



SAFER RECRUITMENT POLICY

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CONTENTS

Safer Recruitment Policy Statement	1
Policy Definitions	2
1. Introduction	2
2. Criteria for Selection	2
3. Defining a Vacancy	3
4. Processing Applications	3
5. Selection Process	4
6. Conditional Offer of Contract and Induction Process	4
7. Referencing Procedure	5
8. Disclosure and Barring Service Checks	5
9. Applicants who have worked Overseas	6
10. Teaching Regulation Agency Checks	7
11. Probation	7
12. Monitoring and Quality Assurance	8
Appendices:	
Appendix 1: DBS Risk Assessment	9
Appendix 2: Handling DBS Certificates Procedure	11

Safer Recruitment Policy Statement

Fresh Start in Education Ltd are committed to safeguarding and recognise that safe recruitment is the first step to safeguarding and promoting the welfare of all students.

As a provider that works nationally, we align our policies and procedures in accordance with national policy and Local Safeguarding Children Boards Guidance. Our commitment to safeguarding runs through our whole recruitment process and is evident at all stages of the process in accordance with national guidelines and legislation.

This policy is reviewed annually or more frequently if there are relevant changes in legislation in the interim period.

All Fresh Start in Education staff are required to read this policy.

Name: Ed Robbins

Position: Managing Director

Signature: 

Date: September 1st, 2022

DEFINITIONS

The following definitions will be used throughout the policy:

- Fresh Start in Education Ltd will be referred to as 'the Company' throughout the policy
- The term 'staff' is used to cover all Company employees, contractors and workers
- The term 'student' is used to cover any learner placed with the Company
- The term 'Client' refers to any local authority, school, parent or body that commissions the services of the Company to work with a student or students
- The term 'Education Specialist' and or 'Work Place Mentor' and or a 'National Tutoring Programme Tutor' will be used to cover staff working with students in a provision, staff accompanying students during an Accompanied Work Placement or staff working as part of the Government's National Tutoring Programme
- The term 'applicants' refers to any person showing an interest in, or applying for work with the Company as a member of staff
- ProNet is the name of the Company's Online Management Information System

1. INTRODUCTION

The Company's process for the recruitment of candidates and selection of staff is designed to be systematic and effective, ensuring all individual processes are carried out in accordance with Keeping Children Safe in Education (2021), Working Together to Safeguard Children (2018) and Safer Recruitment statutory guidance. Safeguarding underpins all that the Company does.

No Client, applicant or member of staff will receive less favourable treatment because of race, sex, religion or belief, disability, marital or civil partnership status, age, pregnancy or maternity, sexual orientation, gender reassignment, or caring responsibilities, nor will they be disadvantaged by conditions or requirements which cannot be justified.

This policy should be read in conjunction with the following policies:

- **Safeguarding Policy**
- **Prevent Duty**
- **Equality and Diversity Policy**
- **Data Protection Policy**
- **Complaints, Compliments and Comments Policy**
- **Public Interest Disclosure (Whistleblowing) Policy**
- **Recruitment of Ex-Offenders Policy.**

2. CRITERIA FOR SELECTION

The criteria for selection are based on the specific requirements of the Client, from either a Referral Form, meeting or conversation with the Company. A applicant's suitability, knowledge, skills, attitude, mental and physical ability are measured against these criteria.

2.1. Record Keeping and Management

The Company keeps a record of the recruitment and selection process. All information is treated in accordance with the requirements of the Data Protection Act 2018.

Data may be stored electronically and, or as written records. Records of unsuccessful applicants are kept for no more than 1 year. For staff, data records are kept for up to 85 years from the termination date of their contract. Records of applicants who are not called for interview are kept for no longer than the needs of the business dictate.

2.2. Confidentiality

Throughout the recruitment process the Company will ensure that confidentiality is maintained, however, this does not preclude disclosure of information where necessary as required by law, or as permitted under the Data Protection Act 2018.

2.3. Disclosure and Barring Service Checks

The Police Act 1997 provides a statutory basis for certain criminal record disclosures which may be used by employers depending on the nature of a role. The nature of the work carried out by the Company requires an applicant to provide or apply for a current Disclosure and Barring Service (DBS) certificate, and full disclosure of any spent or unspent convictions. Full disclosure is required from all applicants throughout the recruitment process. Failure to disclose any spent or unspent convictions will result in immediate termination of an application.

2.4. Permission to work in the United Kingdom

The Company will ensure that any foreign national has the right to work in the UK and can provide proof of this. The Asylum and Immigration Act 1996 makes it a criminal offence for an employer to contract those who do not have permission to live or to work in the United Kingdom. For further information, visit the Home Office website at www.ind.homeoffice.gov.uk.

2.5. Requesting References

The Company requests references on all potential staff. These references are taken to satisfy the Company of the character and professional suitability of an applicant. If the applicant is applying for a position to work with children, young people or vulnerable adults, then strict guidelines are adhered to, to ensure that Safeguarding protocols are followed. For further information, please see **Section 7, Referencing Procedure**

3. DEFINING A VACANCY

3.1. Identifying Recruitment Requirements

When a vacancy becomes available this is discussed with the Recruitment Manager, along with any specific requirements and or known areas of risk. Content for an advert is written along with a Job Description and Person Specification which identifies the essential and desirable criteria for selection based on a set of competencies, identified as necessary for the requirements of the role.

3.2. Advertising Vacancies

The Recruitment Manager is responsible for overseeing all live vacancies and the publishing of these vacancies on the Company's jobs board, external jobs boards and social media platforms. The Recruitment department will then work directly with the designated member of staff responsible for the vacancy(ies) in question and update them with progress made in identifying suitable applicants for the vacancy.

3.3. Communicating Areas of Potential Risk

Any relevant information on areas and levels of potential risk posed to a candidate, including steps the Company has taken to reduce and or prevent such risks from occurring, or to manage them effectively are discussed with the applicant, as part of the selection process.

4. PROCESSING APPLICATIONS

Applicants interested in working with the Company are to initially complete an online application form and submit a copy of their CV. They are also asked to provide additional information; for example, education background, employment history, allegations or criminal convictions, specific skills and expertise, and whether they have any allegations or criminal convictions, spent or unspent. Please see the **Recruitment of Ex-Offenders Policy** for guidance on what should and shouldn't be disclosed. Upon application, a Job Description and Person Specification is made available to the applicant, as well as the Company's Safer Recruitment Policy, Data Protection Policy and Equality and Diversity Policy.

An applicant's application is then processed using the Company's 'essential' and 'desirable' criteria from the Job Description and Person Specification, specific to the role. This is to ascertain the applicant's suitability for the role applied. If the applicant is deemed unsuitable for the role at this point, they are notified by email and their application for the position will be closed.

5. SELECTION PROCESS

The Selection Process enables the Company to identify the strengths and specialisms of the applicant as well as their limitations. The Selection Process consists of a Screening Interview, an Online Interview, a thorough background check, and other checks such as Prohibition from Teaching.

5.1. Interviews

The interview process is conducted in various stages and across different platforms including, but not limited to, telephone, online video and in person; whilst always being carried out by Safer Recruitment trained members of staff. Detailed notes are taken at all stages of the interview process, including audio and video recordings of telephone and online interviews, and are reviewed by a panel of two or more Recruitment Consultants for quality assurance.

5.1.1. Screening Interview

A Screening Interview is conducted over the telephone by a member of the Recruitment department and designed to discover more about the applicant; their background, education, current and previous employment, their experience, skill set and specific interests. It is also to verify the information provided in their application and to discuss with the applicant their motives and expectations for working with the Company. If the applicant is deemed unsuitable for the role at this point, their application will be closed, and they are notified by email. If the applicant is successful, they will be scheduled for an Online Interview.

5.1.2. Online Interview

The Online Interview is conducted via Microsoft Teams by a member of the Recruitment department. The interview focuses on understanding the applicant's engagement techniques, teaching strategies, behaviour management and commitment to safeguarding. Throughout which, its aim is to identify the applicant's soft skills, such as empathy, person-centeredness, emotional resilience, communication and patience. The applicant is also required to prepare a 'Session Plan' based on a student's profile prior to the interview and present this during the interview.

The outcome of the interview is then discussed with the Recruitment Manager. If the applicant is deemed unsuitable for the role at this point, their application will be closed, and they are notified by telephone and email. If successful, the applicant is informed within 48 hours of the interview and a conditional offer of contract is made to them.

6. CONDITIONAL OFFER OF CONTRACT AND INDUCTION PROCESS

Following a successful online interview, the applicant will be notified by both telephone and email and a conditional offer of contract made. The Induction process will then be outlined to the applicant which includes the following:

- The completion of an Online Background check identifying the applicant's
 - Employment and Academic History (including professional and character references and any gaps in their employment)
 - DBS Self-Declaration and Application for an enhanced certificate
 - Address History (including time spent living or working abroad)
 - Medical Questionnaire and Driving Declaration
- Verification of qualifications and training certificates
- Teacher checks, International Police Certificate (if applicable) and any other authorisations

- Verification of Right to Work and remain in the UK and or approval from the UK Border Agency, if required
- Online Safeguarding training.

The background check includes the applicant uploading ID, Right to Work and proof of address documents as well as DBS certificates, qualifications and training certificates, and any other necessary authorisations and documents required by the Company.

7. REFERENCING PROCEDURE

The Company considers referencing a vital part of its recruitment process. It is the Company's policy not to accept open references.

7.1. Office Staff

The Company requests references on all prospective staff once an offer of employment has been made. A minimum of two references are required including a reference from the applicant's current/most recent employer.

The Company has the right to withdraw any offer of contract made to prospective staff member if information comes to light through a reference which contradicts or calls into question the suitability of the applicant.

7.2. Referencing Education Specialists

References for applicants who apply for a position with the Company are taken at the request of the Company to verify the suitability of the applicant. All references are requested through a secure online platform which is fully integrated within ProNet.

A minimum of two Employment/Professional references are requested for every applicant and must include a reference from their recent employer/contractor or agency. If a reference has been requested from an Agency and the Agency does not wish to provide a reference, the Company will approach the relevant place of employment where the applicant held a position.

These references are scrutinised and must correspond with the applicant's stated employment history. These references include questioning the individual's suitability for the role they've applied for, their professional conduct and verify if there are any safeguarding concerns surrounding the individual. Their references are also required to be verified over the telephone with the referees themselves.

Both professional and character references are requested for each applicant and the information received is cross-referenced with their application and any other information obtained to check for any anomalies, contradictions and areas of concern. Applicants who are unable to provide suitable references or a reasonable explanation for any anomalies may not be considered.

8. DISCLOSURE AND BARRING SERVICE CHECKS

The Company ensures that every applicant applying for a position in 'regulated activity' meets the necessary requirements by providing a current enhanced DBS certificate with 'Barred List' and 'Child/Adult workforce'. The Company will only ask an applicant about convictions and cautions that are not protected under 'The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975' (as amended in 2013); however, if, as defined by the Act, the position "demands the upmost integrity in order to maintain public trust and confidence", full disclosure of all convictions, cautions, reprimands and warnings must be made regardless if they are spent, unspent or protected.

8.1 The Disclosure and Barring Update Service

The DBS Update Service is an online subscription service that lets an individual keep their DBS certificates up-to-date. It also allows the Company, and other employers, to check DBS certificates online, with an individual's consent. Registration lasts for one year and the annual service cost of £13 starts from the date an individual's DBS certificate is issued. The Company runs an annual update service check on every staff member to verify whether any criminal convictions or cautions have been declared since the applicant's DBS certificate was issued. If a staff member's DBS certificate is not registered to the update service, they will be required to apply for a new DBS through the Company.

8.2. Recruitment of Ex-Offenders

If a staff member's DBS certificate is blemished, in that it has criminal convictions or cautions declared, regardless of whether it is on the update service, then the certificate, along with supporting documentation, will be risk-assessed. The DBS certificate risk assessment must be signed off by the Company, to say whether they are willing to continue employing the staff member in the light of the blemishes. The Company will then decide whether they are willing to accept the candidate or not. For more information on how the Company handles DBS certificates please see **Appendix 1**.

As an organisation using the DBS to assess applicants and staff suitability for positions of trust, the Company fully complies with the DBS Code of Practice and undertakes to treat staff fairly. The Company does not discriminate against any subject of a Disclosure on the basis of a conviction or other information revealed. Having a criminal record will not necessarily prevent a staff member from working with the Company, however, it will depend on the nature, circumstances and background of the staff member's offences and the nature of the position applied for. Please see the **Recruitment of Ex-Offenders Policy**.

8.3. Referring to DBS

It is the Company's obligation to inform the DBS about an applicant who has either harmed a child or vulnerable adult, or who has been placed with a student and it has subsequently been discovered that they are at risk of harming a child or vulnerable adult. If the Company believes that the applicant has engaged in Relevant Conduct or the Harm Test is satisfied, the Company will provide the necessary information to the DBS by completing a DBS Referral Form according to the Safeguarding Vulnerable Groups Act 2006.

9. APPLICANTS WHO HAVE WORKED OVERSEAS

9.1. Qualification Checks

If an applicant applies for a position and has an overseas teaching qualification, for this qualification to be accepted the applicant must provide evidence that it has been checked and verified by NARIC. If the applicant cannot provide this evidence, then their qualification will not be accepted.

9.2. Overseas Police Checks

Where an applicant has worked or lived abroad for six months or more within the last five years, an 'International Police Certificate' or 'Overseas Criminal Records Check' is required. For more information on applying for an 'International Police Certificate' or 'Overseas Criminal Records Check' please visit <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>.

If there is no obvious reason as to why an applicant cannot obtain an 'International Police Certificate' or 'Overseas Criminal Records Check' and does not wish to provide one, the applicant's application will be terminated.

9.3. Letters of Good Conduct

When an International Police Certificate cannot be obtained, the Company will consider alternatives such as a Letter of Good Conduct from the overseas police force or from the relevant embassy. This also includes a letter from a working professional such as a doctor, lawyer, teacher etc.

References from the applicant's employers in the overseas territory will always be requested to help establish suitability as per the Company's obligations under Regulation 19 of the Conduct Regulations.

10. TEACHING REGULATION AGENCY CHECKS

All applicants working in teaching related positions, regardless of whether they hold a teaching qualification or not are submitted to the Teaching Regulation Agency (TRA) to check whether they have any disciplinary issues, prohibitions, sanctions and restrictions that might prevent them from taking part in certain activities or working in specific positions.

Once a check has been completed by a member of staff, this is then recorded on the applicant's file on ProNet.

10.1. Qualified Teacher Checks

If the Company requires an applicant to hold 'Qualified Teacher Status' or similar, additional checks are put in place to assess the validity of the applicant's qualification and teaching record. This is carried out by checking the applicant's teaching record using their Teacher Reference Number via the Department for Education's TRA platform and The Society of Education and Training (if applicable).

Whilst reviewing the applicant's teaching record, the following information will be checked and recorded on the applicant's file on ProNet:

- Qualification Obtained
- Date received
- Induction Status
- Active Sanctions

If an applicant's teacher record does not appear on the TRA register, the Company will contact the applicant and inform them to contact the TRA as they will investigate further.

10.2. Prohibited from Teaching Checks

All applicants applying to work in teaching related positions will undergo a Prohibited from Teaching check. If the applicant's name appears on the prohibited from teaching list, this will be recorded on the applicant's file on ProNet. The applicant will immediately be informed, and their application closed. The Company will then inform the Department for Education that the applicant has applied for a position to teach children, as is the Company's responsibility.

If there is evidence that an applicant has demonstrated unacceptable professional conduct, conduct that may bring the profession into disrepute and or a conviction, at any time, then it is the Company's responsibility to make a referral of the applicant in question to the TRA.

10.3. Additional information on Candidates

If the Company receives or obtains information which indicates that the applicant is, or may be unsuitable for the position in which the applicant has been employed by the Company, they shall inform the Managing Director without delay (the same day, or where that is not reasonably practicable, on the next business day).

11. PROBATION

For office-based staff and those on permanent contracts, the probation period is 13 weeks from the start date.

For Bank Staff Workers there is no specific probation period; however, they are monitored and assessed on a daily, termly and 3 monthly basis while working with a student.

During this period the applicant will be expected to have demonstrated the following:

- Complete required reports in a timely and accurate manner
- Conform to the Company's policies and procedures
- Meet Continual Professional Development requirements
- Any other specific requirements relevant to the role.

12. MONITORING and QUALITY ASSURANCE

The Company monitors the recruitment process. Apart from internal evaluation, applicants may be asked to complete a questionnaire on their experience of the recruitment process. The data gathered may be used to improve the quality and effectiveness of the recruitment process.

Created: July 2013
Reviewed: September 2022
Next Review: September 2023

APPENDIX 1

Disclosure and Barring Service (DBS) Risk Assessment

1. WHO REQUIRES A DBS RISK ASSESSMENT?

A DBS Risk Assessment will be completed:

1. For all applicants who apply to the Company for employment or contract work where a criminal record is disclosed, or comes to light, arising from their DBS Self Declaration Form or conducting a DBS check.
2. Where information is received, post-appointment, concerning a criminal charge, caution or conviction, following an earlier DBS check, then a routine renewal of the DBS check will be carried out and the risks assessed.

Wherever possible, DBS Risk Assessments will be conducted by two separate assessors and will be signed off by a Director. The principle here is to involve, wherever practicable, an assessor who has no vested interest in the outcome.

2. WHO CONDUCTS BLEMISHED DBS RISK ASSESSMENTS?

- For all job applicants, the DBS Risk Assessment will be conducted by the Recruitment Manager, Managing Director or the relevant controller and the Referrals Manager
- For current job holders, the DBS Risk Assessment will be conducted by the relevant line manager and the Managing Director.

3. PURPOSE OF A DBS RISK ASSESSMENT

The overall purpose of the DBS Risk Assessment is to address the question: 'on the basis of what we know of the individual's history, is it reasonable and defensible to consider, on the balance of probability, that they will not present a risk to the welfare and safety of students, if they are appointed/continue to work for the Company?'

The assessment is of risk based on the nature and pattern of offending, the honesty and integrity of the individual and evidence of acceptable behaviour since offending. If, on conclusion of the DBS Risk Assessment process, using the parameters given, concern exists that the individual poses a risk to the welfare or safety of students, then the decision must be to decline the application or recommend termination of appointment or employment.

4. PRINCIPLES

- A DBS Risk Assessment will reflect individual circumstances relevant to the role. Where a 'Specified Offence' or blemish on a DBS is disclosed, then the individual may not be appointed or continue in employment.

- Each DBS Risk Assessment will involve a minuted discussion between assessor(s) and applicant. Each conviction, caution and any relevant incident-related information will be addressed with the individual and recorded.
- Those conducting DBS Risk Assessments must do so in conditions of privacy, having access to relevant information available to the Company about blemish(s) or conviction(s).
- Completed DBS Risk Assessments must be read and determined by the Managing Director, who must briefly summarise the reasons for the decision reached on the DBS Risk Assessment Form, before signing it off.
- Where possible, the applicant's account of events should be checked against other sources; for example, their CV, another professional or professional reference and or other documentary evidence.
- Assessment of the individual's integrity is central to the process – if there is any discrepancy between their account and the DBS information received, this must be explored thoroughly with the individual and considered in the decision-making process. Where information is considered to have been withheld deliberately by an individual, then consideration should be given to terminate their application/appointment. In respect of current staff, where they have not disclosed offending which comes to light, this may lead to disciplinary proceedings or termination of Contract.
- Outcomes of DBS Risk Assessments may be shared verbally with the relevant individuals, but only after reflection by the assessors and determination by the Managing Director.
- The DBS Risk Assessment must be recorded and placed on the relevant applicant/job holder's personnel file. It will not be shared externally without explicit written consent of the applicant/job holder, except upon the authority of the Managing Director in response to a request or direction from a Court, the Statutory Regulator, or a reasonable request from a Local Authority conducting a related safeguarding investigation.

APPENDIX 2

How we handle Disclosure and Barring Service (DBS) Certificates

1. GENERAL PRINCIPLES

As an organisation using the Disclosure and Barring (DBS) checking service to help assess the suitability of applicants for positions of trust, the Company complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

The Company also complies fully with its obligations under the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information. Please see the Data Retention Policy which covers these matters.

2. STORAGE AND ACCESS

Certificate information is kept securely in lockable, non-portable storage containers, or electronically with limited password protected access. Access is strictly controlled and limited to those who are entitled to see it as part of their duties.

3. HANDLING

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. The Company maintains a record of all those to whom certificates, or certificate information has been revealed. It is a criminal offence to pass certificate information to anyone who is not entitled to receive it.

Where the Company may be inspected by Ofsted, or other Government Agency, it may retain the certificate until the next inspection.

Once the inspection has taken place the certificate will be destroyed, or deleted in the case of electronic copies, in accordance with the DBS Code of Practice.

4. 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.

5. RETENTION

Once a recruitment (or other relevant) decision has been made, the Company do not keep certificate information for any longer than is necessary. This is generally for a period of no more than 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 certificate information for longer than six months, the Company will consult the DBS 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.

6. DISPOSAL

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

case of information that is held electronically, file deletion. While awaiting destruction, certificate information will be kept in secure storage.

The Company 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, the Company may keep a record of the:

- Date of issue of a certificate
- Name of the subject
- Type of certificate requested
- Position for which the certificate was requested
- Unique reference number of the certificate
- Details of the recruitment decision taken.