

34. Safer Recruitment

Statement of intent

This policy outlines how we will determine whether an individual is suitable to work, be responsible for, and have regular contact with children. It is crucial that our recruitment culture helps to identify and eliminate people who might pose a safeguarding or welfare threat. This policy also covers the recruitment of ex-offenders, and is made available to all enhanced disclosure applicants at the outset of the recruitment process.

Aim

This policy aims to send a clear message to staff, volunteers and potential applicants that we prioritises the safety and welfare of children.

Practice

Polesden Lacey Playschool is committed to the fair treatment of its staff, potential staff or users of its services, regardless of ethnicity, gender identity, religion, sexual orientation, responsibilities for dependants, age, disability or offending background.

We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of applicants. We select all applicants for interview based on their skills, qualifications and experience.

The purpose of this policy is to set out the minimum requirements of a recruitment process that aims to:

- follow safer recruitment procedures at all times to ensure compliance with all statutory requirements and relevant recommendations and guidance, including the recommendations of the Disclosure and Barring Service (DBS);
- ensure that the Playschool meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks and interview procedures;
- ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position measured against the job description and person specification;
- ensure that all job applicants are considered equitably and consistently, in line with the Playschool's Equal Opportunities Policy;
- help deter, identify and reject prospective applicants who are unsuitable for work with children

This policy has regard for

- Keeping Children Safe in Education (September 2023) [KCSIE]
- Working Together to Safeguard Children (July 2018, updated July 2022) [WTTSC]
- The Equality Act 2010

Responsibilities

The Committee and Manager ensures that procedures and policies are in place for the safe recruitment of all staff and volunteers in accordance with best practice within the sector, by:

- implement the safer recruitment procedures correctly;
- ensure all staff and volunteers working at the Playschool undergo appropriate checks;
- monitor agency and contractor compliance with safe recruitment;
- promote the welfare of children at all stages of the process.

The Playschool will ensure that at all times at least one person on the appointments panel has undertaken Safer Recruitment training.

Recruitment and Selection Procedure

Advertising

To ensure equality of opportunity, the Playschool will advertise vacant posts to encourage as wide a field of applicant as possible. Normally this entails an external advertisement. Any advertisement will make clear the Playschool's commitment to safeguarding and promoting the welfare of children, that safeguarding checks will be undertaken, and that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974 (as amended).

Employees on fixed term contracts can be made permanent without their job being advertised. The Manager may designate some posts as suitable development opportunities for existing employees. These posts will not be advertised externally.

All documentation relating to applicants will be treated confidentially in accordance with data protection legislation.

Application Forms

The Playschool uses its own application form and all applicants for employment will be required to complete it. The application form contains questions about their academic and full employment history and their suitability for the role. CV's will not be accepted without a completed application form.

All applicants will be made aware that it is an offence to apply for the role if they are barred from engaging in regulated activity relevant to children or to provide false information, and could result in the application being rejected or summary dismissal if the applicant has been selected, and possible referral to the police and other professional regulatory bodies.

Person Specifications and Job Description

The person specification informs the selection decision and will set out the skills, experience, abilities and expertise that are required to do the job.

A job description will be drawn up for the role and 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.

Self-declaration form

Shortlisted applicants will be asked to complete and sign a self-declaration form of their criminal record or information that would make them unsuitable to work with children. It will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974 (as amended) since it involves working with, or having access to children, and so applicants are required to declare:

- All unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974
- All adult cautions (simple or conditional) or spent convictions that are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended)

The amendments to the Exceptions Order provide that certain 'spent' convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account.

If the form only has an electronic signature, a written hard signature will be required at interview.

References

Where possible references will be sought before interview. In all other cases, this reference will be taken up immediately after interview and prior to any formal offer of employment being made.

Two references must be provided. These will always be sought and obtained directly from the referee and their purpose is to provide objective and factual information to support appointment decisions. Any discrepancies or anomalies will be followed up. In particular references will establish:

- suitability to work with children and young people;
- substantiated allegations;
- disciplinary warnings, including time-expired warnings, relating to the safeguarding of children and young people;
- the applicant's suitability for the post;
- current post;
- attendance record;
- disciplinary record.

The Playschool does not accept open references, testimonials or references from relatives.

Interviewing

Assessment will be by face-to-face interview, and the same interviewers will see all 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.

Any information in regard to past disciplinary action or allegations, cautions or convictions (including as declared on the self-declaration criminal record form) will be discussed and considered in the circumstance of the individual case during the interview process.

All applicants who are invited to an interview will be required to bring their industry qualification certificates; if appropriate. Original documents only will be accepted, and photocopies will be taken. Unsuccessful applicant documents will be destroyed following the end of the recruitment programme unless the applicant has given specific consent for data to be retained for the purpose of later re-consideration. Also,

- Applicants will be asked to present an activity of their choice to a small group of children whilst being observed by a member of the senior management team.
- If it becomes evident that an applicant has failed to provide full and complete information and/or has provided misleading information, his/her application will not be considered further, due to the position of trust and responsibility.
- Applicants are required to account for any gaps or discrepancies in employment history during the interview.
- Applicants may be asked to attend a second interview as part of the selection process. This may involve working alongside staff in a room. Feedback from senior staff would then be considered when making a decision.

Offer of Appointment and New Employee Process

The appointment of all new employees is subject to the successful completion of all checks. These include a health declaration. Anyone appointed to a post involving regular contact with children must possess the appropriate level of physical and mental fitness before any appointment offer is confirmed. All applicants are requested to complete a health questionnaire and where appropriate a doctor's medical report may be required.

The Playschool is an equal opportunities employer and adjustments to facilitate an applicant's ability to discharge their role will always be discussed and considered based on medical and other relevant information.

No employee will be permitted to start work until all statutory checks have been completed. The only exception to this rule is where there may be delayed receipt of a DBS certificate or delayed completion of overseas police checks. In such instances a risk assessment will be completed to ensure the candidate is engaging in the correct level of activities with appropriate supervision pending final approval. The appropriate levels will vary depending on the risk factors and nature of the role.

The job offer will be made subject to:

- Two satisfactory references
- Providing identity documents
- Documentation confirming National Insurance Number
- Original documents confirming qualifications
- Enhanced criminal records check by the Disclosure and Barring Service and subscription to the update service.
- Verification of medical fitness

Unsuccessful applicants will be informed of the outcome.

DBS (Disclosure and Barring Service) Certificate

All staff require an enhanced DBS Certificate. The employee must bring their current certificate, if available, before commencing any form of regulated activity. The certificate will be recorded though copies will not be retained.

Members of staff must inform the manager of any cautions or convictions that arise between these checks taking place as well as their obligation to disclose if they are disqualified from providing relevant childcare provision (as defined in the Department for Education's statutory guidance on Disqualification under the Childcare Act 2006 (as amended from time to time)).

For applicants who have lived or worked outside of the UK, we will continue to follow safer recruitment requirements and make any further checks we think appropriate so that relevant events that occurred outside the UK can be considered.

All staff will be asked to sign up to the DBS Update service within 30 days of receiving their DBS certificate

Recruiting ex-offenders

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Polesden Lacey Playschool complies fully with the DBS code of practice and undertakes to treat all applicants for positions fairly and by undertaking the following:

- Polesden Lacey Playschool undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed
- Polesden Lacey Playschool can only ask an individual about convictions and cautions that are not protected.
- Polesden Lacey Playschool is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background
- This written policy is made available to all DBS applicants at the start of the recruitment process.
- Polesden Lacey Playschool actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.

- Polesden Lacey Playschool select all candidates for interview based on their skills, qualifications and experience.
- Application forms and job adverts will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position
- Polesden Lacey Playschool ensures that all those in Playschool who are involved in the recruitment process will be alert to identifying and assessing the relevance and circumstances of offences
- At interview, or in a separate discussion, Polesden Lacey Playschool ensures that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment
- Polesden Lacey Playschool makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request
- Polesden Lacey Playschool undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

If a member of staff is convicted of a criminal offence whilst employed by Polesden Lacey Playschool, they are expected to report this to their manager immediately. All staff will be asked whether they have been involved with the Police in any capacity since their last supervision. The facts of the case will be considered to determine if there are sufficient grounds to warrant formal action, in line with the Playschool's disciplinary procedure.

Induction Programme

All new employees will be given an induction programme which will clearly identify the Playschool's policies and procedures and make clear the expectation and Code of Conduct which will govern how staff carry out their roles and responsibilities. In particular the programme seeks to:

- ensure candidates understand the Playschool's Child Protection and Safeguarding Policy and Staff Code of Conduct;
- support individuals in a way that is appropriate for the role to which they have been appointed;
- provide opportunities for the candidate to discuss any issues or concerns about their role or responsibilities
- enable the candidate's mentor to identify any concerns regarding the settling in process, teaching, behaviour management, relationships with children and colleagues and rectify them swiftly

Social Media Checks

In addition to the checks set out above, the Playschool reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work within a Playschool setting. This may include internet and social media searches.

Retention and security of disclosure information

The Playschool's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information, with reference to data protection legislation.

In particular, the Playschool will:

- store disclosure information and other confidential documents issued by the DBS in locked, non- portable storage containers, access to which will be restricted to members of the Playschool's senior management team.
- not retain disclosure information or any associated correspondence for longer than is necessary, usually for a maximum of six months. The Playschool will keep a record of the

- date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken
- ensure that any disclosure information is destroyed by suitably secure means such as shredding at the date logged in the Personnel file.
- prohibit the photocopying or scanning of any disclosure information.

On-going employment

The Playschool 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 Playschool will therefore provide on-going training and support for all staff, as identified through supervision.

In addition, the Playschool will undertake regular rescreening for all roles. These include:

- Routinely conducting up-to-date criminal record check/police vetting check via the DBS Update Service every 6 months.
- Complete a DBS check when an employee has a change in responsibility; whereby they have greater access to child/parent/colleague or financial data.
- If for any reason the Playschool becomes concerned about an employee.

All employees should be made aware of the requirement for ongoing screening as part of their employment conditions and any information or checking done in rescreening is recorded.

Retention of other records

Information will be processed, handled and stored in accordance with the General Data Protection Act 2018. The Playschool will retain any relevant information provided on the application form (together with any attachments) in the personnel file of candidates who are offered and accept the position for which they have applied. These files will be stored in a locked and secure cabinet.

Department of Education guidance requires that Out of School establishments retain copies of identity documents, right to work, medical fitness and qualifications. Medical information may be used to help the Playschool to discharge its obligations as an employer e.g. so that the Playschool may consider reasonable adjustments if an employee suffers from a disability, or to assist with any other workplace issue.

It is normal practice for the Playschool to retain personnel files for seven years after the member of staff has left, though any information relating to potential safeguarding concerns may be permanently retained.

The Playschool will retain all interview notes on all applicants for a period of 6 months, after which time the notes will be destroyed (i.e. shredded). The 6-month retention period is in accordance with the Data Protection Act 2018 and will also allow the Playschool to deal with any data access requests, recruitment complaints or to respond to any complaints made to an Employment Tribunal.

If the Playschool wishes to retain the name and details of unsuccessful candidates on file for future vacancies, the candidates will be informed and offered the opportunity to remove their details from the Playschool's records.

Bank staff

Bank staff are recruited in the same way as a regular member of staff, including induction. A record will be kept of all DBS update checks for the duration of their employment.

All bank staff have a routine supervision.

Leaving Employment at the Playschool

Despite the best efforts to recruit safely there will be occasions when allegations of abuse against children and young people are raised. These allegations will be handled in accordance with the Child Protection and Safeguarding Policy in conjunction with the Disciplinary Policy. In cases of dismissal (or resignation), the Playschool will:

- Refer any cases of suspected abuse to the Children's Single Point of Access (C-SPA).
- Refer to the Local Authority Designated Officer (LADO) for cases involving child protection and concerns regarding staff or other adults in the Playschool and to act accordingly on the advice provided;
- Refer to the Channel programme where there is a radicalisation concern;
- In consultation with the Manager (DDSL) and DDSL refer to the Disclosure and Barring Service (DBS) in cases where a person is dismissed or leaves due to risk/harm to a child.

EYFS and Childcare for Children Under 8 - disqualification requirements

The Childcare Act 2006, the Childcare (Disqualification) Regulations 2009, and 'Disqualification under the Childcare Act 2006' place separate and additional requirements on nurseries.

Polesden Lacey Playschool fulfils the duty to have regard to the Disqualification guidance by:

- Requiring all new staff to complete a self-disclosure form
- Ensuring all those connected with EYFS and childcare in the Playschool have access to this policy and understand the requirements of the legislation, including that they may be disqualified by association
- Taking all required steps to gather sufficient and accurate information about whether any member of staff in a relevant childcare setting is disqualified

In addition to inclusion on the DBS Children's Barred List, the grounds for disqualification include:

- being found to have been cautioned about or having committed certain violent and sexual criminal offences against children and adults at home or abroad which are referred to in regulation 4 and Schedules 2 and 3 of the 2009 Regulations (note that regulation 4 also refers to offences that are listed in other pieces of legislation)
- being the subject of certain orders made in relation to the care of children which are referred to in regulation 4 and listed at Schedule 1 of the 2009 Regulations
- refusal or cancellation of registration relating to childcare or children's homes, or being prohibited from private fostering, as specified in Schedule 1 of the 2009 Regulations

Staff providing such care should note that disqualification by association ceased to apply to care in a Playschool setting from September 2018. However, all such staff are subject to the rigours of the Playschool's safer recruitment procedures and to the safeguarding arrangements laid out in this policy and related policies.

Policy Review

As part of Polesden Lacey Playschool monitoring of safer recruitment this policy will be subject to periodic review.

Policy adopted by: Ellie Pragnell (Chair), Caroline O'Leary (Manager)

Date: September 24

Policy Review Date: September 25