Safer Workforce and Recruitment Policy 2024 (v1.1)

North Warwickshire and South Leicestershire College

Title of Policy & Procedure Author: Executive Director People and Culture

Target Audience: Staff

Policy Location: HR SharePoint / Staff SharePoint

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Document History

Version Number	Amended By	Date of Revision	General Revision Description
1.1	GG	May 2024	Updated into new format and updated KSCIE, added in regarding convictions gained during employment.

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1 Introduction

1.1. The College is committed to safeguarding and promoting the welfare of young people and vulnerable adults. This Policy applies to all that employ staff and/or recruit volunteers to work with or provide services to children and young people. It is designed to support recruiting managers to make their recruitment practices and processes consistent, thorough and safer for children.

1.2. Two fundamental principles of effective Safer Recruitment and Employment are that the College should not rely on one process in order to safeguard children; and that effective safeguarding requires robust policies for the management and supervision of staff after the recruitment phase. A comprehensive and systematic approach must therefore include policies and practices designed to:

- Deter unsuitable people from seeking employment or opportunities to volunteer to work with children and young people
- Reject applications from unsuitable people
- Prevent abuse and neglect of children by staff and volunteers
- Identify incidents of abuse and neglect by staff and volunteers

1.3. Respond to concerns in an open and positive way

1.4. Manage allegations in accordance with College procedures

1.5. As part of the requirements of Keeping Children Safe In Education, published by the DfE, all schools and FE colleges have in place systems and processes designed to:

1.5.1. prevent people who pose a risk of harm from working with children;

1.5.2. ensure children are kept safe and allow for poor and unsafe practice to be challenged;

1.5.3. ensure safe recruitment procedures are in place to facilitate deployment of statutory duties to check staff.

1.6. The Rehabilitation of Offenders Act 1974 (ROA) was introduced to ensure that a person whose conviction is spent is treated as if they had not committed the offence in question. There are specific exceptions to that general principle, generally DBS checks may be conducted to assess eligibility to enter specified professions, or to hold particular positions.

1.7. Whilst the ROA permits checks to be conducted, the Safeguarding Vulnerable Groups Act 2006 (SVGA) imposes a duty to conduct checks where the position involves a 'regulated' activity relating to children or vulnerable adults

1.8. The scope of what constitutes 'regulated activity' has been reduced as part of moves to scale back disclosure and barring arrangements to common-sense levels [(1)]. The College must not request a barred list check on a worker who is not in regulated activity as such a check would be unlawful.

1.9. At the same time, the College is mindful that it is a criminal offence to fail to check the barred status of an individual in regulated activity or to knowingly permit a barred person to work for any length of time in regulated activity.

1.10. This document identifies how the College will identify the checks that will be used to ensure appropriate measures are in place that also take into consideration the amendments to practice required as a result of the Protection of Freedoms Act (POFA) 2012.

1.11. This electronic version is the definitive version of the Policy

2 Definitions

The following definitions are used in this policy and procedure:

- 'The College' means North Warwickshire and South Leicestershire College.

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- 'DBS' means the Disclosure and Barring Service.
- 'ROA' means the Rehabilitation of Offenders Act (1974).
- 'SVGA' means the Safeguarding Vulnerable Groups Act (2006).
- 'POFA' means to the Protection of Freedoms Act (2012).
- 'Children' means children and young people under the age of 18.
- 'Volunteer' means an individual engaged in unpaid work at the invitation of the College.
- 'Regulated activity' means:
  i. unsupervised activities (teaching, training, instructing, caring and supervising children);
  ii. providing advice / guidance on well-being;
  iii. driving a vehicle that is being used solely for the purpose of transporting children and their carers / escorts;
  iv. work carried out in and for the purposes of a limited range of establishments where that work gives the opportunity to have contact with children.

  and such activity must be undertaken:

  i. for more than 3 days in any 30 day period (i.e. once a week in any one month);
  ii. between 2 am and 6am;
  iii. gives the person face to face contact with children;

  except where the activity involves the provision of relevant personal care.

- 'Establishment' means any educational institution which is exclusively or mainly for the provision of full time education to children. It is used by the College to describe all current College locations.
- 'Specified place' means any place named in the SVGA.
- 'Specified nature' means work that includes teaching, training, supervising and caring for children / providing specified advice or guidance to children.

3 Related Policies and Procedures

3.1 The following policies and procedures are related to this policy and procedure.

- Safeguarding and Protecting Children and Vulnerable Adults Policy.
- The Management of Allegations against Staff and Volunteers Policy.
- Disciplinary Policy and procedures.
- Recruitment Policy and procedures.
- Corporation Standing Orders.
- Keeping Children Safe in Education, 2023
- IP-33 Safeguarding - Government requirements Sept 2012 v1 (Ofsted).[2]
- Association of Colleges Safeguarding Frequently Asked Questions and other guidance.
- Staff Code of Conduct
- Placement and Volunteers Procedure

3.2 Other policies and documents may be identified from time to time as circumstances change and may be added to this list.

4 Rationale

4.1 The College may request a criminal records check processed through the DBS as part of its recruitment process. Any post within the College where the normal duties involve regular contact with persons under the age of 18 is exempt from the ROA. This means that the College is legally entitled to ask applicants for such jobs for details of any criminal convictions irrespective or whether they are 'spent' or 'unspent' under the Act and also to obtain information on those records from the DBS.

4.2 When a post becomes vacant, the College must consider whether the normal duties of the role involve regular contact with children under the age of 18.

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4.3 If the duties of the post do not involve regular contact, the post would not be exempt from the ROA and therefore the College would not be entitled to seek further information about criminal convictions from the DBS.

4.4 The College is responsible for determining which groups of staff require DBS checks and which are not. There is no clarity in terms of percentages that allows the College to identify whether or not it meets the definition of specified place. As a College we have to be able to reasonably demonstrate that our services are provided wholly or mainly for the full-time education of children, in order to demonstrate that the College is an establishment within the definition of regulated activity.

4.5 Given the growing volume of children accessing the College provision during the day, (including learners accessing alternative provision, part time schools learners and Studio School learners), the College has chosen to categorise staff who work regularly on site and during the day as staff engaged in activity in a specified place and therefore in such circumstances DBS checks will be conducted at the point of engagement.

4.6 The College must undertake an initial risk assessment to establish whether a DBS should be obtained each time a post is to be filled and each time it is proposed a volunteer be engaged

- In circumstances where the post holder is not required to regularly undertake paid work at the College 'establishment' / 'specified place', it may not be lawful to undertake a DBS check.
- This means that at the point of recruitment, the recruiting line manager, in conjunction with the HR team, must consider whether the nature of the work the individual will undertake constitutes regulated activity.
- The College also has a responsibility to carefully assess arrangements to engage a volunteer, and to ensure appropriate safeguards are put in place to protect learners and volunteers (see 10.0)
- This assessment should be undertaken using the risk assessment contained in Appendix 1.

5 Core Principles

5.1 Line managers need to be mindful that obtaining a DBS check does not in isolation safeguard learners and other checks on suitability should be obtained. These include but are not limited to ensuring the use of appropriate interview questions, reviewing employment history, taking up employment references, and ensuring staff are familiar with their obligations to be vigilant and report any concerns they have relating to a learner or the conduct / behaviour of a colleague or volunteer

5.2 The College will refer to the DBS any person who has harmed or poses a risk of harm to a child who has been removed from working (paid or unpaid) in regulated activity or who would have been removed had they not left. Referrals should be made as soon as possible after resignation / removal.

6 Equality Analysis

6.1 By virtue of the provisions of the Equality Act 2010, the College has a duty to have due regard to the need to:

i. eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct;

ii. advance equality of opportunity between people of different groups;

iii. foster good relations between people from different groups.

6.2 In implementing this Policy and associated procedures, the College will actively take these aims into account as part of its decision making process and will demonstrate how this has been undertaken.

6.3 Where necessary a full equality impact assessment will be undertaken.

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7 Data Protection Impact Assessment

7.1 Data Protection Impact Assessments (DPIA) are an essential part of the College's accountability obligations under the UK GDPR. Conducting a DPIA is a legal requirement for any type of processing, including certain specified types of processing that are likely to result in a high risk to the rights and freedoms of individuals. Under UK GDPR, failure to carry out a DPIA when required may leave the College open to enforcement action

7.2 A DPIA, relating to any relevant areas within this Policy and Procedure, will therefore be undertaken to enable the systematic analysis, identification and minimisation of data protection risks and to demonstrate how the College complies with its data protect obligations.

8 Implementation, Monitoring and Review

8.1 This Policy and Procedure will be reviewed every three years, or as otherwise required by law, regulation, organisational policies, good practice or contractual obligations.

9 Procedure

9.1 Advertising

All vacant posts will be advertised to ensure equality of opportunity and encourage as wide a field of candidates as possible. This will normally mean placing an advertisement externally. The Advert will state Successful candidates will be required to undertake an enhanced DBS check with Children's Barred List check.

The advert will state whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions order 1975, 2013 and 2020. This means that certain spent convictions and cautions are "protected", so they do not need to be disclosed and cannot be taken into account.

9.2 Shortlisting

The selection panel will use an agreed short listing practice. The criteria for selection will be consistently applied to all applicants and against the essential criertia needed for the role. The selection panel will agree the candidates to be called for interview. All shortlisting must be carried out by at least two people, at least one of which must have attended the safer recruitment training. If none of the panel have been trained, a member of the human resources team must be involved.

Shortlisted candidates should be provided with details of the selection process, including any tests, in writing, giving as much prior notice as possible. In accordance with the Equality Act 2010 candidates should also be asked to advise if there are reasonable adjustments that should be made so that they can participate fully in the selection process.

All candidates should be assessed objectively against the selection criteria set out in the person specification.

9.3 Selection and Interview

Before the interviews the selection panel will agree on the interview format. At least one member of the panel should have undergone Safer Recruitment training.

The questions asked will be aimed at obtaining evidence of how each candidate meets there requirements of the job description and the person specification and each candidate will be assessed against all of the criteria for the post. The same areas of questioning will be covered for each applicant and no questions which would discriminate directly or indirectly on protected characteristics under the Equality Act 2010 will be asked.

The selection process for every post, will include exploration of the candidate's understanding of child safeguarding issues.

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As part of Selection when scrutinising applications, panel members should be vigilant in identifying:

i. Any inconsistencies

ii. Application forms that have not been completed fully

iii. Information and evidence provided relates to the person specification and job description for the post/role

iv. Any gaps in the applicant's employment history or other information that need to be explored

The panel should agree and ask additional questions to address concerns or lack of clarity arising from individual candidates' application forms, gaps in employment history, frequent changes in employment, references, and self-disclosure of any criminal history.

When assessing candidates' suitability to work with children based on their responses in interview, panel members should be alert to the following areas of concern:

i. No understanding or appreciation of children's needs

ii. Unrealistic/unreasonable expectations of children in relation to their age and stage of development

iii. Candidate wanting the role to meet their own needs at the expense of the needs of children

iv. Inappropriate language when talking about children

v. Unclear boundaries with children

vi. Vagueness about their experiences and gaps in employment/ information

vii. Unable to provide any examples to support what they say in interview

viii. Reluctance/unwillingness to work as part of a team, comply with guidelines and/or within agreed frameworks/systems.

9.4 Criminal Background/ Ex Offenders Self-Disclosures

The Rehabilitation of Offenders Act was introduced to ensure ex-offenders who have not re-offended for a period of time are not discriminated against when applying for jobs.

The College job/role application pro forma will include a request to applicants to self-disclose any relevant criminal convictions and cautions.

The purpose of criminal background self-disclosures is to:

i. give candidates an opportunity to be open and honest and demonstrate their integrity by sharing any relevant information at an early stage;

ii. help candidates understand the information that may be revealed in a DBS check;

iii. allow information to be discussed and considered before the DBS check comes back in due course;

iv. deter unsuitable individuals from pursuing an application;

The College could choose if deemed appropriate to ask candidates the following questions as part of the self-disclosure:

i. Whether they have had any allegation made against them, which has been reported to and investigated by a Children's Social Care department.

ii. Whether there has ever been any cause for concern regarding their conduct with children, young people and/or vulnerable adults.

The College is aware that it is discriminatory to use disclosed information for the purposes of selection. Criminal background self-disclosures should not be considered by the selection panel. The College therefore ensure that applicants are provided with a mechanism for submitting criminal background self-disclosures in a

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format separate from the application form if they choose to do so in order to ensure that the self-disclosure remains confidential until the short listing panel has identified the short list of candidates.

The College is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background, and will select all candidates for interview based on their skills, qualifications and experience.

9.5 Offer of employment and Pre-employment Checks

Advertised vacancies will make clear, where required, that the post will require the successful candidate to undertake a DBS criminal check.

It is a criminal offence for an individual to apply for or engage in regulated activity from which a person is barred. Applicants will be required to identify if they have any unspent convictions, warnings or reprimands and to confirm that they know of no reason why they should not work with children.

All offers of appointment will be conditional upon satisfactory completion of pre-employment checks. These include:

- verification of the applicants identity (photographic ID / proof of address);
- confirmation of the person's right to work in the UK;
- confirmation of medical fitness, including if appropriate, referral to the college's Occupational Health Advisor.
- Qualification Checks
- Receipt of 2 Satisfactory references – Covering 2 years of employment and the last period working in education if longer than 2 years
- Enhanced DBS check
- Teacher Prohibition checks (Where Applicable)
- Section 128 Checks (Where Applicable)
- An Online Search
- Certificate of good conduct (If the applicant has lived/worked abroad for a period in excess of 3 months, within the last 5 years)

In circumstances where a criminal record has been declared, a conviction disclosed on the DBS, references are not satisfactory or do not cover the required period of time, or the online search has returned results, the HR Leads in conjunction with the College Designated Safeguarding Lead will undertake a risk assessment, taking into consideration:

- the seriousness of the offence;
- the time that has elapsed since the offence occurred;
- whether repeat offences exist;
- the circumstances that led to the offence and whether those circumstances have changed
- than nature of the role in respect to the offence, will the nature of the role present any opportunity to re-offend?
- any other relevant information offered by the applicant.

No offer of employment will be withdrawn without the applicant being contracted in the first instance and being offered an opportunity to discuss.

For regulated activity / posts covered by the ROA, successful applicants will be vetted against barred lists.

For posts involving work with children under the age of 8, incumbents will be required to declare if anyone in their household has a criminal conviction or caution of violent or sexual crime against adults or any offences against children. If a positive declaration is made, in the first instance the college will look to redeploy the staff member in work that does not involve contact with children under the age of 8. If this is not possible a risk assessment will be undertaken and a decision reached in conjunction with the designated safeguarding lead as to the implications of the individual continuing in post.

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An enhanced DBS check must be obtained as soon as practical after employment. This is unless the applicant has worked within the last three months in a school/college in England which has brought them into regular contact with children in work 'which involved the provision of education and regularly caring for, training, supervising or being in sole charge of children or young people under the age of 18' [1].

A risk assessment may be conducted in order to allow a person who has applied for but not yet obtained a DBS check to commence with appropriate safeguards. These include completion of a thorough safeguarding induction to ensure familiarity with college key contacts and processes, and arrangements to ensure the supervision of the individual, so far as is reasonably practical.

9.6 Personal File and Single Central Record

Recruitment and selection information for the successful candidate will be retained securely and confidentially for the duration of his/her employment including:

- Application form – signed by the applicant;
- Interview notes – including explanation of any gaps in the employment history;
- References – minimum of two;
- Proof of identity;
- Proof of right to work in the UK;
- Proof of relevant academic qualifications;
- Certificate of Good Conduct (where applicable);
- Online Search results
- Evidence of medical clearance from the Occupational Health service;
- Evidence of DBS clearance, Barred List and Teacher Prohibition checks;
- Offer of employment letter and signed contract of employment;
- Section 128 check if applicable or disqualification under the Childcare disqualification Act 2006 (as amended).

9.7 Repeat Checks

Staff repeat checks will be every 5 years with the only exceptions being the Designated Safeguarding Lead/Deputies whose DBS will be updated every two years and nursery practitioners whose DBS will be updated every 3 years.

The college reserves the right to request that a repeat check may be undertaken for a current member of staff if concerns exist relating to their conduct or behaviour.

9.8 Corporation Members

There is no longer a specific provision under the SVGA requiring members of governing bodies to undertake a criminal check; however, the College intends to undertake enhanced checks as Members activities come under the definition of 'regulated activity under the SVGA as it applied prior to September 2012 and therefore Members hold a 'regulated position' under the ROA order.

9.9 Agency Staff

The HR department will ensure that the agency provides written notification that they have carried out checks as required by the DfE regulations.

Staff are required to ensure that the HR team are made aware of all agency staff prior to engagement. Under no circumstances should a member of agency staff in respect of whom no checks have been obtained be allowed to undertake unsupervised regulated activity

Staff who fail to take action or comply with their duties in regulated activity could be deemed to have acted negligently. All staff are therefore reminded that a failure to consult / ensure appropriate safeguards are in place could lead to disciplinary procedures being invoked.

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9.10 Contractors

The College should ensure that arrangements are in place to ensure contractors understand the safeguarding risks and their obligations to protect themselves as well as the children they come into contact with when working on college premises.

Contractors who regularly work in circumstances which allow them unsupervised contact with children will be required to confirm, in writing, they have completed of a barred list check / enhanced DBS check. Providing the DBS number and issue date. A suitability Declaration will need to be completed and vetted by HR.

It is the responsibility of the person who has engaged the contractor to ensure that contractors who have not been checked should be supervised when working at College establishments

9.11 Volunteers

Please refer to the Placements and Volunteers Procedure for full details of the processes to be adhered to. College policy requires all volunteers engaged in regulated activity to be supervised; there is no duty for an enhanced criminal records check / barred list check to be obtained for supervised volunteers. In such circumstances, the person supervising the volunteer is regarded as the person engaged in regulated activity

Staff are required to ensure that the HR team are made aware of all volunteers **prior to engagement**, such that an appropriate risk assessments may be conducted in conjunction with the safeguarding team, and measures put in place to safeguard staff and learners. The risk assessment will consider

i. the nature of the placement;

ii. the background / experience of the person volunteering;

iii. whether references can be obtained;

iv. how the volunteer will be inducted and supervised.

The person requesting the volunteer be placed will generally be identified as the volunteer's sponsor. The sponsor will be accountable not only for ensuring that the risk assessment is undertaken but also that the arrangements described as being put in place are adhered to. Under no circumstances should a volunteer in respect of whom no checks have been obtained be allowed to undertake unsupervised regulated activity

Staff who fail to take action or comply with their duties to assess and supervise volunteers in regulated activity could be deemed to have acted negligently. All staff are therefore reminded that a failure to consult / ensure appropriate safeguards are in place could lead to disciplinary procedures being invoked.

9.12 Work Placements

Learners engaged in placements as part of their study programme, e.g. child studies / teacher training programmes will be required to complete an enhanced criminal records check.

Staff employed by employer partners who supervise learners on long term of high risk placements should be inducted / trained to recognise safeguarding risks and their responsibilities.

Long term work placements are defined as work placements of more than one day per week or for longer than one term in any academic year.

High risk placements are defined as placements involving learners under the age of 16, learners with special needs; learners where a workplace supervisor / member of staff will have substantial unsupervised access to the learner by nature of the business.

Employer partners will be asked to commit to their safeguarding responsibilities by endorsing a statement of principles; in circumstances were a sole person is engaging in regulated activity the employer will be asked to undertake a DBS check. However, it is noted that this is not a statutory requirement for anyone working with a post 16 learner.

Requirements do not apply to placements lasting less than one month.

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9.13 Criminal Convictions whilst in employment

In line with the College's contract of Employment (Section 32), if an employee receives a conviction whilst employed by the College this must be declared. In line with section 9.5 of this policy, HR Leads along with the College Designated Safeguarding Lead will undertake a Risk Assessment to determine whether the conviction impedes the employees suitability for the role.

10 Single Central Record

The College will maintain a single central record to evidence they have carried the range of checks required by law. The SCR will be audited half termly by the Safeguarding lead and the HR Business Partner. A copy of the record will be presented termly for inspection to the Principal.

Copies of documentation used to verify identity, right to work and required qualifications will be retained on the electronic personnel file of all staff. The file should also detail the date the checks were evidenced and the name and position of the person who checked the details along with references for any staff member engaged since April 2007.

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Appendix 1: NWSLC - Risk Assessment - Working with Children and Regulated Activity

Line Manager:
Department :
Location:
Is this a : **Recruitment**
Name of Post Holder:
Job Title:
Regulated or Non-Regulated activity **For guidance:** Regulated_activity_in_relation_to_children.pdf
The document(s) still to be received:
DBS + 1 Reference or 2 References Reference have been received
Has a Child Barred List been completed and checked?
Has an online search been conducted?
Indicate the risk attached to employing the individual prior to full DBS clearance/ satisfactory references being obtained: LOW MEDIUM HIGH
Line Manager to complete:-
1. **Where will the post holder be working?** A College site (Go to Q.3) / off-site
2. **If working off site, will the post holder be based within any of the following environments?** Nursing home / care home / hospital / nursery / school / college 2a. **Is there likely to be anyone within the environment in which the post holder is working that are not students, but are under the age of 18 or considered vulnerable adults?** YES / NO / DON'T KNOW
3. **Will the post holder be in contact with students?** YES / NO **If yes answered above - how often and for how long?** Daily / weekly / once a month / 3 occasions or more in any 12 months Hours per contact:

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4. **Will any of the students be under the age of 18 years?** YES / NO

5. **Will any of the students be considered vulnerable by virtue of the regulated activity?** YES / NO / DON'T KNOW

6. **Will the contact include any occasions overnight?** YES / NO

7. **For Volunteers/Placements - Will an enhanced DBS holder be in the classroom/shadowing for the entirety of the session** YES / NO If yes, please state who this will be:

Please detail below the measures that will be put in place to ensure that the indicated risk is managed (please read below – Additional Information):-

Line Manager's Signature: **Date:**

You now need to obtain your Director's support (if not signed by the Director then email proof will be required):

Director's Name:

Signature: Date:

On agreement of the risk assessment, it is expected that the individual will be supervised at all times and are fully inducted and aware of the college's safeguarding procedures and team.

Now return to Human Resources

Indicate revised risk category in light of line manager's risk assessment measures above:-:

LOW MEDIUM HIGH

Has the designated Safeguarding Lead been consulted? YES / NO

Name: Date:

Can the post holder commence prior to receipt of a DBS declaration/ satisfactory references? YES / NO

Justification:

HR Decision Maker:

Signature: Date:

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Working with Children and Regulated Activity - Additional Information

On agreement of the risk assessment, it is expected that the individual will be supervised at all times and are fully inducted and aware of the college's safeguarding procedures and team.

The College is committed to safeguarding and promoting the welfare of children and has a legal duty to ensure the suitability of any individual who works with them by ensuring the college has safe recruitment and employment practices. The Safeguarding Vulnerable Groups Act 2006, updated by Protection of Freedom Act 2012, repeals the definition of controlled activity and provides a new definition of regulated activity.

1. Regulated activity relating to children

The new definition of regulated activity relating to children comprises only:

a) Unsupervised activities: teach; train; instruct; care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children;
b) Work for a limited range of establishments ('specified places') with the opportunity for contact: for example, schools, children's home; childcare premises. Not work by supervised volunteers;
c) Relevant personal care, for example washing or dressing or health care by or supervised by a professional;
d) Registered childminding; and foster-carers

Work is only regulated if done regularly. This means it must:-

- Happen on a frequency of once a week or more often, or
- happens intensively (on 4 or more days in a 30 day period), or
- Overnight between 2am and 6am and provides the opportunity for face to face contact.
- AND the individual carrying out the activity is unsupervised

2. Regulated activity relating to adults

The new definition no longer labels adults as 'vulnerable', rather it identifies the activities which if an adult should require them, lead to them being considered vulnerable at the particular time. There is no longer a requirement for a person to do such activities a certain number of times before they are engaging in regulated activity, once is sufficient. There are six categories of people who will fall under this new definition:

a) Providing Healthcare
b) Providing personal care
c) Providing social work
d) Assistance with cash, bills and or shopping
e) Assistance in the conduct of a person's own affairs
f) Conveying (transporting adults)

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All successful applicants, on receipt of a provisional volunteer or job offer, will be required to complete a DBS Disclosure Application. The type of Disclosure required (Enhanced (with or without the barred list) or Standard) will be assessed by Human Resources and will depend on the nature and frequency of contact with young people or adults. As a general rule, no staff member will be permitted to start work until the college is in receipt of two references and a DBS declaration. However, where it can be demonstrated, through a risk assessment, that there will be no contact, or no unsupervised contact, with students/learners under the age of 18 or adults an earlier start can be considered providing the references have been received and the DBS application form has been completed and posted to the DBS.

Supervision must be:-

- By a person who is in regulated activity
- Regular and day to day; and
- Reasonable in all the circumstances to ensure the protection of children

It cannot be clustered during the first few weeks of activity and then diminish without the DBS being in place. It will not be possible for staff working in the areas of early years, care homes, hospitals or in schools to start work prior to receipt of a DBS declaration. The decision to allow a staff member to commence earlier will be made by the Group Director of Human Resources following submission by the recruiting manager of a completed risk assessment form, found on the reverse side to this information page.

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Appendix 2: NWSLC - RISK ASSESSMENT: APPLICANTS/STAFF WITH A CRIMINAL CONVICTION

Criminal Conviction Risk Assessment

GUIDANCE NOTES

RISK ASSESSMENT: APPLICANTS/STAFF WITH A CRIMINAL CONVICTION

Introduction

NWSLC obtain a Disclosure and Barring Service (DBS) Enhanced Disclosure for all employees as part of the pre-employment referencing process. Occasionally a disclosure may contain information relating to previous criminal convictions and consequently the College are required to assess any risk this poses towards students and vulnerable adults.

In addition, all staff are required to declare if they receive a conviction during employment.

Purpose of the Risk Assessment

The attached risk assessment provides the College with a structured approach to identifying the risk a criminal conviction may have on the welfare of students and vulnerable adults. It is a tool to help identify where further investigations and/or actions may be required. It also mitigates the need to hold a meeting with any applicant whose criminal conviction bears no risk to students or vulnerable adults, thus avoiding placing the applicant in an unnecessary and embarrassing situation.

Process for Conducting the Risk Assessment

The HR team will complete the first stage of the Risk Assessment which considers the risk level of the following factors:

1. Nature of the Offence
2. Sentence given
3. Length of time passed since the offence
4. Relevance of the offence to the position applied for
5. Any other information about the applicant e.g. references.

Once assessed, should any of the above factors result in a Medium or High risk rating, a meeting will be held with the applicant to obtain further information to make a preliminary decision regarding the applicant's employment. The meeting will usually be attended by an appropriate departmental manager and a member of the HR team.

The HR team will review the preliminary decision reached with the Designated Safeguarding Lead (DSL) and a final decision will then be made.

In all cases the applicant/staff member will be notified of the outcome of the risk assessment and next steps

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RISK ASSESSMENT: APPLICANTS/STAFF WITH A CRIMINAL CONVICTION

Name of Applicant/Staff member:	
Position Offered:	**Team:**

Risk Assessment	Details			Risk Rating
What was the offence? (use additional forms if more than one separate offence)				LOW MEDIUM HIGH
What was the sentence?				LOW MEDIUM HIGH
When was the offence committed? Date:	More than 10 years ago Between 3-10 years In the past 3 years			LOW MEDIUM HIGH
Is the type/nature of the offence directly relevant to the position applied for? If yes, in what way?	YES	NO		LOW MEDIUM

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(attach job description for the post)				HIGH
Applicants only: Have two satisfactory references been received?	YES	NO	Details	LOW MEDIUM HIGH
If **ANY** of the risk ratings above are Medium or High, hold a meeting with the applicant to discuss the information provided on the DBS certificate.				
Is a meeting required? Date of Meeting: Who is involved in the meeting:	YES	NO		LOW MEDIUM HIGH

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IS THE APPLICANT/STAFF MEMBER CONSIDERED TO POSE A RISK TO CHILDREN AND/OR VULNERABLE ADULTS? **YES** **NO** **DECISION:** **EMPLOY** **DO NOT EMPLOY**				
Signed (Line Manager):				
Print Name:				Date:

HR USE ONLY

	HR BP	**Head of HR/EDPC**	**Designated Safeguarding Lead**
Decision Review	**EMPLOY** **DO NOT EMPLOY**	**EMPLOY** **DO NOT EMPLOY**	**EMPLOY** **DO NOT EMPLOY**
Signed			
Print Name			
Date			

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10 Steps To Safer Recruitment

Before you release your post…

1. Ensure that you have an reviewed thoroughly the DBS and Safer Recruitment policy that describes the process and roles before you begin.
2. Ensure that the College safeguarding policy and that a statement about the College commitment to safeguarding is included in all recruitment and selection materials.
3. Ensure that you have an up to date job description and person specification for the role(s) you wish to recruit to, that have been agreed with the recruiting manager.
4. Ensure that you have an appropriate advertisement prepared that contains all necessary information about the role, timetable for recruitment and the College commitment to safeguarding.

Before you interview…

5. Ensure that each application received is scrutinised in a systematic way by the shortlisting panel in order to agree your shortlist before sending invitations to interview.
6. Ensure that all shortlisted candidates receive the same letter of invitation to interview, supplying them with all of the necessary information.

Before you select your preferred candidate…

7. Ensure that a face-to-face interview is conducted for ALL shortlisted candidates based on an objective assessment of the candidate's ability to meet the person specification and job description.
8. Ensure that all specific questions designed to gain required information about each candidate's suitability have been asked, including those needed to address any gaps in information supplied in the application form and any issues arising from references and/or criminal background self-disclosure.

Before you formally appoint…

9. Ensure that you are able to make a confident selection of a preferred candidate based upon their demonstration of suitability for the role.
10. Ensure that your preferred candidate is informed that the offer of employment (including volunteer positions) is conditional on receiving satisfactory information from all necessary checks including criminal record (DBS) and Barred List checks.

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