



# S&P Sephardi Community's Safer Recruitment Policy for Education<sup>1</sup>

## 1.0 Introduction

The safe recruitment of staff is the first step to safeguarding and promoting the welfare of children in education. S&P Sephardi Community is committed to safeguarding and promoting the welfare of all pupils in its care. As an employer, the Community expects all staff and volunteers to share this commitment.

## 2.0 Aims and objectives

The aims of this policy are to help deter, reject or identify people who might abuse children or vulnerable adults at S&P Sephardi Community or are otherwise unsuited to working with them by having appropriate procedures for appointing staff.

The aims of the Community's recruitment policy for roles in education are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education - May 2016 (KCSIE), the Prevent Duty Guidance for England and Wales 2016 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- to ensure that the Community meets its commitment to safeguarding and promoting the welfare of children, young people and vulnerable adults by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

The Community has a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the job. The recruitment and selection process should ensure the identification of the person best suited to the job at the Community based on the applicant's abilities, qualification, experience and merit as measured against the job description and person specification.

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, and relevant safeguarding legislation and statutory guidance (including KCSIE 2016 and Prevent Duty Guidance).

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<sup>1</sup> Regulated Activity' is work which involves close and unsupervised contact with vulnerable groups including vulnerable adults and children, and which cannot be undertaken by a person who is on the Disclosure and Barring Service's Barred List.

If a member of staff 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. A Trustee or Community volunteer involved in these processes will follow the Community's Conflicts of Interest policy.

The Community aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job vacancies at S&P Sephardi Community.

### **3.0 Roles and responsibilities**

It is the responsibility of the Trustees to:

- ensure the Community has effective policies and procedures in place for recruitment of all staff and volunteers in accordance with guidance and legal requirements.
- monitor the Community's compliance with them.

It is the responsibility of the Chief Executive Officer, Trustees and other Managers involved in recruitment to:

- ensure that the Community operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the Community.
- monitor contractors' and agencies' compliance with this document.
- promote the welfare of children, young and vulnerable adults at every stage of the procedure.

Community Trustees may be involved in staff appointments. The Trustees have delegated responsibility to the Chief Executive Officer (office/house staff) and Head of Education (HoE) (teaching staff) to lead in making appointments in the departments that they oversee.

### **4.0 Definition of Regulated Activity and Frequency**

Any position undertaken at, or on behalf of, the Community will amount to "regulated activity"<sup>1</sup> if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am; or
- satisfies the "period condition", meaning four times or more in a 30 day period;
- and provides the opportunity for contact with children.
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Roles which are carried out on an unpaid / voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

The Community is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The Community is required to carry out an enhanced DBS check for all staff, cover staff and Trustees who will be engaging in regulated activity. However, the Community can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough -

i.e. roles which would amount to regulated activity if carried out more frequently. The Community may also carry out DBS checks on other volunteers or individuals who work with or are likely to be working with or in proximity to children (even if their role would not be considered to be 'regulated activity').

## **5.0 Recruitment and selection procedure**

The Community may advertise in order to recruit, or it may recruit based on recommendation of a suitable candidate from a trusted source, or based on the knowledge of somebody with suitable skills already on the staff or within our community.

### **5.1 Advertising**

The Community may advertise vacant posts to encourage as wide a field of applicant as possible; normally this entails an external advertisement.

Any job description will make clear the Community's commitment to safeguarding and promoting the welfare of children and vulnerable adults.

All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act (DPA).

### **5.2 Application Forms**

S&P Sephardi Community uses its own application form, and applicants for employment may be required to complete an application form containing questions about their academic and full employment history and their suitability for the role. (In addition all applicants may be required to account for any gaps or discrepancies in their employment history). Incomplete application forms will not be shortlisted.

In some cases it may be sufficient to apply by sending a CV.

The application form will include the applicant's declaration regarding convictions and working with children, and will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974.

It is unlawful for the Community 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 the Community. All applicants will be made aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and referral to the police and/or the DBS.

### **5.3 Job Descriptions and Person Specifications**

A job description is a key document in the recruitment process, and must be finalised prior to taking any other steps in the recruitment process. It will clearly and accurately set out the duties and responsibilities of the job role.

The person specification is of equal importance and informs the selection decision. It details 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.

### **5.4 References**

References for shortlisted applicants will be taken immediately after a job has been offered.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the Community. One of the references must be from the applicant's current or most recent employer. If the current / most recent employment does / did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children.

The referee should not be a relative. References will always be sought and obtained directly from the referee and their purpose is to provide objective and factual information to support appointment decisions.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism".

Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

Any discrepancies or anomalies will be followed up. Direct contact by phone will be undertaken with each referee to verify the reference.

The Community does not accept open references, testimonials or references from relatives.

### **5.5 Interviews**

There will be a face-to-face interview if a candidate is shortlisted. The interview process will explore the applicant's ability to carry out the activities listed in the job description and meet the person specification. It will enable interviewers to explore any anomalies or gaps which have been identified, in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training).

Any information in regard to past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process, if it has not been disclosed on the application form.

At least one member of any interviewing panel will have undertaken Safer Recruitment Training or refresher training as applicable.

All applicants who are invited to an interview will be required to bring evidence of their identity, address and qualifications. Only original documentation will be accepted and photocopies will be taken. Unsuccessful applicants' documentation will be destroyed within six months after the recruitment programme.

### **6.0 Offer of appointment and new employee process**

In accordance with the recommendations of the staff responsible for recruitment for a role, the Community carries out a number of pre-employment checks in respect of all prospective employees.

If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the Community's standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified);
- the receipt of two references (one of which must be from the applicant's most recent employer) which the Community considers to be satisfactory;
- for positions which involve "teaching work":
  - i. the Community being satisfied that the applicant is not, and has never been, the subject of a sanction, restriction or prohibition issued by a regulator of the teaching profession in any country which prevents the applicant working at the

Community or which, in the Community's opinion, renders the applicant unsuitable to work at the Community; and

ii. the Community being satisfied that the applicant is not, and has never been, the subject of any proceedings before a professional conduct panel or equivalent body in the UK or any other country for any reason which prevents the applicant working at the Community or which, in the Community's opinion, renders the applicant unsuitable to work at the Community;

- where the position amounts to "regulated activity", the receipt of an enhanced disclosure from the DBS which the Community considers to be satisfactory;
- where the position amounts to "regulated activity", confirmation that the applicant is not named on the Children's Barred List;
- verification of the applicant's right to work in the UK;
- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK; and
- verification of professional qualifications which the Community deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).

Whether a position amounts to "regulated activity" must therefore be considered by the Community in order to decide which checks are appropriate. It is however likely that in nearly all cases the Community will carry out an enhanced DBS check and a Children's Barred List check.

A personnel file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personnel files.

### **6.1 The Rehabilitation of Offenders Act 1974**

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to children or vulnerable adults. Therefore, any convictions and cautions that would normally be considered 'SPENT' **must be** declared when applying for any position at S&P Sephardi Community.

### **6.2 DBS (Disclosure and Barring Service) Certificate (formerly known as CRB Disclosure)**

The Community applies for 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 the Community 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 due to inclusion on the Children's Barred List and to obtain other relevant suitability information.

It is the Community's policy that the DBS disclosure **must be** obtained before the commencement of employment of **any** new employee.

It is the Community's policy to re-check employees' DBS certificates every 2 years and in addition any employee that takes leave for more than twelve months (i.e.: maternity leave, career break etc.) must be re-checked before they return back to work.

Members of staff at S&P Sephardi Community are aware of their obligation to inform the Chief Executive Officer of any cautions or convictions that arise between these checks taking place.

DBS and background checks will still be requested for applicants with periods of overseas residence.

#### **6.2.1 Portability of DBS Certificates Checks**

Staff should join the DBS Update Service. Applicants may sign up to the Service within 19 days of the issue of their certificate, for a fee that is currently £13 per annum, which is payable by the member of staff but will be reimbursed by the Community upon presentation of a receipt.

#### **6.2.2 Dealing with convictions**

In the event that a DBS certificate is returned with details of convictions, consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- 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.

A formal meeting will take place face-to-face to establish the facts with the Chief Executive Officer. A decision will be made following this meeting. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Chief Executive Officer will evaluate all of the risk factors above before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the Community 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.

#### **6.3 Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status**

All applicants invited to attend an interview at the Community will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in UK in accordance with those set out in the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines. The Community does not discriminate on the grounds of age.

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.

In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification legally required for the position and claimed in their application form.

#### **6.4 Medical Fitness**

All applicants may be requested to complete a medical questionnaire and where appropriate a doctor's medical report may be required. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role.

The Community is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence and considering reasonable adjustments.

### **6.5 Induction Programme**

All new employees will be given an induction programme which will clearly identify the Community's policies and procedures, including the Safeguarding Policies and the Code of Conduct, and make clear the expectations which will govern how staff carry out their roles and responsibilities.

### **7.0 Record Retention / Data Protection**

The Community is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the Community will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to help the Community to discharge its obligations as an employer e.g. so that the Community may consider reasonable adjustments if an employee has a disability or to assist with any other workplace issue.

All information retained on employees is kept centrally in the Chief Executive Officer's Office in a locked and secure cabinet or securely on the server.

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

S&P Sephardi Community will retain all interview notes on all unsuccessful applicants for a period of at least 6 months, after which time the notes will be confidentially destroyed (i.e. shredded). The 6 month retention period is in accordance with the Data Protection Act 1998.

### **8.0 Ongoing Employment**

S&P Sephardi Community recognises that safer recruitment and selection is not just about the start of employment, but should be part of a larger policy framework for all staff. The Community will therefore provide ongoing training and support for all staff, as identified through the Annual Review/appraisal procedure.

### **9.0 Leaving Employment at S&P Sephardi Community**

Despite the best efforts to recruit safely there may be occasions when allegations of serious misconduct or abuse against children, young people or vulnerable adults are raised after a successful candidate has taken up their position. This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks the Community also has a legal duty to make a referral to the DBS in circumstances where an individual:

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

### **10.0 Contractors and agency staff**

Contractors engaged by the Community must complete the same checks for their employees that the Community is required to complete for its staff. The Community requires confirmation that these checks have been completed before employees of the Contractor can commence work at the Community.

Agencies who supply staff to the Community must also complete the pre-employment checks which the Community would otherwise complete for its staff. Again, the Community requires confirmation that these checks have been completed before an individual can commence work at the Community.

The Community will independently verify the identity of staff supplied by contractors or an agency and will require the provision of the original DBS certificate before contractors or agency staff can commence work at the Community.

## **11.0 Visiting Speakers (and Prevent Duty)**

The Prevent Duty Guidance requires the Community to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by pupils, are suitable and appropriately supervised.

The Community may obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity at the Community or perform any other regular duties for or on behalf of the Community.

All visiting speakers will be subject to the Community's usual visitors' signing in protocol. This will include signing in and out at Reception, and being escorted by a fully vetted member of staff.

The Community will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend the Community. In doing so the Community will always have regard to security protocols, the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

*"'Extremism' is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."*

In fulfilling its Prevent Duty obligations the Community does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

## **12.0 Volunteers**

The Community will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the Community (the definition of regulated activity set out above will be applied to all volunteers).

Under no circumstances will the Community permit an unchecked volunteer to have unsupervised contact with pupils.

It is the Community's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the Community for twelve consecutive months or more. Those volunteers who are likely to be involved in activities with the Community on a regular basis may be required to sign up to the DBS Update Service as this permits the Community to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.



In addition the Community will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to) the following:

- formal or informal information provided by staff, parents and other volunteers;
- character references from the volunteer's place of work or any other relevant source; and
- an informal safer recruitment interview.

### **13.0 Monitoring and Evaluation**

The Chief Executive Officer and HoE will be responsible for ensuring that this policy is monitored and evaluated throughout the Community.