

Safer Recruitment Policy

Last reviewed: January 2024

Date of next review: January 2025

Safeguarding at TMS Youth & Arts

1. Purpose and scope

1.1 TMS Youth & Arts (the Charity) is committed to proactively safeguarding children, beneficiaries and staff and to taking reasonable steps to protect all those who come into contact with the Charity from harm. The safety and welfare of everyone affected by the Charity's activities, especially children is a key governance priority.

1.2 Safeguarding children and protecting those who come into contact with the charity is everyone's responsibility. This Policy applies to trustees, members of staff (including for the purposes of this Policy: employees, consultants, contractors, volunteers, interns and our tutors), and others involved or associated with the Charity's activities.

1.3 The Charity recognises that Safer Recruitment is the first step in safeguarding and promoting the well-being and welfare of children in its care. The Charity wishes to recruit and retain the highest calibre of trustees and staff who will support its commitment to safeguarding.

1.4 The Charity and its trustees are committed to ensuring consistency of treatment and fairness, and will abide by all relevant equality legislation including the Equality Act 2010.

1.5 This Safer Recruitment Policy forms part of the Charity's wider commitment to safeguarding and promoting the well-being and welfare of children. This Policy should be read in conjunction with the Charity's Safeguarding Policy and Data Protection Policy.

1.6 The overarching aim of this Safer Recruitment Policy is to help deter, reject or identify applicants who might abuse children or young people, or who are otherwise unsuitable to work with them and ensure compliance with all relevant legislation, statutory requirements, and Government and Charity Commission guidance, and best practice - including guidance and the Code of Practice issued by the Disclosure and Barring Services (DBS).

1.7 Individuals involved in the selection and recruitment of employees and volunteers must familiarise themselves and comply with this Policy.

2. Principles

2.1 The Charity has a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the role. The recruitment and selection process should ensure the identification of the person best suited to the role at the Charity based on the applicant's skills, abilities, qualifications, and experience, as measured against the role description and person specification, and information on an applicant's application form.

2.2 The recruitment of staff will be conducted in a professional, timely and responsive manner, and in compliance with current employment legislation (as appropriate), relevant safeguarding legislation and statutory guidance, and best practice.

2.3 If an individual involved in the recruitment process has a close personal or familial relationship with an applicant, they must declare it as soon as they are aware of their application and avoid any involvement in the recruitment and selection decision-making process.

2.4 The Charity aims to adopt a consistent and thorough process of safer recruitment - while obtaining, collating, analysing and evaluating information from and about applicants who apply for roles at the Charity – in order to ensure that those who are recruited are suitable to work with children and young people.

3. Roles and responsibilities

3.1 It is the responsibility of the Director, and other team members involved in recruitment to:

- ensure the Charity operates safer recruitment procedures - including the satisfactory completion of all pre-employment checks;
- monitor contactors' and agencies' compliance with this Policy; and
- safeguard and promote the well-being and welfare of children and young people at every stage of the recruitment process.

4. Regulated Activity

4.1 Staff engaged in regulated activity with children, or with substantial access to children's data will be required to hold a clear enhanced DBS check with children's barred list checks.

4.2 Staff who have an opportunity for regular contact with children but who are not engaged in regulated activity will be subject to an enhanced DBS check, without barred lists checks.

4.3 Staff who do not have the opportunity for regular contact with children or access to their data will be subject to a basic DBS check only.

4.4 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. Guidance on what constitutes Regulated Activity with Children can be found at:

Annex F of Keeping Children Safe in Education (September 2022) Website Link:
Keeping children safe in education 2022 (publishing.service.gov.uk)

Disclosure and Barring Service Guidance "Regulated Activity with Children in England"

Website Link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739154/Regulated_Activity_with_Children_in_England.pdf

4.5 "Regulated activity" includes:

4.5.1 Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children;

4.5.2 Work for a limited range of establishments (known as "specified places," which include schools and colleges, children's homes and childcare premises), with the opportunity for contact with children, but not including work done by supervised volunteers.

4.6 In relation to (4.5.1) an individual will be carrying out regulated activity if they work unsupervised frequently – once a week or more, intensively – on 4 or more occasions in a 30 day period, or overnight – between 2am and 6am. In relation to (4.5.2), an individual will be carrying out regulated activity if they work frequently, intensively, or overnight (i.e. on the same basis as immediately above) in the same "specified place."

5. Role descriptions and advertisements

5.1 A role description and advertisement are key documents in the recruitment process and must be finalised prior to taking any other steps in the recruitment process. They will clearly and accurately set out the duties and responsibilities of the role. The role description should clearly set out the extent of the relationship with, and the degree of responsibility for, children with whom the person will have contact. It must also refer to the responsibility for safeguarding and promoting the well-being and welfare of children and young people.

5.2 The person specification is of equal importance and informs the selection decision. It details the skills, qualifications and experience needed for the role; the competencies and qualities that the applicant should be able to demonstrate; and how these will be tested and assessed during the selection process. The person specification must include a specific reference to an applicant's suitability to work with children and young people. All applicants will be assessed equally against the criteria contained in the person specification without exception or variation.

5.3 The information should stress that the identity of the candidate, if successful, will need to be checked thoroughly, and that where a DBS check is appropriate, the person will be required to complete an application for a DBS disclosure straightaway.

5.4 All documentation relating to applicants will be treated confidentially in accordance with the Charity's Privacy Notice.

6. Applications and shortlisting

6.1 Application forms will require:

- Full personal information, including any former names by which the person has been known in the past;
- A full employment history - both paid and voluntary (if applicable), since leaving school, including any periods of further education or training (if applicable);
- Details of any relevant academic and/or vocational qualifications;
- Both professional and character references; and
- A declaration, as appropriate for the position, that the person has no convictions, cautions, or bind-overs or if they have, to provide details in a sealed envelope and marked 'Private and Confidential'.

6.2 Incomplete application forms will not be considered.

6.3 It is a criminal offence for anyone to seek or accept work in regulated activity knowing that they are barred from working with children; and for an employer to offer work to, or employ a person in a regulated position knowing that the person is barred from working with children. All applicants will be made aware that providing false information is an offence, and could result in the application being rejected, or summary dismissal, or the requirement for a volunteer to cease to carry out their role, if the applicant has been selected or recruited, and referral to the police and/or the DBS.

6.4 Applicants for volunteering vacancies will be offered an opportunity to speak with a member of the Charity team for an informal discussion about the role, and to ask any questions they may have.

7. References

7.1 All offers of employment or volunteering will be subject to the receipt of a minimum of two independent references which are considered satisfactory by the Charity. One reference must be from the applicant's current or most recent employer or deployer (in respect of

volunteering), if applicable. If the applicant's current or most recent role does/did not involve work with children and young people, but the applicant has worked with children and young people in the past, then the second reference should be from the employer or deployer of that role who can comment on their previous work with children and young people, and their suitability to work with them. The referee should not be a relative.

7.2 In addition to obtaining references, where possible an online search should be carried out as part of the pre-interview checks. This may help identify any incidents or issues that have occurred and are publicly available online, that the Charity may wish to explore further at interview.

7.3 References must always be supplied directly by referees. References should provide objective verifiable and factual information to support appointment decisions. In order to achieve this, a reference pro-forma with questions relating to the applicant's suitability to work with children and young people should be provided.

7.4 All referees will be asked:

- whether they believe the applicant is suitable for the role for which they have applied, and whether they have any reason to believe that the applicant is unsuitable to work with children and young people; and
- to confirm whether the applicant has been the subject of any disciplinary sanctions and whether they have had any substantiated allegations made against them that meet the harm threshold or concerns raised which relate to either the safety or welfare of children and young people, or about the applicant's behaviour towards children or young people. Details about the outcome of any concerns or allegations will be sought. The reference should not include any allegations or concerns that are malicious, false, unfounded or unsubstantiated even if they are repeat allegations.

7.5 All applications will be checked to ensure that they are fully and properly completed; scrutinised for any discrepancies or anomalies in the information provided – which will be followed up; and considered with regard to any history of gaps, or repeated changes, in employment, or moves to supply teaching work, without clear or justifiable reasons.

7.6 Direct contact by phone will be undertaken with referees where references are absent or raise concerns.

7.7 The Charity does not accept open references, or testimonials provided by an applicant, or references from relatives.

7.8 If the applicant claims to have specific qualifications or experience relevant to working with children and young people which may not be verified by a reference, the facts should be verified by making contact with the relevant body or previous employer/deployer and any discrepancy explored during the interview.

8. Interviews

8.1 Shortlisted applicants will be invited to attend an interview. There will always be a face-to face interview (either in person or via a video conference platform).

8.2 Questions will be set to test the applicant's specific skills during the interview, their abilities to carry out the role applied for, and whether they share the same values as the Charity.

8.3 The applicant's attitude towards children and young people in general will also be tested together with their commitment to safeguarding and promoting the well-being and welfare of children and young people.

8.4 The interview panel will fully explore during the interview any discrepancies or anomalies, or gaps in employment history, that have been identified from the information provided to the Charity by the applicant or a referee.

8.5 At least one member of the interview panel will have undertaken safer recruitment training, or refresher training as applicable, and both will have undertaken safeguarding training.

8.6 All applicants who are invited for an interview will be required to bring documentary evidence of their identity – either a full birth certificate, passport or photocard driving licence and additionally a document such as a utility bill that verifies the applicant's name and address. Where appropriate, change of name documentation must also be brought to the interview. Applicants should also be asked to bring original or certified copies of documents confirming any necessary or relevant educational and professional qualifications. If the successful applicant cannot produce original documents or certified copies, written confirmation of their relevant qualifications must be obtained from the awarding body.

9. Offer

9.1 Any offer of appointment made to a successful applicant, including one who has lived or worked abroad, will be conditional upon satisfactory completion of the necessary pre-appointment checks, including:

- verification of the applicant's identity (if this has not previously been verified straight after the interview);
- the receipt of two satisfactory independent references – if references were not obtained before the interview, it is vital that they are obtained and scrutinised before a person's appointment is confirmed;

- a DBS Disclosure appropriate to the role. An enhanced DBS certificate - including a check of the DBS's Children's Barred List, for those who will be engaging in regulated activity - must be obtained (via the applicant);
- a separate children's barred list check will need to be obtained if an individual will start work in regulated activity before the DBS certificate is available or where an individual has worked in a post that brought them into regular contact with children and young persons which ended not more than three months prior to that person's appointment to the organisation;
- confirmation that the applicant is not subject to an Order under section 79 of the Charities Act 2016 for their removal/disqualification from a charity, if applicable;
- verification of the applicant's mental and physical fitness for the role, if appropriate;
- verification of the applicant's right to work or to volunteer (as appropriate) in the UK, including EU nationals;
- criminal record checks and/or overseas police checks, as appropriate, for an applicant who has lived or worked overseas
- verification of any relevant qualifications and professional status, as appropriate (if not verified straight after the interview), and whether any restrictions have been imposed by a regulatory body, such as the Teaching Regulation Agency.

9.2 Any information which has been provided to the Charity regarding past disciplinary sanctions; allegations or concerns which relate to the safety or welfare of children or young people, or about an applicant's behaviour towards children or young people; or cautions or convictions will be discussed and considered in the circumstance of the individual case during the recruitment process.

9.3 A personnel file checklist will be used to track, and audit paperwork obtained in accordance with safer recruitment training. The checklist will be retained on personnel files.

10. Checks on Overseas Applicants

10.1 The same checks must be made on all overseas applicants, including DBS checks (and children's barred list information, for those who will be engaging in regulated activity), but disclosures may not provide information on people convicted abroad, and with respect to individuals who have little residence in the UK, caution will be exercised. Applicants who have lived/worked abroad for more than three months within the previous year will need to obtain a criminal record check from the relevant authority in that country. Not all countries, however, provide this service. The advice of the DBS Overseas Information Service must be sought about criminal record checking overseas.

10.2 Where an overseas check is not possible or practicable, the Charity will obtain an additional reference and will may obtain a letter via the applicant from the professional regulating authority (often the Department or Ministry of Education though this varies) in the country (or countries) in which the applicant worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unable to teach.

11. Visitors

11.1.1 Any visitors on programme related activities should have their ID checked and be asked to confirm that they have undergone the necessary DBS checks. They should not be asked to produce the DBS certificate.

12. Safeguarding Induction Training

12.1 All new Trustees, employees and volunteers will be required to complete mandatory safeguarding induction training, regardless of whether they work directly with children and young people. This is in accordance with the Charity's Safeguarding Policy. This will include an introduction to the Charity's safeguarding policies and procedures, including the Safeguarding Policy and the Code of Conduct. It will also explain the identity and specific responsibilities of individuals with designated safeguarding responsibilities.

12.2 Information will be provided about safe practice. The induction training will provide trustees, and staff with a full explanation of their roles and responsibilities – and expectations which will govern how they carry them out, and the standard of conduct and behaviour expected from them. Employees will be made aware of the Charity's personnel procedures relating to disciplinary issues, and volunteers will be made aware that any potential breach of the Charity's Code of Conduct will be treated seriously and could result in them being asked to cease to volunteer. Staff will also be made aware of the whistle-blowing policy which is contained in the Charity's Employee

12.3 The induction training will also include child protection training which will be tailored at a level appropriate to the staff member's work with children.

12.4 Probationary periods of 3 months will typically apply for new employees, during which time performance will be monitored. The Charity reserves the right to extend this period by a further 6 months at its absolute discretion.

13. Single Central Record of Recruitment and Vetting Checks

13.1 A single central record of recruitment and vetting checks of trustees and staff members as well as contractors and agency staff, will be kept by the Charity. This is kept up to date by the Human Resources team.

14. Record Retention/Data Protection

14.1 All data will be processed and retained in accordance with the Charity's Privacy Policy.

15. Ongoing Employment and Volunteering

15.1 The Charity recognises that it must have robust policies and procedures in place for recruitment and selection which should be viewed as initial measures in an ongoing commitment to create a safe organisation. The Charity will therefore provide ongoing training and support for trustees and staff, as identified through its appraisal system.

15.2 DBS certificates and other relevant vetting checks will be checked again after [3] years.

16. Leaving the Charity – referrals to the DBS

16.1 Despite the best efforts to recruit safely, there may be occasions when safeguarding concerns or allegations are made in relation to individuals associated with the Charity. This Policy is primarily concerned with the promotion of safer recruitment, including the satisfactory completion of necessary pre-appointment checks prior to a successful applicant being offered an appointment. While these are pre-appointment checks, the Charity also has a legal duty to make a referral to the DBS in circumstances where both of the following two conditions have been met:

16.1.1 Condition 1

- The Charity withdraws permission for an individual to engage in regulated activity with children, or it moves the individual to another area of work that is not regulated activity. This includes situations where the Charity would have taken this action, but the individual was re-deployed, resigned, retired or left. For example, an individual resigns when an allegation of harm to a child is first made.

16.1.2 Condition 2

- The Charity thinks the individual has carried out one of the following:
 - o engaged in relevant conduct in relation to children. An action or inaction has harmed a child or put them at risk or harm; or
 - o satisfied the harm test in relation to children – for example, there has been no relevant conduct but a risk of harm to a child still exists; or
 - o been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

16.2 Relevant conduct in relation to children

- Relevant conduct refers to when an individual:

- o endangers a child or is likely to endanger a child;
- o if repeated against or in relation to a child would endanger the child or be likely to endanger the child;
- o involves sexual material relating to children (including possession of such material);
- o involves sexually explicit images depicting violence against human beings (including possession of such images);
- o is of a sexual nature involving a child.

- A person's conduct endangers a child if they:

- o harm a child;
- o cause a child to be harmed;

- o put a child at risk of harm;
- o attempt to harm a child;
- o incite another to harm a child.

16.3 What is harm?

- This is not defined in legislation. The DBS view harm as its common understanding or the definition that may be found in a dictionary.

- Harm is considered in its widest context and may include:

- o sexual harm;
- o physical harm;
- o financial harm;
- o neglect;
- o emotional harm;
- o psychological harm;
- o verbal harm.

- This is not a fully comprehensive list, harm can take many different forms.

16.4 What is the harm test?

- A person satisfies the harm test if they may harm a child or put them at risk of harm. It is something a person may do to cause harm or pose a risk of harm to a child.

17. Contractors and agency staff

17.1 The principles of safe recruitment will be included in the terms of any contract drawn up between the Charity and contractors or agencies that provide services for, or adults to work with, children in association with the Charity. The Charity will monitor compliance with

the contract which will also include a requirement that the provider will not sub-contract to any personnel who have not been part of a safer recruitment process.

17.2 Contractors engaged by the Charity must complete the same pre-appointment checks for their employees that the Charity completes for its staff. The Charity requires written confirmation that these checks have been completed before employees of the Contractor can commence work with children and young people in association with the Charity.

17.3 Agencies who supply staff to the Charity must also complete the same pre-appointment checks which the Charity completes for its employees or volunteers. Again, the Charity requires written confirmation that these checks have been completed before agency staff can commence work at the Charity, or with children and young people in association with it.

17.4 The Charity will independently verify the identity of all staff supplied by contractors or an agency, and will require the provision of the original DBS certificate before contractors or agency staff can commence work with children and young people in association with the Charity.

18. Monitoring and evaluation

18.1 The Charity is committed to monitoring all recruitment procedures to ensure that the best possible procedures are in place. The Chief Executive Officer will be responsible for ensuring this Policy is monitored and evaluated with respect to its effectiveness and implementation.

19. Review

19.1 This Policy will be regularly monitored and reviewed by the Executive Team and Board of Trustees.