
Safer Recruitment Policy

1.0 Introduction and Overview

- 1.1 Bishop Auckland College has a duty of care to all of its students and staff. Safeguarding describes the broad preventative and precautionary approach to planning procedures that the College feels are necessary to have in place in order to protect its learners. Safer recruitment is an important aspect of safeguarding.
- 1.2 It is vital that the College adopts robust staff recruitment and selection procedures and other Human Resources (HR) management processes that help to deter, reject or identify people who might harm or are otherwise unsuited to work with learners. Safer recruitment is key to the effective application of safeguarding practice in further education. This policy has been prepared with reference to the Disclosure and Barring Service (DBS), Keeping Children Safe in Education guidance July 2015 and the Protection of Freedoms Act 2012, to give information on the College's current arrangement for vetting job applicants and existing staff.
- 1.3 The Safer Recruitment Policy is designed to ensure that those who are known to be unsuitable do not gain access to learners and those who intend to cause harm are discouraged and prevented at every possible stage from entering the workforce.
- 1.4 Positions at the College are within a Further Education establishment and could involve regular contact with persons under the age of 18, the College needs to know about any criminal convictions and/or pending prosecutions in relation to new and existing staff. All job applicants are therefore asked, through the application form, to provide information about criminal convictions and prosecutions pending. The College is entitled to ask for, and job applicants are not entitled to withhold, information about convictions which, for other purposes, are "spent" under the provisions of the Rehabilitation of Offenders Act 1974. A check as to the existence of, and content of, a criminal record will be requested from the DBS. Similarly, the College requires staff to disclose details of any criminal charges or convictions acquired during employment with the College. The College is entitled to receive and act on information received from the police and safeguarding authorities. The College will check to see that appointed staff are not barred from working with children or vulnerable adults wherever eligible to do so.
- 1.5 Bishop Auckland College is nevertheless committed to promoting equality of opportunity and welcomes applications from candidates with criminal records where these are not relevant to employment at the College. The College undertakes to comply fully with the DBS Code of Practice and does not automatically exclude applicants on the basis of convictions or other information received (unless there is a legal bar). Candidates are selected for interview and for appointment based on their skills, qualifications and experience.
- 1.6 The Recruitment, Selection and Appointment of Staff Procedure (BAC-HR-3-01) is therefore designed to prevent unsuitable people from gaining access to learners and to maintain the integrity of the College, whilst at the same time respecting human rights and privacy issues and complying with the requirements of the Data Protection legislation.
- 1.7 Safer recruitment checks do not eradicate the need for ongoing safeguarding awareness. Ongoing awareness during the course of employment is essential. Recruitment checks can only pick up the small percentage of people who may cause harm whom have been convicted, come to the attention of the police or who have been listed. The majority of individuals who are unsuited to work with children, young people or those who are vulnerable will not have any previous convictions or appear on the barred lists.

- 1.8 The College needs to maintain a culture of vigilance. Managers need to ensure that they adhere to the Safer Recruitment Policy and Recruitment Selection and Appointment of Staff Procedure, as well as be alert to any warning signs identified through normal line management activities or the Performance Management process. The College's Safeguarding Policy POL-CP-01 gives details about the arrangements for receiving and passing on concerns.
- 1.9 The HR Department maintains a single central record. This holds confirmation of DBS and other relevant checks. It is essential therefore that the HR department is made aware of any new employee, volunteer or agency worker prior to them commencing with the College so that the relevant checks can be carried out.
- 1.10 For most appointments at the college an enhanced DBS check with barred list information will be appropriate as the majority of staff will be engaging in regulated activity. A person will be considered to be in regulated activity if as a result of their work they:
- Will be responsible, on a regular basis, in a school or college, for teaching, training, instructing, caring for or supervising children; or
 - Will carry out paid or unsupervised unpaid work regularly in a school or college where that work provides an opportunity for contact with children; or
 - Engage in intimate or personal care or overnight activity even if this happens only once

Regulated Activity – a) unsupervised activities, teaching, training, instructing, caring for or supervising children or b) providing advice/guidance on wellbeing, or c) driving vehicle that is being used solely for the purpose of transporting children and their carers/ escorts and d) work carried out in and for the purposes of a limited range of establishments where that work gives the opportunity to have contact with children e.g. schools, childcare premises. a) or b) is regulated activity only if done regularly. Provision of healthcare is always regulated.

- 1.11 For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS check will be appropriate.

2.0 Deterring Unsuitable Applicants

- 2.1 Unsuitable applicants can be deterred from applying for a post at the College by overt signs of safeguarding activity. All advertisements for vacant posts thus contain an explicit statement that Bishop Auckland College is committed to safeguarding.
- 2.2 Application forms contain a statement of the College's commitment to safeguarding and a requirement to declare any criminal convictions or prosecutions pending.
- 2.3 All new Job Descriptions contain a generic responsibility: "Promote and apply the College's Safeguarding policy and practices and participate in continuous professional development to maintain awareness of safeguarding issues".
- 2.4 An information sheet is sent to all applicants to make them aware of the College's commitment to safeguarding and an overview of the Safer Recruitment Policy and the checks they will go through if they are successful in obtaining a position at the college.
- 2.5 The Job Description includes a section which assesses each position advertised and makes clear the level of checks which will be required for that position.

3.0 Safer Selection

- 3.1 All interviews within the College must have at least one panel member, from HR, who is trained in safer recruitment practices (the safer recruitment designate).
- 3.2 All managers who sit on interview panels will be trained in safer recruitment
- 3.3 The 'safer recruitment designate' sitting on the interview panel is responsible for checking the reasons for gaps in employment (where relevant).

Note: The 'safer recruitment designate' is a person who is trained in safer recruitment and takes responsibility for ensuring all safer recruitment practices are followed.

- 3.4 A standard question should be incorporated into all interviews regarding safeguarding. This will reinforce the College's commitment to safeguarding and assess the candidate's ability to support the College's aims and responsibilities with regard to safeguarding.
- 3.5 The 'safer recruitment designate' on the interview panel must ensure that any identified criminal prosecution pending, caution or conviction is fully explored (before, during or after the interview as appropriate) in order to assess suitability for appointment (this would be discussed in private with the applicant).
- 3.6 At least two references are taken up and others may be requested at the discretion of the College. Where an applicant is not currently working with children, but has done so in the past and is applying for a post in the college a reference may also be obtained from the employer by whom the person was most recently employed in work with children.
- 3.7 Application forms will be scrutinised prior to interview and any issues such as gaps in employment will be discussed, prior to interview, at interview or prior to appointment.

4.0 Safeguarding Checks for new staff at Bishop Auckland College

- 4.1 Almost all positions at Bishop Auckland College give opportunity for regular contact with children, it is therefore envisaged that all positions at the college will require a minimum of an enhanced DBS check and wherever eligible all staff will be checked against the barred list/s. The College will assess each role and consider what DBS checks are eligible for that particular role. This will be clearly displayed on the Person Specification/Job Description which is issued with each application form. All offers of employment to these posts are conditional upon the College receiving a satisfactory check.
- 4.2 The HR Department is registered to process DBS checks. DBS checks are initiated by HR, sent to the DBS via HR and returned from the DBS to the individual. It is essential that all new applicants return their DBS check to the HR department as soon as they receive it to ensure that there are no unnecessary delays within the recruitment process. Where a criminal conviction is disclosed through the checking process, HR will liaise with the relevant Line Manager/Director on a confidential basis to jointly assess the relevance of any convictions or other matters revealed and determine whether an appointment can be confirmed.
- 4.3 A Disclosure will generally reveal court convictions (including spent convictions) and cautions that have not been the subject of court proceedings. Where eligible, it will also involve cross checking with the two barred lists for Children and Vulnerable Adults and the Sex Offenders Register. The Barred Lists are lists of people barred from working with children and vulnerable adults and allow a record to be maintained of individuals who will not be permitted to work in regulated activity and who can only work in certain other activities with safeguards. In Disclosures the Police may also provide additional concerns about the

subject that they may have, or currently be investigating. Criminal penalties were introduced from October 2009 for barred individuals who seek to undertake work with vulnerable groups and for any employers who knowingly take them on.

- 4.4 The College places safeguarding as a priority and therefore will always request the highest eligible DBS check for all staff. The College therefore encourages all applicants called for interview to provide details of their criminal record at an early stage in the application process.
- 4.5 At interview, or in a separate discussion, the College ensures that an open and measured discussion takes place on the subject of any offences or other matters that might be relevant to the position. Failure to reveal information could lead to the withdrawal of an offer of employment or the termination of employment if an appointment has already taken place.
- 4.6 The College has a DBS Code of Practice and makes a copy available on request to all employees/potential employees from the HR Department.
- 4.7 The College undertakes to discuss any matter revealed in a Disclosure (unless this would be contrary to DBS guidance) with the person seeking the position before confirming or withdrawing a conditional offer of employment.
- 4.8 DBS arrangements also apply for Agency Staff, where these are used. HR will make the necessary arrangements.
- 4.9 For people who have lived outside the UK within the previous five years, additional background checks must be considered and may be required.
- 4.10 Due to business efficiency reasons, it is not always possible to complete the DBS checking arrangements prior to the projected starting date. Therefore all appointments are made on a conditional basis. Where a DBS check has not been carried out prior to a projected start date, the Manager requiring the person to start must initiate a Pre Vetting Risk Assessment. This must be completed by HR and authorised by a Director. The form must be signed by the relevant Line Manager who will take responsibility for putting the appropriate interim arrangements in place e.g. supervision, limited IT access, sign in as visitor.
- 4.11 It is essential that no person commences a position of regulated activity prior to a DBS or Barred List check.
- 4.12 Other checks which will be carried out by the college as part of the recruitment process include:
 - Verifying a candidate's identity, preferably from current photographic ID and proof of address.
 - Verification that where a candidate is to be employed as a teacher they are not subject to a prohibition order issued by the Secretary of State, using the Employer Access Online service
 - Verify the person's right to work in the UK
 - Further checks as appropriate where the person has lived outside the UK
 - Verify professional qualifications
 - References
 - Gaps in employment
 - Verify the candidates mental and physical fitness to carry out their responsibilities
 - Obtain a separate Barred List check if an individual will start work in regulated activity before the DBS certificate is available

5.0 DBS/ Barred List checks for new appointments and for existing employees who are changing roles.

- 5.1 The following arrangements for DBS and Barred List checking are based on current guidance, and may be subject to periodic review and change.
- 5.2 Positions at the College are assessed for eligibility for DBS checks and Barred List checks. Where a position is eligible for a DBS check/ Barred List check the College will endeavour to renew these checks on a regular basis. The College reserves the right to renew these checks whenever it sees fit however will aim to do renewals within a period no longer than 5 years. There are certain positions where checks will be done more regularly for example the College will aim to renew DBS checks for nursery staff within a period of no longer than 3 years.
- 5.3 Where members of staff are changing roles within the college consideration must be given to whether the level of check they currently have is sufficient for the role they are moving into. Where the level of check is not currently sufficient then new checks should be carried out.
- 5.4 Where staff are moving to new roles and the level of check is sufficient consideration may still be given to renewing checks where these have been in place for a length of time.

6.0 DBS Checks for existing students and volunteers / Corporate Board

- 6.1 Where a student who is already studying at the College, is approved to do a work placement at the College then the manager who is supervising that placement can do a student volunteer risk assessment (available from HR) and assuming that they can agree to the stipulations in place on the risk assessment then the College will need to do no further checks.
- 6.2 Where the manager can't take responsibility for the stipulations on the risk assessment or where the College has approved an external volunteer position then the same checks will apply to the volunteer as it would to a new member of staff coming to work at the College.
- 6.3 The college cannot legally request a barred list check on a volunteer who, because they are supervised, is not in regulated activity.
- 6.4 In respect of volunteers who cannot or will not be fully supervised, they will be subject to full safeguarding checks as necessary (see section 4.0)
- 6.5 Under no circumstances should any volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity
- 6.6 A Corporate Board member will require an enhanced DBS check, and where relevant a Barred List check.

7.0 Partner Organisations/ Agency /Third party Staff

- 7.1. HR retains a single central record of College staff and volunteers and the appropriate safeguarding checks. The College also needs to be confident that staff employed by agencies or third party staff have been subject to the appropriate checks. Managers requiring this sort of provision must ensure that HR have been informed of the position so that confirmation of vetting status can be obtained from the relevant agency and recorded.
- 7.2 For safeguarding checks in relation to partners, contractors and visitors, please refer to the Policy on Safeguarding for Contractors & Visitors to the College and Associated sites or for further information, please contact The Head of Finance.

- 7.3 Similarly managers may receive requests for vetting information about College staff who are engaged in activities with students from partner organisations e.g. staff working with 14-16 students from local schools. Any such requests should be referred to HR who will require a list of affected staff, and will be able to confirm the relevant information to the partner organisation.

8.0 Online DBS checking Service

- 8.1 DBS checks can also be done online at a small cost to the individual employee. Where an applicant/employee has a certificate and subscribes to the online service, they can provide the HR department with this information. If the DBS check they have is the same level as required by the college then the college can use this certificate
- 8.2 Where a status check online reveals a change(s) to the certificate then the College reserves the right to apply for a new certificate.
- 8.3 A printed copy of the status check will be taken and stored in accordance with the DBS Code of Practice and the Data Protection Act.

9.0 Secure Storage, handling use, retention and disposal of Disclosure information

- 9.1 Disclosure information will be kept separately and securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those entitled to see it as part of their duties.
- 9.2 Disclosure information is only passed to those who are authorised to receive it in the course of their duties. The College will maintain a record of all those to whom Disclosure information has been revealed and recognises that it is a criminal offence to pass this information to anyone who is not entitled to receive it.
- 9.3 Disclosure information is only used for the specific purpose for which it is requested and for which the applicant's full consent has been given.
- 9.4 Once a recruitment decision has been made the College will not retain Disclosure information for longer than is absolutely necessary. The usual conditions regarding safe storage and strictly controlled access will prevail.
- 9.5 Once the retention period has elapsed, the College will ensure that any Disclosure information is immediately and suitably destroyed by secure means i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle. The College will not keep any photocopy or other image of the Disclosure or representation of the contents of a Disclosure. However, notwithstanding the above, the College will (as required by law) keep a record of the date of issue of a Disclosure, the name of the employee, the position for which the Disclosure was requested, the unique reference number of the Disclosure the details of, and the name of the person recording the Disclosure.

10.0 Receiving a criminal record/ conviction whilst in employment at the College

- 10.1 Ongoing awareness during the course of employment is vitally important in order to protect learners.
- 10.2 The College requires employees to disclose to the Human Resources Manager, details of any criminal charges or convictions acquired during the period of employment with the

College. The College undertakes to treat any information so provided on a confidential basis.

- 10.3 Failure to disclose any such criminal charges or convictions may be deemed to be gross misconduct and lead to summary dismissal. The College undertakes to discuss any such criminal charges or convictions with the employee before reaching a decision about any action to be taken.
- 10.4 Receiving a criminal record whilst employed at the College does not automatically mean that the employee cannot continue in their role.
- 10.5 Where necessary, any action deemed necessary by the College as a result of an employee receiving a criminal charge or conviction will be pursued with reference to the relevant provisions within the College's Disciplinary Policy.

11.0 Referral to the Disclosure and Barring Service (DBS)

- 11.1 The College has a duty to refer to the DBS in certain circumstances for consideration for the inclusion of an individual on a Barred List. For further information, please see the college's Safeguarding Policy POL-CP-01 (available from HR or the staff intranet).

12.0 Referral to other agencies/police

- 12.1 The College has a duty to refer any suspected safeguarding issues to the Local Authority Designated Officer for Safeguarding. For details of how the college would deal with an allegation against a member of staff, please see the college's Safeguarding Policy (POL-CP-01), available from HR or the staff intranet. This includes any concern under the Prevent Agenda in relation to radicalisation or extremism
- 12.2 Where the college ceases to use the services of a teacher because of serious misconduct, or would have dismissed them had they not left first, the college will consider whether to refer the case to the Secretary of State, as required by the Education Act 2002. The Secretary of State may investigate the case, and may then decide to make a prohibition order in respect of the person.

13.0 The Sexual Offences Act 2003

- 13.1 The Sexual Offences Act 2003 makes it a criminal offence for a person in a position of trust to engage in any sexual activity with a person aged under 18 with whom they have a relationship of trust, irrespective of the age of consent and even if the basis for their relationship is consensual. A relationship of trust exists where a member of staff or volunteer is in a position of power or influence over a student by virtue of the work or nature of the activity being undertaken. For further information, please refer to the Relationships at Work Policy (POL-HR-07) available from the HR Department or staff intranet.

14.0 Concerns about the level of check requested

- 14.1 Where any person subject to a DBS/Barred List check has any concerns about the level of check which is being requested, they should speak to the Human Resources Manager.

15.0 DBS Filtering rules

- 15.1 The College would like to make all applicants aware of the new DBS filter rules and the list of offences that will always be disclosed on a criminal record certificate. For further information on these, please go to the DBS website.

16.0 Staff Training

- 16.1 All members of staff at Bishop Auckland College will be expected to take safeguarding training within the first six weeks of taking up their position. This training will be updated on a regular basis, normally every three years. Where it is felt appropriate, staff will be encouraged to do additional training on safeguarding issues.
- 16.2 All members of the safeguarding team will be trained in safeguarding to a minimum of Level 2 and this will be updated regularly, normally no less than every two years. Where necessary, the safeguarding team will receive additional safeguarding training.

For further information contact:

Lisa Campbell
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Clare Wray
Director of Service Standards

October 2015