



## PERSONNEL – Recruitment and Selection

### SAFER RECRUITMENT POLICY

<b>Prepared by:</b>	Aderonke Apata
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#### POLICY STATEMENT

The safety and wellbeing of our children and adults at risk is our top priority, and we take all reasonable and sensible measures to ensure they are kept safe from harm.

We operate a Safer Recruitment Policy which ensures that all our staff, volunteers, trustees, consultants and contractors are committed to safeguarding and promoting the welfare of children and adults at risk.

This helps ensure the safety of the adults at risk who attend our events or group meetings and our adult volunteers/staff who provide for their supervision and care.

#### INTRODUCTION

The safe recruitment of staff in African Rainbow Family is the first step to safeguarding and promoting the welfare of children and adults at risk in our care. The Charity is committed to safeguarding and promoting the welfare of all children and adults at risk in its care. As an employer, the Charity expects all staff, volunteers, trustees, consultants and contractors to share this commitment.

#### AIMS AND OBJECTIVES

The aim of the Safer Recruitment Policy is to help deter, reject or identify unsuitable applicants from applying for roles with vulnerable groups. These include people who might abuse children and adults

at risk or are otherwise unsuited to working with them by having appropriate procedures for appointing staff, volunteers, trustees, consultants and contractors.

**The aims of the Charity'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 such as the Prevent Duty 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);
- to ensure that the Charity meets its commitment to safeguarding and promoting the welfare of children, young people and adults at risk 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 Charity 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 Charity based on the applicant's abilities, qualifications, experience and merit as measured against the job description and person specification.

The recruitment and selection of staff, volunteers, trustees, consultants and contractors will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, and relevant safeguarding legislation and statutory 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.

The Charity aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job, volunteering, and consultancy or contracting vacancies at the Charity.

## **ROLES AND RESPONSIBILITIES**

It is the responsibility of the Trustees to:

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

It is the responsibility of all involved in the recruitment process to:

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

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

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government has produced a [Factual note on regulated activity in relation to children](#). Regulated activity includes:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children and adults at risk if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children or adults at risk;
- b) work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children or adults at risk, but not including work done by supervised volunteers.

Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

- c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:
  - personal care includes helping a child or adult at risk, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;
  - health care means care for children or adults at risk provided by, or under the direction or supervision of, a regulated health care professional.

Any position undertaken at, or on behalf of the Charity will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more;
- overnight, meaning between 2.00 am, and 6.00 am;
- satisfies the "period condition", meaning four times or more in a 30-day period and provides the opportunity for contact with children or adults at risk.

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.

## **RECRUITMENT AND SELECTION PROCEDURE**

### **Advertising**

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

Any advertisement will make clear the Charity's commitment to safeguarding and promoting the welfare of children and adults at risk.

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

### **Declaration Forms**

All applicants will need to complete a 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 Charity to employ anyone who is barred from working with children or adults at risk. It is a criminal offence for any person who is barred from working with children or adults at risk to apply for a position at the Charity. 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.

### **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 and / or adults at risk.

### **References**

References for shortlisted applicants will be sent for immediately after short listing. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted at that stage. In such cases, this reference will be taken up immediately after interview.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the Charity. 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 or adults at risk, then the second reference should be from the employer with whom the applicant most recently worked with children or adults at risk. 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 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 or adults at risk. 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 Charity does not accept open references, testimonials or references from relatives.

### **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 could be in stages. 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 in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training).

Any information regarding 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 for an interview will be required to bring evidence of their identity, address and qualifications. Only original documents will be accepted, and photocopies will be taken. Unsuccessful applicant documents will be destroyed six months after the recruitment programme.

## **OFFER OF APPOINTMENT AND NEW EMPLOYEE PROCESS**

The Charity 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 Charity'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 Charity considers being satisfactory;
- for positions which involve "respite break work":
  - the Charity 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 Charity
  - alternatively, information which, in the Charity's opinion, renders the applicant unsuitable to work at the Charity;
- where the position amounts to "regulated activity the receipt of an enhanced disclosure from the DBS which the Charity 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 79 of the Charities Act 2016 which prohibits, disqualifies or restricts them from providing working at a charity, taking part in the management of an independent charity;
- 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;

- verification of professional qualifications which the Charity 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 Charity is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The Charity is required to carry out an enhanced DBS check for all staff, supply staff and Trustees who will be engaging in regulated activity. However, the Charity 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.

Whether a position amounts to "regulated activity" must, therefore, be considered by the Charity in order to decide which checks are appropriate. It is however likely that in nearly all cases the Charity 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 children. Therefore, any convictions and cautions that would normally be considered 'SPENT' **must be** declared when applying for any position at the Charity.

DBS (Disclosure and Barring Service) Check (formerly known as CRB Disclosure) The Charity 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 Charity 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.

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

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

Members of staff at the Charity are aware of their obligation to inform the Trustees 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.

### **DBS Certificate**

The DBS no longer issue Disclosure Certificates to employers, therefore employees/applicants should bring their original Certificate to the Chair of Trustees within seven days of issue or applicants before they commence work or any project involving regulated activity.

### **Dealing with convictions**

The charity 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.

A formal meeting will take place face-to-face to establish the facts with the Chair of Trustees. 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 Chair of Trustees 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 Charity 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 Charity will be required to bring their identification documentation such as passport, birth certificate, driving license, etc. with them as proof of identity/eligibility to work in the UK in accordance with those set out in the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines. The Charity does not discriminate on the grounds of age.

Where an applicant claims to have changed their name by deed poll or any other means (marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change.

### **Medical Fitness**

The Charity is required to verify the medical fitness of anyone to be appointed to a post at the Charity, **after** an offer of employment has been made but **before** the appointment can be confirmed.

All applicants are 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 Charity 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.

### **Overseas checks**

Applicants who have lived/travelled abroad for more than three months within the previous year will need to obtain a criminal records check from the relevant country. The applicant will not be permitted to commence work until the overseas information has been received and is considered satisfactory by the Charity.

### **Induction Programme**

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

### **Register of Members of Staff, Volunteers, Trustees, Contractors and Consultants**

In addition to the various staff records kept in the Charity and on individual personnel files, a record of recruitment and vetting checks is kept. This is kept up-to-date and retained by the [Charity's management](#). The Register will contain details of the following:

- all employees who are employed to work at the Charity;
- all employees who are employed as supply staff to the Charity whether employed directly or through an agency;
- all others who have been chosen by the Charity to work in regular contact with vulnerable adults and children. This will cover volunteers, Trustees, Consultants, Contractors, people brought into the Charity to provide employment contracted services.

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

The Charity is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the Charity 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 Charity to discharge its obligations as an employer e.g. so that the Charity may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained by the Charity for the duration of the successful applicant's employment with the Charity. All information retained on employees is kept centrally in the [management office](#), in a locked and secure cabinet.

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

The Charity will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed (i.e., shredded). The six-month retention period is in accordance with the Data Protection Act 1998.

### **Ongoing Employment**

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

### **Leaving Employment at African Rainbow Family**

Despite the best efforts to recruit safely, there will be occasions when allegations of serious misconduct or abuse against children and adults at risk 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. While these are pre-employment checks the Charity also has a legal duty to make a referral to the DBS in circumstances where an individual:

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

The Charity will always carry out, where possible, an Exit Interview with all employees leaving the Charity.

### **Contractors and agency staff**

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

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

The Charity 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 Charity.

### **Volunteers**

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

Under no circumstances will the Charity permit an unchecked volunteer to have unsupervised contact with children or adults at risk.

It is the Charity'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 Charity for one year or more. Volunteers on break are asked to declare any new convictions since their last DBS check within the one-year period. Those volunteers who are likely to be involved in activities with the Charity on a regular basis may be required to sign up to the DBS update service as this permits the Charity to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition, the Charity 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 and other volunteers;
- character references from the volunteer's place of work or any other relevant source;
- an informal safer recruitment interview;
- online background checks.

### **Monitoring and Evaluation**

The Chair of Trustees will be responsible for ensuring that this policy is monitored and evaluated. This will be undertaken through formal audits of job vacancies and a yearly Safer Recruitment Evaluation audit which will be presented to the Board of Trustees.

### **Safeguarding**

At the Charity, safeguarding is paramount, and we are fully committed to ensuring the welfare and safety of all our children and adults at risk.

We believe that children and adults at risk have a right to be in a supportive, caring and safe environment which includes the right to protection from all types of abuse; where staff are vigilant for signs of any child or adult in distress and are confident about applying the processes to avert and alleviate any such problems.

If any behaviour is a concern in relation to safeguarding the Charity's procedures and processes will be followed at all times in accordance with the Safeguarding Policy.

Any concerns will be referred to the Designated Safeguarding Lead and reported to the Board of Trustees.

### **Review**

This Policy will be monitored and reviewed **annually or as necessary** by the senior management Team and Board of Trustees.