



Safer Recruitment Policy

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1. Introduction

The checks that have to be made in respect of staff employed in Schools and Further Education Colleges (among others) are set out in '*Keeping children safe in education: Statutory guidance for schools and colleges*' ('the guidance').

The guidance is updated regularly. Whenever there is a material change to the guidance, such changes will be reflected in amendments to this policy where necessary¹.

This policy sets out how the College will ensure 'Safe Recruitment' by a means of a rigorous approach to pre-employment checking in accordance with the guidance. It should also be read in conjunction with the Recruitment and Selection and the Recruitment of Ex-Offenders Policies.

2. Definitions

In reading this policy, please note the following definitions:

A Child

Anyone under the age of 18

A Vulnerable Adult

Someone who may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation².

Regulated Activity

The guidance (para 235) says that someone will be working in 'regulated activity' if they:

- *will be responsible, on a regular basis in a school or college, for teaching, training instructing, caring for or supervising children; or*
- *engage in intimate or personal care or overnight activity, even if this happens only once.*

In an FE setting, 'Regulated Activity' is also referred to as 'providing education to children'.

The list of York College roles which are considered to be 'regulated posts' are shown in Appendix A.

¹ Updated in light of KCSIE Sep 2021 – para numbers updated where reference to KCSIE guidance

² 1997 Consultation "Who Decides?" issued by the Lord Chancellor's Department

Relevant Activity

This is a subsection of 'regulated activity'. The guidance (para 270) says that someone is working in 'relevant activity' if they are:

'regularly caring for, training, supervising or being solely in charge of persons aged under 18'

The concept of 'relevant activity' is significant only to the extent that the guidance provides that staff in relevant activity should be identified as such in the Single Central Record (see 6 below). This applies only to colleges.

The College considers that all teachers (including curriculum managers with teaching commitments) are working in 'relevant activity'; hence staff in those roles are identified on the single central record as working in 'relevant activity'.

3. Pre-Employment Checks

The guidance (paras 229 - 230) sets out the legal requirements when appointing individuals to 'regulated activity'. Any offer of appointment made to a successful candidate must be conditional on satisfactory completion of the following pre-employment checks (para 231):

- Verification of candidate's identity.
- Obtain via the applicant an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity)
- Obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;
- Verification of the candidate's mental and physical fitness to carry out their work responsibilities
- Verification of the person's right to work in the UK.
- If the person has lived or worked outside the UK, make any further checks the college considers appropriate, and
- Verification of professional qualifications, as appropriate.
- Take reasonable steps to establish whether the individual is subject to a prohibition order issued by the Secretary of State

The College is not required to obtain an enhanced DBS certificate (para 233) if, during a period which ended not more than three months before the person's appointment, the applicant has worked in:

- a school in England in a position which brought them regularly into contact with persons aged under 18; or
- another institution within the further education sector in England, or in a 16 to 19 Academy, in a position which involved the provision of education and caring for, training, supervising or being solely in charge of persons aged under 18.

In cases where for the above reasons a fresh DBS checks is not required, all other pre-appointment checks listed above must still be completed, including where the individual is engaging in regulated activity, a barred list check (para 234).

References

References will be obtained in accordance with the guidance (paras 221 to 223) and the College's Recruitment and Selection Policy.

Online Search

All shortlisted candidates (whether in regulated or non-regulated roles) will be subject to an online search (para 221). The aim is help identify any incidents or issues that have happened, and are publicly available online, that give rise for concern in terms of their suitability to work with vulnerable students. If any concerns are identified these will be raised at interview. However, if the search shows clear evidence that the candidate would pose a risk to students, the candidate will be removed from the shortlist.

Individuals who have lived or worked abroad

Where an individual has lived or worked outside the UK, and hence outside the jurisdiction of a UK DBS check, the College is required to 'make any further checks the college considers appropriate' (para 231).

The College policy is that any period spent abroad of three months or more within the previous five years, will be subject to a check. Typically, this will be a criminal record check or a 'certificate of good conduct' from the relevant foreign authorities. Where neither of these is forthcoming (criminal records checks are difficult to obtain in certain countries) the College will consider using a reference from a relevant overseas employer confirming that the individual was of good conduct.

4. 'Appropriate Supervision'

New staff appointed to work in regulated activity cannot start work in such activity until all of the statutory pre-employment checks listed above have been received and determined to be 'satisfactory'.

However, in the event that all of the other statutory pre-engagement checks have been completed, but it has not been possible to obtain a satisfactory Enhanced Disclosure check before the individual is scheduled to commence employment, the Principal (or designated Deputy Principal in their absence) has discretion to allow an individual to begin work pending receipt of the enhanced disclosure check. However, this is subject to the individual being 'appropriately supervised' (para 246).

In these circumstances, The Line Manager is required to complete the form *Risk Assessment – 'Appropriate Supervision' of new member of staff, volunteer or contractor* (Appendix B). The form will be submitted to the Principal via HR, who will check that all of the statutory checks are in place where these are prescribed. HR will also take a view on the supervision proposed, and may refer the form back to the

manager for reconsideration if it is considered that the supervision proposed is insufficient.

What constitutes 'appropriate supervision?'

This should reflect what is known about the person concerned, their experience, the nature of their duties and the level of responsibility they will carry. For those with limited experience, where the individual is not known to the College, or where references have provided limited information the level of supervision required may be high.

For those with more experience, who are known to the College (they may have worked at the College previously without any concerns being raised), or where the references are detailed and provide strong evidence of good conduct in previous relevant work, a lower level of supervision may be appropriate.

For all new staff in regulated posts awaiting a disclosure check it will be made clear that they are subject to this additional supervision pending receipt of the enhanced DBS certificate. The nature of the supervision will be specified and the staff undertaking the supervision clearly identified. The supervisory arrangements should be reviewed regularly by the appropriate line manager.

5. Concerns about suitability to work with children or vulnerable adults

If any of the pre-employment checks or references shows evidence that the individual is potentially a risk to children or vulnerable adults, the College reserves the right to withdraw any offer of employment or engagement. This is regardless of whether the individual is to work in a 'regulated' or 'non-regulated' role. The Recruitment of Ex-Offenders Policy outlines the procedure for dealing with Disclosure information.

In circumstances where a concern is indicated by the enhanced DBS check, a decision will be made in the light of the nature and date of any offence. So for example, minor offences of a non-safeguarding nature (e.g. minor public order offence) committed years previously will be considered to have little or no bearing on whether the individual is suitable to work with children or vulnerable adults. The Director of Human Resources, or in their absence the Senior HR Adviser, is authorised to make a decision where such minor, historical offences are indicated on the DBS certificate.

More serious offences, and/or offences committed in the more recent past may give rise to reasonable concerns that the individual may be a potential risk to children or vulnerable adults. Where there is any doubt, or where it appears as though the offences committed are such that the individual could be a potential risk given the nature of the content of the DBS certificate, the matter will be referred to the Chief Executive and Principal. They (or in their absence the Deputy CE & P or Vice Principal: Finance and Professional Services) will consider whether on whether any job offer or engagement should be withdrawn in the light of the offences shown on the certificate.

It is not possible to give firm rules on which offences may result in offers of employment being withdrawn. This is a matter for professional judgement and each case will be considered on its own merits.

6. The Single Central Record

We are required to maintain a Single Central Record (SCR) of pre-appointment checks (para 267). The SCR should include 'staff, including agency and third party supplyproviding education to children' (para 268).

The single central record must indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- an identity check
- a barred list check;
- an enhanced DBS check/certificate;
- a prohibition from teaching check (optional for colleges)
- Overseas checks on people who have lived or worked outside the UK
- a check of professional qualifications, where required; and
- a check to establish the person's right to work in the United Kingdom.

In addition, colleges must record whether the person's position involves 'relevant activity'. In practice this means teaching posts (and curriculum management posts where the post involves teaching).

Volunteers are **not required** to be on the Single Central Record.

The checks required for the various roles in College, and whether they are to be included in the Single Central Record are summarised in Appendix C.

Note: Staff Appointed Before 1st March 2002

Staff undertaking 'regulated' activity whose start date in the role was prior to 1st March 2002, and whose role has not changed since that date such that they were given greater access to children or vulnerable adults are not subject to DBS or barred list checking. The Single Central Record will not evidence that such checks have been done. However, if:

- Concerns arise about the individual's suitability to work with children or vulnerable adults (e.g. because of an incident that has given cause for concern), or
- The individual moves to work that involves greater contact with children or vulnerable adults.
- When an individual moves from a 'non-regulated' to a 'regulated' post.

an Enhanced Disclosure check and appropriate barred list check is required at that point. The checks will be recorded on the Central Record. The rules on appropriate supervision outlined in 4 above will apply in the event that the enhanced DBS certificate has not been received prior to the new role start date.

7. Teacher Prohibition Checks

'Teacher Services' is that part of the Teaching Regulation Agency which provides information to schools and colleges about teachers. Of relevance to colleges is the information held by Teacher Services about teachers with prohibitions, sanctions and restrictions that might prevent the individual from taking part in certain activities or working in specific positions. Teacher Services hold records in relation to prohibitions and restrictions in the United Kingdom, and also from within the European Economic Area (EEA).

York College will check the UK and EEA prohibition lists for all individuals who receive a conditional offer of employment in a regulated post. HR will record on the individual's HR file that such check has been carried out. The 'Teacher Services' check is not included in the College's SCR.

An entry in one of the lists does not automatically debar that individual from being appointed to the post. In these circumstances Human Resources will find out as much as possible about the factors giving rise to the entry on the list. This may include discussing the matter with the individual concerned. Having gleaned as much information as is reasonably possible about the circumstances giving rise to the prohibition or restriction, HR will refer the matter to the Chief Executive and Principal. Given the information available, the Chief Executive and Principal will determine whether the conditional offer should be rescinded.

8 Individuals not directly employed by the College

(i) Agency staff

Paras 268 and 269 of the guidance provides that colleges must obtain written notification from any agency, or third-party organisation they use that the organisation has carried out the checks prescribed in the guidance.

In respect of the enhanced DBS certificate, the agency also has to provide:

- (a) Written confirmation confirming that the certificate has been obtained
- (b) Where details of any 'relevant matter' is recorded or there is any information provided in accordance with the Police Act 1997, the College must not accept that individual unless a copy of the certificate has been received from the employment business, or from the individual themselves. The rules on withdrawing an offer of engagement in the light of information received are set out in 5 above. The individual cannot commence work in a regulated role until approval under s5 is given.

Agency staff working in regulated roles must be included in the Single Central Record.

The College must also check that the person presenting themselves for work is the same person on whom the checks have been made.

(ii) Trainee/Student Teachers

All individuals enrolling on teacher training courses at York College are 'fee funded'. All fee funded teacher trainees are subject to an enhanced DBS check on enrolment. The exception is York College staff enrolling on to teacher training courses who were already subject to the full range of statutory checks on appointment. The College does not employ salaried teacher trainees who often feature in the schools setting.

Teacher trainees are supervised by a tutor during their teaching practice, and do not therefore work in regulated activity. However, if a fee funded teacher trainee is contracted to undertake paid teaching as a PTVH tutor, Human Resources will undertake the full range of pre-employment checks including a barred list check. The barred list check must be received prior to the commencement of the PTVH contract.

The statutory guidance provides that there is no requirement to record details of fee-funded trainees on the single central record. However, York College staff enrolled on a teacher training course will already be on the single central record if their role involves working in regulated activity.

(iii) Volunteers³

Volunteers who are **unsupervised** and working in regulated activity are subject to an enhanced DBS check including barred list check. If the enhanced DBS certificate is not available at the start date, the requirement for 'appropriate supervision' set out in 4 above applies, and a separate barred list check must be completed before the individual can start work without a satisfactory enhanced DBS certificate.

Where the volunteer **will be supervised** but working in what would otherwise be considered to be regulated activity, it is for the College to determine whether a volunteer is considered to be appropriately supervised (para 288). In making this decision, the College will ensure that it meets the standard set out in the guidance i.e. the supervision must be:

- by a person who is in regulated activity
- regular and day to day; and
- 'reasonable in all the circumstances to ensure the protection of children.'

If a manager wishes to appoint a supervised volunteer to work in what would otherwise be a regulated role had the supervision not been in place, he/she should complete the form '*Appropriate Supervision of new member of staff, volunteer or contractor* (Appendix B). The form will be submitted to the Principal via HR. HR will also take a view on the supervision proposed, and may refer the form back to the manager for reconsideration if it is considered that the supervision proposed is insufficient.

All volunteers, regardless of activity, are required to produce photographic proof of their identity prior to being able to start their volunteering activities.

³ The term 'volunteer' also includes individuals on work experience

Volunteers, even those working unsupervised in regulated activity, are not required to be included in the Single Central Record.

(iv) Existing Staff moving into Regulated Activity

If an employee moves from a post that was not regulated activity into work which is considered to be regulated activity, the relevant checks for that regulated activity must be carried out (para 345). If the enhanced DBS check is not available by the time they start work in regulated activity, a barred list check must be obtained and they must be appropriately supervised (see s4 above)

(v) Contractors

Regulated Activity

Contractors engaging in regulated activity will require an enhanced DBS certificate, including barred list information (para 290). Where the enhanced DBS certificate with barred list check is not available at the date the contractor begins working in regulated activity, the College will obtain a separate barred list check and will put appropriate supervision in place (see 4.2 above). As with new staff and volunteers, the manager is required to complete the Risk assessment '*Appropriate Supervision of new member of staff, volunteer or contractor* (Appendix B). Only when the Chief Executive and Principal has approved the supervision proposals will the contractor be allowed to commence working in regulated activity pending receipt of the DBS certificate.

If a contractor is self-employed, the college will obtain and pay for the DBS check if this is required, as self-employed people are not able to make an application directly to the DBS on their own account (para 293).

As with volunteers, contractors working in regulated activity are not required to be included in the Single Central Record.

Non-Regulated Activity

We are unable to obtain an enhanced DBS certificate for contractors engaged in activities which are non-regulated, but which give opportunity with regular contact with children. Only colleges which are exclusively or mainly for the provision of full-time education to children are entitled to obtain an enhanced DBS certificate for contractors (footnote 93 to para 274 of the guidance).

The College will always check the identity of contractors and their staff on arrival at the college.

(vi) 'Visiting' staff

Workers employed by other employers are sometimes contracted to work in 'regulated' activity within the College.

For these individuals, managers will ensure that the employer has conducted all of the required statutory checks (outlined in section 3 above) for such individuals.

'Visiting' staff working in College in 'regulated' activity are not required to be on the College's Single Central Record.

(vii) Governors

There is no legal requirement for FE college governors to undertake any of the statutory checks outlined in 3 above. However, as a matter of practice all governors will be subject to the full range of statutory checks, with the exception of the barred list check. However, where as part of their governor duties a governor is proposing to work in 'regulated' activity (for example they wish to regularly meet with students on an unsupervised basis) they will at that point be subject to a barred list check

There is no requirement for any governor to be included in the Single Central Record.

(viii) Visitors

We do not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example relatives attending a theatre production; 'Ashfields' customers). The guidance provides that Principals should use their professional judgment about the need to escort or supervise visitors (para 283).

(end)

Schedule of Regulated Roles (Updated July 2023)

[Note: Includes staff engaged on PTVH contracts]

Regulated Roles
<u>SLT</u> All except Directors of Human Resources, Information Services, Marketing and External Partnerships
Head of Student Progress Progress Leader Progress Coach
Head of Curriculum Deputy Head of Curriculum Team Leader
Teacher
Foreign Language Assistant
Apprentice Learning Coach Apprentice Training Assessor Assessor
Learning Assistant
Learning Technician
Peri Music Coach
All Learning Support staff
Sports Coach/Instructor
Leisure Assistant
<u>Catering/Hospitality</u> <ul style="list-style-type: none"> • Chef Learning Coach • Technician
<u>Student Experience</u> <ul style="list-style-type: none"> • Student Experience Manager • Student Experience Team Leader • Student Experience Adviser • Student Experience Officer • Wellbeing Team Leader • Wellbeing Adviser • Careers and Enterprise Team Leader • Careers and Enterprise Team • Counsellor • Safeguarding Officer
International staff
First Aider

Risk Assessment – ‘Appropriate Supervision’ of new member of staff, volunteer or contractor

This form is for completion by a line manager in either of the following circumstances:

1. They wish to appoint a new member of staff or contractor to a regulated role, but the enhanced DBS certificate has not yet been received (see s4 of Safe Recruitment Policy). In these circumstances, the College is required to put ‘appropriate supervision’ of the individual in place. This form outlines the supervisory arrangements that will be put in place pending receipt of the enhanced DBS certificate.
2. They wish to appoint a supervised volunteer to work in what would otherwise be regulated activity (see 8(iii) of Safe Recruitment Policy). For example, the volunteer might be supporting a teacher in a classroom or workshop setting. Supervised volunteers are not normally required to have a DBS check, but the College is obliged to ensure that ‘appropriate supervision’ for that volunteer has been put on place.

The measures outlined in this document are subject to approval by the Principal

Manager to complete – then forward to HR

This form is for one of the following:

		Tick one
1	To engage a new member of staff or contractor in regulated activity before receipt of enhanced DBS check	
2	Appointment of volunteer working in what would otherwise be regulated activity	

INDIVIDUAL’S DETAILS

Name:	
Address:	
Phone:	
Email:	

ROLE AND PROPOSED START DATE

What work will they be doing?									
Why is this necessary?									
Proposed Start Date	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>								

Outline what you know about the individual; what is their experience; are they known to you or to other members of the team; have you interviewed them?											
How long do you anticipate them being engaged, i.e. is this a one-off appointment, temporary or permanent?											
Outline the nature of the contact they will have with under 18s and/or vulnerable adults											
What is the frequency of this contact? (Once a day/week/month?)											
Outline the supervisory arrangements proposed in respect of this individual. In completing this section please note that supervision must be: <ul style="list-style-type: none"> • by a person who is in regulated activity i.e. a teacher • regular and day to day; and • 'reasonable in all the circumstances to ensure the protection of children' 											
Name/s of staff providing supervision											
<p>Volunteer only</p> <p>Given:</p> <ul style="list-style-type: none"> • the nature of the work with children (or vulnerable adults) • what you (or other colleagues) know about the volunteer • whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability <p>Do you consider that there should be any additional risk control measures? These might include taking up references, or undertaking an enhanced DBS check.</p> <table border="1"> <tr> <td>If so, list them here</td> <td colspan="3"></td> </tr> <tr> <td>If there are no additional risk control measures, tick here</td> <td colspan="3"></td> </tr> </table>				If so, list them here				If there are no additional risk control measures, tick here			
If so, list them here											
If there are no additional risk control measures, tick here											
Signed (Line Manager)		Date									

For completion by HR Director									
<table border="1"> <tr> <td colspan="2">[For 1 above only] I confirm that the provisions of the Safe Recruitment Policy have been complied with (including receipt of satisfactory barred list check)</td> </tr> <tr> <td>Signed</td> <td></td> </tr> <tr> <td colspan="2">HR Director</td> </tr> </table>		[For 1 above only] I confirm that the provisions of the Safe Recruitment Policy have been complied with (including receipt of satisfactory barred list check)		Signed		HR Director			
[For 1 above only] I confirm that the provisions of the Safe Recruitment Policy have been complied with (including receipt of satisfactory barred list check)									
Signed									
HR Director									
Additional HR Comments									
Forwarded to the Principal on	<table border="1"> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>								

Decision of the Principal (or designated Deputy in Principal's absence)				
Supervisory arrangements approved as satisfactory	Signed		Date	
Supervisory arrangements are considered to be unsatisfactory – see below	Signed		Date	
If unsatisfactory – comments				

Once completed please return to Human Resources

Schedule of Checks Required

APPENDIX C

Status	In regulated activity? YES/NO	Identity (Manager unless stated)	Barred List	Enhanced DBS	Mental and physical fitness	Right to work in the UK	Overseas	Required qualification	References	Single Central Record
Employee ⁱ	YES	✓ HR	✓	✓	✓	✓	✓	✓	✓	Yes
	NO	✓ HR	X	✓	✓	✓	✓	X	✓	No
Agency and third party supply staff	YES	✓ HR	The SCR will record that (i) written confirmation has been received that the employment business supplying the member of supply staff has carried out all the statutory checks, and (ii) that it has obtained a satisfactory Enhanced DBS Certificate.							Yes
	NO	✓	X	X	X	X	X	X	X	No
Trainee teacher (fee funded)	NO	✓	Enhanced DBS check carried out by Admissions – HR will undertake all outstanding checks if the trainee is engaged as a PTVH tutor, at which point they also go onto the SCR.							No
Volunteer	YES	✓ HR	✓	✓	X	X	X	X	X	No
	NO	✓	X	X	X	X	X	X	X	No
Contractor	YES	✓ HR	✓	✓	X	X	X	X	X	No
	NO	✓	X	X	X	X	X	X	X	No
Visiting Staff	YES	✓	Managers will ensure that the employer has conducted all statutory checks							No
	NO	✓	X	X	X	X	X	X	X	No
Governors ⁱⁱ	YES	✓	✓	✓	X	X	X	X	X	No
	NO	✓	X	✓	X	X	X	X	X	No
Visitors	NO	X	X	X	X	X	X	X	X	No

ⁱ Teaching Staff (Including DHoC) are also be subject to Teacher Prohibition Checks although these are not for inclusion on the Single Central Record

ⁱⁱ Unless they work in regulated activity, the guidance does not require governors to have a DBS Check.