

## **1.0 BACKGROUND**

- 1.1 Keeping Children Safe in Education makes clear the expectations on schools and colleges to use appropriate checks when recruiting staff in order to safeguard students from potential abusers.
- 1.2 The following provisions, which were part of the previous procedures, remain:
  - It is a criminal offence for a barred person to work, or volunteer, in regulated activity.
  - It is a criminal offence for an employer to knowingly employ (either on a paid or voluntary basis) a barred person in regulated activity.
  - Where a person is removed from regulated activity by an employer because the person has caused harm to a child or vulnerable adult, or it is believed that they pose a threat of significant harm, a referral must be made to the Disclosure and Barring Service.
- 1.3 When employing a person, or engaging a volunteer, to engage in regulated activity a school or college must carry out an appropriate DBS check.

## **2.0 REGULATED ACTIVITY**

- 2.1 The full, legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended (in particular, by the Protection of Freedoms Act 2012).
- 2.2 Under the terms set put in the legal definition of regulated activity, Shrewsbury Colleges Group is a 'specified place'. This means that all staff who are employed by College are subject to an enhanced DBS check with barred list information (as set out in the current Keeping Children Safe in Education (KCSiE) document). The only exceptions to this are supervised volunteers and volunteers who work at least once a week or more than 4 days in any 30 day period. Please refer to the separate college Volunteer Policy & Procedure.

## **3.0 EQUALITY OF OPPORTUNITY**

- 3.1 The College aims to promote equality of opportunity and diversity in its workforce and recognises that those with certain criminal records should be treated fairly and given every opportunity to establish their suitability for employment. The College therefore selects for appointment on the basis of skills, qualifications and experience. Criminal records will be taken into account for recruitment and selection purposes only when they are relevant.
- 3.2 The College requires applicants to complete the colleges job application form for all roles. The application form asks 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 are not accepted.
- 3.3 The application form will include the applicant's declaration regarding convictions and working with children and will make it clear that the post is exempt from the provisions of the

Rehabilitation of Offenders Act 1974. CVs will not be accepted in place of a job application form which must be always be completed.

#### 4.0 RECRUITMENT, SELECTION AND PRE-EMPLOYMENT VETTING

- 4.1 As per the College policy, the College will ensure that at least one person on any interview panel has undertaken safer recruitment training.
- 4.2 Candidates should be asked at least one question around the subject of safeguarding at interview.
- 4.3 It is the responsibility of the Human Resources department to ensure that all the necessary safeguarding checks are in place for new appointments. To enable this to happen it is the Line Manager's responsibility to notify HR of any person working in their area **prior** to their start date. Failing to notify HR is gross misconduct and will be subject to the College's disciplinary procedure
- 4.4 A member of the interview panel or Human Resources team should carry out the necessary document checks for the following:
- Verification of the candidate's identity through photographic ID and proof of address
  - Verification of the candidate's right to work in the UK
  - Supporting documents for the candidate's DBS application
  - Verification of the candidate's professional qualifications

These checks should be made prior to the candidate's start date and ideally at interview. Only original documents can be accepted, scanned or photocopies are not acceptable. It is HR's responsibility to ensure the documents are presented in a timely manner in order for the DBS application to be processed. A full list of current acceptable documents is given to all applicants. For the latest version please refer to the Gov website.

- 4.5 If the employee is registered with the update service then HR can access their record upon witnessing the original DBS certificate, with the employee's permission. A new application for a DBS certificate would not be necessary. This should be actioned prior to the employee's start date.
- 4.6 HR will commence the DBS application process through the eSafeguarding portal. This will generate an email to the applicant's home email address. If the employee fails to complete the application in good time before their employment commences then this may lead to withdrawal of the conditional offer of employment.
- 4.7 In the event that an employee does not have access to email then a paper application form will be issued. The form must be returned to HR within seven days of issue and the certificate within five days of receipt. Failure to comply with either of these conditions may lead to withdrawal of the conditional offer of employment or disciplinary action if the employee has been permitted to commence employment before the certificate has been received.

- 4.8 In certain circumstances and, with appropriate risks assessed, an employee may be permitted to commence their employment prior to their DBS check being received. The risk assessment (Annex A) should state the safeguards that will be put in place whilst the College is waiting to receive the DBS check. An example of a safeguard would be for the new staff member to be shadowed by a person who is in regulated activity until the DBS certificate arrives. A barred list check will also be completed via The Department for Education. The employee must have provided their evidence of identification and have had their application for a DBS check submitted before they commence employment in regulated activity. See section 7 for guidance on dealing with DBS certificates containing information.

## 5.0 ADDITIONAL PRE-EMPLOYMENT CHECKS FOR TEACHING STAFF

### 5.1 Teacher Prohibition Orders

Teacher prohibition and interim prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 – 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to a role involving teaching in such a setting. A check of any prohibition should be carried out using the NCTL Teacher Services system.

### 5.2 Individuals who have lived or worked outside the UK

Individuals who have lived or worked outside of the UK must undergo the same checks as all other staff in schools or colleges. This includes an enhanced DBS certificate including barred list information, even if the individual has never been to the UK. Any further checks deemed relevant will also be carried out. Following the UK's exit from the EU, schools and colleges will apply the same approach for any individuals who have lived or worked outside of the UK regardless of whether or not it was in an EEA country or the rest of the world.

### 5.3 Health Questionnaire

The College will seek to verify a candidate's mental and physical fitness to perform their role. An Occupational Health Questionnaire will be emailed to the candidate's home email address for completion. The candidate should submit the questionnaire directly to the Occupational Health team at Shropshire Council and not the College.

## 6.0 EMPLOYMENT HISTORY AND REFERENCES

- 6.1 The College will request written information about previous employment history on all short-listed candidates, including internal candidates, before interview. Any issues of concern will be explored with the candidate at interview. If a candidate for a teaching post is not currently employed as a teacher, the College will request a reference from the most senior person within the school or college at which they were most recently employed to confirm details of their employment and their reasons for leaving. The college:

- will not accept an open reference
- will not accept a reference submitted directly from the applicant or rely on the applicant to obtain their own reference

- will ensure the reference is obtained from the current employer and by the most senior person
- will obtain verification of the individuals most recent employment where they are not currently employed
- will secure a reference from the relevant employer from the last time the applicant worked with children, if they are not currently working with children
- will always verify information with the person who provided the reference
- will ensure electronic references originate from a legitimate source
- will contact referees to clarify content where information is vague or insufficient
- will compare the reference with the information provided on the application form and follow up discrepancies
- will establish the reason for the candidate leaving their current or most recent post
- will ensure concerns are resolved satisfactorily before the appointment is confirmed

6.2 Any gaps in employment history should be explored with the candidate at interview.

## **7.0 Criminal Convictions and The Rehabilitation of Offenders Act 1974**

7.1 If a DBS check reveals information, the Line Manager and Group Vice Principal for Human Resource and Professional Development will complete a risk assessment which considers the following:

- Whether the information revealed is relevant to the position in question, or the context in which that position operates
- The seriousness of any offence or other matter revealed
- The level of supervision the person would be subject to
- The length of time since the offence or other matter occurred
- The circumstances surrounding the offence
- Whether the applicant has a pattern of offending behaviour or the other relevant matters
- Whether the offence has since been decriminalised by Parliament
- The explanation offered by the applicant
- Information within references provided

7.2 There will be no formulaic approach to making a decision. The Group Vice Principal for Human Resource and Professional Development will use his/her judgement in considering each of the above factors. Where there is conflict or potential conflict between seeking to protect young people/vulnerable adults and providing employment to those with criminal records, the College will always seek to put the protection of young people/vulnerable adults first. No-one with a conviction for a sex offence or whose name appears on the Barred Lists of those considered unsuitable to work with children or vulnerable adults will be employed by the College.

7.3 If the DBS check reveals information deemed sufficiently serious to withdraw an offer of employment the College will confirm the offer is withdrawn to the applicant in writing. The applicant has the right to appeal against this decision to the Principal. The appeal must be made in writing within seven days of the date of the withdrawal notification. The decision of the Principal will be communicated in writing and is final.

7.4 The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with or having access to students. Therefore, any convictions and cautions that would normally be considered 'SPENT' must be declared when applying for any position at the college.

## 8.0 Existing Employees

8.1 There is no legal obligation to carry out a DBS check on employees appointed prior to March 2002 and who have remained continuously employed by the College. However, the College reserves the right to carry out a DBS check on such employees.

8.2 If it is discovered or genuinely believed that an existing employee has failed to declare a spent or unspent conviction, caution, reprimand or final warning, whether prior to or during the course of their employment, the College will check for changes to their DBS check. Failure to inform the College of such matters may lead to summary termination of employment for gross misconduct, managed in line with the College's Disciplinary Procedure.

8.3 The current KCSiE guidance states that there is no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside of the UK if, within the three months prior to their appointment, the applicant has worked:

- in a school in England in a post which brought them into regular contact with children aged under 18; or
- in an institution within the further education sector in England or in a 16-19 Academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons

Nevertheless, it is College policy that all new employees will undergo an enhanced DBS check. However, if an employee terminates their employment with Shrewsbury Colleges Group and returns in any capacity within a 3 month period, the College will not apply for a new DBS check but reserves the right to do so should it be deemed necessary.

## 9.0 Supply Staff

9.1 College must have written confirmation of an enhanced DBS check with barred list information if employing a member of supply or agency staff. In certain circumstances the member of staff may be permitted to commence work under a risk assessment.

9.2 The member of staff should provide photographic evidence of their identity on their first day. Upon receipt of this evidence they will be issued with an agency lanyard by Human Resources.

## 10.0 Governors

- 10.1 Governors who are volunteers in schools and sixth form colleges should be treated on the same basis as other volunteers, that is, an enhanced DBS check (which includes a barred list check) should only be requested if the governor will be engaging in regulated activity. An enhanced DBS check without a barred list check can be requested on an individual as part of the appointment process for governors.

## 11.0 Peripatetic Staff

- 11.1 Peripatetic Staff are not DBS checked by the College. Their checks are supplied by the Local Authority. Evidence will be obtained by the College from the LA that the checks have taken place. These staff are expected to sign into College and show identification.

## 12.0 Contractors

- 12.1 Contractors must always sign in to College and show identification.
- 12.2 If the contractor is engaging in regulated activity (that gives opportunities for working with children once a week or more than 4 times in any 30 day period) they require an enhanced DBS check (with barred list information) and College needs to be able to show evidence that this check has been completed.
- 12.3 If the activity is not carried out regularly but is not constantly supervised and gives opportunities for contact with children, an enhanced DBS check (without barred list information) should be in place and confirmation of this on record in College.
- 12.4 No certificate is required if the contractor is supervised at all times or works exclusively out of College hours.
- 12.5 Staff employed by contractors to work in the College (e.g. cleaning and catering) or in a role which will involve unsupervised access to children (e.g. sports coaches), should have their own DBS checks issued from their parent organisation and the College is not required to undertake a further DBS check.
- 12.6 If a contractor requires a DBS certificate and is self-employed the College should work to process this on the contractor's behalf.

## 13.0 Trainee Teachers

- 13.1 Please refer to the Volunteer Policy and Procedure for guidance on trainee teachers.

## 14.0 Record Keeping

- 14.1 The Single Central Record (SCR) is a document which is maintained by the Human Resources department. It includes all members of staff who work in the College plus volunteers and contractors working in regulated activity.
- 14.2 Information included on the register is as follows:

- Identification/Right to Work/DBS documentation checks
- DBS certificate number and date of issue
- Date of barred list check
- Date of prohibition check where applicable
- Date of risk assessment where applicable
- Professional qualifications
- Checks for employees living or working outside of the UK

#### **15.0 Data Protection**

- 15.1 The College recognises that inappropriate sharing of a DBS check is a criminal offence under section 124 of the Police Act 1997. The College will regard this as a serious offence and will take appropriate disciplinary action.

**Risk Assessment - Post Commencing prior to Receipt of DBS Check**

|                |  |
|----------------|--|
| <b>1. Name</b> |  |
|----------------|--|

|                                      |  |
|--------------------------------------|--|
| <b>2. Job Title &amp; Department</b> |  |
|--------------------------------------|--|

|                                       |  |
|---------------------------------------|--|
| <b>3. Brief description of duties</b> |  |
|---------------------------------------|--|

- 4. Working regularly with:** children
- 5. Working with adults:**
- providing health care
  - providing personal care
  - providing social work
  - assisting with cash/bills and or shopping
  - assisting in the conduct of a person's own affairs
  - conveying

|                                                                                                                                                                                                                                                                                             |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>6. If any of the above box's are ticked what safeguarding measures will be put in place to ensure the successful candidate will not be left unsupervised with children or vulnerable adults until the DBS Check arrives? Please note, this could be for a number of weeks or months:</b> |  |
|                                                                                                                                                                                                                                                                                             |  |

- 7. Risk:** High  Medium  Low

- 8. Do you believe employment can commence whilst DBS check is being processed?:**
- Yes  No

|                             |  |
|-----------------------------|--|
| <b>9. Further Comments:</b> |  |
|-----------------------------|--|

|                    |  |
|--------------------|--|
| <b>10. Name:</b>   |  |
| <b>11. Signed:</b> |  |
| <b>12. Date:</b>   |  |