence and could result in the application being rejected, or summary dismissal if the applicant has been selected, and referral to the police and/or the DBS.

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## 8. The Selection Process

### 8.1 Short-listing Applications

All applications will be treated confidentially and should only be accessible to those individuals involved in the recruitment process e.g., appointment panel via the candidate portal.

The appointment panel should meet to go through the applications which have been received in response to the advertisement, and select candidates who most closely meet the selection criteria set out in the person specification and invite them to the interview stage of the selection process. Only information provided in the application form and any supporting statement should be used for selecting applicants. Prior knowledge of applicants should not be a factor in the selection process.

During the short-listing process, the appointment panel will check to ensure that the application forms are fully completed, and that the information provided is consistent, does not contain any discrepancies and to identify any gaps in employment. Incomplete applications should not be accepted. Any anomalies, discrepancies or gaps in employment should be noted so that they can be taken up at the interview stage if the applicant is short-listed. In addition, the reasons for a history of repeated changes of employment without any clear career or salary progression, or a mid career move from a permanent post to supply teaching or temporary work, should also need to be explored and verified.

Where there is disagreement on the suitability of a candidate, this should be openly discussed and consensus reached if possible. If not, there may have to be a vote by the appointment panel members.

A short-listing form should be used to score the applications and record decisions. Applicants should be compared with consistency against the person specification criteria which can be evidenced from their application. Reasons for not short-listing an applicant should be recorded and retained for six months to demonstrate where criteria were not met and that discrimination did not take place. Whenever possible, one consolidated and agreed record of the panel's reasons for selecting or rejecting applicants will be kept on file.

In cases where there is an overwhelming response to the advertisement, under no circumstances should the closing date for applications be brought forward.

### 8.2 Interviews

The candidates short-listed for interview will be sent confirmation by email through the online candidate portal by either the administrator or manager responsible for recruitment within the particular area of the Foundation, giving adequate notice of the

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date of interview. It is recommended that at least 7 calendar days' notice is given. The invite from the recruitment system will state:

Date, time and place of the interview

Format of the interview and whether any tests/presentations will be involved and what equipment will be made available for the tests/presentations

Documents that candidates should bring with them e.g., proof of qualifications, identification There will be a face-to-face interview wherever possible, and a minimum of two interviewers will be on the panel.

Please note that for any roles working with children all shortlisted candidates will be asked to complete a Self-Disclosure of Criminal Convictions and any Restrictions that may affect suitability to work with children and young people in an education setting. This should be sent out when invited for interview and a signed copy returned prior to interview or the interview will be withdrawn.

All applicants who are invited to an interview will be required to bring evidence of their identity, address and qualifications. Original documents will only be accepted and photocopies will be taken. Unsuccessful applicant documents will be destroyed 6 months after the recruitment programme.

The appointment panel will meet prior to the interview to agree:

- Who will chair the interview?
- What questions will be asked, in what order and by whom. Questions should clearly relate to criteria in the person specification. The panel should also agree the areas which need to be explored with each applicant based on the information provided in his/her application and references (if available).
- Which other selection technique(s) will be used to assess experience and competencies identified e.g., presentation, test.
- The timeframe for making a decision
- The arrangements for notifying the candidates of the outcome of the interview
- Who will offer feedback if a candidate so requests and how it will be given. (This should typically be the hiring manager).

On the day of the interview it is recommended that the appointment panel should meet well in advance of the first interview to finalise the arrangements for interviews; in addition to the above this may also include:-

- Layout of the room

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- Arrangements for escorting applicants to and from the interview room applicants should always be met and returned escorted to the reception area.
- Ensuring arrangements are in place if the applicant is to undertake a presentation/test e.g., appropriate equipment is available and set-up appropriately.
- Ensuring arrangements are in place for any documents (Identification, qualifications etc.) to be checked and photocopied

At the interview the chair of the panel will:-

- Welcome the applicant and introduce the panel
- Explain the format of the interview and its duration.
- Give a brief outline of the Foundation and the job role

Following this the panel will put their questions to the applicant. It is advisable to start off with an open and easy question that will get the candidate to relax e.g., to tell you in general about their career so far. Please see the bank of interview questions for examples.

The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will enable the panel to explore any anomalies or gaps which have been identified in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training). The panel should also explore the following;

- The candidate's attitude toward children and disabled people
- His/her motivation to work with children and disabled people
- His/her ability to form and maintain appropriate relationships and personal boundaries with children and disabled people
- Emotional resilience in working with challenging behaviours and attitudes to the use of authority and maintaining discipline
- His/her ability to support the Foundation's agenda for safeguarding and promoting the welfare of children and vulnerable adults
- Gaps in the candidate's employment history with a view to gaining a complete picture of the candidate's past. Reasons for gaps in employment will be recorded on the interview notes template

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- Concerns or discrepancies arising from the information provided by the candidate and/or a referee
- If they wish to declare anything in the light of the requirement for a DBS disclosure (and for roles working with children the self disclosure form completed ahead of the interview should be discussed).
- Any information in regard to past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process, if it has been disclosed on the application/self disclosure form.

At least one member of any interviewing panel will have undertaken safer recruitment training or refresher training as applicable.

If, for whatever reason, references are not obtained before the interview, candidates should also be asked at interview if there is anything he/she wishes to declare or discuss in light of questions that have been (or will be) put to his or her referees. It is vital that the references are obtained and scrutinised before a person's appointment is confirmed and before he/she starts work.

Panel members must take notes to assist in making evidenced judgments, assist with feedback and in the case of challenge by an applicant. Under data protection provisions applicants are able to request copies of the notes relating to themselves. Copies of all applications and any notes relating to short-listing and interview decisions must be retained for at least 12 months. If a legal challenge is made, these documents must not be destroyed until the matter is resolved.

At the end of the interview the panel will:

- Give applicants the opportunity to ask any questions they may have
- Explain what will happen next including the timing of the decision or next stage
- Thank candidates for attending the interview

When all applicants have been interviewed, the panel will discuss each applicant in relation to the person specification, the application form, and the interview performance. The panel will be as objective and fair as possible in order to select the best candidate for the job. It is vital to use a consistent scoring system to measure the standard of answers given against each question and any presentation or test that forms part of the selection process. Weighting may be used to acknowledge the importance of certain questions. Reasons why a candidate is successful/unsuccessful should be recorded on the interview notes template.

### **8.3 Notifying unsuccessful candidates/Giving feedback**

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It is important to advise applicants who have been unsuccessful as promptly and courteously as possible. This should be done through the online candidate portal for external applicants. Where possible unsuccessful internal candidates should be informed verbally by the recruiting manager.

It is good practice to provide feedback where requested. Constructive feedback informs candidates of their strengths and development needs and enables them to learn from their application. It should encourage skills/experience/technique gaps to be addressed and assist candidates with any future applications for employment with the Foundation.

Feedback must be factual and objective, and explain where the candidate did or did not meet the requirements in the person specification and the key points which influenced the final decision not to appoint him/her.

Feedback should be given by a member of the interview panel and can be given via telephone discussion or, for internal applicants, in a meeting.

#### **8.4 Notifying successful candidates**

Once references and the DBS check have been received and checked by the HR Assistant or Administrator responsible for recruitment within the particular area of the Foundation a start date will be confirmed. The HR department will then write to the successful applicant and enclose the necessary written statement of employment conditions (usually referred to as the Contract of Employment). It is the Head of Service's responsibility to agree a start date, inform HR and ensure an appropriate induction for the new member of staff.

#### **8.5 Conditional Offer of Appointment - Pre-Appointment Checks**

It is important to exercise care on any terms and conditions which may be negotiated and agreed upon when making the verbal offer as these will need to be realised and confirmed in the written offer. This may include pay, working pattern etc.

In accordance with the recommendations set out in KCSIE the Foundation 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 Foundation's standard terms and conditions of employment
- verification of the applicant's identity (if not previously been verified)
- the receipt of a minimum of two references (one of which must be from the applicant's most recent employer) which the Foundation considers to be satisfactory for positions which involve "teaching work":

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- the Foundation 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 Foundation or which, in the Foundation's opinion, renders the applicant unsuitable to work at the Foundation;
- the Foundation 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 College or which, in the Foundation's opinion, renders the applicant unsuitable to work at the Foundation.
- where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which the Foundation considers to be satisfactory
- where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List
- 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 College / School or within the Foundation, taking part in the management of an independent College / School 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 College/ School
- verification of the applicant's medical fitness for the role
- verification of qualifications and professional status where required e.g., GTC registration, QTS status (unless properly exempted), NPQH (if not verified at the interview)
- 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 Foundation deems a requirement for the post, or which the applicant otherwise cites in support of their application (where not previously verified).
- where appropriate, online checks should be conducted by someone not involved in the selection process. This may help identify any incidents or issues that have happened, and are publicly available online. The candidate online check form should be used for further guidance and recording of findings. If any issues are identified in online checks these should be referred to the HR team for further guidance.

Whether a position amounts to "regulated activity" must therefore be considered by the Foundation / School in order to decide which checks are appropriate. It is however likely that in nearly all cases the Foundation will be able to carry out an enhanced DBS check.

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A letter making a conditional offer of employment should be sent to the preferred candidate at this stage.

## 9. Employment Checks

### 9.1 References

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. They should always be sought and obtained directly from the referee. All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the Foundation. One of the references must be from the applicant's current or most recent employer.

Generally, references or testimonials provided by the candidate, or open references and testimonials, i.e., 'To Whom it May Concern' should not be accepted.

Ideally, references should be sought on all short-listed candidates, including internal ones, prior to interview so that any issues of concern they raise can be explored further with the referee, and taken up with the candidate at interview.

In exceptional circumstances it may not always be possible to obtain references prior to interview, either because of delay on the part of the referee, or because a candidate has asked for their current employer not to be contacted in which case any offer of employment must be made subject to satisfactory references being received.

All requests for references should seek objective verifiable information and not subjective opinion. The reference from and request template letter should be used. A copy of the job description and person specification for the post must be included with all reference requests.

All references should be obtained from positions in line with that applied for within the Foundation. If this is not the candidate's last employer then previous employers should also be contacted for references. E.g. A candidate applies for a teaching post and their reference comes from their last employer which is a position in a manufacturing operation but their previous position was in teaching then the reference should also be obtained from the teaching post held.

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.

Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. If any question has not been answered or the reference is vague or unspecific, the referee should be contacted to seek clarification. The

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referee's responses should be recorded and, if necessary, discussed with the applicant.

The information given in the reference should also be compared with the application form to ensure consistency with the information provided by the applicant on the form. Any discrepancy in the information should be taken up with the applicant.

The HR Assistant or Administrator responsible for recruitment within the particular area of the Foundation will phone the successful applicant's referees to verify each reference and check the reasons employment ended.

Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case.

## **9.2 Disclosure and Barring Service's checks**

The Foundation applies for an enhanced disclosure from the DBS in respect of all positions at the Foundation 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 our policy that the DBS disclosure must be obtained before the commencement of employment of any new employee. It is our 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 Percy Hedley Foundation are aware of their obligation to inform their manager 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.

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

Any position undertaken at, or on behalf of the Foundation will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00am and 6.00am; or
- satisfies the "period condition", meaning four times or more in a 30-day period; and
- provides the opportunity for contact with children.

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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 Foundation is not permitted to check the Barred List unless an individual will be engaging in "regulated activity". The Foundation is required to carry out an enhanced DBS check for all staff, supply staff and trustees who will be engaging in regulated activity.

However, the Foundation 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.

In instances where:

- The candidate is found to be on vetting and barring list, or the DBS Disclosure shows he/she has been disqualified from working with children or vulnerable adults by a Court; or
- An applicant has provided false information in, or in support of his/her application; or
- There are serious concerns about an applicant's suitability to work with children and vulnerable adults

The facts should be reported to the police and the appropriate safeguarding team. – Refer to the Safeguarding and Safer Recruitment in Education guidance.

### **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 and is an expense that employees can claim back from the Foundation.

The Foundation 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 to the HR Assistant

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or Administrator responsible for recruitment (for employees within 7 days of issue or applicants before they commence work or any project involving regulated activity).

### **Dealing with convictions**

The Foundation operates a formal procedure if a DBS Certificate is returned with details of convictions not previously disclosed. 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 manager. A decision will be made following this meeting after advice is sought from the HR Manager. 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, the manager 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 Foundation 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.

### **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 learners. Therefore, any convictions and cautions that would normally be considered 'SPENT' must be declared when applying for any position at Percy Hedley Foundation.

### **Secretary of State Prohibition Orders (Teaching and 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.

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**A section 128 direction 39** prohibits or restricts a person from taking part in the management of an independent College/ School. A person who is prohibited is unable to participate in any management of an independent College / School, a trustee on any governing body in an independent College/ School, 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.

### **9.3 Proof of identity, Right of Work in the UK & Verification of Qualifications and/or Professional Status**

All applicants invited to attend an interview at the Foundation 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.

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.

### **9.4 Medical Fitness**

The Foundation is legally required to verify the medical fitness of anyone to be appointed to a post at the Foundation, after an offer of employment has been made but before the appointment can be confirmed. All applicants are requested to complete a health 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. We are aware of our 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.

### **9.5 Overseas Checks**

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 Foundation.

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## 10 Post Appointment Induction

An induction programme should be in place for new employees and tailored to their needs. The purpose of induction is to:

- Provide training and information about the Foundation's policies and procedures
- Support individuals in a way that is appropriate for the role for which they have been engaged
- Confirm the conduct expected of staff within the Foundation
- Provide opportunities for the new member of staff to discuss any issues or concerns about their role and responsibilities
- Enable the person's line manager or mentor to recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately. For support staff these issues can be identified and hopefully addressed during the probation period.

The content and nature of the induction process will vary according to the role and previous experience of the new member of staff, but as far as safeguarding and promoting the welfare of children and vulnerable adults is concerned, the induction programme should include information about:

- Policies and procedures in relation to safeguarding and promoting welfare e.g., the Child Protection Policy, the Code of Conduct, and KCSIE, anti-bullying, anti-racism, physical intervention or restraint, personal care, internet safety and any local protection and safeguarding procedures
- Safe practice and the standards of conduct and behaviour expected of staff and pupils in the Foundation
- How and with whom any concerns about those issues should be raised
- Other relevant personnel procedures e.g., disciplinary, grievance, capability and whistle-blowing

The programme should also include attendance at training appropriate to the person's role.

## 11. Pre-interview Visits

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It is recommended as good practice for the candidates selected for interview to be given an opportunity to tour the Foundation. This needs to be arranged with the co-operation of Foundation staff. Ideally all candidates should visit the Foundation at the same time although it is appreciated that this is not always possible. This is not part of the selection process but will help candidates in assessing whether or not they would wish to take up the post, if offered.

If potential applicants wish to view the service area prior to making an application, it is necessary to decide a policy that either all requests to visit are met or that no one will be allowed. It is important that all candidates are afforded the same opportunities.

## **12. Single Central Register of Members of Staff within Education Services**

In addition to the various staff records kept in Foundation and on individual personnel files, a single central record of recruitment and vetting checks is kept in accordance with the Education (Independent College Standards) Regulations 2014 requirements. This is kept up-to-date and retained by the administrator or Business Manager.

The Single Central Register will contain details of the following:-

- All employees who are employed to work at the Foundation;
- All employees who are employed as supply staff to the Foundation whether employed directly or through an agency;
- All others who have been chosen by the Foundation to work in regular contact with children. This will cover volunteers, trustees, peripatetic staff and people brought into the Foundation to provide additional teaching or instruction for learners but who are not staff members, eg sports coaches etc.

## **13. Record Retention/Data Protection**

The Foundation is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the Foundation 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 Foundation to discharge its obligations as an employer, eg so that we 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 us for the duration of the successful applicant's employment with the Foundation. All information retained on employees is kept centrally by the Business Manager in a locked and secure cabinet. The same policy applies to any suitability information obtained about volunteers involved with Foundation activities.

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Percy Hedley Foundation 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].

#### **14. Ongoing Employment at Percy Hedley Foundation**

We fully understand 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. We will therefore provide ongoing training and support for all staff, as identified through the Annual Review/appraisal procedure.

#### **15. Contractors and Agency Staff**

Contractors engaged by the Foundation must complete the same checks for their employees that we are required to complete for our staff. We require confirmation that these checks have been completed before employees of the Contractor can commence work at the Foundation.

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

#### **16. Volunteers**

The Foundation will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with service users/learners at or on behalf of the Foundation (the definition of regulated activity set out above will be applied to all volunteers).

Under no circumstances will we permit an unchecked volunteer to have unsupervised contact with learners. It is our 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 Foundation / School for three consecutive months or more. Those volunteers who are likely to be involved in activities with the Foundation on a regular basis may be required to sign up to the DBS update service as this permits us to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition, we will 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;

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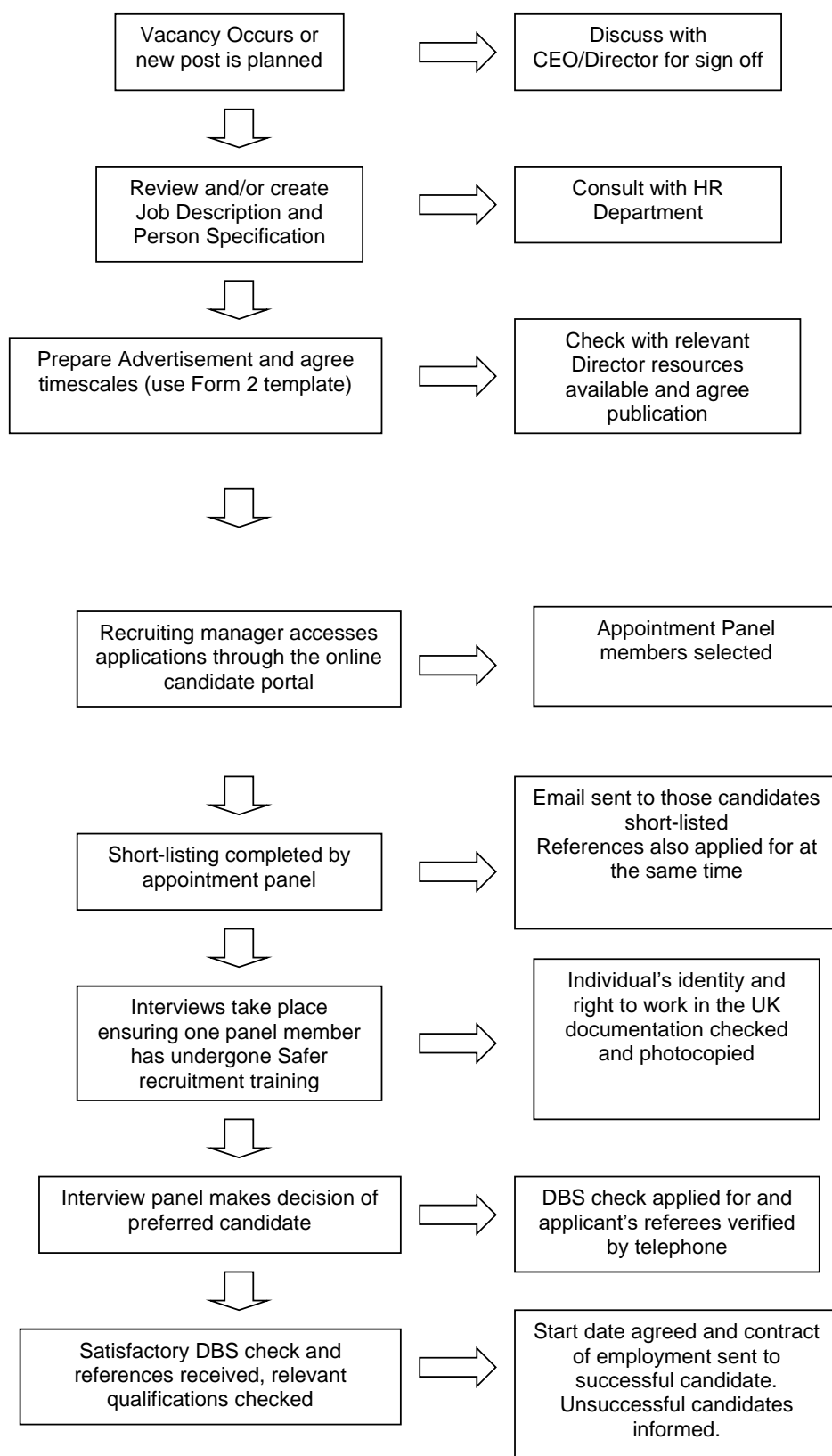
- character references from the volunteer's place of work or any other relevant source; and
- an informal safer recruitment interview.

## 17. Monitoring and Compliance

Overall responsibility for the operation of this procedure lies with the HR Manager. The effectiveness of the procedure will be formally reviewed and monitored at least on a bi-annual basis to ensure that it continues to meet the requirements of The Foundation and that it reflects HR good practice and statutory legislation as appropriate.

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## Section 12 FLOW CHART OF THE SAFER RECRUITMENT PROCESS



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