

Schools Recruitment and Selection Policy and Procedure

Lambeth Council is committed to safeguarding and promoting the welfare of children and young people and expects all staff, volunteers and external agencies to share this commitment.

**Approved by: Schools Human Resources
 Trade Unions**

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1. Policy

1.1 Aim

Lambeth Council and all Lambeth Schools are committed to Safer Recruitment. Our aims for Safer Recruitment and selection are:

- To recruit the right people into the right jobs at the right time, in a fair, consistent and cost-effective manner.
- To promote and practice safe recruitment and selection, in line with the Council's/Schools Criminal Records Bureau (CRB) policy and the Council's/School's ongoing commitment to the safeguarding of children and vulnerable adults.
- To achieve, through recruitment and succession planning, a workforce that reflects, at all levels and in all jobs, the diversity of the community and customers we serve.
- To ensure all recruitment and selection processes and decisions conform to legislative requirements and are undertaken in accordance with other related Council/School policies.
- To ensure that all partnership agencies and organisations adhere to the Council's/Schools' comprehensive safer recruitment procedures.

1.2 Scope

This policy and procedure applies to all recruitment campaigns run by and on behalf of the Council/School. The appointment of agency workers and consultants is covered by arrangements with the School and the agency.

1.3 Responsibilities

Headteachers/line managers are responsible for ensuring that:

- they have the necessary funding for the post to which they wish to recruit;
- recruitment panel members have an understanding of the requirements of the post and panel members have attended recognised Recruitment & Selection training;
- the vacant post has an up to date job description and person specification;
- disabled persons who meet the essential shortlisting criteria are shortlisted in line with the accreditation standards for "Positive About Disabled People" (Two Tick Symbol);
- they do not involve themselves in the appointment of personal friends or relatives. (This would also apply to professional associates, where a conflict could arise).
- Advertise vacancies in accordance with this policy and procedure.

Schools Human Resources is responsible for:

- providing appropriate support and guidance throughout the recruitment process;
- ensuring that appointments at Headteacher and Deputy Headteacher level are made by the Governing Body in accordance with the School staffing regulations;
- monitor and advice on best practice on the application and effectiveness of the procedure, reporting trends and non-compliance.
- advising on appropriate selection methodologies (advertising media, selection tests etc.)

1.4 Confidentiality

- 1.4.1 All information obtained from applicants in the recruitment and selection process will be treated confidentially and will be confined to those involved in the process. Monitoring information is used to ensure the Council attract a broad range of people from all sections of the local community and will not be shared with the selection panel.

1.5 Training / Accreditation

- 1.5.1 To ensure the consistent application of this Policy and Procedure the Council/School requires that, as far as possible, all staff involved in the process of recruitment familiarise themselves with the Council's/School's Criminal Records Bureau (CRB) policy and safer recruitment guidelines, prior to undertaking any recruitment and selection.
- 1.5.2 Where selection panels comprise of representatives from other organisations, the chair of the recruitment panel should ensure that they adhere to the standards in this document and that they are trained or accredited for prior learning appropriately.

1.6 Occupational tests

- 1.6.1 Recruitment & selection tests/tasks/assessments will only be used when relevant to the vacant post and where they add value to the recruitment and selection process.
- 1.6.2 Recruitment & selection tests/tasks/assessments whether basic (e.g. spelling or typing) or more detailed (e.g. special aptitude tests, presentations) will be conducted through the school who will be responsible for the process, ensuring that it avoids unfair discrimination, that it is appropriately marked, and that it is reliable, acceptable and fit for purpose. There will be clear scoring criteria from the outset.
- 1.6.3 Where it is intended to use any of these arrangements, applicants must be notified in writing beforehand. Tests and profiles will be reasonably adjusted to accommodate any requirements of disabled applicants.
- 1.6.4 All results shall be evaluated and interpreted by suitably trained panel; shall be regarded as confidential and restricted to those involved in the selection process; and shall be judged only in relation to the criteria previously specified.

1.7 Posts with access to children and other vulnerable people

- 1.7.1 The Council/School recognises that some people are vulnerable and at risk through potential misuse of power by service providers. It is determined to ensure that all its customers enjoy a safe and positive experience of its service. In this context the recommendations of both the Warner report and the Bichard Inquiry have been incorporated into the staff selection procedure. These provisions must be applied rigorously so candidates are left in no doubt about the Council's/School's determination to appoint staff who pose no threat to customers. The Council/School is committed to listening to children

and other vulnerable customers and therefore includes rigorous processes for recruitment to posts providing services to such users.

1.7.2 For posts with access to children and other vulnerable people, the recruitment pack should include a statement which conveys how rigorous staff recruitment and selection contributes to the Council's/School's overall commitment to protect children/vulnerable adults from abuse through to the delivery of safer environments and services for children/ vulnerable adults and their families/carers.

1.7.3 Also, a statement should tell successful applicants for these posts that,

- Current and former employers will be asked about allegations, disciplinary investigations and their outcomes, etc
- CRB disclosure will be sought
- Evidence of identity and proof of address will be required.
- The recruitment and selection panel will thoroughly explore any gaps or inconsistencies in the employment record and question repeated changes in employment
- No candidate will be able to commence employment with the Council/School until the results of all pre-employment checks are received and satisfactory
- Candidates will need to demonstrate their suitability for access to children and/or vulnerable adults.

1.8 Disabled candidates

1.8.1 Person specifications must not discriminate against disabled persons, either directly or indirectly, by the inclusion of criteria which are not justifiable by reference to the requirements of the post. Disabled persons who are judged by the manager/panel to meet all essential shortlisting criteria must be included on the shortlist. The panel will consider what support or adaptations would be needed by any disabled candidate to enable them to carry out the duties of the post. Decisions as to who is the best person for the job should be taken on the basis of the criteria in the person specification alone. Once the panel has selected the best candidate(s) for the post they should consider the effect of the disability and determine whether it can be overcome by adaptation of the working environment at a reasonable cost. Adaptations may include adjustments to the working arrangements of the existing team where appropriate. Further information can be found in the Council's **disabilities guidance**.

1.9 Politically restricted posts

1.9.1 Politically restricted posts are:

- those paying the equivalent of spinal column point 44 of the NJC APT&C salary scale plus London Weighting, and
- posts which require giving advice to the authority on a regular basis or speaking on behalf of the authority on a regular basis.
- posts in the political group office which will be subject to the Memorandum of Understanding between the Council/School and the employee.

More details on politically restricted posts can be found in the Council's/School's code of conduct.

1.10 Work permits

1.10.1 Workers within the European Economic Area (EEA)

Work permits are not required for citizens of EEA member states/those with British citizenship or UK residency. However there are some restrictions on workers from new member states. Schools Human Resources will provide advice to schools if there is any concern over the validity of an application.

1.10.2 Workers from outside the EEA

From November 2008 the UK Border Agency introduced a new point's based system for work permit applications. Only Maths and English teaching jobs at Secondary schools are currently on the shortage occupation list and are guaranteed work permits. Schools wishing to employ workers from outside of the EEA for all other positions (other than Maths and English), should contact Schools Human Resources. Applicants for these positions are no longer guaranteed work permits and are subject to strict criteria that schools need to show they have met in order for the LA to issue certificates of sponsorship. Without the certificate a work permit application can not be made.

1.10.3 Employers are required to take measures to ensure that people recruited to employment are eligible to work in the U.K. The Council currently requires a valid passport with eligibility to work in the UK for a specific period of time or a full birth certificate for citizens born in the UK as well as evidence of National Insurance (NI) Number or proof that the candidate is actively making an application for one with the Department for Work & Pensions (DWP). The DWP will only issue an NI Number for workers from overseas once a job offer has been made.

1.11 Rehabilitation of Offenders

1.11.2 All posts in schools are exempt from the Rehabilitation of Offenders Act 1974 (ROA).

1.12 Appointing staff over 65

1.12.1 The normal retirement age of men and women is 65 years of age. Staff may request to continue working beyond the age of 65 but there is no automatic entitlement to do so. It is not unlawful to refuse to appoint new staff aged over 65. See the Planned Retirement policy for further information.

1.13 Appointment of staff who have previously been made redundant/taken early retirement.

1.13.1 There is no restriction on the subsequent re-employment of former local authority staff who have retired or been made redundant. However, headteachers and governors are advised to be able to justifiably show that they acted reasonably and that each such redundancy met the statutory definition of redundancy and all opportunities for alternative employment had been explored. Ex local authority staff should be aware of the financial implications if they are re-employed, particularly if they are in receipt of a local authority/teaching pension.

2. Procedure

2.1 Recruitment checklist

2.1.1 Consider alternative solutions

Where a post becomes vacant or new/ additional tasks arise, consideration should be given to alternative solutions to filling the vacancy, for example,:

- Reallocating work on a temporary basis using honorarium or acting up arrangements
- Advertise the position internally on a temporary basis as a Secondment opportunity allowing opportunity for career development and encouraging succession planning
- Sub contracting work using agency worker as a last resort

If filling the vacancy or establishing a new job is necessary, a recruitment panel should be established (a minimum of three members is desirable at least one of whom should be fully familiar with guidelines around Safer Recruitment). Interview and testing methods which support the Job Description and Person Specification should also be established at this early stage. Wherever practical, panel members should be balanced by gender, race and experience.

2.1.2 Complete a new Job Description and Person Specification or revision of an existing Job description and person specification

All job descriptions should include:

- Job title, school name, grade;
- Line management and supervisory arrangements;
- Main purpose of job and principal duties and responsibilities.
- Necessity of CRB disclosure where appropriate
- Safeguarding responsibilities
- Health and Safety
- Data Protection
- Equal opportunities

Further details on how to draft a job can be found in the job description guidance

Draft/review the person specification and selection criteria, making it clear which are essential elements. The person specification should detail the minimum qualifications, experience, knowledge, skills, and abilities essential to do the job adequately. Physical requirements should not exclude disabled persons using aids and adaptation. Qualifications should only be requested if a requirement of the post. Experience should be expressed as type and breadth not time; Equalities and diversity dimension of job should be included in the specification).

Further details on drafting a person specification can be found in the job description guidance.

2.1.3 Establish grade

Establish the appropriate grade and rate of pay for the job through the Council's recognised Job Evaluation process.

Consider options in the context of funding available including:

- Costs of pay and fringe benefits;
- Appointment on temporary/fixed term basis;
- Flexibility of contract e.g. part time/other non standard work pattern.

Update school staffing records

- Post Number; title; grade; salary; full time/part time; end date if fixed term contract.
- Any Genuine Occupational Qualifications.
- Necessity of Enhanced CRB disclosure.

2.1.4 Timetable

Draw up a timetable for the recruitment process:

- Date of advert/closing date/shortlisting date;
- Dates of tests/pre-meeting/interviews ;
- Reserve the dates into panel members diaries as early as possible

2.1.5 Create advertisement and information pack

Draw up advertisement to include :

- Job title, pay and fringe benefits
- Location/hours if not standard
- Brief summary of job/key requirements
- Clearly state that the post is subject to enhanced CRB disclosure
- Statement promoting the Council's/School's commitment to the safeguarding of children and vulnerable adults
- Special conditions of employment
- Where to get further details
- Closing date, normally two weeks from date of appearance
- Equalities and diversity statement/suitability for job sharing

Draft information pack, including:

- Covering letter and timetable for interview;
- Job description and person specification;
- Application form (exempt from Rehabilitation of Offenders Act provisions, ensure that candidates are aware that they must give details of all previous convictions)
- Conditions of service, including whether post is politically restricted and subject to a declaration of interest;
- Closing date for receipt of applications and timetable for interviews;
- Whether or not if unsuccessful candidates will be contacted at the shortlisting stage.

2.1.6 Determine selection criteria

Determine method(s) of selection:

- Consider whether to include presentations/assessment centres/work sample tests/skills tests/psychometric tests/in tray exercises
- Ensure tests do not contain unjustifiable bias in content or scoring mechanism and do not place disabled candidates at a disadvantage
- Ensure interview methods support the Job Description and Person Specification whilst at the same time question a persons motivation for working with children.
- Ensure the Council's/School's commitment to the safeguarding of children is made obvious from the outset

- Ensure candidates are offered feedback and told their results if they ask

2.1.7 Shortlist and interview

- a. All candidates should be assessed against the person specification. Reason for not shortlisting should be recorded and provided to candidates if requested.

Incomplete/late application forms to be considered at the panel's discretion

When inviting candidates for interview, Headteacher's/Line Managers:-

- give enough notice of date, time, place, directions, stating where and who to report to on arrival;
- give information about the process e.g. presentation, tests and send practice versions of psychometric tests if applicable;
- request details of needs of disabled candidates;
- request confirmation that candidate will attend (give contact name and phone number).

All candidates should be asked the same core questions which must only relate to the Person Specification. Supplementary questions to probe deeper into the subject area should relate to the core questions. It is advisable to probe as much as possible to ensure the fairest possible assessment of candidates.

- b. To help ensure the safeguarding of children, applicants to posts having access to children should be asked a range of supplementary questions to probe their capacity to meet certain person specification criteria. This should include questions about:
 - The candidate's motivation to work with children.
 - Clarifying any gaps in work history and educational background or anomalies that appear on the application form.
 - The candidate's attitude to the use of power and authority.
 - Their attitude to the use of punishment and/or reward systems.
 - The person's understanding of the job and why they wish to do it.
- c. Decide who to appoint:
 - each panel member to assess candidates against person specification requirements;
 - establish choices in order of preference;
 - if a disabled person is the best person for the post, consider the need for adaptations of the working environment;
 - record any amended assessments following discussion;
 - record reasons for not appointing any unsuccessful candidate.

Contact candidates:

- contact successful candidate(s) with provisional offer via a telephone call ;
- inform unsuccessful candidates ;
- offer feedback and reasons for rejection where requested;
- where no candidate is considered suitable, reconsider job requirements.

2.1.8 References

- Applicants must provide details of a minimum of two employment referees, covering at least the last 3 years one of whom should be their current or most recent employer. Friends, relatives and anyone living at the same address as a candidate must not be used as referees. Candidates must state the capacity in which the referee is known to them.
- School, College and University leavers may use teachers or tutors as referees.
- Internal candidates successful in their application for Secondments within the Council/School will only be subject to one employment reference.
- References will only be taken prior to the interview process.
 - Confirmation of the following should be sought in writing:
 - post held, dates employed, salary at time of leaving
 - principal responsibilities
 - skills, knowledge & abilities (focusing on the key person specification requirements)
 - candidates performance, attendance, timekeeping and conduct
 - disciplinary record, details of any criminal convictions and whether the post is exempt or non exempt under the Rehabilitation of Offenders Act 1974
 - whether or not the applicant should be appointed to the post applied for
- Include a copy of the job description & person specification and state there is an “open files policy” but that confidentiality will be respected where references are given in confidence.
- Any concerns about the reference should be ideally queried in writing and reference should be made of any telephone conversations as support for any subsequent claims of unfair discrimination.

See Appendix D for special provisions relating to those working with children.

- Write to confirm provisional offer of appointment stating offer is subject to satisfactory medical, references, proof of qualifications, CRB checks and declaration of interests, and production of a Passport or Birth Certificate which confirms the person's eligibility to reside and work in the UK. Offer letter should include the following:
 - names of the employer and employee
 - rate of pay and Pay Scales used for calculating pay.
 - intervals at which payments will be made;
 - hours of work;
 - where the employment is not intended to be permanent, the date on which it is intended to end;
 - any relevant collective agreements;
 - disciplinary rules and grievance procedures.

Support Staff

Please note that all new starters shall automatically commence at the lowest spinal point of the grade. Where an employee's post is upgraded through promotion, temporary acting up or secondment, job evaluation or career grade acceleration, the postholder will move to the lowest spinal point of the new grade. In situations where grades overlap, postholders will benefit from the maximum of one incremental point.

2.1.9 Appointment administration:

- chase references if not received and write to current employer if not done previously;
- check references, medical, qualifications, CRB clearance, declaration of interests;
- confirm or withdraw offer of appointment;
- if confirmed, agree start date;
- initiate appropriate probationary (support staff and NQTs) and induction arrangements for all employees

File recruitment record:

- keep details of decisions at shortlisting and appointment stages and reasons for rejection;
- record data for equal opportunities monitoring;
- keep interview notes sufficient to justify decision;
- keep recruitment file confidential and retain for 12 months, after which time it should be destroyed as confidential waste.

3. Other information

3.1 Induction

- 3.1.1 All newly appointed staff, whether they are an internal or external applicant, will receive a full and comprehensive induction by the School and the headteacher/line manager into the post, the team and the Council/School.

3.2 Probation

All newly appointed support staff will be subject to a six month probationary period. See the **School's Probationary Policy and Procedure** for further information.

- 3.2.1 All Newly Qualified Teachers (NQTs) will be subject to a statutory induction period of 1 year in accordance with the Education (Induction Arrangements for School Teachers) (England) Regulations 1999.

Appendix A - Employment of people with convictions

1. General

As the Council/School meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974, all applicants who are offered employment in posts with access to children or as managers of such posts, will be subject to a criminal record check from the Criminal Records Bureau before the appointment is confirmed. This will include details of cautions, reprimands or final warnings, as well as convictions. Further guidance can be found at www.crb.gov.uk

2. Use of Criminal Record/Convictions Information

The disclosure of criminal record information will be used as one tool within the overall recruitment process.

Applicants must be informed at the outset if criminal record information will be requested from them. This will provide a basis for the applicant to decide whether or not to apply for the post. It should be emphasised that this information will be used

only to assess the applicant's suitability for employment, in so far as it is relevant, and that they will be considered on merit and ability and not discriminated against unfairly.

Applicants must be told in writing that relevant criminal convictions and other associated information will be discussed at the interview in order to assess job related risks. They should be encouraged to submit appropriate written details and dates in confidence to a named person responsible for ensuring the security of this highly sensitive information using an envelope marked 'private and confidential'. They should be invited to attach any other information they wish to draw attention to that may improve understanding and fair decision-making.

When recruiting to posts that are exempted under the Rehabilitation of Offenders Act, the level of disclosure of all criminal record information must be specified i.e., Standard Disclosure (including details and dates of 'spent' convictions, cautions, reprimands and final warnings) or Enhanced Disclosure (other relevant non-conviction information including police enquiries and pending prosecutions). When recruiting to posts that are not exempted under the Rehabilitation of Offenders Act, unspent criminal convictions should be taken into account only when they are relevant to the post.

At the selection process, issues concerning offences must be raised with applicants as part of a carefully structured and managed process that allows open and honest discussion.

Applicants must be given the opportunity to discuss Disclosure information before a final recruitment decision is made as part of a post-interview process in consultation with the Council's Safer Recruitment Panel. If information provided in the Disclosure contradicts that provided by the applicant, this will be discussed with the applicant in person as part of a post-selection process. It may be that the Disclosure contains information the applicant was not asked about during the interview, or the applicant was unaware they had a criminal record. It may be they have been given inaccurate information and are under the impression their convictions have become spent under the terms of the Rehabilitation of Offenders Act. It may be they hid their convictions in order to increase their chances of employment. Or, it may be that the information contained in the Disclosure is inaccurate, or relates to someone else with the same name. In any event, applicants should be given the opportunity to explain the situation before a final decision is made.

Where Disclosure information is sought in relation to existing employees and it is then discovered they have failed to disclose an 'unspent' conviction, they will be in breach of the Staff Code of Conduct although this should not lead to automatic dismissal. Only after a full appraisal of the situation by a Safer Recruitment Panel (consisting of the headteacher and /or Chair of Governors, Schools Human Resources and the Council's Schools Safeguarding Manager) including the risks involved, should dismissal be considered. The relevance of the conviction to the post should be established. If an employee deliberately withheld conviction information to gain employment in a non-risk area, disciplinary action must be considered.

3. Assessing the relevance of criminal records

The suitability for employment of a person with a criminal record will vary, depending on the nature of the job and the details and circumstances of any convictions. An assessment of an applicant's skills, experience and conviction circumstances should be weighed against the risk assessment criteria for the job.

An applicant's criminal record will be assessed in relation to the tasks he or she will be required to perform and the circumstances in which the work is to be carried out. The following will be considered when deciding on the relevance of offences to particular posts:

- does the post involve one-to-one contact with children or other vulnerable groups as employees, customers and clients or does it involve management of such posts?
- what level of supervision will the post holder receive?
- does the post involve any direct responsibility for finance or items of value?
- does the post involve direct contact with the public?
- will the nature of the job present any opportunities for the post holder to re-offend in the place of work?

The answers to such questions will help the Council/School to determine the relevance of convictions to specific posts.

For short-listed applicants who are assessed as meeting the requirements of the person specification and who then disclose a criminal record that is not related directly to the post, the Chair of the Selection Panel should discuss the relevance of each offence with the applicant and if necessary, accelerate this to a Safer Recruitment Panel (consisting of the headteacher and /or Chair of Governors, Schools Human Resources and the Council's Schools Safeguarding Manager).

Whilst it will not always be possible to carry out a thorough risk assessment on each individual, the following issues should be taken into account as a minimum requirement:

- -the seriousness of the offence and its relevance to the safety of other employees, customers, clients and property
- the length of time since the offence occurred
- any relevant information offered by the applicant about the circumstances which led to the offence being committed, for example the influence of domestic problems, financial difficulties, drug/alcohol dependency or mental illness
- whether the offence was a one-off, or part of a history of offending
- whether the applicant's circumstances have changed since the offence was committed, making re-offending less likely
- the country in which the offence was committed; some activities are offences in Scotland and not in England and Wales, and vice versa
- whether the offence has since been decriminalised by Parliament
- the degree of remorse, or otherwise, expressed by the applicant and their motivation to change.

4. Implementing safeguards

Information regarding offences must be kept confidential and on a need-to-know basis. Offence information should be kept securely in lockable filing cabinets. Access to keys must be restricted to individuals responsible for recruitment.

Disclosures should be destroyed within six months of the recruitment decision and not later than the period specified in the 'Code of Practice for Registered Persons and other recipients of Disclosure Information'. The name of the individual, the date, type and reference number of the Disclosure and the position applied for etc should

be placed on the single central record. Records of the recruitment decisions taken but must be kept as confidential, secure information.

5. Reviewing policies and procedures

Criminal record information must be used in a way that protects the vulnerable, is fair and improves the overall recruitment and retention process. In particular, the Council/School will:

- review new posts to assess whether they involve any risk
- ensure staff involved in recruitment are provided with guidance on the employment of ex-offenders and the Rehabilitation of Offenders Act
- provide information to staff involved in recruitment, on training and employment programmes for the unemployed, including those programmes that work specifically with ex-offenders
- provide relevant feedback related to their convictions to all unsuccessful applicants.

To provide some additional guidance, some types of offences which normally exclude consideration for appointment [described as Category 1 offences] and some others, [described as Category 2 offences] where the reasonable application of the above guidelines may facilitate a consideration of appointment over time.

Category One Convictions

A conviction for any of the following types of offences would automatically prevent an applicant from being employed by the Council/School in any post involving service user contact (the offences listed are examples):

Convictions involving service users and other vulnerable persons e.g.:

- offences involving any physical, sexual, emotional or financial abuse of children
- offences involving any physical, sexual, emotional or financial abuse of elderly people or other adults who are in dependent relationships to the offender;
- other offences of violence, aggression, abuse or fraud.

Convictions involving employers, their premises or service users' premises e.g.:

- theft from an employer;
- criminal damage to the property of employer or of service user; and/or drunk and disorderly offences where this has occurred at work.

Other convictions e.g.:

- the possession, selling or supplying of or dealing in drugs and/or burglary whether or not involving theft.
- serious motoring offences that call into question the integrity of the offender: e.g. driving whilst disqualified, driving with no insurance.

Category Two Convictions

The following types of convictions categorised generally as being of a less serious nature, would not necessarily prevent employment or a student placement and consideration could be given to time factors and extent of convictions. The convictions listed are examples:

- careless driving, driving under the influence of drink where limit only marginally exceeded
- theft such as shop-lifting.

Appointment could be considered when at least ten years have elapsed between the last conviction and the start date of the placement or appointment etc., for these type of 'Category 2' offences.

Appointment may be considered after at least seven years have elapsed since the last conviction under Category Two where the person was under 18 years of age when the last offence(s) was committed.

In any event Selection Panels should be aware that the decisions suggested above can only be taken when the person declares his/her convictions. If convictions were not declared on the person's Application Form and come to light, following appointment, an investigation will be undertaken.

Where it becomes clear that the person has obtained employment by deception (i.e. not declaring convictions), action will be taken under the Disciplinary Procedure or the matter may in some circumstances be reported to the police.

The main categories of occupations which will require disclosure of all convictions, are:

- Those involving contact (or the management of) with children, the elderly and vulnerable clients;
- Those involved in the administration of law;
- Senior managers in financial services;
- Chartered or Certified Accountants.

Appendix B - Safer recruitment to posts with access to children and vulnerable adults

Please note that these considerations apply to all such posts including those not historically in the Criminal Records Bureau checking process.

Substantial Access

The following criteria will determine whether a particular post has "substantial access" to children. They should also be applied where there is substantial access to vulnerable adults, including elderly people. :

Does the role involve one-to-one contact?

Such contact is relevant, especially if it occurs on a regular basis, away from home, or separate from other adults and children. Be aware that inappropriate people often create opportunities to gain one-to-one contact. Decide how to manage such a risk.

Is the post unsupervised?

Where no other responsible adult is likely to be present and the post involves appreciable periods of time with children or vulnerable people this should be taken into account. Remember that once in post, the person is legitimised and will carry a certain status. This could be manipulated to gain inappropriate access outside the workplace. Take steps to minimise this possibility.

Is the situation an isolated one?

There is a greater vulnerability to a child who is living away from home e.g. in residential care, possibly for lengthy periods, and this may be enhanced the further the child is from the parental home, or where parental visits are infrequent. A similar situation could arise where there is opportunity to take children singly, or in a group, away from the family surroundings (for example, on holiday). This applies to other vulnerable groups as well.

Is there regular contact?

The more regular contact a person has with the same child, or group of children, the greater the opportunity to put the child at risk. This is especially so if the contact is away from others. Intermittent contact, for example parent helpers for school trips, would not normally be regarded as having substantial access for the purpose of requesting checks - although there may be exceptional circumstances of parent helpers in schools whose access to children might be judged substantial in terms of these guidelines. The opportunity for abusers to 'groom' or 'silence' their potential victims or manipulate the environment must be diminished.

Are the children particularly vulnerable?

It may be considered that younger children are more vulnerable than older children and generally less able to protect themselves, but the nature of the risk must also be considered. Younger children may be more at risk of sexual abuse; older children from drugs. More particularly, children with a learning or physical disability, or who have social or behavioural problems, are likely to be more vulnerable than those who are without disability and/or who have a stable home background. There is, however, no conclusive evidence to support any of these considerations. All children and vulnerable people must therefore be given the same protection. There is no comprehensive definition of 'working with children or vulnerable adults', so this is open to interpretation.

It can broadly be defined, however, as 'anyone working in close contact with young people and/or vulnerable adults on a regular basis, as a requirement of the job.

Criminal Record Checking and CRB arrangements

It is essential that people working or volunteering in settings who have close contact with, or are in positions of trust with children or vulnerable adults are suitable for their positions. In conjunction with references, interviews and other selection processes and qualifications, CRB checks enable the employer to make an informed decision about recruitment to these positions.

The CRB process enables an employer to access information from the police, Department for Education and Skills (DfES) and Department of Health (DoH). This will ensure that the employer is alerted to any known concerns regarding the applicant. The employer can then use this information to decide whether or not to offer a position to the applicant.

An enhanced CRB disclosure checks List 99 as well as the PoCA (Protection of Children Act List) and PoVA (Protection of Vulnerable Adults List). No one should begin their employment until CRB checks have been satisfactorily received. Further clarification on this should be sought from Schools Human Resources or the CRB website www.crb.gov.uk

Any applicant for a post which involves contact with children or vulnerable adults is required to be checked via the appropriate arrangements agreed by the Council/Schools within the procedures set up by the Criminal Record Bureau. It is vital that these arrangements are fully complied with, and that appointees to such posts do not take up appointments until appropriate clearances have been received. In addition there are other arrangements in place via procedures operated in various Central Government Departments relating to applicants' suitability for appointments. These arrangements must also be complied with. If there is any doubt about these arrangements, advice must be sought from Schools Human Resources.

Criminal Records Bureau Disclosures

1. CRB Disclosures under 9 months

- 1.1 Any appointee who is due to commence employment with the Council/School and is able to produce their original CRB Disclosure issued within the last 9 months, may commence employment with the Authority whilst the School and Schools Lambeth HR carries out a new CRB Disclosure on the condition they sign a declaration stating they have not incurred (within the last 9 months) any Police charges or investigations, bindovers, warnings, cautions or reprimands.
 - In this case the applicant must produce the following:
 - original disclosure certificate
 - new disclosure application form fully completed
 - relevant identification documents as per CRB guidance
 - consent to the request for disclosure from the CRB counter signatory
- 1.2 Headteacher/Line Manager should ensure that details of the current disclosure is on their new starter personal file and that the new disclosure application is in process.

2. CRB Disclosures over 9 months or applicants with no current CRB Disclosure

- 2.1 In this situation appointees will not be allowed to commence employment with the Council/School until Schools HR has received the outcome of the new CRB Disclosure.

3. Agency Workers

- 3.1 Agency workers who have been appointed to a permanent position that they held as an agency worker must produce the following:
- original disclosure certificate (and if less than 9 months old)
 - new disclosure application form fully completed and sent off to the CRB
 - relevant identification documents as per CRB guidance
 - a declaration stating they have not incurred (within the last 9 months) any Police charges or investigations, bindovers, warnings, cautions or reprimands.

If their most recent disclosure check is more than 9 months old, the agency worker cannot commence employment as a direct Lambeth School employee until all the normal pre-employment checks have been undertaken.

4. Findings on CRB Disclosures

- 4.1 If during any of the above processes an appointee's CRB Disclosure gives details of convictions, cautions, reprimands or warnings, the following criteria must be fulfilled before commencement of employment:
- A further risk assessment must be completed and signed by the Headteacher and provided to the Chair of Governors and to review and sign after consultation with Schools Human Resources and the Council's School Safeguarding Manager.
 - Schools Human Resources must be provided with a copy of the signed risk assessment

References and other checks

It is essential that no one should take up duty until all of the appropriate clearances have been received.

General

The Children Act requires employers to retain employment records of people who have worked with children for 15 years after they have left.

An employer must refer to the Department of Health any individual who is or has been employed in a child care position, if they have been suspended or dismissed on the grounds of misconduct which harmed a child or placed a child at risk of harm.

Please note that rigorous vetting can only be part of the overall assessment of a person's suitability to be appointed. Research indicates that only 10% of adults who have abused children have a criminal conviction for such an offence.

Appendix C – CRB applications

- 1.1 The hiring manager/Headteacher and School Administration team are responsible for informing applicants how to obtain a Disclosure and ensuring that a suitable check is secured prior to them commencing / continuing employment.
- 1.2 The CRB applicant should take the completed CRB application form (in person) to the designated officer in the School Administration team along with the required identification (must be originals) as outlined in the CRB guidelines.
- 1.3 The designated officer will verify identity, check accuracy and complete Section X of the Disclosure form and if necessary the CRB Group 2 form and forward this to Schools Human Resources. The Disclosure form number and date sent should be input to the Single Central Record.
- 1.4 The Senior Schools HR Officer assigned to the School will check accuracy and countersign the Disclosure form and forward this to the CRB. A record will be retained in Schools HR of the Disclosure notice.
- 1.5 Applicants with a current CRB check (less than 9 months old) from a previous employer (or equivalent police check for non-UK passport holders) are required to bring their CRB/Police summary and proofs of identification as outlined in the CRB guidance to the School Administration team for verification. The School Administration team will then confirm in writing with the hiring manager/Headteacher that the verification has taken place
- 1.6 The CRB will send the Disclosure to both the applicant and Schools Human Resources officer who acts on behalf of the School as the registered body. Where a trace on the Disclosure has been highlighted, the Schools Human Resources officer will liaise with the hiring manager/Headteacher to view the Disclosure (the manager/Headteacher will also be required to sign that they have viewed the information contained within the disclosure).
- 1.7 **CRB check satisfactory**
Upon receipt of a satisfactory disclosure an email or letter will be issued to the School Administration team advising of the satisfactory completion of Disclosure and the Disclosure number should be recorded on the Single Central Record.
- 1.8 **CRB check unsatisfactory**
In the event that a Disclosure reveals concerns which do not automatically disqualify the applicant, the Schools Human Resources officer will advise the hiring manager/Headteacher and the Principal HR Manager assigned to the School of the need to further discuss the response with the CRB applicant. The meeting should be arranged within 3 working days and reported back to the Head of Service.

During the meeting the hiring manager/Headteacher and HR representative should discuss any matters revealed with the applicant before a final decision is made. In the event of an applicant not revealing any records obtained during the recruitment process this should not be taken lightly as the recruitment pack information clearly states the necessity to declare any

criminal records, cautions, bindovers etc regardless of the nature of the offence. In such a case the offer will be withdrawn.

After considering all details revealed in the Disclosure, the recruitment panel /Headteacher with advice from schools Human Resources, will make the final decision. They will accept the record and sentence imposed as correct and fair and under no circumstances will they attempt to reach a different decision or make their own judgement. However before a decision is made, they will consider the nature of the offence, past learning, contributions made to the community since the offence, how many offences have been recorded and the time period since the offence(s) etc.

If a decision is made to progress with the Recruitment, a risk assessment will be made and signed off by the Headteacher or Chair of Governors.

- If a decision is made to withdraw the job offer, a full explanation will be provided to the applicant explaining the reason(s) for doing so based on the outcome of the CRB along with advice and judgement from Schools Human Resources.
- In the event that the Disclosure reveals that the applicant is disqualified from working with children or vulnerable people, the hiring manager/Headteacher and the applicant should immediately be informed in writing.

Appendix D – References

It is recommended that every applicant is asked to provide the name and address of at least two referees (including the applicant's current or most recent employer) who can comment on the applicant's experience, skills, knowledge, abilities or character. If the current or most recent employer is not given as a referee, without good reason, it is recommended that a reference from the applicant's current or most recent employer is made a condition of appointment. Applicants must provide details of two employment referees, one of whom should be their current or most recent employer. **Friends, relatives and anyone living at the same address as a candidate must not be used as referees.** Candidates must state the capacity in which the referee is known to them.

Current or most recent employer may not be an appropriate referee:

- when the current or most recent employment was self-employment;
- when the most recent employer no longer exists, or their location is unknown to the applicant;
- when the most recent employment was so long ago or of such short duration that it is unreasonable to take up a reference based on it;
- when the most recent employment was so long ago that the previous employer would be unlikely to give a useful reference;
- when the applicant has not been employed before.

Where the Headteacher/Line Manager considers it inappropriate for a current or most recent employer to be given as a referee, it is recommended that applicants are required to provide an alternative referee who can comment on the applicant's experience, skills, knowledge, abilities or character.

References should normally:

- be requested in writing, seeking comments on the applicant's suitability for the post applied for. (Open references, i.e. addressed "to whom it may concern", may be acceptable where specific references are not otherwise available but their authenticity should ideally be supported with telephone or email confirmation from the author and / or organisation).
- be taken up after final interviews have been held.
- be a condition of any oral or written offers of employment.
- include from the current or most recent employment referee:
 - (a) dates of employment, job title, salary, grade;
 - (b) description of the duties performed in the post(s) held;
 - (c) description of the skills, knowledge and experience gained in this employment;
 - (d) reason for termination of employment, if it has terminated;
 - (e) any proven disciplinary offences, any outstanding disciplinary proceedings (account should be taken of the seriousness of any offence, the time elapsed and its relevance to the current employment);
 - (f) description of any criminal convictions that would exclude the applicant from employment under the person specification (The reference request should indicate whether the post is exempted under the Rehabilitation of Offenders Act 1974. If not exempted, any 'spent' convictions should be disregarded).

References should normally be disclosed to the applicant on request, unless explicitly provided 'in confidence' by the referee.

Oral references should normally be sought only of nominated referees and where referees have failed to respond to a written enquiry. Detailed notes should be made, dated and signed by the person receiving an oral reference.

Employment starting before references are received should normally be made subject to the receipt of satisfactory references and should be terminated if these are not received. Those working with children and vulnerable adults must not start employment before all necessary checks and references have been received.

Clarify in writing with the referee any ambiguities in a reference or concerns arising out of the reference. Treat any such clarification as part of the reference and disclose to the applicant on request, unless explicitly provided 'in confidence' by the referee.

Discuss with the applicant any areas of concern arising out of a reference. Record in writing the discussions about these concerns and, if the concerns are unresolved, inform the applicant that any offer of employment is withdrawn.