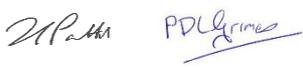


# Ysgol Maesydderwen



## Safer Recruitment

Type: Local Authority Policy

Reviewed / Adopted On	Signed	Next Review
13/7/2020		Summer Term 2022



## **Safer Recruitment Guidance**



## Cyngor Sir Powys County Council Safer Recruitment Guidance

### 1. Introduction and Definitions

1.1 Powys County Council (the Council) will play its part in the safeguarding of children, young people and/or adults at risk by:

- ensuring that children, young people and adults are protected and kept safe from harm whilst they are in contact with members of staff;
- expecting all staff employed by the Council to share its commitment to safeguarding and promoting the welfare of children, young people and/or adults at risk. All employees who come into contact with children, young people and adults at risk in their everyday work, including those staff who do not have a specific role in relation to child or adult protection, have a duty to safeguard and promote the welfare of children, young people and/or adults at risk. All staff are required to report any concern they have that a child, young person or adult at risk may be at risk of harm, and failure to do so may result in disciplinary action being taken.
- recommending that all employees that come into contact with children, young people and/or adults at risk receive children and/or adult safeguarding awareness training.

1.2 A Safer Recruitment Policy statement will be included in Application Packs and on the Council's Recruitment webpage. The purpose of this is to clearly outline to existing and potential employees, the Council's stance on safer recruitment practices. The statement is:

*Powys County Council shares a commitment to safeguard and promote the welfare of children, young people and adults at risk. The commitment is underpinned by robust processes and procedures that seek to maximise opportunity, minimise risk and continuously promote a culture that embraces the ethos of safeguarding amongst the workforce.*

1.3 Definition of Child Abuse: A child, i.e. a young person up to the age of 18 years, is abused when someone inflicts harm or fails to act to prevent harm. Children may be abused in a family, or in an institutional or community setting. The abuse may take the form of:

- neglect;
- physical abuse;
- emotional abuse/harm
- sexual harm or exploitation;
- trafficking;
- grooming;
- slavery;

- radicalisation; and
- female genital mutilation (FGM)

1.4 It is the duty of the local authority to make enquiries if it has reason to suspect that a child is suffering, or is likely to suffer significant harm under s47 of the Children Act 1989.

1.5 Definition of Adult Abuse: An adult at risk is a person aged 18 years or over who is, or 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 themselves or be unable to protect themselves from significant harm or serious exploitation. Some groups who may be at risk are people with learning disabilities, physical disabilities, sensory loss, mental ill health or older people.

1.6 Adult abuse may present as:

- a violation of an individual's human and civil rights by another person or persons who have power over a vulnerable adult;
- a physical, sexual, psychological or financial act which may be intentional or unintentional, or the result of neglect. It causes harm, either temporarily or over a period of time;
- domestic abuse; and
- people trafficking, slavery and radicalisation.

1.7 It is the duty of the Council to develop and lead the implementation of multi-agency policies and procedures to protect vulnerable adults from abuse.

## **2. Purpose of this Guidance**

2.1 This guidance sets a minimum standard for safer recruitment good practice.

2.2 All managers that employ adults to work with children, young people or adults at risk should adopt a consistent and thorough process of safer recruitment in order to ensure those recruited are suitable. This document is intended to complement and not replace existing organisational procedures and is good practice safer recruitment guidance.

2.3 Everyone involved in the provision of children, young people and adult's services share an objective to help keep them safe by contributing to:

- the provision of a safe environment in all settings
- identifying children, young people and vulnerable adults who are suffering or likely to suffer harm, and taking appropriate action with the aim of ensuring they are kept safe.

2.4 Achieving this objective requires the development, implementation and ongoing monitoring of systems designed to:

- prevent unsuitable people from working with children, young people and/or adults at risk;
- promote safe practice and challenge poor and unsafe practice;

- identify instances in which there are grounds for concern about a child, young person or adult at risk's welfare and initiate or take appropriate action to keep them safe; and
- contribute to effective partnership working between all those involved with providing services for children, young people and/or adults at risk.

2.5 Safer recruitment practice should include those persons who may not have direct contact with children. The Safer Recruitment guidance is based on the principles of safeguarding and promoting the welfare of children, young people and adults at risk. The emphasis of the guidance is on creating a culture of vigilance and deterring people who are deemed unsuitable to work with children, young people and adults at risk to gain access to the workforce. Every stage of the safer recruitment procedure is structured to act as a barrier which seeks to protect children and other vulnerable people from harm.

2.6 In order to create safe environments, it is important that Council departments that provide services to children, young people and/or adults at risk ensure that they incorporate recruitment and selection measures that help deter, reject or identify people who might abuse children, young people and adults or are unsuited to work with them.

### 3. Legislation

*(This section provides a summary of key safeguarding recruitment legislation and guidance only. The list is not exhaustive and it is strongly recommended that you refer to the full version of legislation and guidance for comprehensive information.)*

3.1 Social Services and Wellbeing (Wales) Act 2014: When this Act came into force in April 2016, it provided Wales with its own framework for social services. The main provisions include strengthening powers for safeguarding children and adults at risk and encouraging a renewed focus on prevention and early intervention.

3.2 Children Act 2004: Section 10 places a duty on each local authority to make arrangements with relevant agencies to co-operate to improve the wellbeing of children. Section 11 gives a range of organisations, including Local Authorities, police and health services, the duty to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children.

3.3 Safeguarding Vulnerable Groups Act 2006: Provides the legislative framework for the introduction of a vetting and barring scheme for those working with children and adults at risk. The primary aim of the scheme is to bar individuals from working in situations where evidence suggests that they present a risk of harm, to children or adults at risk.

3.4 Education Act 2002: places a duty on local authorities, maintained schools, further education institutions, including sixth form colleges, to carry out their function with a view to safeguarding and promoting the welfare of children and young people.

3.5 Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013): makes certain regulated activity (i.e. work with children) exempt from the ROA and therefore requires an individual to be subject to a Disclosure and Barring Service check. 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.

- 3.6 Safeguarding Children: Working Together Under the Children Act 2004: it sets out how all agencies and professionals should work together to safeguard and promote children's welfare and protect them from harm. It is addressed to all statutory partners on Local Safeguarding Children Boards and others whose work brings them into contact with children and families.

#### **4. Planning Recruitment and Selection**

- 4.1 Planning each stage of the recruitment activity is essential to ensure safer recruitment is applied consistently to all relevant vacancies. This should include:
- identify funding for post(s)
  - discussion with Line Manager/ Human Resources/ Finance
  - review and agree job description and person specification/ role profile (schools)
  - if new or any amendments, JD/ PS sent to Job Evaluation Unit
  - schools only – complete Request to Advertise form and email to [vacancies@powys.gov.uk](mailto:vacancies@powys.gov.uk)
  - select the shortlisting/ interview panel
  - ensure at least one member of the interview panel is trained in Safer Recruitment Interview Training
  - agree dates for shortlisting/ interview(s)
  - where appropriate, compose and agree job advertisement and publication/closing date
  - agree short-listing criteria based on person specification and shortlist
  - agree selection method / assessment tools
  - compose interview questions
  - invite to interview (ask about special arrangements / notify applicants of tests or presentations if relevant / include recruitment pack)
  - ensure audit trail of data / data security
- 4.2 It is very important that every job is well defined and has a corresponding job description and person specification or role profile (schools). The job description must clearly outline the role, responsibilities and accountabilities of the jobholder, including the tasks/duties they will be required to undertake. Equally, the person specification should clearly outline the knowledge, skills and experience required to do the job.
- 4.3 The job description and person specification must set out the role, responsibilities, accountabilities, knowledge, skills and experience required in respect of safeguarding and promoting the welfare of children, young people and adults at risk. This should be clearly stated on all job descriptions and person specifications for jobs that involve work with children, young people and adults at risk.
- 4.4 The job description must state that 'Because of the nature of the work involved, the post you are applying for is covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)'. If a post is classed as exempt under the Act, all applicants for that post will be required to reveal all spent (convictions that have expired) and unspent (convictions that have not expired or never expire) convictions, reprimands, cautions, bind overs, etc. (See [www.dbs.gov.uk](http://www.dbs.gov.uk) for further information).

- 4.5 The person specification must contain details of whether the post is subject to a standard or enhanced DBS Check or no DBS, it must also identify if there is a requirement for a PSN (Public Services Network) Basic Check.
- 4.6 The person specification should also outline:
- knowledge, skills and experience required for the post;
  - responsibility and accountability for safeguarding and promoting the welfare of children, young people and/or adults at risk;
  - qualifications and levels of professional registration required;
  - demonstrable competencies and qualities required;
  - how the essential requirements of the post will be tested; e.g. interview, test, assessment centre, presentation.
- 4.7 Having this explicitly defined information will ensure that job applicants are clear about the requirements of the post and what is expected of them. It also gives them an opportunity to determine if they have the necessary skills, knowledge and experience to perform the job in question. Most importantly, it may serve as a deterrent to individuals who are seeking to enter the workforce who present a risk to children, young people and/or adults at risk.
- 4.8 All new or amended job descriptions/ person specifications must be submitted to the Job Evaluation Team and signed off as agreed before the advertising process commences.
- 4.9 Panel selection: it is not too early in the recruitment and selection stage to consider the selection of the interview panel. When selecting the panel you may want to consider the following:
- expertise of panel members in relation to the post being recruited to;
  - recruitment and selection training for panel members, including safer recruitment interview training;
  - previous experience of interviewing;
  - authority to make decisions to appoint/not appoint;
  - being confident about exploring with the applicant any self-disclosures provided and asking specific questions about the applicant's motives for, and attitude towards working with children, young people and/or adults at risk.
- 4.10 The panel should be well-briefed on the post in question and the recruitment and selection process. It is good practice to ensure that short listing of applications is carried out by the interview panel. Every panel should have at least two people on it and should, as far as reasonably possible, be representative of gender and ethnicity. In the case of appointments for Headteachers and Deputy Headteachers, there should be a minimum of three Governors on a panel and relevant advisers from the Council, e.g. Schools and Inclusion and HR.
- 4.11 Advertising: the job advert shapes the first impression applicants have of an organisation. The advert is an important tool when it comes to sending out the

right message to the public – the business of the Council, its culture and the type of person needed for the job.

- 4.12 All job adverts should direct the applicant through to the Council's Recruitment website. This site outlines the Council's commitment to safeguarding and promoting the welfare of children, young people and vulnerable adults. This message is reinforced through the person specification which will note the level of DBS Check required and if there is a requirement for a PSN Basic Check or EWC registration.
- 4.13 Applicant Information Pack: when recruiting, it is usual for information about an organisation to be available either online or in paper format. This helps applicants to gain a better understanding of what the Council is all about. For the purposes of safer recruitment, it is recommended that you include information on the process they will undergo if they are short listed and ultimately successful.
- 4.14 The interviewing process should follow a set format, as follows:
- Introduction of the panel;
  - Overview of the Council and the post applied for;
  - Overview of the interview process and questions that will be asked including the fact that you will explore their attitude towards children, young people and/or adults at risk;
  - Explain the need to take notes throughout the process;
  - Explore self-disclosure if applicable;
  - Check identity (only original documents should be accepted) and registration documents (where required) and qualifications (original documents required);
  - Candidate's right to work in the UK (original documents/biometric residence permit (BRP) only) – please refer to the Recruitment Team for guidance;
  - Give an opportunity for candidates to ask questions; and
  - Give indication of timescales and contacts for feedback.
- 4.15 Being clear about the process will help to manage candidates' expectations and help the interviews run smoothly.
- 4.16 Interview Questions: interviews are a particularly helpful way of gaining information about a candidate's knowledge, skills and experience and to ascertain their relevance and how they can be transferred to the post in question.
- 4.17 Interviews allow you to ask questions that will test out the applicant in different ways. This can be by asking for examples of what they have done in their current or previous role or by asking scenario/competency-based questions.
- 4.18 Questions should be structured against the essential criteria for the post, including questions about a person's attitude to, and motives for wanting to work with children, young people and/or adults at risk.
- 4.19 While it is important that all candidates are asked the same questions around the criteria on the person specification, it is equally important that the panel is satisfied that it has gained enough information to enable it to assess how well the

candidate meets the essential criteria and to reach an objective decision over the candidate's suitability to do the job.

- 4.20 If the panel is not satisfied that the question has been answered or feels that the candidate has misunderstood the question, it is acceptable for the panel to probe further by asking supplementary questions. A detailed record of the candidate's responses should be kept in all cases and these must be kept securely for 6 months.
- 4.21 Conditional Offer of Employment: all pre-employment checks are completed prior to issuing a contract of employment. All offers of employment should be conditional and subject to the satisfactory outcome of all pre-employment vetting. Verbal offers should clearly state that offers are conditional and subject to satisfactory pre - employment checks.

## 5. Record-Keeping/ Retention of Personal Data

- 5.1 It is important to retain data pertaining to all recruitment and selection activities. This can be broken down into two parts:
- (a) Retention of Data for Unsuccessful Candidates: all application forms, interview notes and other relevant documentation should be securely retained on a recruitment file for a period of six months. This will allow enough time to deal with queries from unsuccessful candidates. The information should be confidentially destroyed after this time.
- (b) Retention of Data for Successful Candidates: all application forms, interview notes and other relevant documentation should be securely retained by a member of the interview panel. This information forms part of the individual's ongoing employment history with the Council.
- 5.2 The personnel file of staff employed in a post that gives them unsupervised access to, or involves working directly with children, young people and/or adults at risk must contain the following information:
- Application form
  - Letter of invite to interview
  - Offer letter
  - Contract of employment
  - Pre-employment vetting documents:
    - photographic identification – usually a passport or other acceptable ID. Copies not to be taken but relevant numbers stated e.g. passport number;
    - copy of original academic or vocational qualification certificates;
    - references;
    - health clearance; and
    - evidence of Right to Work and Remain in the UK.
- 5.3 Personnel records of all employees should be retained as per the Corporate Retention Schedule. In addition to this, where employees have been subject to allegations of abuse against children, then their personnel records must be

retained for a maximum of 10 years or until the normal retirement age if this is sooner. For employees who work with children, young people and/or vulnerable adult's personnel records should be retained for 25 years. In all cases, data should be retained in accordance with the Data Protection Act 2018.

- 5.4 All organisations, including the Council, shall have arrangements for secure storage, handling, use, retention and disposal of criminal disclosures and disclosure information as set out in the DBS's Code of Practice. Further information on the DBS's Code of Practice can be obtained from [www.dbs.gov.uk](http://www.dbs.gov.uk)
- 5.5 All employees that have access to PSN IT systems, must undergo a Basic Check if they not have already had a DBS Standard or an Enhanced check.
- 5.6 In all cases, all personal data should be handled in confidential manner at all times and retained and disposed of securely.

## 6. Pre-employment Vetting

- 6.1 **Note! Under no circumstances should an employee start work with the Council until all of the checks below are received and verified. All breaches are reported and appropriate corrective action will be taken. An employee who is found to be working without appropriate checks in place will be asked to stop working until they are received.**
- 6.2 Disclosure and Barring Service (DBS): below is a summary of key information relating to safeguarding considerations in respect of pre-employment checks. You must be aware of and adhere to the Council's DBS Policy and detailed guidance issued by the Council's DBS Unit on DBS checks.
- 6.3 It is vitally important that people deemed unsuitable to work with children, young people and/or adults at risk do not gain access to them. It is the Council's duty to utilise robust procedures to prevent/deter such individuals from becoming a part of the workforce. Safer recruitment requires strict pre-employment vetting to assess the suitability of an individual to work with children, young people and/or adults at risk.
- 6.4 An Enhanced DBS Check is a legal requirement for anyone (paid employee or volunteer) seeking to work in a regulated activity. This includes all settings in which children and young people are cared for, trained, supervised and in some cases employed. For further details on what constitutes a regulated activity please see <https://www.gov.uk/government/collections/dbs-eligibility-guidance>
- 6.5 An enhanced DBS Check is required for everyone who has access, supervised or unsupervised, to children, young people and/or adults at risk.
- 6.6 Where there has been any break in continuous employment i.e. of 1 day or more of an employee or volunteer, a new Enhanced DBS Check must be conducted. It is good practice to carry out DBS checks on a 3-yearly rolling basis for employees and volunteers who remain in continuous employment.
- 6.7 DBS Checks for Overseas Applicants: DBS Checks will not generally show offences committed by an individual whilst living abroad (except in the case of service personnel and their families). Therefore, in addition to an enhanced DBS

Check, additional checks such as obtaining certificates of good conduct from relevant embassies or police forces may be necessary, as the DBS cannot access criminal records held overseas. For more information please see the following Home Office guidance: [Criminal records checks for overseas applicants](#)

- 6.8 Where an applicant is from or has lived in a country where disclosure and barring service checks cannot be made for child/adult protection purposes, or is a refugee with leave to remain in the UK, and has no means of obtaining relevant information, employers must take extra care in taking up references and carrying out other background checks. For example, additional references should be sought, and references should be followed up by a telephone call in addition to a letter.
- 6.9 Appointment pending DBS Clearance: in all cases, a satisfactory DBS check and other pre-employment checks must be made before a candidate commences in post, whether an employee or volunteer.
- 6.10 References: are an important part of any recruitment and selection process and even more so for safer recruitment. The purpose of seeking references is to obtain objective factual information about the candidate.
- 6.11 References should always be sought and obtained directly from the referee. Managers should not rely on references or testimonials provided by the candidate, or on open references and testimonials i.e. "To Whom It May Concern". References from relatives, friends/ acquaintance or County Councillors will also not be accepted.
- 6.12 All references should be in writing - telephone references are only acceptable to clarify information contained in the written reference. They must be signed and dated. References can be requested and accepted by email but care must be taken when accepting references via this method. If references are from a company or business, the email address should preferably contain the company/organisation details, for example, @powys.gov.uk or @hsbc.co.uk etc. References from Hotmail, Yahoo accounts should not be accepted unless signed and dated.
- 6.13 References must be obtained as follows:
- For external applicants entering the Council, there will be a requirement for two satisfactory references.
  - For existing employees of the Council moving from one department/school to another and where two written safeguarding references are already on file then only one satisfactory reference from an appropriate source is required. It would be at the discretion of the Recruiting Manager / Head Teacher if they wished to obtain a second or third reference.
  - For existing employees of the Council moving within the same department/school and where two satisfactory safeguarding references are already on file then further references are not required.
  - For positions which require more than two references as a statutory requirement, this will remain unchanged.

6.14 The information contained in a reference is vital to reaching a decision to employ or not employ and the following is important:

- References should be requested as soon as interviews have taken place (unless a teaching post);
- In the case of teaching posts, references must be sought on all short-listed candidates;
- A minimum of two references must be always be held on an employee's file (three for residential care posts), if appropriate additional references must be obtained as in 4.14 above.
- If requested, one reference must be from the current or most recent employer;
- In respect of child care posts, all references must be followed up with a verbal discussion with the referee.
- Where the applicant is not currently working with children and has provided details of previous employment that has involved work with children either in a paid or voluntary capacity, then a reference must be sought from that employer even if the applicant has not listed the employer as a referee. Refusal or reluctance by an applicant for you to contact such an employer may be cause for concern and should be explored further.
- For applicants who have never been in paid employment but have undertaken voluntary work, a reference must be sought from the voluntary organisation.
- For applicants who have never worked in paid employment or on a voluntary basis, a character reference should be sought from someone who is able to confirm (as best as possible) the applicant's suitability to work with children, young people and/or adults at risk. This may be someone in authority e.g. a lecturer or community leader (a full list is available from the Recruitment Team).
- References should be scrutinised against the information provided on the application form to ensure the information matches.
- Any concerns about a reference should be taken up with the referee directly.

6.15 A reference request should always contain the following:

- copy of the job description and person specification
- confirmation of employment dates – from/to
- confirmation of basic salary and other remunerations
- specific details of the applicants role and responsibilities in that post
- performance history and capability of the individual to carry out the post applied for
- attitude/behaviour towards work/colleagues
- attitude/ behaviour towards children, young people and/or adults at risk (post-specific)
- notable achievements in that post
- attendance levels
- sickness absence
- punctuality

6.16 In addition to the above, a reference should seek particular information on:

- disciplinary action where the sanction is current;

- disciplinary action where the sanction has expired and it relates to safeguarding, child protection or adult protection; and
  - any known reason that could potentially render the applicant unsuitable to work with children, young people and/or adults at risk, e.g. allegations about the applicants behaviour towards children; details of the allegation and the outcome of the investigation.
- 6.17 Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case. Cases in which an issue was resolved satisfactorily some time ago or an allegation was determined to be unfounded or did not require formal disciplinary sanctions, and in which no further issues have been raised, are not likely to cause concern. More serious or recent concerns or issues that were not resolved satisfactorily are more likely to cause concern. A history of repeated concerns or allegations over time is also likely to give cause for concern.
- 6.18 Consideration should be given to an applicant's request to delay seeking references. This could be because the applicant does not want the current employer to know they are actively seeking other employment. Such knowledge may create difficulty for the applicant if they are unsuccessful in securing the post. Where such a request is made, the Council should make it clear to the applicant that a delay in seeking references could cause a delay in an offer of appointment being made.
- 6.19 It is good practice to contact the referee of the preferred candidate to verify the authenticity of the reference. Detailed notes of the discussion should be made and retained for your records.
- 6.20 Qualifications: if the post applied for requires a specific qualification, you must notify the shortlisted applicants of the need to bring the original (plus one copy for your records, if applicable) certificate along to the interview. It is normal practice for the chair of the panel to verify the documentation presented and ensure that a copy is provided.
- 6.21 If the original certificate is unavailable, a certified copy of the document must be provided by the issuing establishment. It is good practice for the Council to verify qualifications with the issuing educational / vocational establishment.
- 6.22 Professional Registration: if the post applied for requires registration with a professional body, you must notify the short listed applicants of the need to bring the original evidence of registration (plus one copy for your records) along to the interview. It is normal practice for the chair of the panel to verify the documentation presented and ensure that a copy is provided.
- 6.23 If the original certificate is unavailable, a certified copy of the document must be provided by the issuing establishment. It is good practice for the employer to verify registration/membership with the relevant professional body. This can be undertaken online in some cases with professional bodies. Verifying online also identifies whether any restrictions have been placed on an individual's registration.
- 6.24 Professional Registration with the Education Workforce Council (EWC) – Schools and Youth Services only: all teaching and the majority of non-teaching employees

in schools and Youth Services are now required to be registered with the EWC – this is a statutory requirement. Any employee that requires registration must not start until they have been registered, to prevent delays, the employee should be encouraged to make an application to be registered as soon as they are made a conditional offer.

- 6.25 All schools should hold a list of non-teaching positions that will require registration.

*Last updated: October 2019*