



Recruitment, Selection and DBS Policy

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Policy

1.0 Introduction

- 1.1 Cardiff Sixth Form College is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. The College recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.
- 1.2 The aims of the College's 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 Welsh Government, Keeping Learners Safe (2015) and for good practice, the department of education in England's documents (DfE), Keeping Children Safe in Education (September 2019) (KCSiE), the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
 - to ensure that the College meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.
- 1.3 Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

2.0 Recruitment and selection procedure

- 2.1 All applicants for employment will be required to complete an application form containing questions about their academic and employment history and their suitability for the role. Incomplete application forms will be returned to the applicant where the deadline for completed application forms has not passed. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided.
- 2.2 Applicants will receive a job description, person specification and standard application form for the role applied for. The Child Protection and Safeguarding Policy is available on the College's website.
- 2.3 The applicant will then be invited to attend a formal interview at which his / her relevant skills and experience will be discussed in more detail. All shortlisted applicants will be

tested at interview about their suitability to work with children. The panel will decide on question prior to interview which will include at least 2 questions relating to potential safeguarding issues under the guidance of the DSL.

2.4 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 College's standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified);
- verification of qualifications, whether professional or otherwise, which the College takes into account in making the appointment decision, or which are referred to in the application form, whether a requirement for the role or not;
- verification of the applicant's employment history;
- the receipt of at least two references (one of which must be from the applicant's most recent employer or if the applicant has been working with children then a reference will always be taken from the last post in which they worked with children) which the College considers to be satisfactory;
- for positions which involve "teaching work", information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency/EWC or the National College for Teaching and Leadership (NCTL) which renders them unable or unsuitable to work at the College;
- where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which the College considers to be satisfactory;
- where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List*;
- information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the College (prohibition from teaching);
- for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unable or unsuitable to work at the College (prohibition from management);
- verification of the applicant's medical fitness for the role (see section below);
- verification of the applicant's right to work in the UK;
- any further checks which the College decides are necessary as a result of the applicant having lived or worked outside of the UK which may include an overseas criminal records check, certificate of good conduct or professional references.

***The College is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The Company 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 Company 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 College in order to decide which checks are appropriate. It is however likely that in nearly all cases the College will be able to carry out an enhanced DBS check and a Children's Barred List Medical check.

3.0 Medical fitness

- 3.1 The College is legally required to verify the medical fitness of anyone to be appointed to a post at the College, after an offer of employment has been made but before the appointment can be confirmed.
- 3.2 Successful applicants will be required to sign a declaration of medical fitness confirming that there are no reasons, on grounds of mental or physical health, why they should not be able to discharge the responsibilities required by the role. If an applicant prefers to discuss this with the College instead, or to attend an occupational health assessment to consider their fitness for the role, they should contact the College so that appropriate arrangements can be made.
- 3.3 The College 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, considering reasonable adjustments and suitable alternative employment.

4.0 Pre-employment checks

- 4.1 In accordance with the recommendations set out in KLS, KCSIE and the requirements of the governing bodies and proprietors of independent schools under the Education Act 2002 (Wales) the College carries out a number of pre-employment checks in respect of all prospective employees.
- 4.2 In addition to the checks set out below, the College 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 at the College. This may include internet and social media searches.
- 4.3 In fulfilling its obligations, the College does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, gender or sexual orientation, marital or civil partner status, disability or age.

4.4 Verification of identity, address and qualifications

4.4.1 All applicants who are invited to an interview will be required to bring with them evidence of identity, right to work in the UK, address and qualifications as set out below and in the list of valid identity documents (Appendix 1). These requirements comply with DBS identity checking guidelines:

- one document from Group 1; and
- two further documents from either of Group 1, Group 2a or Group 2b, one of which must verify the applicant's current address; and
- original documents confirming any educational and professional qualifications referred to in their application form.

4.4.2 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.

4.4.3 The College asks for the date of birth of all applicants to assist with their vetting. Proof of date of birth is necessary so that the company may verify the identity, and check for any unexplained discrepancies in the employment and education history. The College does not discriminate on the grounds of age.

4.5 References

4.5.1 Wherever possible references will be taken up on short listed applicants prior to interview. Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

4.5.2 All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the College. 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. Neither referee should be a relative or someone known to the applicant solely as a friend.

4.5.3 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" (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 Prevent 2013). All referees will be sent a copy of the job description and person specification for the role for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title / duties, reason for leaving, performance, and disciplinary record;

- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated or malicious;
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be false, unsubstantiated or malicious.

4.5.4 The College will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials.

4.5.5 The College will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.

4.5.6 Where a reference is not received prior to interview it will be reviewed upon receipt. Any discrepancies identified between the reference and the application form and/or the interview assessment form will be considered by the College. The applicant may be asked to provide further information or clarification before an appointment can be confirmed.

4.5.7 If factual references are received i.e. those which contain limited information such as job title and dates of employment, this will not necessarily disadvantage an applicant although additional references may be sought before an appointment can be confirmed.

4.5.8 The College will always make telephone contact with any referee to verify the details of the written reference provided.

4.6 **Criminal records checks**

4.6.1 Prior to 29 May 2013 an enhanced disclosure contained details of all convictions on record (including those which are defined as "spent" under the Rehabilitation of Offenders Act 1974) together with details of any cautions, reprimands or warnings held on the Police National Computer. It could also contain non-conviction information from local police records which a chief police officer considered relevant to the role applied for at the Company.

4.7 **Regulated Activity**

4.7.1 The College applies for an enhanced 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 the College which amount to "regulated activity" (regular, unsupervised, access to children). It is for the College to decide whether a role

amounts to "regulated activity" taking into account all the relevant circumstances. However, nearly all posts at the College amount to regulated activity.

4.8 The DBS disclosure certificate

4.8.1 The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to the College. It is a condition of employment with the College that the original disclosure certificate be provided within two weeks of it being received by the applicant. Original certificates should not be sent by post. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the College.

4.8.2 If there is a delay in receiving a DBS disclosure the Principal has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place. A risk assessment outlining supervision must be completed and approved by the Principal.

4.9 Applicants with periods of overseas residence

4.9.1 DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. The College will take into account the "DBS unusual addresses guide" in such circumstances. The College will request overseas information from applicants who have lived overseas for periods of three months or more in the three five years.

4.9.2 Where applicants are asked to provide further overseas information this will include a criminal record check from the relevant jurisdiction(s) or a certificate of good conduct (as appropriate) and / or references from any employment held.

4.9.3 Work can only commence once sufficient overseas information has been received and only if the College has considered that information and confirmed that the applicant is suitable to commence work.

4.10 Prohibition from teaching check

4.10.1 The College is required to check whether staff who carry out "teaching work" are prohibited from doing so. The College uses the Teaching Regulation Agency/EWC and the NCTL Teacher Services system to check whether successful applicants are the subject of a prohibition, or interim prohibition order issued by a professional conduct panel.

4.10.2 In addition, the College asks all applicants for roles which involve "teaching work" (and their referees) to declare in the application form whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency/EWC, the NCTL or other equivalent body in the UK.

4.10.3 It is the College's position that this information must be provided in order to fully assess the suitability of an applicant for a role which involves teaching work. Where an applicant is not currently prohibited from teaching but has been the subject of

a referral to, or hearing before, the Teaching Regulation Agency/EWC or NCTL (or other equivalent body) whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the College will consider whether the facts of the case render the applicant unsuitable to work at the College.

- 4.10.4 In addition, for all appointments made on or after 18 January 2016, where an applicant has carried out teaching work outside of the UK the College will ask the applicant (and their referees) whether they have ever been referred to, or are the subject of a sanction issued by, a regulator of the teaching profession in the countries in which they have carried out teaching work. This will include checking for the existence of any sanctions issued by regulators of the teaching profession in other EEA countries.

4.11 Prohibition from management check

- 4.11.1 The College is required to check whether any applicant for a management position is subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent School.
- 4.11.2 This check applies to appointments to the following positions made on or after 12 August 2015 to the positions of Head, senior and middle leadership team or Head of Department.
- 4.11.3 The relevant information is contained in the enhanced DBS disclosure certificate (which the College obtains for all posts at the company that amount to regulated activity). The College will use either, or both, methods to obtain this information.
- 4.11.4 In addition, the College asks all applicants for management roles to declare in the application form whether they have ever been the subject of a referral to the Department for Education, or are subject to a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school.
- 4.11.5 It is the College's position that in order to fully assess the suitability of an applicant for a management role it must be provided with the above information. Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the Department for Education or other appropriate body whether that resulted in the imposition of a section 128 direction or other sanction, or where a section 128 direction or other sanction has lapsed or been lifted, the College will consider whether the facts of the case render the applicant unsuitable to work at the College.

5.0 Contractors and agency staff

- 5.1 The College must record the same checks as it does for its own employee. The College requires written confirmation and evidence from the contractor that he/she has completed these checks on all of those individuals whom it intends will work at the College before any such individual can commence work.

- 5.2 The College will independently verify the identity of individuals supplied by contractors or an agency and requires the provision of the DBS disclosure number and sight of the certificate before those individuals can commence work at the College.

6.0 Volunteers

- 6.1 The College will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils.
- 6.2 The College will request an enhanced DBS disclosure without Children's Barred List information on all volunteers who do not undertake regulated activity. This is likely to be because their volunteering duties are subject to regular, day to day supervision by a fully checked member of staff or by a volunteer who the College has deemed appropriate to supervise and ensure the safety of those pupils in their care.
- 6.3 Under no circumstances will the College permit an unchecked volunteer to have unsupervised contact with pupils.
- 6.4 It is the College 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 College for three consecutive months or more. Those volunteers who are likely to be involved in activities with the College on a regular basis may be required to sign up to the DBS update service as this permits the College to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.
- 6.5 In addition, the College will seek to obtain such 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;
 - an informal safer recruitment interview.

7.0 Policy on recruitment of ex-offenders

7.1 Background

- 7.1.1 The College will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The College makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the College.
- 7.1.2 All positions within the College are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United

Kingdom if it has been filtered in accordance with the DBS filtering rules (see above).

- 7.1.3 A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

7.2 **Assessment criteria**

- 7.2.1 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 College will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- the circumstances surrounding the offence and the explanation(s) offered by the applicant.

- 7.2.2 If the post involves regular contact with children, it is the College's normal policy to consider it a high risk to employ anyone who has been convicted at any time of offences involving violence, sexual misconduct, drugs or deception.

- 7.2.3 If the post involves access to money or budget responsibility, it is the College's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

- 7.2.4 If the post involves some driving responsibilities, it is the College's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

7.3 **Assessment procedure**

- 7.3.1 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 College will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by Principal of the College before a position is offered or confirmed.

- 7.3.2 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 College 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.

7.4 Retention and security of disclosure information

7.4.1 The College's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information. In particular, the College will:

- store disclosure summary in the College safeguarding files which are locked and restricted to the Designated Safeguarding Lead.
- not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months. The College 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; and
- prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates.

8.o Retention of records

8.1 The College is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the College 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.

8.2 Medical information may be used to help the College to discharge its obligations as an employer e.g. so that the College 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 College for the duration of the successful applicant's employment with the College.

8.3 If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

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

9.o Referrals to the DBS, Teaching Regulation Agency/ Education Workforce Council (EWC) and National College for Teaching and Leadership (NCTL)

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

- has applied for a position at the College despite being barred from working with children; or
- has been removed by the College 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.
- The College may also decide to make a referral to the Teaching Regulation Agency/ EWC/NCTL.

Appendix 1

List of valid identity documents

Group 1: primary identity documents

- current valid passport
- biometric residence permit (UK)
- current driving licence (photocard with paper counterpart; full or provisional; UK / Isle of Man / Channel Islands and EU)
- birth certificate (UK & Channel Islands; issued at the time of birth (within 42 days of date of birth); full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces)
- adoption certificate (UK and Channel Islands)

Group 2a: trusted government documents

- current driving licence (paper version; UK / Isle of Man / Channel Islands and EU; full or provisional)
- current driving licence (photocard; all countries; full or provisional)
- current non-UK driving licence (valid for up to 12 months from the date the applicant entered the UK)
- birth certificate (UK and Channel Islands; issued at any time after the date of birth by the General Registrar Office / relevant authority i.e. Registrars)
- marriage / civil partnership certificate (UK and Channel Islands)
- HM Forces ID card (UK)
- fire arms licence (UK, Channel Islands and Isle of Man)

Group 2b: Financial and social history documents

- mortgage statement (UK or EEA)**
- bank / building society statement (UK and Channel Islands or EEA)*
- bank / building society account opening confirmation letter (UK)*
- credit card statement (UK or EEA)*
- financial statement - e.g. pension, endowment, ISA (UK)**
- P45 / P60 statement **(UK and Channel Islands)
- council tax statement (UK and Channel Islands)**
- work permit / visa (UK; valid up to expiry date)
- letter of sponsorship from future employment provider (non UK / non EEA only; valid only for applicants residing outside the UK at the time of application; must be valid at time of application)
- utility bill (UK; not mobile telephone bill)*
- benefit statement - e.g. child benefit, pension (UK)*
- a document from central or local government/ government agency / local authority giving an entitlement - e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs, Job Centre, Job Centre Plus, Social Security (UK and Channel Islands) *
- EU national ID card (must be valid at time of application)
- cards carrying the PASS accreditation logo (UK and Channel Islands; must be valid at time of applications)
- letter from Head or College Principal (for 16-19 year olds in full time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at time of application).

Note

If a document in the list of valid identity documents is:

- denoted with * - it should be less than three months' old
- denoted with ** - it should be less than 12 months' old