



Safer Recruitment Policy

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Introduction

The safe recruitment of staff is the first step to safeguarding and promoting the welfare of children in our care. Autism Bedfordshire is committed to safeguarding and promoting the welfare of all children and young people in its care. As an employer, Autism Bedfordshire expects all staff and volunteers to share this commitment.

This policy is written in line with statutory guidance and in line with guidance set out by the Local Safeguarding Partners.

In November 2021, this chapter was updated to reflect legal changes following EU exit, including guidance on checking the past conduct of individuals who have lived or worked overseas. It was also updated as a result of the UK's exit from the European Union. Information was added on how employers can now check that an individual has the right to work in the UK during the recruitment process.

Aims and Objectives

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

The aims of the Safer 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 2018 (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 charity meets its commitment to safeguarding and promoting the welfare of children and young people 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.

Autism Bedfordshire 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 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.

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

Roles and Responsibilities

It is the responsibility of the Board of Trustees to:

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

It is the responsibility of the CEO and other managers involved in recruitment to:

- ensure that the charity operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at Autism Bedfordshire
- monitor contractors' and agencies' compliance with this document.
- promote welfare of children and young people at every stage of the procedure

- Undertake safer recruitment training.

The Board of Trustees has delegated responsibility to the CEO and Departmental managers to lead in all appointments. The Trustees may be involved in staff appointments, but the final decision will rest with the CEO.

Definition of Regulated Activity and Frequency

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

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am 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.

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

Any advertisement will make clear the charity'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 2018 (DPA).

Application Forms

Autism Bedfordshire 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). Incomplete application forms 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. CVs will not be accepted.

It is unlawful for the charity 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 Charity. 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.

Job Descriptions and Person Specifications

A job description is a key document in the recruitment process and must be finalised prior to taking any other steps in the recruitment process. It will clearly and accurately set out the duties and responsibilities of the job role.

The person's specification is of equal importance and informs the selection decision. It details the skills, experience, abilities and expertise that are required to do the job. The person specification will include a specific reference to suitability to work with children.

References

References for shortlisted applicants will be sent for immediately after shortlisting. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted at that stage. In such cases, this reference will be taken up immediately after the interview.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the charity. 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".

Referees will also be asked to write a general reference as part of the reference form, in order to provide a better picture of the candidate.

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.

The charity 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 that 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 not 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.

Written records of all interviews, observations and skills tests will be kept on the successful applicant's personnel file.

Offer of Appointment and New Employee Process

In accordance with the recommendations set out in KCSIE and the requirements of the Education (Independent Schools Standards) Regulations 2014 and the Boarding Schools: national minimum standards, Autism Bedfordshire 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 charity's standard terms and conditions of employment.
- verification of the applicant's identity (where that has not previously been verified).
- the receipt of two references (one of which must be from the applicant's most recent employer) which the charity considers to be satisfactory.
- where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which the charity 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 working in a position which involves regular contact with children.
- 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 charity deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).

*The charity is not permitted to check the Children's Barred List unless an individual is engaging in "regulated activity". The charity is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, the charity 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.

Whether a position amounts to "regulated activity" must therefore be considered by the charity in order to decide which checks are appropriate. It is, however, likely that in nearly all cases the charity will be able to carry out an enhanced DBS check and a Children's Barred List check.

A personal file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personal files.

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 children and young people. Therefore, any convictions and cautions that would normally be considered 'SPENT' must be declared when applying for any position at Autism Bedfordshire.

DBS (Disclosure and Barring Service) Certificate (formerly known as CRB Disclosure)

The charity applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at Autism Bedfordshire 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 the charity's policy that the DBS disclosure must be obtained before the commencement of employment of any new employee.

It is the charity's policy to re-check employees' DBS Certificates every three years and in addition any employee that takes leave for more than three months (e.g.: maternity leave, career break, etc.) must be re-checked before they return back to work.

Members of staff at Autism Bedfordshire are aware of their obligation to inform their line manager or the CEO 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.

Vetting Check Exemptions

In line with the DfE Regulatory Requirements, the charity will not conduct vetting checks on the following:

- visitors for other staff.
- those who have only brief contact with children in the presence of a member of staff.
- those aged under 16 on work experience or similar.
- those on the premises when children and young people are not present; and
- visitors carrying out repairs or servicing equipment.

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. The charity 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, i.e., 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 Certificate to the Autism Bedfordshire office (for employees within 7 days of issue or applicants before they commence work or any project involving regulated activity).

Dealing with convictions

Autism Bedfordshire 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 recruiting 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 recruiting 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 charity 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.

Outcomes of the Application and Recruitment Process

Where the following apply, the charity will report the facts to the Police and/or the Disclosure and Barring Service:

- the candidate is found to be on the Barred List, or the DBS Disclosure shows s/he has been disqualified from working with children by a Court; or
- the candidate is found to have been prohibited from the teaching profession.
- a candidate has provided false information in, or in support of, his or her application; or
- there are serious concerns about a candidate's suitability to work with children.

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

All staff are asked to complete a digital right to work check with our vetting.com portal. Autism Bedfordshire will check the identification documentation such as passport, birth certificate, driving license, etc. Proof of identity/eligibility to work in UK in accordance with those set out in the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines. The charity does not discriminate on the grounds of age. In the event the candidate is not a British citizen a right to work shared code will be asked to be provided and checked using the GOV.UK right to work check.

Where an applicant claims to have changed their name by deed poll or any other means (e.g., 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

The charity is legally required to verify the medical fitness of anyone to be appointed to a post at Autism Bedfordshire, 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.

The charity is 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

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 charity.

Induction Programme

All new employees will be given an induction programme which will clearly identify the charity 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 charity and on individual personnel files, a single centralised record of recruitment and vetting checks is kept in accordance with the Education (Independent Charity Standards) Regulations 2014 requirements. This is kept up-to-date and retained in the Autism Bedfordshire Office. The Single Centralised Register will contain details of the following: -

- all employees who are employed to work at the charity.
- all employees who are employed as supply staff to the charity whether employed directly or through an agency.
- all others who have been chosen by the charity to work in regular contact with children. This will cover volunteers, trustees, peripatetic staff and people brought into the charity to provide additional support but who are not staff members e.g., casual workers.

A designated trustee will be responsible for auditing the Single Centralised Register and reporting his/her findings to the Board of Trustees on an annual basis.

Record Retention / Data Protection

The charity is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the charity 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 charity to discharge its obligations as an employer, e.g., so that the charity 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 the charity for the duration of the successful applicant's employment with the charity. All information retained on employees is kept centrally in the Autism Bedfordshire office in a locked and secure cabinet.

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

Autism Bedfordshire will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed (i.e.: shredded). The 6-month retention period is in accordance with the General Data Protection Regulations (GDPR).

Ongoing Employment

Autism Bedfordshire 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. The charity will therefore provide ongoing training and support for all staff, as identified through the Annual Review/appraisal procedure.

Leaving Employment at Autism Bedfordshire

Despite the best efforts to recruit safely, there will be occasions when allegations of serious misconduct or abuse against children and young people are raised. This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks the charity also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at the charity despite being barred from working with children; or
- has been removed by the charity from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

If the individual referred to the DBS is a teacher, Autism Bedfordshire may also decide to make a referral to the Teaching Regulation Agency.

Contractors and agency staff

Contractors engaged by Autism Bedfordshire must complete the same checks for their employees that the charity is required to complete for its staff. The charity requires confirmation that these checks have been completed before employees of the Contractor can commence work at the charity.

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

Autism Bedfordshire 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 charity.

Visiting Speakers (and Prevent Duty)

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

The charity 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 Autism Bedfordshire or perform any other regular duties for or on behalf of the charity.

All visiting speakers will be subject to the charity's 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.

The charity 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 the charity. In doing so Autism Bedfordshire will always have regard to 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 Autism Bedfordshire 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.

Volunteers

Autism Bedfordshire will request a DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the charity (the definition of regulated activity set out above will be applied to all volunteers).

Under no circumstances will the charity permit an unchecked volunteer to have unsupervised contact with the children and young people in our care.

It is Autism Bedfordshire's 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 charity for three consecutive months or more. Those volunteers who are likely to be involved in activities with the charity on a regular basis may be required to sign up to the DBS Update Service as this permits the charity to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition, the charity will seek to obtain 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.
- character references from the volunteer's place of work or any other relevant source;
and
- an informal safer recruitment interview.

Monitoring and Evaluation

This policy will be monitored and evaluated throughout the charity. This will be undertaken through formal audits of job vacancies and a yearly Safer Recruitment Evaluation audit which will be presented to the Board of Trustees.