



# UTC South Durham Safer Recruitment Policy



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<b>Approved by</b>	Governing Body
<b>Signed:</b> (Principal) 	<b>Date:</b> June 2021
<b>Signed:</b> (Chair of Governors) 	<b>Date:</b> June 2021

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<b>Responsibility</b>	Principal

## **1. Introduction**

The UTC is committed to safeguarding and promoting the welfare of children, young people and vulnerable adults and expects all staff and volunteers to share this commitment.

This policy document provides the underpinning framework for safer recruitment and continued monitoring based on statutory requirements and good practice. This policy also outlines the process for the recruitment of staff to the UTC.

This policy has been written in conjunction with the Disclosure and Barring Service (DBS) Guide for Academies 2013 and Keeping Children Safe in Education 2020.

## **2. Policy objectives**

The objectives of this policy are to:

- Ensure that the UTC provides a robust recruitment process
- Identify those who would be unsuitable; to deter the small minority who seek to sexually harm children; and to select and maintain a safe workforce. In this way, the UTC aims to ensure that our students enjoy the highest possible level of protection.
- Ensure that the UTC and its staff meet their legal obligations, maintain adequate and auditable records, and that the UTC is not vulnerable to legal challenge either directly or vicariously

This document provides leaders and staff with the instructions and information they require to ensure safer recruitment for safeguarding the students with whom they work.

As a UTC we are working with a large number of partner businesses in order to provide our students with an outstanding educational experience. Safeguarding of students on visits, placements and trips is covered in the Educational Visits and Placements Policy.

## **3. The recruitment process**

### **3.1 Identification of recruiters**

At least one interviewer on any appointment team must successfully have received accredited training in safer recruitment procedures. This will be recorded in the Single Central Record kept by the HR function of the UTC.

### **3.2 Inviting applicants**

When a post is identified an appropriate timeline will be drawn up that allows for all processes to be conducted safely. Advertisements for posts, whether in newspapers, journals or online, will include a safeguarding statement. Prospective applicants will be advised, as a minimum, of the following:

- Job description
- Person specification
- Selection procedure for the post
- Application form

Some of this information might be supplied electronically or via reference to the UTC website. All prospective applicants must complete, in full, an application form and sign it or submit it electronically. CVs or applications via other on line portals will not be accepted.

### **3.3 Short-listing and references**

References are an important part of the safer recruitment process. A minimum of two references will be sought, directly from the referees, and must include information about the candidate's suitability to work with children. References or testimonials provided by the candidate will not be deemed sufficient. Where a current employer has not been given as a referee the UTC will seek permission from the applicant to approach the current employer (unless the applicant has only worked there for a short time or there is another acceptable reason). Where the current employment does not involve working with young people, and a previous employment has done, the UTC will seek a reference from that employer.

Where necessary, referees will be contacted by telephone or email in order to clarify any anomalies or discrepancies. A written note will be kept of such exchanges. Where necessary, previous employers who have not been named as referees will be contacted in order to clarify any anomalies or discrepancies. A written note will be kept of such exchanges.

Referees will always be asked specific questions about:

- Referee's relationship with the candidate
- The candidate's suitability for working with children and young people
- Details of any allegations or concerns that have been raised about the applicant to the safety/welfare of children or behaviour towards children, conclusions reached and how the matter was resolved
- Any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children
- The candidate's suitability for this post

A copy of the job description and person specification should be circulated with the reference request. UTC employees are entitled to see and receive, if requested, copies of their employment references. Appointments can only be confirmed when all references have been correctly scrutinised.

The referee should be reminded that they have a responsibility to give accurate information and not give misstatements or omissions and that they may discuss factual content with the applicant beforehand.

References may be taken up before the short-listing selection stage, so that any discrepancies can be probed during the selection stage, or may be taken after the interview and before formal appointment.

It is the Principal's responsibility to ensure that two suitable references are obtained which give the maximum confidence of the applicant's suitability to work with children.

All references from the UTC must be signed by the Principal (or Vice Principal in their absence).

Short-listing of candidates will be against the person specification for the post, focusing on the essential criteria.. At short-listing, applications are checked for discrepancies, inconsistencies and gaps in employment with further enquiries and questions at interview if required.

### **3.4 The interview and selection process**

The invitation to interview will provide basic details and a programme of the day. Interviews will always be face-to-face if at all possible. Telephone interviews may be used at the short-listing stage but will not be a substitute for a face-to-face interview. Under some circumstances, virtual interviews may be possible (via Zoom or Teams).

Candidates will always be required to:

- Provide proof of identity, including photo ID
- Explain satisfactorily any gaps in employment
- Explain satisfactorily any anomalies or discrepancies in the information available to recruiters
- Declare any information that is likely to appear on a DBS disclosure
- Demonstrate their capacity to safeguard and protect the welfare of children and young people
- Bring sufficient documentary evidence to allow the successful candidate to confirm their qualifications and complete the DBS disclosure immediately on being offered the post

The interview panel should comprise of at least two people. The panel should meet beforehand to discuss the interview and the issues to be explored with the candidate (panels can agree questions but they can be deviated from – supplementary questions are required to pursue answers/thoughts/ideas).

Safeguarding questions in interview will:

- Explore attitude towards children
- Explore candidate's ability to support safeguarding and promoting the welfare of children
- Explore gaps in employment history
- Address any concerns/discrepancies arising from references and application forms

### **3.5 Employment checks**

All appointments will be conditional upon:

- Two satisfactory references
- Proof of identity, including photo ID
- Completion of a DBS disclosure application and receipt of satisfactory clearance
- Providing actual certificates of qualifications, verification of qualifications/ professional status/QTS, NPQH, QTS as appropriate.
- Proof of eligibility to live and work in the UK

### **3.6 Induction**

All employees who are new to the UTC will receive induction training that will include the UTC's safeguarding policies and guidance on safe working practices. Regular meetings will be held during the first three months of employment between the new employee and their line manager in order to set appropriate expectations and answer questions. All employees will receive an appropriate level training in:

- Child protection/safeguarding and promoting welfare of children/anti-bullying/antiracism/physical handling/intimate care/internet safety
- Safe practice and standard of conduct and behaviour advice for staff
- Disciplinary and whistle blowing policies

#### **4. Roles and responsibilities**

The Principal has the responsibility for ensuring the integrity of the system overall; for providing checks and balances and ensuring concerns in relation to the policy are addressed immediately.

The Principal together with the Business Manager and Office Manager has oversight of the process and should ensure that all steps outlined in this policy are completed and will ensure that the timeline for appointments is followed. All employees involved in recruitment have the responsibility to be aware of its contents; to act in accordance with it and to use the UTC's Whistle Blowing Policy if there are any concerns regarding its implementation.

Trustees take their role in relation to this policy seriously and the link Trustee for Safeguarding actively engages in scrutinizing relevant documentation. Trustees are not always involved in the recruitment of staff but are valuable members of the UTC's leadership and are involved on the panel for senior roles and where their particular expertise is valuable. Similarly, representatives from business or education partners of the UTC can be brought in to interview processes for their expertise and insight.

The Office Manager or Business Manager will ensure compliance with these procedures on a practical basis, recommend improvements in the processes and ensure that a high quality induction process is followed for all staff. They will record relevant information on the SCR to ensure full compliance.

If, one week prior to the commencement of employment a DBS has not been received, safe 'holding' arrangements must be put in place. Critically, in no circumstances may an employee start work on unsupervised regulated activity until a satisfactory DBS has been received.

On the first day of employment all new employees will meet with the Principal or Business Manager who will formally welcome them to the UTC and verify that the appointments checklist has been completed.

When DBS and other information are placed on our central record – it should be highlighted until satisfactory clearance has been received. When clearance arrives the colour should be changed to reflect that the person can start employment.

All checks will be confirmed in writing and copies of the relevant documents retained on file. The file will be kept securely with access only by the Principal, Business Manager and Office Manager.

Any discrepancies thrown up by the above checks will be discussed with Human Resources before a final decision on employment is made.

The DfE Children's Safeguarding Operations Unit will be informed of any candidates:

- Whose names are found on List 99/PoCA or whose DBS check shows that they have been disqualified from working with children by a court
- Who have given false information to support their application
- Who are found to have serious concerns about them working with children

Contractors who work continuously on site eg the Youth Service and Community Library are expected to recruit employees safely, with the protection of young people as their top priority. The UTC will ensure that safe recruitment is regularly discussed and that it receives proof that contractors are DBS checking all new employees.

- It is our policy that all Trustees are required to undertake an enhanced DBS check
- All regular volunteers are required to undertake an appropriate DBS check before commencing service
- All agency staff and trainee staff must bring evidence of DBS clearance prior to commencing work at the UTC

The UTC has responsibility for ensuring that recruitment, selection, and retention decisions for posts working with children are safe, and that the UTC meets its social and statutory obligations.

The management and monitoring of this responsibility is held with the Principal. For clarity, responsibility requires the following:

- Decisions as to which posts require DBS vetting
- Decisions as to whether posts require standard or enhanced DBS disclosure
- Monitoring policy compliance and ensuring consistency of application
- Being the primary point of contact for DBS
- Providing procedures, protocols, advice and guidance to managers where risk assessment and discretionary decisions are required including advice regarding creation of audit trails
- Monitoring the application of the DBS Code of Practice and data protection as it relates to DBS documentation
- Financial management of the safeguarding processes

## **5. Disclosure and Barring Service (DBS)**

### **5.1 Role of the DBS**

The DBS helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).

They are responsible for:

- Processing requests for DBS checks
- Deciding whether it is appropriate for a person to be placed on or removed from a barred list

- Placing or removing people from the DBS children's barred list and adults' barred list for England, Wales and Northern Ireland

There are two levels of checks:

- Standard Disclosure: contains details of both spent and unspent convictions as well as cautions, reprimands and final warnings. This is used for areas of employment involving regular contact with children and/or vulnerable adults.
- Enhanced Disclosure: contains the same information as the Standard Disclosure together with non-conviction information from local police records. This is appropriate for jobs involving caring, supervising, training or being in sole charge of children and/or vulnerable adults. This will be the default check for the vast majority of roles within the UTC.

Based on DBS Regulations and the UTC policy, the senior leaders of the UTC must make the decision as to whether or not a post requires a DBS check at the time of advertising.

The DBS do not take decisions on behalf of the employer; it rather provides information on which the employer can take a decision. If any concerns are raised by the DBS process then the Principal shall make a decision about suitability of employment; this will normally be done with the Safeguarding Trustee or Chair of Trustees.

## **5.2 Overseas workers and students**

The DBS cannot check criminal records from overseas. Applicants from overseas must obtain a formal written disclosure from their country of origin, which should be verified by the UTC prior to appointment. For applicants who are British citizens but have lived overseas, the DBS may well not provide up-to-date information and therefore their overseas background should also be checked in the same way as for foreign applicants.

Concerted efforts should be made to help candidates obtain overseas equivalent of DBS checks in order to avoid discrimination or perceptions of discrimination under the Equality Act. In most cases it is for the candidate themselves to apply through the relevant channels but in some instances the UTC needs to verify the applicant's request for disclosure.

It is a criminal offence under the Asylum & Immigration Act 1996, the Nationality, Immigration and Asylum Act 2002 and the Asylum and Immigration Act (A) 2004 to employ anyone who does not have leave to be in the UK or to work in the UK. The UTC will ensure that any necessary permissions to work in the UK are in place and current. DBS checks will not establish the presence or currency of work permits. The UK Visas and Immigration Agency operates a Helpline and Employer Checking Service.

All evidence obtained for the successful applicant will be recorded on the Single Central Record (SCR).

## **5.3 Apprentices and long term work placement students**

DBS checks must be carried out on apprentices or long term work placements who will have frequent and/or intensive access to children and/or vulnerable adults.

#### **5.4 Partner business staff**

DBS checks are not needed for the majority of staff at our partner businesses. The only situation in which staff will need to be DBS checked is when they will spend prolonged periods alone with a student (there is little guidance from the DBS service about the definition of prolonged). For our purposes, we will assume that it is more than two hours alone with a student and repeated on more than three occasions. Decisions on whether DBS checks are required will be made by the UTC's EVC and Principal.

#### **5.5 Agency and supply staff, contractors on site**

The UTC's contract with the agency or external contractors will set out their duty to both ensure that staff provided to the UTC have received appropriate DBS clearance and that staff arrive at the UTC with such evidence available for inspection and recording. However, the person responsible for arranging the placement must ensure that staff have the requisite registration and clearance, which meets the requirements of the post and this policy document and that evidence of such checking is retained for audit purposes.

#### **5.6 Who should obtain DBS disclosure?**

The senior leaders of the UTC are responsible for obtaining DBS disclosure and ensuring details are recorded on the SCR as appropriate.

UTC policy is that new DBS checks must be obtained at recruitment for any position or role defined as 'regulated activity'. We should not accept a previous check obtained for that person by another organisation, irrespective of how recent it is. If a prospective member of staff has signed up for the DBS update service then this may be used instead of starting the process afresh.

#### **5.7 Reporting to the DBS Service**

If a significant safeguarding concern is raised about a member of staff then it is the Principal's responsibility to ensure that this is followed through correctly. In extreme circumstances this may result in reporting the concern to the DBS service.