

# **Safer Recruitment: Pre Employment Vetting Policy**

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## 1. Introduction

- 1.1 The safety of children, young people and adults identified as 'vulnerable' is paramount and Hugh Baird College is fully committed to safeguarding and promoting the welfare of these individuals and to the rigorous implementation of Disclosure and Barring Service (DBS) procedures and arrangements.
- 1.2 This policy provides a framework which incorporates the advised nationally recommended safeguarding practices, thereby ensuring that the College has in place a robust and rigorous recruitment and selection procedure which precludes unsuitable applicants from gaining a position with the College.
- 1.3 To ensure a secure environment is maintained the policy also covers (at paragraphs 4.5-4.11) visitors, agency staff, volunteers, and casual staff,' who are not directly employed by the College.
- 1.4 The policy should be read in conjunction with the following College policies and procedures:
  - Recruitment of Ex-Offenders statement (Appendix 3)
  - Recruitment and Selection Policy & Procedure (College intranet)
  - Single Equality Scheme (College intranet)
  - Equality & Diversity Policy (College intranet)
  - Safeguarding Policy (College intranet)

## 2. Legal Context

- 2.1 The College recognises its explicit duty under Section 175 of the Education Act 2002 and the Children Act 2004 to provide an environment which safeguards and promotes the welfare of children.
- 2.2 The Policy refers to the provisions of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012 and defines the activities and work considered to be a 'regulated activity' (work that a barred person must not do.)
- 2.3 Regulated activity includes:
  - i. Unsupervised teaching, training, instructing, caring for or supervising children or providing advice/guidance on **physical, emotional or educational well-being**, and driving a vehicle only for children.
  - ii. Work undertaken by individuals in the College (a 'specified place' as defined by the Safeguarding Vulnerable Groups Act 2006) with the opportunity for contact with children. Work carried out by volunteers within the College when they are supervised to a reasonable level, is not a regulated activity.

iii. Work under (i) or (ii) is a 'regulated activity' only if it is done regularly. Regularly means carried out by the same person either:

- On 4 or more days in a 30 day period or,
- Any time between 2.00 a.m. and 6.00 a.m **and the person has the opportunity for face to face contact with children.**

2.4 The definition of 'regulated activity' in relation to adults (any person aged 18 or over) **does not use the term 'vulnerable' adult**". Under the Protection of Freedoms Act 2012, any adult is regarded as 'vulnerable' if they require regulated activities to be provided on their behalf at a particular time. This means that the focus is on the activities required by the adult and not on the setting in which the activity is received, nor on the personal characteristics, or circumstances of the adult receiving the activities. There is also no requirement for a person to do the activities a certain number of times before they are engaged in regulated activity.

2.5 This policy has been developed in accordance with the Department for Education statutory guidance contained in **'Keeping Children Safe in Education September 2019**.

### 3. Disclosure and Barring Service

3.1 The Secretary of State has the power to bar anyone from employment as a teacher and from work involving regular contact with children or young people in Schools and Colleges. The College is under a statutory duty not to employ anyone that is barred by the Secretary of State whose name appears on any Vetting and Barring list.

3.2 Since the introduction of the new 'regulated activity' on 10 September 2012 there are now three types of Disclosure and Barring Service (DBS) checks that are available:

- **Standard**— a check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings regardless of whether or not they are spent under the Rehabilitation of Offenders Act 1974.
- **Enhanced** – a check of the PNC records plus other information held by the police that a Chief Officer believes relevant and considers ought to be disclosed.
- **Enhanced with barred list information** - for those individuals working in regulated activity with children. This adds an additional check as to whether an individual appears on the children's barred list.

3.3 It is the College's assessment that an enhanced DBS check with barred list information will be required for all staff as they will be engaged in work falling under the definition of "regulated activity."

## 4. Categories and Type of Checks

### Staff

- 4.1 The full range of employment checks will be carried out for all College staff to minimise the possibility of any learners suffering harm from those whom they consider to be in positions of trust in whatever capacity.
- 4.2 If a member of staff leaves and then re-joins the College and the break in service is greater than 3 months a new DBS check will be carried out.
- 4.3 A enhanced DBS check will not be undertaken for a new member of staff if, in the three months prior to joining the College, an enhanced check was undertaken by a previous employer and the role in which the individual was engaged brought them into regular contact with children. The individual will however be required to provide a copy of the DBS certificate so that the number and details can be recorded on the central record.
- 4.4 The Disclosure and Barring Service has a confidential checking process for Transgender Applicants who do not wish to reveal details of their previous identity to the person who asked them to complete an application form for a DBS check. Further information from the DBS is available by telephoning: 0151 676 1452 or by sending an e-mail to the DBS Sensitive Applications Team at [sensitive@dbs.gsi.gov.uk](mailto:sensitive@dbs.gsi.gov.uk).

### Agency Staff

- 4.5 Prior to an agency member of staff commencing work, Human Resources will obtain written confirmation from the respective agency that the appropriate checks, including an enhanced DBS check with barred list information has been carried out. A record will be kept of the reference number and certificate issue date on the central record.
- 4.6 **On commencing at the College, a check will also be undertaken to confirm that the person presenting themselves for work is the same person on whom the checks have been made.**

### Visitors

- 4.7 Visitors **who do not** have regular and unsupervised access to children do not require a DBS check. The normal risk assessment that applies to all College visitors will be applied.
- 4.8 Visitors **who do** have unsupervised regular access to children and adults requiring 'regulated activities' such as chaplains, sports coaches and volunteer counsellors will be required to provide a copy of an enhanced DBS check which has been carried out within the last three months. Human Resources will, prior to an individual's commencement, seek written confirmation from the respective agencies, thereafter annually that the appropriate checks, including the DBS checks have been carried out and by whom.

4.9 Visitors to the College, in whatever capacity, must be signed in and out and provided with a visitor's badge. The member of staff being visited is responsible for ensuring that they are fully aware of the visitor's movements and whereabouts at all times whilst in College.

### Volunteers

4.9 An enhanced DBS certificate with barred list check will be required for any volunteer who will regularly teach, come into contact with children on an unsupervised basis or is providing personal care.

4.10 An enhanced DBS check will be required for all volunteers not engaged in a regulated activity.

4.11 Under no circumstances should a volunteer in respect of whom no checks have been carried out be left unsupervised whilst on the College premises.

### Governors

4.12 In accordance with the statutory guidance in Keeping Children Safe in Education, College governors will be treated on the same basis as other volunteers and an enhanced check with barred list checks requested if the governor will be engaged in regulated activity

### Contractors

4.13 Whenever any type of building work is undertaken of any duration, the College will at the planning stage determine with the contractors and agree the safeguarding measures in relation to the works starting on site. The safe-guarding measures will then be detailed in the building contract. Thereafter, College staff affected will be briefed on the supervision required and the access arrangements with the contractor. The identity of contractors will be checked on arrival at the College.

4.14 Contractors working at the College providing catering or other services will be required have a satisfactory enhanced DBS check. The check must be undertaken by the employing organisation and details of the reference number and certificate issue date provided to the Human Resources Department for entry onto the central record.

## 5. Pre-Appointment Checks

5.1 In addition to the DBS checks, the College will also, as part of its safer recruitment and selection process, source the following information on prospective staff:

- Verification of the candidate's identity
- A minimum of two written and verified professional references one of which will be from the most recent employer where the person worked with, or was in contact with children or vulnerable adults.
- Information on the reasons for any education or employment gaps

- Evidence of relevant qualifications and current memberships of professional bodies
  - Evidence of Right to Work within the United Kingdom through checking the authenticity of pre-employment documentation i.e. passport:
  - **Verification of the candidate's mental and physical fitness to carry out the responsibilities of the post.**
  - **Obtain a separate barred list check if an individual will be starting in post before the DBS certificate is available.**
- 5.2 All new staff providing education at the College who have lived outside the United Kingdom are subject to such additional checks as are deemed appropriate where the required DBS Enhanced Disclosure check is not considered sufficient to establish suitability to work with Children and Adults in a regulated activity.
- 5.3 Applicants who have resided outside the UK in the past 5 years will need to provide Criminal Convictions Clearance from the country(ies) which they were residing in, because the DBS cannot generally trace individuals abroad. If the College recruits an individual from overseas, or an individual who has lived abroad in recent years prior to appointment, and needs to check their overseas criminal record, a DBS check may not provide a composite picture of the criminal record.
- 5.4 Applicants will be asked to contact the relevant Embassy to obtain a disclosure which should not be dated more than 6 months at the time of receipt. Upon receipt before full clearance to work is issued the disclosure should be sent to the Human Resources Department. The DBS information line for overseas queries is: 0870 90 90 811 or the Foreign and Commonwealth website is [www.fco.gov.uk](http://www.fco.gov.uk).
- 5.5 Documents that are evidence of an individual's overseas identity will be retained securely by Human Resources in accordance with the UK Border Agency guidance for the duration of the individual's employment and for a further two years after the individual's employment with the College has ceased.

## 6. Starting in Employment prior to receipt of DBS Check

- 6.1 No member of staff may commence in post until:
- their application for a DBS disclosure has been authorised by Human Resources Section, and
  - they have signed and returned to the Human Resources Section the declaration that they have read and understood the College policy, procedures and guidelines on the Safeguarding of Children, Young People and Vulnerable Adults.
  - if a DBS Disclosure is pending, a risk assessment has been completed and authorised and the individual has signed the Safeguarding Children and Vulnerable Adults Statement, and
  - the statutory Asylum and Immigration Act requirements have been satisfied.

- a barred list check has been completed.
- 6.2 Ideally, the DBS Disclosure should be obtained before an individual begins work. In the event that this has not been received, the **Director of Human Resources and Organisational Development** has discretion to allow an individual to begin work pending receipt however, permission will only be granted if arrangements have been put in place for appropriate supervision and a risk assessment has been undertaken.
- 6.3 The level of supervision must reflect what is known about the person concerned, their experience, and the nature of their duties and the level of responsibility they will carry. For those with limited experience and where references have provided limited information the level of supervision required will be high. For those with more experience and where the references are detailed and provide strong evidence of good conduct in previous relevant work a lower level of supervision may be appropriate.
- 6.4 The Line Manager of the individual must complete the Safer Recruitment and Vetting - Risk Assessment Form and submit it to the Head of Human Resources for authorisation. Only when this has been authorised may the individual commence employment.
- 6.5 **All offers of employment to successful candidates will be made conditional on satisfactory completion of the necessary pre-employment checks.**

## 7. General

- 7.1 Any person refusing to be checked by the College will be unable to be employed, as this is a prerequisite to offering or continuing in any contract of employment. All new members of staff will be required to pay for an enhanced DBS check and payment will be deducted from the first salary payment.
- 7.2 From June 2013, for an annual subscription, applicants can join the Update Service and have their DBS Certificate kept up-to-date. The certificate can then be taken with them from role to role, within the same workforce, where the same type and level of check is required. The service is free to volunteers. If the prospective member of staff has subscribed to the DBS Update Service and gives permission, an online update check will be undertaken. The prospective member of staff will be required to provide the original DBS certificate to confirm there are no convictions, cautions, reprimands or warnings which would make the applicant unsuitable for employment, and that it is for the appropriate workforce and level of check. A check will also be undertaken to confirm the certificate provided matches the individual's identity

## 8. The secure handling and use of Disclosures

- 8.1 The College uses the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust. It will also comply fully with the respective Code of Practice regarding the correct handling and use of Disclosures and disclosure information.



- 8.2 The College complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling and use of disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.
- 8.3 Disclosure information will never be kept on an applicant's personal file and will be limited to those who are entitled to see it as part of their duties.
- 8.4 In accordance with section 124 of the Police Act 1997, Disclosure information will only be passed to those who are authorised to receive it in the course of their duties. The College maintains a record of all those to whom Disclosures or Disclosure information has been revealed and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.
- 8.5 Disclosure information will only be used for the specific purpose for which it was requested and for which the applicants' full consent has been given.
- 8.6 The HR department maintains a single central record of recruitment checks. This record includes details of checks conducted on all staff including agency staff, volunteers and any other individuals brought into the College who are in regular contact with children. The information includes a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique Certificate number and the details of the recruitment decision taken. A copy of the DBS certificate will not be retained for longer than 6 months.

## **9. Review and Monitoring**

- 9.1 This policy will be reviewed on a regular basis according to legislative change.

## Appendix 1

### **RISK ASSESSMENT: SUPERVISION PENDING DBS DISCLOSURE**

It is a legal requirement that all new staff appointed to Hugh Baird College who are providing education and regularly caring for, teaching, training, instructing, supervising or being solely in charge of persons under 18 and/or adults who require 'regulated activities' to be provided on their behalf at a particular time, must have the appropriate type of Enhanced DBS Disclosure with children and or adult barred list information.

It is College policy that staff working for the College will have one of the levels of Enhanced DBS Disclosure. The Governing Body are all subject to checks and this is handled by the Clerk to the Board in conjunction with the Human Resources Department. All contractors and visitors (working in the College for a period of time) must provide written confirmation that their staff have been checked as this forms part of any contract with the College.

In circumstances where a DBS Disclosure is pending, the Head of Human Resources has discretion to allow an individual to commence work, provided that:

- .1.1. The Risk Assessment form overleaf has been completed and the name of the Supervisor/s is provided. This permission will only be given once all other Vetting and Barring checks have been carried out and these prove satisfactory.
- .1.2. The individual has signed a Safeguarding Children & Vulnerable Adults Statement

Completion of this Risk Assessment form is compulsory by the appropriate line manager. Once completed it should be forwarded to the Head of Human Resources for authorisation. This applies to staff working on or off the main Hugh Baird College site.

**RISK ASSESSMENT: SUPERVISION PENDING DBS DISCLOSURE**

Name of new member of staff			
Department			
Job Title			
Proposed start date			
Brief Description of their Job Role			
What is their previous experience and do they currently hold a DBS?			
If they hold a current DBS what is the Disclosure No			
Who will their named Supervisor/s be			
Briefly describe the supervisory arrangements and restrictions to their role that are proposed (these might typically include wearing a visitors badge at all times, regular rotation of duties, restriction of movement to social areas of the College, being accompanied and supervised at all times )			
Briefly describe the business reasons why the new starter needs to join the College urgently			
Signed (Line Manager)		Date	
HR Department to complete			
Have all the reference checks been completed		Yes/No	
Are these satisfactory?		Yes/No	
List 99 check and date			
DBS & Vetting and Barring checks		Yes/No	
Ref No:			
Any other relevant information			
Approved/not approved			
Signed: Director of HR& OD		Date	
Risk Assessment valid until			

This form will be destroyed upon receipt of a clear enhanced DBS clearance certificate

## Appendix 2

### SAFEGUARDING CHILDREN AND VULNERABLE ADULTS STATEMENT

The safety of children, young people and adults identified as 'vulnerable' is paramount and Hugh Baird College is fully committed to safeguarding and promoting the welfare of these individuals and to the rigorous implementation of Disclosure and Barring Service (DBS) procedures and arrangements.

As you are commencing employment prior to receipt of a satisfactory enhanced DBS Disclosure you are required to confirm that you:

- 1 Understand that the College will carry out a Vetting and Barring list check and declare that you do not have a record of being barred from working with young people and vulnerable adults.
- 2 If the Vetting and Barring check shows this statement to be untrue you acknowledge that the College will inform the relevant authorities.
- 3 I hereby declare that I have had no convictions or cautions which would make me unsuitable to work with children, young people or adults identified as vulnerable.
- 4 I understand that I must be supervised at all times whilst I am working for the College until the DBS checking process has been satisfactorily completed.

#### Declaration

I confirm that the information I have provided is complete and true and understand that knowingly to make a false statement is a criminal offence

Signature .....Date .....

## Appendix 3

### Policy Statement on the Recruitment of Ex-Offenders

It is a requirement of the DBS's Code of Practice that all Registered Bodies must treat DBS applicants who have a criminal record fairly and not discriminate because of a conviction or other information revealed. It also obliges Registered Bodies to have a written policy on the recruitment of ex-offenders; a copy of which can be given to DBS applicants at the outset of the recruitment process.

#### Statement

As an organisation using the Disclosure and Barring Service (DBS) service to assess applicants' suitability for positions of trust, Hugh Baird College complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

Hugh Baird College is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, marital status, age, disability or offending background. The College has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process.

The College actively promotes equality of opportunity for all with the right level of talent, skills and potential and welcomes applications from a wide range of candidates. Having a criminal record will not necessarily be a bar from working at Hugh Baird College. It will depend on the nature of the position and the circumstances and background of the offence.

The College selects all candidates for interview based on their skills, qualifications and experience. A DBS check is only requested after a thorough risk assessment has indicated that one is proportionate and relevant to the position concerned. For those positions where a DBS check is required, all job adverts and job descriptions will contain a statement that a DBS check will be requested in the event of the individual being offered the position.

Where a DBS check is to form part of the recruitment process, the College will encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. The College will request that this information is passed under separate, confidential cover, to Human Resources. The College guarantees that this information will only be seen by those who need to see it as part of the recruitment process.

The College will ensure that all those involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. The College will also ensure that all recruiting staff have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.

On the subject of any offences or other matter that might be relevant to the position the College will ensure that an open and measured discussion takes place as defined in the Rehabilitation of Offenders Act 1974. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer.

The College will make every individual who is the subject of a DBS check aware of the existence of the DBS Code of Practice and will make a copy available upon request. The College will undertake to discuss any matter revealed in a DBS check with the individual seeking the position before withdrawing a conditional offer of employment.

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