



Norman Mackie & Associates LTD

Trading As

Works 4 U Support Services

SAFER RECRUITMENT POLICY 2021

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Introduction

Works4U is committed to safeguarding and promoting the welfare of all learners in its care. As an employer, Works4U expects all staff and volunteers to share this commitment.

Aims & Objectives

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 aims of Works4U recruitment policy are as follows:

- 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;
- 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;
- 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 2021 (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); and
- to ensure that the College meets its commitment to safeguarding and promoting the welfare of our learners by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

Works4U 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 Works4U 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 2021 and Prevent Duty Guidance).

If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant they must 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.

Works4U aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job vacancies at Works4U.

Roles and Responsibilities

It is the responsibility of the governing body to:

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

It is the responsibility of the Director of Works4U (Wendy Mackie), Business Strategy Manager (Jackie Anderson) and other Managers involved in recruitment too:

- Ensure that Works4U operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who are employed by Works4U. To monitor contractors' and agencies' compliance with this document.
- Promote welfare of learners at every stage of the procedure. The Board of Trustees has delegated responsibility to the Director of Works4U (teaching staff) and Business Strategy Manager (support staff) to lead in all appointments. Trustees may be involved in staff appointments but the final decision will rest with the Head of Works4U.

Definition of Regulated Activity and Frequency

"Regulated Activity is a term **used to describe certain job functions carried out by an employee as defined by the Disclosure and Barring Service (DBS)**. These requirements are important as they determine eligibility for an Enhanced Level DBS check and a check of the DBS Barred Lists."

Any position undertaken at, or on behalf of the Works4U 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.

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.

Works4U is not permitted to check the Barred List unless an individual will be engaging in "regulated activity". Works4U is required to carry out an enhanced DBS check for all staff, supply staff and trustees who will be engaging in regulated activity. However, Works4U 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.

Recruitment and Selection Procedure – Advertising

To ensure equality of opportunity, Works4U will advertise all vacant posts to encourage as wide a field of applicant as possible, normally this entails an external advertisement. Any advertisement will make clear Works4U'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)

Application Forms:

Works4U uses its own application form and 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. 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.

It is unlawful for the Works4U 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 Works4U. 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.

References

References for the successful candidate(s) will be requested after interview.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by Works4U. One of the references must be from the applicant's current or most recent employer. If the current/most recent employment does/did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children. The referee should not be a relative. References will always be sought and obtained directly from the referee and their purpose is to provide objective and factual information to support appointment decisions.

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. Referees will also be asked to confirm that the applicant has not been radicalised, so that they do not support terrorism or any form of "extremism".

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

Any discrepancies or anomalies will be followed up. Direct contact by phone will be undertaken with each referee to verify the reference.

Works4U does not accept open references, testimonials or references from relatives.

Interviews

There will be a face-to-face interview wherever possible, and a minimum of two interviewers will see the applicants for the vacant position. 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).

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 form.

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

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.

Offer of appointment and New Employee Process

In accordance with the recommendations set out in KCSIE Works4U carries out a number of preemployment 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 Works4U standard terms and conditions of employment
- verification of the applicant's identity (if not previously been verified)
- the receipt of two references (one of which must be from the applicant's most recent employer) which Works4U considers to be satisfactory for positions which involve "teaching work":
 - where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which the College 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 Works4U, taking part in the management of an independent College 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
- verification of the applicant's medical fitness for the role
- 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 Works4U deems a requirement for the post, or which the applicant otherwise cites in support of their application (where not previously verified).

Whether a position amounts to "regulated activity" must therefore be considered by Works4U in order to decide which checks are appropriate. It is however likely that in nearly all cases Works4U will be able to carry out an enhanced DBS check.

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 Works4U.

(A spent conviction is a conviction which, under the terms of Rehabilitation of Offenders Act 1974, can **be effectively ignored after a specified amount of time**. The amount of time for rehabilitation depends on the sentence imposed, not on the offence).

DBS (Disclosure and Barring Service) Check

Works4U will apply for an enhanced disclosure from the DBS in respect of all positions at within the centre 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 Works4U's policy that the DBS disclosure must be obtained before the commencement of employment of any new employee. It is the College's 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 Works4U are aware of their obligation to inform the Business Strategy Manager (Jackie Anderson) 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.

If a new employee starts with Works4U where a DBS has not yet been received then a risk assessment is to be carried out for the new employee by The Director and The Business Strategy Manager. The new employee must not be left alone with any learners at any time. A senior member of staff is to accompany the new employee and be present at all times.

DBS Certificate

The DBS no longer issue Disclosure Certificates to employers, therefore employees/applicants should bring their original Certificate to the Business Strategy Manager at Works4U (for employees within 7 days of issue or applicants before they commence work or any project involving regulated activity).

Dealing with convictions

Works4U operates a formal procedure if a DBS Certificate is returned with details of convictions. 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 Director of Works4U and the Business Strategy Manager. A decision will be made following this meeting. 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 Business Strategy 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, Works4U, 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.

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. A section 128 direction 39 prohibits or restricts a person from taking part in the management of an independent College.

A person who is prohibited is unable to participate in any management of an independent College, a trustee on any governing body in an independent College, 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.

Proof of identity, Right of Work in the UK & verification of Qualifications and/or professional status

All applicants invited to attend an interview at Works4U 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. Works4U does not discriminate on the grounds of age.

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.

Medical Fitness

Works4U is legally required to verify the medical fitness of anyone to be appointed to a post at the College, after an offer of employment has been made but before the appointment can be confirmed.

All applicants are requested to complete a medical 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.

Works4U are aware of its 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.

Overseas Checks

Works4U, in accordance with the UK Visas and Immigration (UKVI) will, if applicable, sponsor new foreign nationals (see Certificate of Sponsorship section). In addition, 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 Works4U.

Certificates of Sponsorship (CoS)

If an appointed applicant is a national of a non-EEA country, a CoS may be required. Before any offer of employment is made, the Interviewing Managers should consult with the Business Strategy Manager to establish whether Works4U has any unallocated Sponsorship Certificates. Criteria for issuing a CoS are:

- The job is in a “designated shortage” occupation, or
- It passes the Resident Labour Market Test (RLMT)
- The job is at NQF6 Level or above
- Minimum salary levels as stated by the UKVI are met.

Only the Business Strategy Manager will be able to issue a CoS. In addition to the CoS the applicant must apply for entry clearance/leave to remain through the UKVI and comply with the UKVI requirements.

The process can take up to three months and staff cannot, under any circumstances, be employed until permission is given.

Detailed advice on the above is available from the Business Strategy Manager.

Induction Programme

All new employees will be given an induction programme which will clearly identify Works4U policies and procedures, including the Child Protection Policy, the Code of Conduct, and KCSIE, and make clear the expectations which will govern how staff carry out their roles and responsibilities.

Single Centralised Register of Members of Staff

In addition to the various staff records kept in Works4U and on individual personnel files, a single centralised 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 Business Strategy Manager. The Single Centralised Register will contain details of the following:-

- All employees who are employed to work at Works4U;
- all others who have been chosen by Works4U to work in regular contact with children. This will cover volunteers, trustees, peripatetic staff and people brought into the College to provide additional teaching or instruction for learners but who are not staff members, eg sports coaches etc.

A designated trustee will be responsible for auditing the Single Centralised Register and reporting his/her findings to the full Trustees Board during the Summer Term meeting.

Record Retention/Data Protection

Works4U is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, Works4U 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 Works4U to discharge its obligations as an employer, eg so that Works4U 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 Works4U for the duration of the successful applicant's employment with the College. All information retained on employees is kept centrally by the Business Strategy Manager in a locked and secure cabinet.

The same policy applies to any suitability information obtained about volunteers involved with any Works4U activities.

Works4U 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].

Ongoing Employment at Works4U

Works4U recognises 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. Works4U will therefore provide ongoing training and support for all staff, as identified through the Annual Review/appraisal procedure.

Visiting Speakers (and Prevent Duty)

The Prevent Duty Guidance requires the College to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by learners, are suitable and appropriately supervised.

Works4U is not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity at the College or perform any other regular duties for or on behalf of Works4U.

All visiting speakers will be subject to Works4U usual visitors signing in protocol. This will include signing in and out at Reception, the wearing of a visitor's badge at all times and being escorted by a fully vetted member of staff between appointments.

Works4U will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend Works4U. In doing so, Works4U will always have regard to the [Visitors and Security Policy], the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states: "'Extremism' is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations." In fulfilling its Prevent Duty obligations the College does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

Signed: *Wendy Mackie*

(Director)