



## **Safer Recruitment Policy & Procedure June 2020**

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## 1. Introduction

This policy explains how Kindi Education aims to deter, reject, or identify people who might abuse its participants or are otherwise unsuited to working with them by having appropriate procedures in place for appointing its staff.

The purpose of this policy and procedure is to:

- protect Kindi Education's participants, volunteers, staff members and others in contact with the organisation from harm, abuse and neglect.
- ensure that the best possible team members are recruited on the basis of their merits, abilities and suitability for the position with individuals treated fairly and equally throughout their contact with Kindi Education during the recruitment process
- ensure consistently applied and proportionate decision making occurs during the recruitment process

This policy statement applies to anyone engaged in the organisation including employees, volunteers and freelancers who support or direct Kindi Education's activities ("our team").

## 2. Policy Statement

Kindi Education has a principle of open competition in its approach to recruitment and actively promotes equality of opportunity for all.

The recruitment and selection process should ensure the identification of the person best suited to the job at Kindi Education. Kindi Education seeks the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. It selects all candidates for interview based on their abilities, qualifications and experience as measured against the job description and person specification.

Kindi Education is committed to the fair treatment of its team members and potential team members regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background. Kindi Education undertakes to treat all applicants for positions fairly and not discriminate automatically because of a conviction or other information revealed.

The recruitment and selection of team members will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation. Kindi Education will always seek to comply in a proportionate manner within safeguarding guidance for statutory education providers whilst recognising the differing ways of working and risks that it faces.

Kindi Education aims to operate these procedures consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job vacancies.

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Kindi Education complies fully with the [DBS code of practice](#) published under section 122 of the Police Act 1997.

It is unlawful for Kindi Education to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a

position at Kindi Education requiring “regulated activity”. We will take all steps necessary to comply with these requirements.

### **3. Responsibility for Implementation**

The Designated Safeguarding Lead (DSL) is responsible for leading implementation of this policy and procedure. All persons involved in the recruitment and selection of team members are responsible for familiarising themselves with and complying with the provisions of this policy and procedure.

If a Kindi Education team member involved in the recruitment process has a close personal or familial relationship with an applicant, they must declare it as soon as they are aware of the individual’s application and avoid any involvement in the recruitment and selection decision-making process.

### **4. Procedures**

#### **4.1. Job Descriptions and Person Specifications**

Kindi Education will:

- Ensure that its job descriptions clearly and accurately set out the duties and responsibilities of the job role. This will include details of any tasks which require direct contact with and/or responsibilities to care for and support children or adults at risk of harm.
- Ensure that the person specification is given equal importance detailing the skills, experience, abilities and expertise that are required to do the job. The person specification will include a specific reference to suitability to work with children, including in a residential environment where appropriate.
- Finalise the Job Descriptions and Person Specifications prior to taking any other steps in this process. These documents will be used to determine whether a criminal record is required and, if so, at what level it will be undertaken.

#### **4.2. Role Risk Assessment**

Kindi Education will:

- Risk assess all roles, considering the Job Descriptions and Person Specifications and the wider working environment, to determine if the post is eligible for a criminal record check and, if so, at what level.
- Ensure that job adverts, recruitment briefs and job application forms contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position (for those positions where a criminal record check is identified as necessary).

#### **4.3. Advertising**

Kindi Education will:

- Advertise all vacant posts to encourage as wide a field of applicants as possible; normally this entails an external advertisement.
- Include on all advertisements its commitment to safeguarding and promoting the welfare of children and adults at risk of harm.
- Process all data confidentially and in accordance with the Data Protection Act 2018.

#### **4.4. Application Forms**

Kindi Education will:

- Always use an application form for team member job posts involving direct contact with children. CVs alone will not be accepted.
- Require all applicants to detail their academic and full employment history, as well as their suitability for the role.
- Not shortlist applicants submitting an incomplete application form.
- Ensure that application forms include the applicant's declaration regarding convictions and working with children or adults at risk of harm
- Make all applicants aware that providing false information may be an offence and could result in the following:
  - the application being rejected
  - summary dismissal if the applicant has been selected
  - referral to the police and/or the DBS.

#### **4.5. References**

Kindi Education will:

- Always ensure that offers of employment are subject to the receipt of a minimum of two references which it considers satisfactory.
- Always seek and obtain references directly from the referee and state that their purpose is to provide objective and factual information to support appointment decisions.
- Request that one of the references must be from the applicant's current or most recent employer. Depending on the post and where considered appropriate, the current/most recent employer should be where the individual's work does/did involve work with children or adults at risk. Where this is not the case, the second reference should be from the employer with whom the applicant most recently worked with children or adults at risk.
- Ask the current employer about the candidate's suitability to work with children where neither the current nor previous employment involved working with children.
- Request character references (which may include references from the candidate's school or university) where the candidate has no previous employment history.
- Ensure that all referees are 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.
- Confirm with referees that the applicant has not been radicalised, so that they do not support terrorism or any form of "extremism".
- Not accept open references, testimonials or references from relatives.
- Always follow up on any discrepancies or anomalies. This may include direct contact by phone with each referee to verify the reference.
- Request references for short-listed applicants immediately after the short-listing process. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted at that stage. In such cases, this reference will be taken up immediately after interview.
- Not ask applicants any question about their health or medical fitness prior to any offer of employment being made.

#### **4.6. Interviews**

Kindi Education will:

- Always seek a face-to-face interview wherever possible with a minimum of two interviewers.

- Ensure that, where practicable, at least one person on the appointment panel will have undertaken safer recruitment training.
- Manage the interview process so as to explore the applicant's ability to carry out the job description and meet the person specification.
- Ensure time to enable the panel to explore any anomalies, gaps or discrepancies in employment history which have been identified.
- Ensure that an open and measured discussion takes place about any offences or other matter that might be relevant to the position, either at interview or following receipt of references. This will also include a discussion of past disciplinary action or allegations or cautions. These will be considered in the circumstance of the individual case. An applicant's failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

#### **4.7. Offer of Appointment and New Employee Process**

If Kindi Education decides to make an offer of employment following the formal interview, any such offer will be conditional on:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating Kindi Education's standard terms and conditions of employment.
- the receipt of two references (if not previously received) which Kindi Education considers to be satisfactory
- verification of the applicant's identity (if not previously verified). This includes evidence of the applicant's identity, current address and qualifications (see guidance below).
- verification of the applicant's medical fitness for the role
- verification of the applicant's right to work in the UK
- any further checks which are necessary because of the applicant having lived or worked outside of the UK; and
- verification of professional qualifications which Kindi Education deems a requirement for the post, or which the applicant otherwise cites in support of their application (where not previously verified).

#### **4.8. Verification of Identification and Related Requirements**

Kindi Education will take all reasonable efforts to confirm identity, right to work in the UK & verification of qualifications and/or professional status.

Kindi Education will:

- Verify the applicant's identity (if not previously verified). This includes evidence of their identity and current address. Identification documentation required include passport, birth certificate, driving licence etc and the most up to date [DBS identity checking guidelines](#).
- Proof of eligibility to work in the UK in accordance with [duties preventing illegal working in the UK under the Immigration, Asylum and Nationality Act 2006](#).
- Ensure that 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.
- Verify the applicant's qualifications and check that they have obtained any academic or vocational qualification required for the position or (where appropriate) claimed in their application form. Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.
- Ensure that all checks are:
  - Confirmed in writing
  - Documented and retained on the personnel file (subject to restrictions on the retention of information imposed by Disclosure and Barring Service regulations)

- Followed up where they are unsatisfactory or where there are discrepancies in the information provided.
- Original documents will only be accepted, and photocopies will be taken. Unsuccessful applicant documents will be destroyed 6 months after the recruitment programme.

#### **4.9. DBS (Disclosure and Barring Service) Checks**

An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that a criminal record check is both proportionate and relevant to the position concerned.

##### **4.9.1. Level of Checks**

- Kindi Education will always get an enhanced disclosure from the 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 Kindi Education which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information.
- For other roles, a standard or enhanced check will be sought from the DBS when a role is eligible for one. Otherwise, Kindi Education will proactively consider seeking a Basic Check if the risk assessment determines this to be appropriate.
- Kindi Education will make every subject of a criminal record check submitted to DBS aware of the existence of the DBS code of practice and make a copy available on request.

##### **4.9.2. Frequency of Checks**

- DBS checks must be obtained before the commencement of employment of any new employee. DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence.
- Kindi Education will seek to re-check employees' DBS Certificates every three years.
- Any employee who takes leave for more than three months (i.e. maternity leave, career break etc) must be re-checked before they return to work.
- All recruited team members will be asked to inform Kindi Education of any cautions or convictions that arise between these checks taking place.

##### **4.9.3. Portability of DBS Certificates Checks**

Where an individual is registered with the DBS Update service, Kindi Education will:

- Obtain consent from the applicant to carry out an update search.
- Confirm the certificate matches the individual's identity.
- Examine the original certificate to ensure that it is for the appropriate workforce and level of check, i.e. enhanced certificate/enhanced including barred list information.
- Examine whether the Update check identifies and advises whether there has been any change to the information recorded since the initial Certificate was issued.

##### **4.9.4. DBS Certificates**

- All Disclosure Certificates should be passed to the Designated Safeguarding Lead (DSL) within 7 days of issue to applicants and before they commence work or any project involving regulated activity.
- 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, Kindi Education 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.

#### **4.9.5. Delayed Checks**

- If the DBS check is delayed, a short period of work is allowed under controlled conditions, at the Managing Director's discretion. The individual may only commence activity:
  - Without confirming the appointment
  - Provided that the DBS application has been made in advance
  - With appropriate safeguards taken (for example, loose supervision)
  - With safeguards reviewed at least every two weeks by the DSL and with a written record of the review kept on their personnel file
  - Whereby the person in question is informed what these safeguards are

#### **5. Responding to Disclosures at Any Stage of Recruitment**

- Where an individual discloses past disciplinary action, allegations, cautions or convictions, Kindi Education will consider responsibilities under the Rehabilitation of Offenders Act 1974 and:
  - the nature, seriousness, and relevance of the offence
  - how long ago the offence occurred
  - one-off or history of offences
  - changes in circumstances
  - decriminalisation and remorse
- Where a matter is revealed on a DBS certificate with the individual seeking the position, Kindi Education will always discuss this before withdrawing a conditional offer of employment.
- A formal meeting will take place face-to-face to establish the facts with a decision to be made following this meeting.

#### **6. Future Disclosures**

Any candidate, including successful candidates, must notify Kindi Education immediately of anything that may affect his/her suitability to work with children. This includes notification of any convictions, cautions, court orders, reprimands or warnings that he/she has received or may receive.

#### **7. Induction Programme**

All new employees will be given an induction programme which will clearly identify Kindi Education's policies and procedures, including Kindi Education's Safeguarding Policy and Staff Behaviour Policy. The induction programme will also make clear the expectations that will govern how team members carry out their roles and responsibilities.

#### **8. Leaving employment and DBS Duty to Refer**

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, Kindi Education also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at Kindi Education despite being barred from working with children; or
- has been removed by Kindi Education 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.

This process will be led by the Designated Safeguarding Lead (DSL) and in consultation with the relevant local authority designated officer. If the individual referred to the DBS is a teacher, Kindi Education may also decide to make a referral to the Teaching Regulation Agency.

## **9. Record Retention/Data Protection**

If an applicant is successful in their application, Kindi Education 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 and qualifications. This documentation will be retained by Kindi Education for the duration of the successful applicant's employment with Kindi Education. All information retained on employees is kept centrally by the Managing Director in a locked and secure cabinet.

Any medical information provided may be used to help Kindi Education discharge its obligations as an employer (e.g. it may consider reasonable adjustments if an employee suffers from a disability, or assist with any other workplace issue).

Kindi Education will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed (i.e. shredded).