

# SAFER RECRUITMENT POLICY

## Recruitment Policy

This policy and its procedures are designed to ensure that best practice is applied to the recruitment of all employees, volunteers, temporary staff, interns and also to the appointment of self-employed service providers. It is the BeyondAutism's responsibility to ensure that it adheres to the requirement of the Department of Education's requirements for safer recruitment set out in their publication Keeping Children Safe In Education (KCSIE) which is updated annually ahead of the start of each academic year. BeyondAutism will adhere to best practice and record and maintain all information on the checks carried out in the single central record (SCR). We follow Data Protection and GDPR requirements and best practice in retaining copies of these checks, as set out below.

### Recruitment Decision Making Framework

	Part of Recruitment Team for	Approve	Other
<b>Trustees</b>	CEO, Heads of Service	New posts, Management Structure, Teaching and Learning Practitioners or Teachers if needed for new pupils, Changes to Job Descriptions	Receives reports on replacement of leavers from CEO / Heads of Service
<b>Governing Body</b>	Heads of Service, Senior School Staff with any post of responsibility, both QTS and Behaviour Analysis		Receives reports on staffing changes from Heads of Service / HR
<b>CEO / HRD</b>	Heads of Service, Consultants, Senior Staff, Finance, HR, Admin posts, Charity staff	Grade increases Budget implications Replacement of leavers Recruitment timescales Budget implications Grade increases	Responsible for overall HR Strategy and HR Administration Submits new staff requests
<b>Heads of Service / HR</b>	Senior School Staff, Admin posts, Site Manager, Consultants		Leads all school recruitment Leads Operational HR in the School Submits New Staff Requests
<b>Senior School Staff</b>	Senior Behaviour Analysts, Qualified Teachers, Behaviour Analysts, Lead Practitioners		

HR / SLT	Teaching and Learning Practitioners / Trainee Teaching and Learning Practitioners, Cover Teaching and Learning Practitioners / School interns / volunteers (or delegates)		
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### Recruitment Teams principles:

- There will always be a minimum of two staff members on the recruitment panel
- The panel will include the line manager of the post being recruited plus at least one other member of staff in accordance with above
- At least one member of the panel will be successfully trained in Safer Recruitment requirements. The name of this person will be recorded in the interview records
- The person vacating the post to be recruited will not be on the panel
- The composition of the team agreed will be at the appropriate level in accordance with above table and recorded in the interview records
- Recruitment teams and timescales are decided by the Heads of Service in consultation with HR.

### The Recruitment Team's responsibilities

In accordance with the requirements of Safer Recruitment the Recruitment Team:

- Will conduct whole process from start to finish
- Confirms the Job Description, Person Specification and, if required, the application pack
- Requests approval of any changes from SMT / Trustees (see flowchart in Appendix B)
- Confirms the salary level for the post with HR
- Decides and implements advertising strategy with input from HR
- Shortlists against Person Specification
- Conducts Interviews
- Selects and Appoints, subject to pre-employment and DBS checks. No job offer is confirmed until all pre-employment checks are completed.

### Equal Opportunities

Where there is more than one potential candidate for a vacant post it must be advertised internally. After interview, the most suitable candidate will be appointed as assessed against the Person Specification. Implications of staff moving between sites will only be considered after a decision has been made.

The Trustees reserve the right to set the recruitment strategy that suits the posts for which they are recruiting.

Generally senior posts will be advertised externally. SMT, Heads of Service and senior school posts must be advertised externally.

Internal promotions can be made following successful appraisal provided the post is needed and approved as part of the staffing structure by the Trustees. Even if an employee is performing at a level that is equivalent to a more senior post they will not be promoted unless there is a vacancy at that level.

All appointments and promotions must be made following a formal process.

### Safer Recruitment Principles

BeyondAutism will be informed on its recruitment practices by the requirements of the DfE's KCSIE. These principles are taken from this annual publication. Our safer recruitment process and practices will:

- Be fully planned including a timetable, job description, person specification, application pack (for senior roles) and a standard application form
- Ensure that all job adverts include reference to our safeguarding policy.
- Note during shortlisting any discrepancies/anomalies/gaps in employment history will be noted to explore at interview
- Ask candidates to complete a formal application form giving full employment history and to complete a confidential health questionnaire.
- Verify an applicant's right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards.
- Ask for written references about previous employment history from a minimum of two referees including the most recent employer, and check that information is not contradictory or incomplete. If necessary, further references will be taken
- Verify professional qualifications, as appropriate. The Government's Teaching Regulation Agency system is used to verify the award of qualified teacher status (QTS) and the completion of teacher induction or probation.
- Ensure that interviews are conducted by at least 2 interviewers who have the authority to appoint and one of whom is Safer Recruitment trained
- Verify the candidate's identity via sight of at least one piece of photo ID for example passport/ driving licence and two other documents such as utility bill/bank statements or local authority evidence.

- Obtain (via the applicant) an enhanced Disclosure and Barring Service (DBS) certificate, including barred list information for those who will be engaging in regulated activity. Our use of DBS disclosures is governed by the DBS Code of Conduct and our DBS procedures are set out in Appendix A
- Ensure that, if they are employed to be a teacher, they are not subject to a prohibition order issued by the Secretary of State, or have any sanction or restriction imposed (that remains current) by the GTCE before its abolition in March 2012. These checks are carried out using the DFE sign-in portal via the Employer Access Teachers Services web page.
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK, including (where relevant) any teacher sanctions or restrictions imposed by a European Economic Area professional regulating authority, using the TRA Teacher Services system. In addition, criminal records checks, or their equivalent should be made: Home Office guidance on 'criminal records checks for overseas applicants' can be found on GOV.UK. In the event that the end of the Brexit transition period prevents the UK from being able to access the EEA/TRA system then we will follow the applicable guidelines from the DfE to complete appropriate checks.
- Check that candidates taking up a management position are not subject to a prohibition from management (section 128) direction made by the Secretary of State. This check will include all Trustees, Directors, Governors as well as the CEO, Headteachers, Deputy Heads, Heads of Service, and members of the Senior Management Team.
- For appointments to our Early Years' Service and for members of school staff working with nursery and primary age children, we will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2018. Information on the staff to whom these regulations apply, the checks that should be carried out, and the recording of those checks is detailed in the statutory guidance: Disqualification under the Childcare Act 2006.

For the purposes of clarity, a Regulated activity means a person who will be:

- Responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children
- Carrying out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children
- Engaging in intimate or personal care or overnight activity, even if this happens only once and regardless of whether they are supervised or not.

## Offers of Employment

Conditional offers of appointment will be made subject to:

- Probationary periods
- References (if not obtained and scrutinised previously)
- Identity (if that could not be verified straight away at interview)
- Qualifications (if not verified on the day of interview)
- Permission to work in UK if required,
- Overseas criminal record checks (if applicable)
- Disclosure and Barring Service / Barred List check / Barring by Association / NCTL check (if applicable) / s.128 check (if applicable)
- Health checks – to verify the candidate is medically fit.

## Applications from Parents, Family members and Friends

BeyondAutism welcomes applications from parents, family members and friends of pupils and students at BeyondAutism.

In certain situations, this may create a conflict of interest. BeyondAutism would consider steps to reduce the risk of any potential conflict of interest and discuss these with the applicant before any offer is made. Typically, this may include assigning the candidate to an alternate site or service from where the pupil/student is based. In the event that a significant conflict of interest cannot be mitigated sufficiently, BeyondAutism may decide to not to continue with the application process or approve the offer.

## Recruitment Process Flowchart

The process flowchart sets out the high-level processes to be followed to fill a new and an vacant post.

See Appendix B.

Last reviewed: November 2020

Date of next review: November 2023

Review Group: Trustees

## Appendix A. DBS Disclosures and Procedures

### DBS Disclosures and Procedures

#### General principle

BeyondAutism will comply fully with the Disclosure and Barring Service (DBS) Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. The organisations also complies fully with its obligations under the Data Protection Act 1998 and subsequent GDPR directives and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information.

#### Checking

We have a legal duty to check all employees of BeyondAutism (and anyone else at BeyondAutism who is employed in 'regulated activity') against the DBS Barred list before they commence in post. This applies even if they have transferred from a similar post in another children's setting and have had less than a three month break in service.

Keeping Children Safe in Education [KCSE] (DfE September 2016) sets out the statutory duties of schools, staff and governing bodies / proprietors to protect and support children.

- Newly appointed qualified teachers will not be permitted to commence in post until we have checked that they are not prohibited from teaching by the NCTL.
- Staff working in early years (children in nursery or Reception) or providing wrap-around care to under-8s are required to declare that they are not disqualified, or disqualified by association, from working with children in Early Years or Childcare settings
- Individuals taking part in the management of an independent school are checked via Secure Access on the DfE website to ensure they are not barred from doing so under s.128 of the Education and Skills Act 2008

It is unlawful to check volunteers against the Barred list unless they have significant unsupervised access to the children regularly or overnight or are involved in giving intimate/personal care. This does not affect our right to undertake an enhanced DBS certificate for some volunteers.

#### Enhanced DBS checks

Everyone who has regular or intensive access to the children or is employed in our school must have an enhanced check, whether they are paid or unpaid. All permanent staff must have an enhanced DBS certificate and any volunteer who will be in school regularly (once a week) or intensively (for more than 4 days in a month). All Governors and Trustees will have an enhanced check. The check will be carried out as soon after a position has been offered.

The necessity for an enhanced DBS certificate will be clearly advertised in all relevant job descriptions and recruitment adverts.

## Portability

Portability refers to the re-use of a DBS check, obtained for a position in one organisation and later used for another position in another similar organisation.

Complete portability of a check may be accepted for a temporary, part-time, voluntary or administrative position where access to children is limited. All checks must be at the enhanced level.

### **Individuals not registered with the update service**

If the check is *less than 3 months old* BeyondAutism may allow complete portability for the roles outlined above when accompanied by references and a detailed risk assessment. This will, however, be dependent on the nature of the role and the frequency of regulated activity. A Barred list check will be undertaken for every recruit into regulated activity. BeyondAutism will check the validity of the disclosure with the counter signatory and whether there was additional information provided. (If there was additional information it will be necessary to carry out a new check.)

If the check is *between 3 months and 3 years old* BeyondAutism will carry out a formal risk assessment to determine if a new check is necessary and whether access will be allowed prior to the new check arriving. A Barred list check will be undertaken for every recruit into regulated activity. In most cases a new check will be required.

Any check over 3 years old will not be portable.

### **Individuals registered with the update service**

Where a new recruit or volunteer indicates that they are registered with the Update service, they will be asked to present their DBS certificate with additional evidence of identity to the HR Team. The certificate will be checked to verify that it has been undertaken at an enhanced level and is related to the Children's workforce. The Adult workforce list will be checked in cases where staff will be working adults.

If the certificate is suitable, an online check will be undertaken and if no change is indicated, portability will be accepted. If the Update screen indicates that there is new disclosure information or that the individual is no longer registered, a new DBS certificate must be sought.

All final decisions relating to portability will be made by the Head of Service, the HR Director or in their absence by the CEO.



Disclosure information is kept in electronic HR files, the Single Central Record and (if necessary) in paper form in a locked filing cabinet. Access is strictly controlled and limited to those who are entitled to see it as part of their duties.

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it. DBS applications are processed by the HR Team. Individuals are required to bring their disclosure certificate into the organisation as soon as it is received and give it to HR for recruitment decisions. The information may also be seen by the Board of Trustees.

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### Disclosure of an Offence

In the case of a disclosure of an offence, final recruitment decisions relating to DBS certificates will be made by the Head of Service who will carry out a formal risk assessment taking into consideration the type of access the position entails, the relevance and severity of any offences, whether they are spent or unspent and the period of time that has passed since an offence, caution or warning. The Head of Service will consult the CEO before any final decision is taken on the recruitment of any applicant whose DBS reveals an offence.

Applicants are able to appeal against a recruitment decision by writing to the Head of Service or CEO of the charity.

### Handling of Disclosure Information

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

We will retain a copy of the DBS disclosure in order to demonstrate 'safer recruitment' practice for the purpose of safeguarding audits and/or inspection by Ofsted.

### Usage

Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### Retention

We will not retain copies of an individual's DBS certificate unless criminal information is disclosed that warrants further investigation/risk assessment. In these circumstances BeyondAutism will not keep Disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the DBS and the individual about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail. We recognise that we must have the consent of the individual to copy their DBS certificate.

Where the individual is registered with the Update service, we will print the status report and retain securely in the individual's personnel file for the duration of their employment with us.

Once the risk assessment is complete and/or any retention period has elapsed, we will ensure that the copy certificate and any information relating to criminal history is immediately destroyed by secure means, i.e. by shredding. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure.

***However, notwithstanding the above, we will keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken. Details will be kept on a Single Central Record only accessible by those who are authorised to do so for the purposes of carrying out their duties.***

In addition, for those registered with the Update service, we will retain in their personnel file a copy of the status report.

It is our policy not to recheck staff DBS checks. However, rechecking of staff will be carried out at the discretion of the Head of Service, Chair of Governors, HR Director, CEO and Chair of Trustees in line with national guidelines. In relation to individuals registered with the Update service, if a check were to take place we would seek their consent to undertake periodic online checks.

usual conditions regarding the safe storage and strictly controlled access will prevail.

## Disposal

Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning.

We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

## Employment of Ex-Offenders

It is a legal requirement that all registered bodies and prospective employers must treat DBS applicants who have a criminal record fairly and do not discriminate because of a conviction or other information revealed. It also obliges registered bodies and employers who are Regulated Activity providers (including schools) to have a written policy on the recruitment of ex-offenders, this is found within our Equal Opportunities Policy, a copy of which can be given to DBS applicants at the outset of the recruitment process.

This statement should be read alongside our Equal Opportunities policy.

- As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, BeyondAutism complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.
- BeyondAutism is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical / mental disability or offending background. The Equal Opportunities Policy is available on our website and on request. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- As a Regulated Activity provider all paid employees at BeyondAutism in regulated activity and therefore subject to checks with the DBS.
- In relation to volunteers and contractors, we only request a DBS check after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned.
- We encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent (under separate, confidential cover) to the HR team and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
- We ensure that all those in our organisation who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance on the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 and know where to seek advice if necessary.

- At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
  - We make every subject of a DBS check aware of the existence of the Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

## Appendix B. Recruitment Process

