

# Safer Recruitment Policy

## Introduction

The safe recruitment of staff in education establishments is the first step to safeguarding and promoting the welfare of children in education. TLC LIVE is committed to safeguarding and promoting the welfare of all pupils in its care. As an employer, the company expects all staff and volunteers to share this commitment.

## Aims and Objectives

The aims of the Safer Recruitment policy is to help deter, reject or identify people who might abuse pupils or are otherwise unsuited to working with them by having appropriate procedures for appointing staff.

The aims of the Company's recruitment policy 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 - September 2023 (**KCSIE**), the Prevent Duty

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Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and

- to ensure that the company meets its commitment to safeguarding and promoting the welfare of children and young people 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 company 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 company 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 2021 and Prevent Duty Guidance).

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.

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The company aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job vacancies at TLC LIVE.

## **Roles and Responsibilities**

It is the responsibility of the Senior Management Team to:

- Ensure the company has effective policies and procedures in place for recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements.
- Monitor the company's compliance with them.

It is the responsibility of the CEO, Directors and other Managers involved in recruitment to:

- Ensure that the company operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the company.
- To monitor contractors' and agencies' compliance with this document.
- Promote welfare of children and young people at every stage of the procedure.

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

Any position undertaken at, or on behalf of the Company will amount to "regulated activity" 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

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day period; and

- provides the opportunity for contact with children.

The Company is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The Company is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, the Company 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

## **Recruitment and Selection Procedure**

### **Advertising**

To ensure equality of opportunity, the Company will advertise all vacant posts to encourage as wide a field of applicant as possible, normally this entails an external advertisement.

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

### **Application Forms**

It is unlawful for the company 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 company. All applicants will be made aware that providing false information is an offence and could result in the application being rejected or summary

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dismissal if the applicant has been selected, and referral to the police and/or the DBS.

### **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.

### **References**

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the Company. 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.

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.

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## **Interviews**

There will be a face-to-face interview wherever possible, and a minimum of two interviewers will see the applicants for the vacant position. The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will enable the panel to explore any anomalies or gaps 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 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. Original documents will only be accepted and photocopies will be taken. Unsuccessful applicant documents will be destroyed 6 months after the recruitment programme.

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

In accordance with the recommendations set out in KCSIE and the requirements of the Education (Independent School Standards) Regulations 2014 and the *Boarding schools: national minimum standards*

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the School 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 Company'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 Company considers to be satisfactory;  for positions which involve "teaching work":
  - i. the School being satisfied that the applicant is not, and has never been, the subject of a sanction, restriction or prohibition issued by the National College for Teaching and Leadership, or any predecessor or successor body, or by a regulator of the teaching profession in any other European Economic Area country which prevents the applicant working at the Company or which, in the Company's opinion, renders the applicant unsuitable to work at the Company's; and
  - ii. the Company 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 Company or which, in the Company's opinion, renders the applicant unsuitable to work at the Company;

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- where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which the Company considers to be satisfactory;
- where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List\*;
- confirmation that the applicant is not subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a school, taking part in the management of an independent school or working in a position which involves regular contact with children;
- confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school;
- 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 as a result of the applicant having lived or worked outside of the UK; and
- verification of professional qualifications which the Company deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).

\*The Company is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The Company is required to carry out an enhanced DBS check for all staff. However, the Company 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

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carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.

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

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

#### **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 pupils. Therefore, any convictions and cautions that would normally be considered 'SPENT' **must be** declared when applying for any position at TLC LIVE.

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

The Company 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 Company 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.

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It is the Company's policy to re-check employee's DBS Certificates annually

Members of staff at TLC LIVE are aware of their obligation to inform their manager of any cautions or convictions that arise between these checks taking place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence.

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

Staff may wish to join the DBS Update Service if they are likely to require another check in the future. Applicants may sign up to the Service if their check was issued after 17 June 2013, for a fee of £13 per annum, which is payable by the applicant.

### **Dealing with convictions**

The company operates a formal procedure if 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.

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A formal meeting will take place face-to-face to establish the facts with the Director of Studies. 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 Director of Studies 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 Company 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.

**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 company 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 Company 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.

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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.

### **Medical Fitness**

The company 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.

### **Induction Programme**

All new employees will be given an induction programme which will clearly identify the Company policies and procedures, including the Child Protection Policy, the Code of Conduct, and Part One of KCSIE, and make clear the expectations which will govern how staff carry out their roles and responsibilities.

### **Single Centralised Register of Members of Staff**

A single centralised record of recruitment and vetting checks is kept in accordance with the Education (Independent School Standards) Regulations 2014 requirements. This is kept up-to-date and retained by the Online Manager. The Single Centralised Register will contain details of all employees who are employed to work at the company.

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

The company is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the Company will retain on their personnel file any relevant information provided as part of the application process. This will include copies of

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documents used to verify identity, right to work in the UK, medical fitness and qualifications.

This documentation will be retained by the Company for the duration of the successful applicant's employment with the Company. All information retained on employees is kept centrally in the Human Resources Office in a locked and secure cabinet.

TLC LIVE will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed (ie: shredded). The 6 month retention period is in accordance with TLC LIVE Privacy policy.

### **Ongoing Employment**

TLC LIVE 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 company will therefore provide ongoing training and support for all staff, as identified through the Annual Review/appraisal procedure.

### **Leaving Employment at TLC LIVE**

Despite the best efforts to recruit safely there will be occasions when allegations of serious misconduct or abuse against children and young people are raised. 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 Company also has a legal duty to make a referral to the DBS in circumstances where an individual:

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- has applied for a position at the Company despite being barred from working with children; or
- has been removed by the Company from working in regulated activity or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

If the individual referred to the DBS is a teacher, the Company may also decide to make a referral to the National College for Teaching and Leadership.

### **Contractors and agency staff**

No Contractor will have access to the students, if they do Contractors engaged by the Company must complete the same checks for their employees that the Company is required to complete for its staff. The Company requires confirmation that these checks have been completed before employees of the Contractor can commence work at the Company.

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

### **Monitoring and Evaluation**

The Director of Studies and Safeguarding Lead will be responsible for ensuring that this policy is monitored and evaluated throughout the company. This will be undertaken through a yearly Safer Recruitment Evaluation audit.

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