

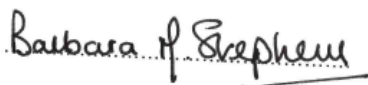


## **ENERGY COAST UTC**

# **SAFE RECRUITMENT, SELECTION AND PRE-EMPLOYMENT VETTING POLICY AND PROCEDURES**

**2021-2024**

**Approved by:** Barbara Stephens, Chair of Governors



**Signed:**

**Date:** January 2021

**Date for Review:** January 2024

**Revision History:**

Revision History			
Revision	Date	Owner	Summary of Changes
1	March 2016	LM	Update re: legislation and DfE Statutory Guidance
2	May 2017	CT	Update
3	April 2019	BLS	Update re: recommendations via Safeguarding Audit
4	January 2021		Update re: legislation and DfE statutory guidance, layout, focusing policy, and as part of HR review
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## **POLICY STATEMENT**

Energy Coast University Technical College ("the College" or "the ECUTC") has created a culture of safe recruitment and adopted recruitment procedures that help deter, reject or identify people who might pose a risk of harm to children. This Policy is supported by procedures which describe in detail those checks that are, or may be, required for any individual working in any capacity (paid or unpaid) at the College. The Governing Body/Principal will act reasonably in making decisions about the suitability of the prospective employee or other individual based on checks and evidence including: criminal background (via the Disclosure and Barring Service), Barred List, prohibition status (in the case of teachers), Disqualification Declaration (where required) and other necessary checks, together with references and interview information. Some or all of the aforementioned checks will apply to those recruited to a volunteer role.

All recruitment will be in line with this Policy and procedures and will, without exception, follow the process of safer recruitment. All offers of employment (whether paid or unpaid) will be subject to College staff and Governors being satisfied that the applicant or volunteer is a suitable person to work with children and young people.

Statutory guidance 'Working Together to Safeguard Children' (DfE 2018) and Education (Independent School Standards) Regulations 2014, which places a duty on academies and independent schools to safeguard and promote the welfare of pupils at school states that the College should have in place a number of arrangements as part of its duty to safeguard and promote the welfare of children, young people and vulnerable adults. In relation to safer recruitment, these arrangements include having safer recruitment practices for individuals whom the organisation will permit to work regularly with children, young people and vulnerable adults. This Policy and supporting procedures fulfil that statutory requirement.

All those involved with recruiting individuals to the College will be familiar with and fully understand the statutory guidance 'Keeping Children Safe in Education' (DfE, updated regularly) ("KCSiE") and the College's Safeguarding Policy and procedures.

All recruitment will be planned to ensure that there is adequate time and resources available to ensure that an individual is recruited safely.

Once an individual has been appointed, contracted or accepted as a volunteer, the College will ensure that a full Induction takes place which will include the Safeguarding Policy and procedures and provision of other related Safeguarding documents both statutory and non-statutory (see Induction procedures).

The ECUTC is committed to ensuring that throughout the recruitment and selection process, no applicant is disadvantaged or discriminated against as a result of any protected characteristic under the Equality Act 2010, including their age, sex, disability race, religion or belief, sexual orientation, gender re-assignment, pregnancy or maternity, and marriage or civil partnership status.

Any person who becomes or is made aware that the recruitment process set out in this Policy and accompanying procedures are not being followed must inform the Principal or Chair of Governors immediately.

The procedures supporting this Policy do not constitute a legal representation of all HR issues relating to recruitment and selection and as such will be used in conjunction with any other recruitment and selection guidance issued by the College's HR provider.

## **PROCEDURES**

### **1. Planning and Advertising**

Sufficient time and resources will be allowed to enable appropriate and full planning to take place prior to a post being advertised. This includes ensuring that a job description and person specification is current and in place. Volunteer posts may require a generic job description which would cover a number of voluntary roles in the

College.

Those involved in the recruitment process will be identified at this stage including those who will be responsible for shortlisting and those involved in the formal interview process.

In order to convey that the College views safeguarding children as paramount, the following statement will be included in all advertisements:

*Energy Coast University Technical College is committed to safeguarding and promoting the welfare and well-being of its students, engages with young people and staff in policy and practice developments, proactively encourages feedback and expects all staff and volunteers to share this commitment.*

The above statement will also be included in:

- Publicity materials
- The College website
- Recruitment partner websites
- Applicant information packs
- Job Descriptions
- Person Specifications
- Induction programmes

So that individuals can make an informed decision about whether or not they wish to apply for a particular post, the advert and information will make reference to any applicable requirement to obtain a suitable Enhanced Disclosure for Regulated Activity (see section 13.1).

All advertisements will make reference to the ethos of the College in relation to equality of opportunity for all.

## **2. Job Description/Person Specification**

The job description will include and clearly state:

- The main duties and responsibilities of the post
- The extent of contact/responsibility for students
- The expectations of the College and the post-holder's individual responsibility for promoting and safeguarding the welfare of the children for whom the individual will be responsible or with whom they come into contact
- Line management accountability for supervision and performance

The person specification will:

- Clearly convey the selection criteria against which the applicant's ability to do the job will be assessed
- Contain selection criteria which specify the experience, skills, qualifications and personal qualities required
- Explain how these requirements will be tested and assessed during the selection process e.g. by interview, tests, presentations, observation of group exercises etc

It is vital that applicants are aware that, in addition to their ability to perform duties of the post, selection will consider their personal suitability for the role. This includes their:

- Motivation and suitability to work with children
- Attitude towards the use of authority and control
- Integrity and ability to form and maintain appropriate professional relationships with children
- Emotional resilience when working with challenging behaviours and situations

### 3. Information Pack to Applicants

All information provided to interested applicants will highlight the importance of the rigorous selection processes and the duty to safeguard and promote the welfare of children and young people. Information in the pack makes clear to applicants that some or all of the following checks will be undertaken prior to confirmation of appointment, as appropriate:

- Proof of identity
- Evidence of right to work in the UK
- Qualification certificates relevant to the role
- Employment references
- DBS Disclosure at the appropriate level
- Barred List check/ prohibition order
- Section 128 Direction
- Overseas Training Teacher check

The information pack should also include a copy of:

- The application form and explanatory notes about completing the form
- The job description and person specification
- Relevant information about the College and the recruitment process
- The College's Safeguarding Policy
- A statement of the terms and conditions relating to the post
- Privacy Notice appropriate to applicants (or signpost to it)

### 4. Application Form

In compliance with KCSiE (part 3 – safer recruitment) and best practice, the College does not accept CVs. The application form allows for a common set of core data that can then be used as a part of the full vetting, verification and selection of short-listed applicants.

Enquiries shall be made regarding convictions or prohibitions in compliance with the Rehabilitation of Offenders Act (1974) (Exceptions) Order (1975) (as amended).

In relation to requests for details about previous convictions, our application form states:

*Do you have any convictions, cautions, reprimands or final warnings which are not spent or protected?*

The application form guidance notes state:

*Before any person is appointed to a post which involves substantial access to children, we have a duty to process a Disclosure and Barring Service Application to check for any criminal convictions, cautions, bind overs or pending prosecutions which would make it undesirable for the person to work with children. Because of the nature of this post you are not entitled to withhold information about convictions, cautions or bindovers which, for other purposes, are 'spent' under the provisions of the Rehabilitation of Offenders Act 1974 (as updated by the Legal Aid, Sentencing & Punishment Act 2012). For this reason, if you are shortlisted for this post you will be asked to provide more detailed information. Any information you provide at that time will be treated as completely confidential and will be considered only in relation to this application. In signing this application, you will be acknowledging that you understand a DBS check will be made.*

Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring Service website.'

The application form also includes requests for the following essential information:

- Full identifying details including current and former names, date of birth, current address and National Insurance Number
- Academic and vocational qualifications, including awarding body, name of institution and date achieved
- Full employment chronology including any voluntary or part-time work with start dates, explanations for periods not in employment or education/training and reasons for leaving employment
- Details of all post education training including dates and awarding bodies
- A statement of the skills and abilities, and the competencies/experience that the applicant believes are relevant to his/her suitability for the post and how s/he meets the person specification
- Declaration of any family or close relationships to existing employees or employers including governors, trustees etc.
- Details of at least two referees. One from current or from most recent employer. In addition, where an applicant is not currently working with children, but has done so in the past, a reference will be requested from the employer by whom the person was most recently employed in work with children. References will not be accepted from relatives or friends.
- Signed statement indicating that the person is not on the DBS Barred List<sup>1</sup> or is not disqualified from work with children or subject to any sanctions imposed by a regulatory body or professional association

## **5. Scrutinising and Short Listing**

Individuals will be shortlisted in a fair and objective manner against the requirements of the person specification. In all cases of those who are applying for paid employment, the same selection panel will both short-list and interview the applicant. In the case of volunteers applying to work in the College, a more informal approach will be taken which will generally involve only a senior member of staff.

At least one member of the panel, as detailed in section 9, will have undertaken accredited Safe Recruitment and Selection training.

The outcome of the short-listing process will be recorded and retained in line with the College's data retention schedules.

The equal opportunities/diversity monitoring form will be removed from the application pack prior to the start of the short-listing process.

The shortlisting panel is responsible for scrutinising the application forms and identifying any gaps in employment or other areas that may affect an applicant's suitability to work with children and young people. All application forms will be scrutinised to ensure:

- They are fully and properly completed - incomplete application forms will not be accepted
- The information is consistent and does not contain any discrepancies
- Any anomalies, discrepancies or gaps in employment/training and the reasons for this, or a history of repeated changes of employment are identified
- Suitable matching to the requirements of person specification.

A satisfactory explanation for any concerns will be obtained from the applicant during the interview process.

## **6. References**

The College will always ask for two written references. Each request will be accompanied by the job description and person specification. One of the references will be requested from the most recent employer and should be the headteacher or equivalent. If an applicant for a teaching post is not currently employed as a teacher, checks will be made with the School/College or Local Authority at which they were most recently employed to confirm

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<sup>1</sup> Special Colleges/Units with pupils up to and including the age of 19 should ensure that application forms make reference to both the Children's and Adults Barred Lists.

details of their employment and their reasons for leaving. The purpose of seeking references is to obtain objective and factual information to support appointment decisions.

All offers of employment will be conditional upon receipt of at least two satisfactory written references. References received will be scrutinised and any concerns resolved satisfactorily before the appointment is confirmed. References will always be requested directly from the referee. Any provided by the applicant or open references i.e. those prefixed by 'To whom it may concern' will not be accepted under any circumstances.

References will be sought on all shortlisted applicants including internal applicants. Wherever possible, these will be obtained prior to the interview so that any issues of concern they raise can be explored further with the referee and taken up with the individual at interview.

Reference requests will seek information set out in Appendix F.

Where a reference has not been received on the preferred applicant before the interview, once received it will be scrutinised and any concerns satisfactorily addressed before the individual's appointment is confirmed.

On receipt of references, these will be checked to ensure all questions have been answered satisfactorily. Prior to confirmation of an appointment, referees will be telephoned to confirm their views on the applicant and to ensure any information provided by the applicant is accurate.

A character reference will be sought for volunteers as if they were to be employed.

## **7. Qualifications and Employment History**

Original certificates for relevant qualifications must be seen. Photocopies will not be accepted. Qualifications required will be those which are listed as being a pre-requisite of the post advertised.

The College will always ask for written information about previous employment history and check that information is not contradictory or incomplete. Full employment history is required. Where there are gaps of unemployment, this must be explained on the application form.

## **8. Health**

DfE statutory guidance 'Keeping Children Safe in Education' emphasises the importance of anyone appointed to a post involving regular contact with children or young people must be medically fit to do so. There is a statutory duty on employers to satisfy themselves that individuals have the appropriate level of physical and mental fitness before the appointment is confirmed. Any offer of employment will therefore be subject to pre-employment medical screening with a declaration of fitness provided by a competent person. Assessment of physical fitness will, however, be considered within the context of the Equality Act (2010) which requires the application of reasonable adjustments where required.

## **9. Interviews**

A face-to-face interview will take place for all applicants to all posts including volunteering roles. Wherever possible, the interviewing panel will consist of at least two people. At least one member of the panel will have successfully completed an accredited Safe Recruitment training course. Volunteers will be interviewed by either the Principal or a member of the College Leadership Team.

Members of the panel will:

- Have the necessary authority to make decisions about the appointment
- Meet before the interview to agree their assessment criteria in accordance with the person specification and to prepare a list of questions they will ask all interviewees relating to the requirements of the post
- Identify any issues they wish to explore with each applicant based on the information provided in their application form and in the references
- Allocate specific question sets to each member of the panel which will ensure that someone asks the



questions and another member of the panel can at the same time record the applicant's answers. A copy of the notes and any scoring sheets will be collated by the Chair of the Panel and retained in line with the College's data retention policy.

Those whose application forms provide information that best meets the criteria of the job description, person specification, experience and qualifications are invited for interview.

All applicants will be asked to bring with them documentary evidence of their 'right to work in the UK' and their identity. Evidence can include a current driving licence or passport including a photograph, or a full birth certificate and a document such as a utility bill or financial statement that shows the applicant's current name and address (no more than 3 months old) and, where appropriate change of name documentation. Rarely, where some form of photographic ID is not available, a copy of the applicant's birth certificate and National Insurance card will be required.

Applicants must also bring:

- Original documents confirming any educational and professional qualification(s). If this is not possible, written confirmation must be obtained from the awarding body
- Documentation of registration with any appropriate professional body
- A copy of the documents used to verify the successful applicant's identity and qualifications will be retained on their personnel file

Where an individual has submitted an electronic application form, they will be asked to sign the form prior to the interview.

## **10. Other Selection Methods**

In addition to a face-to-face interview with an interview panel, a variety of other selection methods may be used, such as:

- Observation of teaching practice either in the College or in the applicant's current setting
- One or more additional panel interviews e.g. a panel made up of students from the College
- A presentation
- In-tray exercises
- Psychometric testing

Those involved in the recruitment process for a specific post will determine the selection method(s) to be used. The methods will be relevant and appropriate to the role and will be based on the requirements for the particular post as set out in the Job Description and person specification.

Applicants will be informed in advance if any selection methods are to be used in addition to a face-to-face interview and the format these will take.

## **11. Involving Children and Young People**

The College has a culture of listening to children. Children and young people can make a valuable contribution to the recruitment process and their participation may be considered for key strategic and managerial posts as well as posts where staff will have a high level of responsibility for children's day-to-day well-being/education.

## **12. Conditional Offer of Employment – Pre-employment Checks**

An offer of appointment to the successful applicant will be conditional upon:

- The receipt of at least two satisfactory references. Where possible, these will also be confirmed by telephone
- Verification of the individual's identity (if that could not be verified at interview) preferably from current

- photographic ID and proof of address except where, for exceptional reasons, none is available
- Verification and/or evidence of the individual's right to work in the UK (if that could not be verified at interview)
- A satisfactory enhanced DBS Disclosure Certificate for Regulated Activity. Where the individual is registered, this may be via a check with the DBS Update Service
- A separate children's Barred List check for those with a 'portable' DBS Enhanced Certificate for Regulated Activity or who start work in regulated activity before the DBS Certificate is available. Such individuals will be subject to reasonable supervision until the Barred List has been checked or a new Enhanced Disclosure for Regulated Activity is received
- Further checks on the individual if they have lived or worked outside of the UK for a block period of 3 months or more in the last 5 years
- Verification of the individual's medical fitness
- Verification of qualifications (if not verified at interview). For teachers this will include checking that the individual has the required teaching qualification
- Verification of professional status where required e.g. QTS (unless properly exempted)
- Verification of previous employment history and experience, including exploration of any gaps and anomalies
- (For teaching posts) verification of successful completion of statutory induction period
- (For teaching posts) verification that the individual is not subject to either a Prohibition Order or an Interim Prohibition Order (using the DfE Sign-In Portal on-line)
- Verification of successful completion of probationary period (where appropriate).
- The completion of a European Economic Area (EEA) regulating authority teacher sanctions or restrictions 129 check. These sanctions and restrictions are imposed by EEA professional regulating authorities on or after 18 January 2016 and which have been notified to the TRA (see also paragraphs 150-151). (Where appropriate)
- For those engaged in management roles (in independent schools - including academies and free schools) an additional check is required to ensure they are not prohibited under section 128 provisions.

All checks will be:

- Confirmed in writing
- Documented and retained on the personnel file (subject to data protection and DBS requirements)
- Followed up where they are unsatisfactory or there are discrepancies

### 13. Recruitment Checks

#### 13.1. Disclosure and Barring Service (DBS) Checks

The DBS is responsible for administering three types of check insofar as they relate to the education sector:

- **Standard Disclosure:** a check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings. This type of check is not normally requested in educational settings
- **Enhanced Disclosure:** a check of the PNC records as above, plus other information held by the Police that is considered relevant by the Police and
- **Enhanced Disclosure with Barred List information** (aka Enhanced Disclosure for Regulated Activity): for people working in 'regulated activity' with children. This adds a check of the DBS Children's Barred List<sup>3</sup> to the enhanced disclosure.
- **Section 128 check for all staff with a leadership role.**

More information is available on the [DBS website](#), and in section 3 of DfE Statutory Guidance 'Keeping Children Safe in Education'.

An enhanced DBS Disclosure Certificate will be obtained from the successful applicant before or as soon as practicable after appointment.

All other pre-appointment checks must still be completed, including where the individual is engaging in regulated activity, a Barred List check<sup>2</sup>.

The College may request an enhanced DBS Disclosure for Regulated Activity should there be concerns and bearing in mind the duty the College is under not to allow a barred person to work in regulated activity. The College may not request an enhanced Disclosure with Barred List check for anyone working in the College who is not in regulated activity, but *may* request an enhanced DBS check without a Barred List check.

A flow chart of Disclosure and Barring Service Checks and Barred List Checks can be found at Appendix A. The level of DBS check required will depend on the role and duties of an applicant to work in the College as outlined in this Policy.

A person will be considered to be in 'regulated activity' if as a result of their work they:

- Will be responsible, on a regular basis, in any setting for the care or supervision of children
- Will regularly work in a College at times when children are on College premises (where the person's work requires interaction with children, whether or not the work is paid (unless they are a supervised volunteer), or whether the person is directly employed or employed by a contractor)
- In the College, will regularly come into contact with children under 18 years of age

A supervised volunteer who regularly teaches or looks after children is not in regulated activity. The Department for Education (DfE) has published separate statutory guidance on supervision and regulated activity to which due regard is given when considering which checks should be undertaken on volunteers.

This is replicated at Appendix B.

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 have produced a [factual note on Regulated Activity in relation to Children: scope](#).

Regulated activity includes:

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

Work under (a) or (b) is regulated activity only if done regularly<sup>3</sup>. 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, 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 provided by, or under the direction or supervision of, a regulated

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<sup>2</sup> Currently, the only way to access the Children's Barred List separately from an Enhanced Disclosure is via TP On-line. <https://www.teacherspensions.co.uk/employers/training-and-resources/references/tp-online.aspx>. There is an annual subscription to this service of £60.00.

<sup>3</sup> Regular is generally defined as working (paid or unpaid) once per week but every week for a period of time; 4 or more times in any 30 day period or overnight between the hours of 2.00 a.m. and 6.00 a.m.

health care professional.

When the DBS has completed its check(s) of an applicant, the relevant information is recorded on a certificate (the enhanced DBS Disclosure Certificate) that is sent to the applicant. The applicant must show the DBS Certificate to the College (their potential employer) before they take up post or as soon as practicable afterwards. When an individual is permitted to start work in regulated activity before the DBS Certificate is available the College will ensure that the individual is appropriately supervised, a risk assessment is in place and that all other checks, including a separate Barred List check, have been completed.

If it is known or there is reason to believe that an individual is barred, the College commits an offence if it allows the individual to carry out any form of regulated activity. There are penalties of up to five years in Prison if a barred individual is convicted of attempting to engage or engaging in such work.

### **13.2 DBS Update Service**

If the applicant has subscribed to it and gives consent, the College will undertake an online update check through the DBS Update Service. Individuals can join the DBS Update Service when applying for a new DBS check or within 19 days of the Disclosure Certificate being issued this will allow portability of a Certificate across employers when applying for similar jobs or where it is anticipated that they will have a break from working in regulated activity for 3 months or more. With the individual's consent, the College can carry out a free, instant check online to see if there has been any change to the information recorded since the initial Certificate was issued and advise whether the individual should apply for a new Certificate. [DBS Update Service](#).

Before using the Update Service, the College must:

- Obtain consent from the applicant to do so
- Confirm the Certificate matches the individual's identity via two pieces of evidence (usually a passport and / or driving licence plus a current utility bill and
- Examine the original Certificate to ensure that it is for the appropriate workforce and level of check e.g. Enhanced Certificate/Enhanced Certificate for Regulated Activity.

### **13.3.DBs Checks for those living or who have lived abroad**

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in College. In addition, the College will make any further checks it thinks appropriate so that any relevant events that occurred outside the UK can be considered.

Overseas checks will generally be sought in the following circumstances:

- The applicant has been resident in the UK for most of his or her adult life and has spent a period of three months or longer in an overseas country within the last 5 years. This only applies where the applicant has lived continuously in at least one country for three months or longer.
- The applicant has moved to the UK within the last 10 years having previously lived abroad for most of his or her adult life.

It is the responsibility of the applicant to ensure that the appropriate checks in the country where they lived are sought i.e. the completion of a European Economic Area (EEA) regulating authority teacher sanctions or restrictions 129 check.

Advice on the criminal record information which may be obtained from overseas police forces, published by the Home Office, is on [GOV.UK](#). The Department for Education has also issued [guidance on the employment of overseas-trained teachers](#). This gives information on the requirements for overseas-trained teachers from the European Economic Area to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the United States of America.

### **13.4 Prohibition Orders/Interim Prohibition Orders**

Prohibition Orders (which may be conferred on teachers only) prevent a person from carrying out teaching work in Colleges, sixth form Colleges or 16 to 19 academies. A person who is prohibited from teaching will not be appointed to work as a teacher in the ECUTC. A check of any prohibition can be carried out using the [DfE Sign-in Portal](#). Prohibition orders are described in the National College for Teaching and Leadership's (NCTL) publication [Teacher misconduct: the prohibition of teachers](#).

Prohibition Orders are made by the Secretary of State following consideration by a professional conduct panel convened by NCTL. Pending such consideration, the Secretary of State may issue an Interim Prohibition Order if he considers that it is in the public interest to do so.

The College will check the prohibition status of any teacher prior to appointment either permanently or on a temporary supply basis (where the supply teacher is not appointed via a Supply Agency). No teacher who is prohibited or has an interim prohibition order made against them will be employed to teach in the College. It is the responsibility of Supply Agencies to ensure that supply teachers used in the College are similarly checked to ensure that they are not prohibited from teaching.

In addition to the above, the College will use the [DfE Sign-in Portal](#) to identify any restrictions imposed by all authorities in the European Economic Area (EEA) for those applying for teaching posts who are new or returning to the UK.

This service is in addition to the teacher prohibition pre-appointment checks. Restrictions imposed by another EEA authority do not prevent an individual from taking up teaching positions in England. However, where a restriction on an individual exists, the College will consider the circumstances leading to the restriction when assessing an individual's suitability. The EA online service explains how to get further information about EEA restrictions.

No similar scheme is available for non-teaching staff.

### **14. Single Central Record**

The College will keep and maintain a Single Central Record (SCR). The SCR is a record of all pre-appointment checks which have been carried out in order to verify, as far as is reasonably practicable, that the individual is an appropriate person to work within the setting. The SCR will include details of pre-employment checks carried out for the following people:

- All staff (including supply staff, apprentices and teacher trainees on salaried routes) who work at the College
- All others who work in regular contact with children in the College, including volunteers and
- For independent Colleges, including academies, UTCs and Free Schools, all members of the Trust.

### **15. Agency and Third-Party Staff**

The College will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. We will also carry out identity checks to ensure that the person presenting themselves for work is the same person on whom the checks have been made.

### **16. Contractors**

The College will ensure that any contractor, or any employee of the contractor, who is to work at the school has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract). This will be:

- An enhanced DBS check with barred list information for contractors engaging in regulated activity
- An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children

The College will obtain the DBS check for self-employed contractors.  
The College will not keep copies of such checks for longer than 6 months.

Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.

The College will check the identity of all contractors and their staff on arrival at the school.

#### **16. Trainee/Student Teachers**

Where applicants for Initial Teacher Training are salaried by the College, the College will ensure that all necessary checks are carried out as if the trainee were an employee including, where necessary, a Childcare Disqualification Declaration. As trainee teachers can undertake regulated activity, sometimes unsupervised, an enhanced DBS Disclosure for Regulated Activity check will be obtained. Where trainee teachers are fee-funded it is the responsibility of the Initial Teacher Training provider to carry out the necessary checks, with written confirmation that the appropriate checks have been carried out, being given to the College in advance of the placement. The College will not request copies of the Certificates, but will ensure that the person presenting themselves for work is the same person on whom the checks have been made.

#### **17. Volunteers**

Under no circumstances will a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity. Such volunteers will be subject to reasonable supervision by a person who themselves are in regulated activity.

For new volunteers in regulated activity who will regularly teach or look after children on an unsupervised basis or provide personal care on a one-off basis the College will obtain an enhanced DBS Disclosure with a Barred List check.

For new volunteers not in regulated activity the College will undertake a risk assessment and use professional judgement and experience when deciding whether to seek an enhanced DBS check.

In undertaking the risk assessment, the following will be taken into consideration:

- The nature of the work with children
- What the establishment knows about the volunteer, including formal or informal information offered by staff, parents/carers and other volunteers
- Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability and
- Whether the role is eligible for an enhanced DBS check.

A model risk assessment is provided at Appendix C.

The Protection of Freedoms Act (2012) amended the Safeguarding Vulnerable Groups Act (2006), removing supervised volunteers from regulated activity and applying a duty on the Secretary of State to issue guidance to assist regulated activity providers such as Colleges, to decide what level of supervision is required so that this exclusion would apply. If the volunteer is to be supervised while undertaking an activity which would be regulated activity if it was unsupervised, the statutory DfE guidance will be followed. This is replicated at Appendix B. The guidance issued following this change requires that:

- There must be supervision by a person who themselves are in regulated activity
- The supervision must be regular and day-to-day and
- The supervision must be 'reasonable in all the circumstances to ensure the protection of children'.

Employers are not legally allowed to request a Barred List check on a volunteer who, because they are supervised, is not in regulated activity and the DBS cannot provide Barred List information on any individuals, including volunteers, who are not in regulated activity.

#### **19. Proprietors of Independent Colleges including Academies, UTCs and Free Schools or Alternative Provision Academies and Free Colleges**

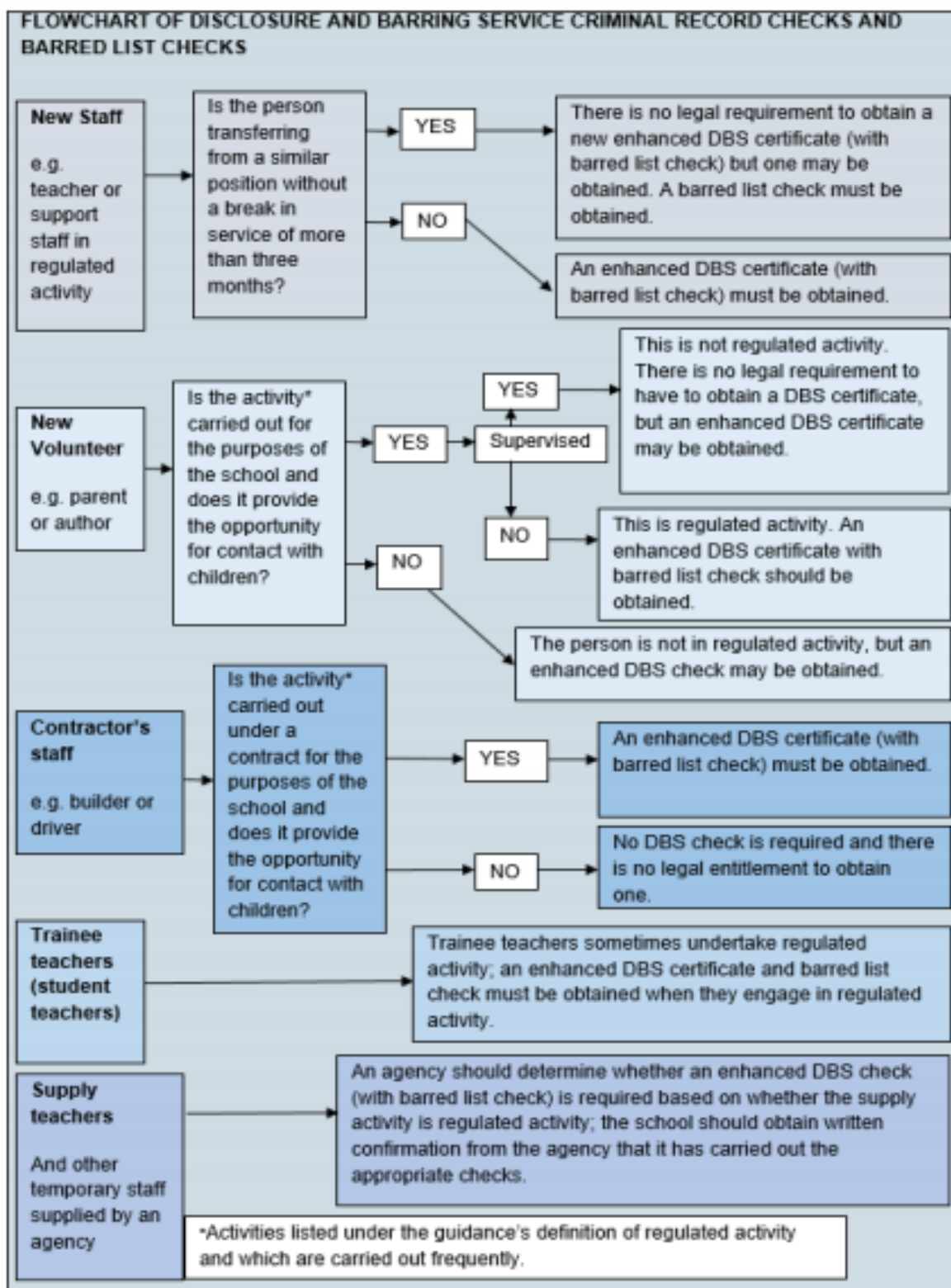
Before an individual becomes either the proprietor of an independent College or the chair of a body of people (the ECUTC Trust) which is the proprietor of an independent College, the Secretary of State will:

- Carry out an enhanced DBS check
- Confirm the individual's identity and
- If the individual lives or has lived outside of the UK, making an enhanced check insufficient, such other checks as the Secretary of State considers appropriate

Where the proprietor is a body of people, the Chair must ensure that enhanced DBS certificates are obtained for the other members of the body and that identity checks are completed before, or as soon as practicable after, any individual takes up their position. Further checks as the Chair considers appropriate should be undertaken where, by reason of the individual's living or having lived overseas, obtaining an enhanced DBS check is not sufficient to establish his or her suitability to work in the College.

In the case of an Academy Trust newly established to operate a free College, the DfE will ask the DBS to conduct checks on all members and directors of the new trust. Academy trusts, including those established to run a free College, have the same responsibilities as all independent Colleges in relation to requesting enhanced DBS certificates for permanent and supply staff.

## APPENDIX A







## **Statutory guidance: Regulated Activity (children) - supervision of activity with children which is regulated activity when unsupervised**

1. This document fulfils the duty in legislation<sup>1 2</sup> that the Secretary of State must publish statutory guidance on supervision of activity by workers with children, which when unsupervised is regulated activity. This guidance applies in England, Wales and Northern Ireland. It covers settings including but not limited to schools, childcare establishments, FE colleges, youth groups and sports clubs.

2. For too long child protection policy has been developed in haste and in response to individual tragedies, with the well-intentioned though misguided belief that every risk could be mitigated and every loophole closed. The pressure has been to prescribe and legislate more. This has led to public confusion, a fearful workforce and a dysfunctional culture of mistrust between children and adults. This Government is taking a different approach.

3. We start with a presumption of trust and confidence in those who work with children, and the good sense and judgment of their managers. This guidance applies when an organisation decides to supervise with the aim that the supervised work will not be regulated activity (when it would be, if not so supervised). In such a case, the law makes three main points:

- there must be supervision by a person who is in regulated activity<sup>3</sup>
- the supervision must be regular and day to day; and
- the supervision must be "reasonable in all the circumstances to ensure the protection of children".

The organisation must have regard to this guidance. That gives local managers the flexibility to determine what is reasonable for their circumstances. While the precise nature and level of supervision will vary from case to case, guidance on the main legal points above is as follows.

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<sup>1</sup> Safeguarding Vulnerable Groups Act 2006, amended by Protection of Freedoms Act 2012: Schedule 4, paragraph 5A: guidance must be "for the purpose of assisting" organisations "in deciding whether supervision is of such a kind that" the supervisee is not in regulated activity.

<sup>2</sup> Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Schedule 2, paragraph 5A, is as above on guidance on "supervision" for Northern Ireland.

<sup>3</sup> If the work is in a specified place such as a school, paid workers remain in regulated activity even if supervised.

Published: December 2013

4. Supervision by a person in regulated activity / regular and day to day: supervisors must be in regulated activity themselves<sup>4</sup>. The duty that

supervision must take place “on a regular basis” means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the worker has just started or has been doing the activity for some time.

5. Reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Organisations should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:

- ages of the children, including whether their ages differ widely;
- number of children that the individual is working with;
- whether or not other workers are helping to look after the children;
- the nature of the individual's work (or, in a specified place such as a school, the individual's opportunity for contact with children);
- how vulnerable the children are (the more they are, the more an organisation might opt for workers to be in regulated activity);
- how many workers would be supervised by each supervising worker.

6. In law, an organisation will have no entitlement to do a barred list check on a worker who, because they are supervised, is not in regulated activity.

## EXAMPLES

### Volunteer, in a specified place

Mr Jones, a new volunteer, helps children with reading at a local school for two mornings a week. Mr Jones is generally based in the classroom, in sight of the teacher. Sometimes Mr Jones takes some of the children to a separate room to listen to them reading, where Mr Jones is supervised by a paid classroom assistant, who is in that room most of the time. The teacher and classroom assistant are in regulated activity. The head teacher decides whether their supervision is such that Mr Jones is not in regulated activity.

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<sup>4</sup> From 2013-14, the Government plans to commence a statutory duty on an organisation arranging regulated activity (under the 2006 Act or 2007 Order, both as amended) to check that a person entering regulated activity is not barred from regulated activity; and plans to commence a stand-alone barring check service by the new Disclosure and Barring Service.

## Volunteer, not in a specified place

Mr Wood, a new entrant volunteer, assists with the coaching of children at his local cricket club. The children are divided into small groups, with assistant coaches such as Mr Wood assigned to each group. The head coach oversees the coaching, spends time with each of the groups, and has sight of all the groups (and the assistant coaches) for most of the time. The head coach is in regulated activity. The club managers decide whether the coach's supervision is such that Mr Wood is not in regulated activity.

## Employee, not in a specified place

Mrs Shah starts as a paid activity assistant at a youth club. She helps to instruct a group of children, and is supervised by the youth club leader who is in regulated activity. The youth club managers decide whether the leader's supervision is such that Mrs Shah is not in regulated activity.

In each example, the organisation uses the following steps when deciding whether a new worker will be supervised to such a level that the new worker is not in regulated activity:

- consider whether the worker is doing work that, if unsupervised, would be regulated activity. If the worker is not, the remaining steps are unnecessary;
- consider whether the worker will be supervised by a person in regulated activity, and whether the supervision will be regular and day to day, bearing in mind paragraph 4 of this guidance;
- consider whether the supervision will be reasonable in all the circumstances to ensure the protection of children, bearing in mind the factors set out in paragraph 5 of this guidance;

and if it is a specified place such as a school:

- consider whether the supervised worker is a volunteer<sup>5</sup>

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Reference: DFE-00016-2014

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<sup>5</sup> A volunteer is: in England and Wales, a person who performs an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives; in Northern Ireland, a person engaged, or to be engaged, in an activity for a non-profit organisation or person which involves spending time unpaid (except for travel and other approved out-of-pocket expenses) doing something which amounts to a benefit to some third party other than, or in addition to, a close relative.

<b>APPENDIX C</b>	
<b>Energy Coast University Technical College – Model Risk Assessment for Volunteer (including work experience in the setting)</b>	
<b>✓</b>	<b>REASON FOR RISK ASSESSMENT</b>
	<b>Volunteer will be working in a classroom or other specified area of the College</b>
	<b>Volunteer will be supporting a class on a College trip or visit – may be responsible for a small group</b>
	<b>Volunteer transports students to events organised by College staff</b>
	<b>Other (please specify):</b>

<b>Risk Assessment for – Name:</b>	<b>Risk Assessed by:</b>	
<b>Date of Birth:</b>	<b>Position:</b>	
<b>Volunteer Role:</b>	<b>Signed:</b>	
	<b>Date:</b>	

✓	Specify significant hazards or risks that arise	Identify individuals potentially at risk	Control Measures and Mitigation to be put in place to minimise the risk	Additional Control Measures required
	Volunteer working with students on a regular basis, unsupervised for significant periods of time. Volunteer providing personal care for a student e.g. changing or feeding	Students	<p>Volunteer generally known to the College. Both formal and informal knowledge of the individual is taken into account</p> <p>Satisfactory reference received along with face-to-face interview with a member of Senior Leadership Team.</p> <p>DBS Enhanced Disclosure for Regulated Activity required i.e. with a children's Barred List check.</p>	
	Volunteer working with students on a regular basis with direct unsupervised contact e.g. takes students for one-to-one or group work isolated from a member of staff but with remote supervision	Students	<p>Volunteer generally known to the College. Both formal and informal knowledge of the individual is taken into account.</p> <p>Satisfactory reference received along with face-to-face interview with member of Senior Leadership Team.</p> <p>DBS Enhanced Disclosure required.</p> <p>Room will have viewing panel and will never be secured</p>	

✓	Specify significant hazards or risks that arise	Identify individuals potentially at risk	Control Measures and Mitigation to be put in place to minimise the risk	Additional Control Measures required
	Volunteer will be working occasionally in a classroom or other specified area in the College with students, supporting groups and individuals under the general guidance and direct supervision of the class teacher or another member of College staff	Students	Satisfactory reference received along with face-to-face interview with member of Senior Leadership Team.  Volunteer will not be left alone with students.  Class will always have an employee of the College or other volunteer present or working in the immediate vicinity who holds an Enhanced Disclosure for Regulated Activity.	
	Volunteer will be supporting a class on an off-site visit and may be responsible for a small group under the general guidance and full supervision of the class teacher	Students on the off-site visit	Volunteer will not be left alone with students.  Overall supervision will rest with the visit leader on the trip.  Teacher will take groups to the toilet, organise for two adults to take the students, allow students to access in pairs or supervise from outside the toilet areas.	
	Volunteer for an off-site visit. Volunteer often supports trips and activities and during the visit, takes	Students on the off-site visit	Volunteer generally known to the College.  DBS Enhanced Disclosure required	

✓	Specify significant hazards or risks that arise	Identify individuals potentially at risk	Control Measures and Mitigation to be put in place to minimise the risk	Additional Control Measures required
	responsibility for leading a small party of students with minimum or remote supervision			
	Volunteer for an off-site visit transporting a student in a car to a College or other organised event	Students being transported	<p>Volunteer generally known to the College.</p> <p>Where possible, driver to take their own child in addition to others.</p> <p>Volunteer known to the College and parental permission of students being transported required.</p> <p>All students to be seated appropriately in the rear of the car.</p>	
	Volunteer on off-site visit staying overnight in same accommodation as students – not on duty during the night whilst students are sleeping	Students on the off-site visit	<p>Volunteer generally known to the College.</p> <p>Volunteer is not permitted to have face-to-face contact with students during the night and will not be considered to be 'on duty'.</p> <p>Arrangements made for College staff to be 'on-duty' during sleeping hours.</p> <p>Should the fire alarm be activated and the</p>	

✓	Specify significant hazards or risks that arise	Identify individuals potentially at risk	Control Measures and Mitigation to be put in place to minimise the risk	Additional Control Measures required
			building evacuated, volunteer will not be in charge of a group unless supervised.	
	Volunteer on off-site visit staying overnight in same accommodation as students – same responsibility for welfare of students as a member of College staff	Students on the off-site visit	DBS Enhanced Disclosure for Regulated Activity required i.e. with a children's Barred List check	
	Contractor in College while students are present – not a regular contractor, one off event	Students in College	Contractor without DBS clearance will be supervised by an employee who has been appropriately checked or never given unsupervised access to children i.e. students are appropriately supervised	
	Regular contractor attendance in College whilst Students are present and has unsupervised access or significant potential for being alone with a student or group of students	Students in College	DBS Enhanced Disclosure for Regulated Activity required	



✓	Specify significant hazards or risks that arise	Identify individuals potentially at risk	Control Measures and Mitigation to be put in place to minimise the risk	Additional Control Measures required

**Comments:**

## APPENDIX D

### Shortlisting Matrix

This form is mandatory – please complete and return to HR

<b>Faculty:</b>				<b>Department:</b>								
<b>Job Title:</b>				<b>Example scoring method</b> <b>0 = does not meet criteria</b> <b>1 = some evidence found</b> <b>2 = fully meets selection criteria</b>								
<b>Job Reference Number:</b>												
<b>Short Listing Panel Member:</b>												
<b>Applicant Names ►</b> <b>Post Specification Criteria ▼</b>												
<b>Qualifications (ESSENTIAL)</b>												
<b>Qualifications (DESIRABLE)</b>												

<b>Experience (ESSENTIAL)</b>											
<b>Experience (DESIRABLE)</b>											
<b>Post Specification Criteria ▼</b> <b>Applicant Names ►</b>											
<b>Other (ESSENTIAL)</b>											
<b>Other (DESIRABLE)</b>											
<b>Overall Score</b>											

**Name of Shortlisting Panel Member:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

## APPENDIX E



### INTERVIEW QUESTIONS

<b>Candidate 1.</b>	<b>Rating:</b>
<b>Name of Interviewer:</b>	<b>Criteria: Look for references to:</b>
<b>Notes:</b>	

**Do you have any questions about the job or the UTC?**

**If offered this role would you accept it?**

**Final Notes**

## APPENDIX F

### Reference Information

Reference requests will seek information about:

- The referee's relationship with the applicant
- Whether the individual is suitable to work with children and, for specific details relating to any declaration that there has been substantiated allegations or disciplinary sanctions applied in relation to the safety and welfare of children.

Referees will also be asked, where relevant, to confirm details of:

- How the person meets the requirements of the specification and his or her capacity to carry out the duties set out in the Job Description
- The applicant's current post, salary, attendance record
- Effectiveness of the applicant's interactions with children and adults
- Performance history and conduct
- Any disciplinary procedures in which the sanction is current
- Any disciplinary procedures involving issues related to the safety and welfare of children, including any in which the sanction has expired and the outcome of those
- Whether, in the case of an applicant for a teaching post, that teacher has been in capability procedures during the previous two years
- Any outstanding complaints or investigations against the applicant that could bring the College into disrepute at a later stage
- Details of any allegations or concerns that have been raised that relate to the safety and welfare of children or behaviour towards children and the outcome of these concerns whether founded or unfounded
- Whether they would re-employ the applicant and if not, why not.