



## Achieve & Nurture Limited Safer Recruitment Policy

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### Aims:

The purpose of this policy is to ensure that all staff, volunteers, contractors, governors, trustees, and other adults working within the setting are recruited and selected in a manner that safeguards and promotes the welfare of children and young people.

This policy aims:

- 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 that all recruitment procedures comply with current legislation and statutory guidance
- To ensure that the Provision meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.
- The required details of all staff are entered on the single central record. The Provision 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 Provision.

## **ROLES AND RESPONSIBILITIES**

It is the responsibility of the Directors:

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

It is also the responsibility of the Directors to:

- Ensure that the Provision operates safer recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the Provision.
- To monitor contractors' and agencies' compliance with this document.
- Promote safeguarding of children and young people at every stage of the recruitment and selection process.
- It is the responsibility of all potential and existing workers, including volunteers to comply with the terms of this policy.
- It is the responsibility of all contractors and agencies to comply with safer recruitment pre-employment checks.



- It is the responsibility of the provision to administer the disclosure system using the Disclosure and Barring Service (DBS). It is the responsibility of all staff to read and understand Part 1 and Annex A of Keeping Children Safe in Education and keep up to date with content changes each year, and to sign to this effect.

## **Recruitment and Selection Procedure**

### **Recruitment and selection procedure**

We have put the following steps in place during our recruitment and selection process to ensure we are committed to safeguarding and promoting the welfare of children.

### **Training**

To make sure we recruit suitable people, we will ensure that those involved in the recruitment and employment of staff to work with children have received appropriate safer recruitment training. Training will be carried out at three-yearly intervals or when legislation changes.

### **Advertising**

When advertising roles, we will make clear:

- Our provisions commitment to safeguarding and promoting the welfare of children
- That safeguarding checks will be undertaken
- The safeguarding requirements and responsibilities of the role, such as the extent to which the role will involve contact with children
- Whether or not the role is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. If the role is exempt, certain spent convictions and cautions are 'protected', so they do not need to be disclosed, and if they are disclosed, we cannot take them into account.

### **Application Forms**

The Provision 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.

Shortlisted applicants will be sent a declaration form regarding convictions and working with children, which will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974.

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.

All applicants will be made aware that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974.

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.

## **Shortlisting**

Our shortlisting process will involve at least 2 people and will:

- Consider any inconsistencies and look for gaps in employment and reasons given for them
- Explore all potential concerns

We will also consider carrying out an online search on shortlisted candidates to help identify any incidents or issues that are publicly available online. Shortlisted candidates will be informed that we may carry out these checks as part of our due diligence process.



## **Job descriptions**

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

The essential requirements in the profile are of equal importance and inform the selection decision. It details the skills, experience, abilities, and expertise that are required to do the job. The job description will include a specific reference to suitability to work with children in a SEMH environment.

## **References**

References for short-listed applicants will be requested immediately after short-listing. 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 Provision.

When seeking references we will:

- Not accept open references (e.g. 'to whom it may concern')
- Not rely on applicants to obtain their reference
- Liaise directly with referees and verify any information contained within references with the referees
- Ensure any references are from the candidate's current employer, completed by a senior person and sent from a recognised business email address. Where the referee is school based, we will ask for the reference to be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations
- Obtain verification of the candidate's most recent relevant period of employment if they are not currently employed



- Secure a reference from the relevant employer from the last time the candidate worked with children if they are not currently working with children. If the applicant has never worked with children, then ensure a reference is from their current employer
- Ensure electronic references originate from a legitimate source
- Contact referees to clarify where information is vague or insufficient information is provided
- Establish the reason for the applicant leaving their current or most recent post, and ensure any concerns are resolved satisfactorily before appointment is confirmed
- Compare the information on the application form with that in the reference and take up any inconsistencies with the candidate
- Resolve any concerns before any appointment is confirmed

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, to the best of their knowledge, 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.

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

### **Offer of appointment and new starter process**

#### **Pre-employment checks**

In accordance with the recommendations set out in KCSIE the Provision 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 Provision's 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 the Provision considers to be satisfactory.
- Obtaining an enhanced DBS certificate, including barred list information for those who will be engaging in regulated activity. We will obtain the certificate before, or as soon as practicable after, appointment, including when using the DBS update service. We will not keep a copy of the certificate for longer than 6 months, but when the copy is destroyed we may still keep a record of the fact that vetting took place, the result of the check and recruitment decision taken.
- Members of staff at the Provision are aware of their obligation to inform the Executive Headteacher or HR 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.
- Where the position amounts to 'regulated activity' confirmation that the applicant is not named on the Children's Barred List
- Where the position amounts to 'regulated activity' confirmation that the applicant is not named on the Children's Barred List
- Verification of their mental and physical fitness to carry out their work responsibilities
- Verification of the applicant's right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards



- Verification of professional qualifications which the Provision deems a requirement for the post, or which the applicant otherwise cites in support of their application (where not previously verified).
- Any further checks which are necessary as a result of the applicant having lived or worked outside of the UK. These could include, where available:
  - For all staff: criminal records checks for overseas applicants
- Confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act which prohibits, disqualifies or restricts them from being involved in the management of the Provision.
  - Management positions are most likely to include, but are not limited to, headteachers, managers, designated leads, members of the executive and senior leadership teams.

We will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. When we take a decision that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment on the individual's personnel file. This will include our evaluation of any risks and control measures put in place, and any advice sought.

### **Regulated Activity**

Any position undertaken at, or on behalf of the Provision will amount to 'regulated activity' if the role is:

- Responsible, on a regular basis for teaching, training, instructing, caring for or supervising children; or
- Carrying out paid, or unsupervised unpaid, work regularly where that work provides an opportunity for contact with children; or
- Engaging in intimate or personal care or overnight activity, even if this happens only once and regardless of whether they are supervised or not



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 Provision is not permitted to check the Children's Barred List unless an individual will be engaging in 'regulated activity'.

The Provision is required to carry out an enhanced DBS check for all staff and supply staff who will be engaging in regulated activity. However, the Provision 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 Provision in order to decide which checks are appropriate. It is however likely that in nearly all cases the Provision will be able to carry out an enhanced DBS check and a Children's Barred List check.

### **Existing staff**

In certain circumstances we will carry out all the relevant checks on existing staff as if the individual was a new member of staff. These circumstances are when:

- There are concerns about an existing member of staff's suitability to work with children; or
- An individual moves from a post that is not regulated activity to one that is; or
- There has been a break in service of 12 weeks or more

We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- We believe the individual has engaged in relevant conduct; or
- We believe the individual has received a caution or conviction for a relevant (automatic barring either with or without the right to make representations) offence, under the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009; or
- We believe the 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and



- The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

### **Agency and third-party staff**

We will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

### **Contractors**

We will ensure that any contractor, or any employee of the contractor, who is to work at the provision has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract).

This will be:

- An enhanced DBS check with barred list information for contractors engaging in regulated activity
- An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children.

We will obtain the DBS check for self-employed contractors.

We will not keep copies of such checks for longer than 6 months.

Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.

We will check the identity of all contractors and their staff on arrival at the school.

For self-employed contractors such as music therapists or sports coaches, we will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. When we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a



record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought.

## **Volunteers**

We will:

- Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity
- Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in regulated activity
- Carry out a risk assessment when deciding whether to seek an enhanced DBS check without barred list information for any volunteers not engaging in regulated activity. We will retain a record of this risk assessment
- Ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought

## **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 the Provision.

## **Dealing with convictions**

The Provision 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 Directors. 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 Directors 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 Provision 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.

## **DBS Certificate**

The DBS no longer issues Disclosure Certificates to employers; therefore staff/applicants should bring their original Certificate to the Provision (for staff within 7 days of issue or applicants before they commence work or any project involving regulated activity).

Portability of DBS certificates checks Staff will be signed up to the DBS Update Service when their initial DBS check is made or if their DBS comes up for renewal. This allows for portability of a Certificate across employers.

The Provision 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.

### **On Boarding Programme**

All new employees will be given an induction programme which will clearly identify the Provision's policies and procedures, including the Safeguarding and Child Protection policy, the Staff Behaviour policy, and KCSIE, and make clear the expectations which will govern how staff carry out their roles and responsibilities.

### **Single Centralised Record of members of staff (SCR)**

In addition to the various staff records kept on individual personnel files, a single centralised record of recruitment and vetting checks is kept in accordance with Keeping Children Safe in Education (KCSIE). This is kept up-to-date and retained by the Directors at the Provision.

The Single Centralised Record will contain details of the following:

- All employees who are employed to work at the Provision 12
- All employees who are employed as supply staff to the Provision whether employed directly or through an agency
- All others who have been chosen by the Provision to work in regular contact with children. This will cover volunteers, governors, peripatetic staff and people brought into the Provision to provide additional teaching, instruction or therapy for learners, but who are not staff members, e.g. physiotherapist, music therapist

The Director will be responsible for auditing the Single Central Record termly, with the Designated Lead.



## **Record retention/Data protection**

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

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

The Provision will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be deleted. The 6-month retention period is in accordance with the General Data Protection Regulations (GDPR) [DPA18].

## **Ongoing employment.**

The Provision 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 Provision will therefore provide ongoing training and support for all staff, as identified through performance conversations and feedback.

## **Leaving employment at the Provision**

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 Provision also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at the Provision despite being barred from working with children; or
- has been removed by the Provision 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.

### **Monitoring**

The Directors will be responsible for ensuring that this policy is monitored yearly.

The Single Central Record (SCR) is a statutory requirement under Keeping Children Safe in Education (KCSIE). It provides assurance that all required pre-employment checks have been carried out for individuals working within the school.