

G38 SAFER RECRUITMENT POLICY

Human Resources Division
Directorate of Resources
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St Cyres Governing Body – 28 September 2022



SAFER RECRUITMENT POLICY

This document is also available in large print and other formats, upon request.

1.1 This policy seeks to provide clear and robust arrangements for the safer recruitment of staff and workers who:

- are subject to either the pre or post September 2012 definition of [regulated activity](#) or
- have access to information on children, young people and/or adults who require specific support due to their age, illness or disability.

For all other positions, pre-employment checks remain integral to the recruitment process, details of which are outlined in the recruitment and selection policy.

1.2 This policy refers to safeguarding pre-employment checks but does not replace the need for other pre-employment checks which must still be carried out as part of the appointment process. This includes medical clearance and confirmation of the right to work in the United Kingdom which must be received prior to starting employment.

1.3 This policy sets out the standards expected of all managers, Head Teachers and Governors in relation to safer recruitment and must be applied in accordance with the safeguarding policy guidance document and associated policies:

- Recruitment and Selection Policy.
- Child/Adult Protection policies.
- GDPR guidelines/policies.
- Disclosure and Barring Service (DBS) Policy and supporting guidelines
- Disclosure and Barring Service (DBS) Code of Practice.

- 1.4 This policy will primarily apply to the recruitment of all employees whether on a permanent, temporary, casual, relief or supply basis.
- 1.5 This policy and its supporting documents also cover arrangements for the engagement/recruitment of volunteers, contractors and agency workers.
- 1.6 A separate policy statement exists for School Governors.
- 1.7 For the purpose of this policy the term recruiting manager refers to the individual who is responsible for dealing with the recruitment and selection process.
- 1.8 Further guidance in relation to this policy is available from your [Directorate Safeguarding Officer](#), HR Business Partner and the safer recruitment guidelines.
- 1.9 Failure to apply the safer recruitment standards as outlined in this policy may be regarded as a disciplinary matter.

Safer Recruitment Standards

2.0 References

- 2.1 Appointments must be subject to the receipt of appropriate and satisfactory references which must be received **prior** to the applicant commencing work.
- 2.2 If the applicant is an internal candidate (i.e., currently works in a similar role and with a similar client base) references are not required providing there are a minimum of two satisfactory references held on the employees HR file which are appropriate to the role applied for.
- 2.3 If the applicant is an external candidate or does not meet the definition and requirements outlined in 2.2, a minimum of **two** references must be obtained prior to the applicant commencing work. At least one reference must be from the current employer. Please refer to the Safer Recruitment Guidance if the applicant has no previous employment or is a school/college leaver.
- 2.4 References which are received for positions either governed by the Care Inspectorate Wales, requiring registration with Social Care Wales or within the Council's Directorate of Social Services must be followed up by the recruiting manager by telephone to confirm the source and content of the references. Where it is not possible to do this, for example the company has ceased trading, written evidence by email summarising what attempts have been made must be provided to show that all reasonable efforts have been made to verify the reference as far as is reasonably practical. This applies to references for employees, agency workers and volunteers.
- 2.5 For positions covered by 2.4, recruiting managers must also ensure they physically see each reference to ensure that it is satisfactory for the position.
- 2.6 Prior to allowing a volunteer to start work, managers must ensure at least two satisfactory written references are received. Arrangements covered under 2.4 above apply to the engagement of volunteers.
- 2.7 Contractual arrangements to engage the services of an agency worker must include the need to comply with this policy and for a minimum of two satisfactory references to be received by the

agency prior to placement. Arrangements covered under 2.4 above apply to the engagement of agency workers.

3. Disclosure and Barring Check (DBS) / DBS Update Service Status check

- 3.1 All successful applicants, where the post dictates, must have an appropriate Disclosure and Barring check in place **prior** to commencing work as outlined in the eligibility criteria of the DBS policy and supporting guidance.
- 3.2 A satisfactory DBS check /DBS update service status check appropriate for the post must be received prior to allowing a volunteer to begin work with the council/school.
- 3.3 Building contractor's/sub-contractors and their employees who, due to the nature of the work required, meet the definition of regulated activity will require an enhanced DBS check. If access is unsupervised, this must be with an appropriate barring list check.
- 3.4 Contractual arrangements to engage the services of an agency worker must include the need to comply with this policy.
- 3.5 DBS disclosures/Update Service status checks are currently only portable for internal employee appointments where there are no changes to the client group.
- 3.6 Where relevant criminal convictions are disclosed, managers must ensure they follow the guidance as provided in the DBS guidance document.
- 3.7 Where the DBS disclosure states that the applicant/worker is registered on the relevant barred list, it is a criminal offence to allow the individual to engage in work with that particular client group. The matter **must** be referred to all relevant authorities immediately, as detailed in the DBS policy and supporting guidance. It is a criminal offence to allow the individual to engage in work where they are barred from doing so.

4.0 Registration with Appropriate Professional Body

- 4.1 Where the post determines, the recruiting manager must ensure that the applicant is registered with the appropriate body **prior** to arranging a start date for example EWC, Social Care Wales etc.
- 4.2 Details must be recorded on the application form and confirmation must be obtained with the appropriate body.

5. Additional Safeguarding Standards

- 5.1 The recruiting manager must also ensure that the following additional safeguarding standards are followed:
 - A full employment history is disclosed on the application form
 - Reasons for any gaps in employment/education are discussed, accounted for and recorded at the interview. This should also cover the reasons for repeated changes of employment without career or salary progression, or a mid-career move from a permanent post to supply/relief work or a temporary appointment.
 - The candidate discloses full details of reasons for leaving previous positions which have involved working with children or adults. For positions governed by Care Inspectorate Wales

or requiring staff to register with Social Care Wales, the recruiting manager must also verify these details as far as is reasonable practicable.

- Any 'spent' convictions etc are disclosed on the application form where the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974.
- Any on-going safeguarding investigation(s) concerning the individual are disclosed.

6. Exceptional Circumstances

6.1 In exceptional circumstances, the appropriate Head of Service or in the case of School appointments, the Head

Teacher may authorise an individual to commence work without the necessary safeguarding checks in place. This should only be considered where alternative temporary cover (through appropriately safeguarding checked workers) is unsuitable.

6.2 **Any decision to authorise the individual to commence work should only be in exceptional circumstances** where the delay in starting the applicant will result in a risk to a child and/or adult or harm essential service delivery. In such cases the Head of Service/Head Teacher must ensure that all other appropriate safeguards are in place including supervision as outlined in the safer recruitment supporting guidance (link to be included) This arrangement is only valid for a period of up to 12 calendar weeks from the employee's start date in post (as outlined in the contract of employment). All checks **must** be completed within this period.

6.3 The Council's Risk Assessment form (for volunteers, contractors and agency workers) **must** be completed and

fully signed ideally before a start date is arranged but where this is not possible, no later than on the first working

day and/or prior to the new starter/worker having any contact with children or adults at risk.

6.4 Recruiting managers must also ensure that the applicant signs the Safer Recruitment Risk Assessment Applicant Form to accept to the terms of the agreement. Recruiting managers must also ensure that safeguards which are agreed are made clear to the employee and the immediate team delivering the service. Where the applicant/worker will be located outside of the recruiting managers direct remit/service area, the Head of Service/Head Teacher must ensure they communicate the safeguarding arrangements to relevant parties.

6.5 If the DBS disclosure/Update service status check is received after the employee has started in their new post and the employee is found to be barred from working with the particular group, the offer of employment must be rescinded immediately and the relevant authorities informed immediately. **Under no circumstance can the employee remain in the role regardless of any safeguarding measures in place.**

6.6 Where the employee fails to fully engage in the process to ensure their outstanding checks are completed and received during the 12 weeks, **salary will be suspended and they must be removed from the workplace immediately.** Recruiting managers will be responsible for informing Employee Services to suspend salary.

6.7 Where the Council/School believes that insufficient attempts continue to be made within 4 calendar weeks following suspension of salary, the offer of employment will be rescinded.

6.8 Where the employee has made every attempt to engage in the process by the 12th and 16th week but checks

remain outstanding, the matter should be referred to the service Director-and the Head of Human Resources and Organisational Development to determine if employment can be extended.

- 6.9 The risk assessment process must also be applied for the use of volunteers, agency workers and contractors where the required safeguarding checks remain outstanding. In cases where the checks remain outstanding at the 12th week, any contractual arrangements with the agency/contractor should be terminated. Volunteers must be removed from the workplace immediately.
- 6.10 Recruiting managers will be responsible for monitoring the risk assessment process and taking necessary action at the 12th and 16th week.

7.0 Secure Handling of Safeguarding Checks

- 7.1 All employees must ensure that they comply with the DBS Code of Practice and Councils/Schools GDPR requirements as appropriate for all safeguarding pre-employment documents.
- 7.2 Any information regarding the disclosure can only be shared outside of the council/school in strictest confidence with relevant people after express written consent is given by the individual unless there is a legal requirement otherwise.

8 Training and Communication

- 8.1 Heads of Service and Head Teachers must ensure that its Departmental/School safer recruitment procedures and relevant codes of practice are made accessible to and are used by all staff involved in recruitment of employees, volunteers and engagement of contractors and agency workers.
- 8.2 All staff must attend appropriate recruitment and selection training including safer recruitment.
- 8.3 The Operational Manager for Democratic services must ensure that all Councillor's with responsibility for safeguarding are to receive appropriate induction and refresher training to facilitate the application of all necessary safeguarding measures.

9.0 Review and Monitoring Arrangements

- 9.1 This policy will be reviewed to reflect imminent changes to the disclosure and barring arrangements and thereafter on a regular basis and in light of subsequent legislative changes.
- 9.2 The application of the policy will be reviewed and monitored by Internal Audit as part of their scheduled audit programme.