



SAFER RECRUITMENT POLICY & PROCEDURES POLICY STATEMENT

The safety and wellbeing of service users is our top priority, and we take all reasonable and sensible measures to ensure they are kept safe from harm.

We operate a Safer Recruitment policy which ensures that all our staff are committed to safeguarding and promoting the welfare of children/adults.

This helps ensure the safety of the children/adults who attend our centres.

INTRODUCTION

The safe recruitment of staff in SPLASH is the first step to safeguarding and promoting the welfare of children/adults in our care. SPLASH is committed to safeguarding and promoting the welfare of all children/adults in its care. As an employer, SPLASH expects all staff and volunteers to share this commitment.

AIMS AND OBJECTIVES

The aims of the Safer Recruitment Policy are to help deter, reject or identify people who might abuse children/adults or are otherwise unsuited to working with them by having appropriate procedures for appointing staff.

The aims of SPLASH's recruitment policy are as follows: •

- To ensure that the best possible staff are recruited based on their merits, abilities and suitability for the position
- To ensure that all job applicants are considered equally and consistently
- To ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age
- To ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance such as the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS)
- To ensure that SPLASH meets its commitment to safeguarding and promoting the welfare of children/adults and young people by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

SPLASH has a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the job.

The recruitment and selection process should ensure the identification of the person best suited to the job at SPLASH based on the applicant's abilities, qualification, experience and merit as measured against the job description and person specification. The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, and relevant safeguarding legislation and statutory guidance.

If a member of staff 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 the individual's application and avoid any involvement in the recruitment and selection decision-making process. SPLASH aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job vacancies at SPLASH.

ROLES AND RESPONSIBILITIES

It is the responsibility of the governing body to:

- Ensure that SPLASH has effective policies and procedures in place for recruitment of all staff and volunteers in accordance all the legal requirements
- Monitor SPLASH's compliance with them

It is the responsibility of the Senior Leadership Team and other Managers involved in recruitment to

- Ensure that SPLASH operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at SPLASH
- To monitor contractors' and agencies' compliance with this document
- Promote the welfare of children/adults and young people at every stage of the procedure

Trustees may be involved in staff appointments, but the final decision will rest with the SLT.

Definition of Regulated Activity and Frequency

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government has produced a Factual note on regulated activity in relation to children/adults Regulated activity includes:

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

Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

Any position undertaken at, or on behalf of SPLASH will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- Satisfies the "period condition", meaning four times or more in a 30-day period; and provides the opportunity for contact with children/adults.

Roles which are carried out on an unpaid/voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

RECRUITMENT AND SELECTION PROCEDURE

Advertising

To ensure equality of opportunity, SPLASH will advertise all vacant posts to encourage as wide a field of applicant as possible, normally this entails an external advertisement.

Any advertisement will make clear SPLASH's commitment to safeguarding and promoting the welfare of children/adults.

All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act (DPA).

Application Forms

SPLASH uses its own application form, and all applicants for employment will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role (in addition all applicants are required to account for any gaps or discrepancies in employment history).

Incomplete application forms will not be shortlisted.

The application form will include the applicant's declaration regarding convictions and working with children/adults and will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974. CV's will not be accepted.

It is unlawful for SPLASH to employ anyone who is barred from working with children/adults. It is a criminal offence for any person who is barred from working with children/adults to apply for a position at SPLASH. All applicants will be made aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and referral to the police and/or the DBS.

Job Descriptions and Person Specifications

A job description is a key document in the recruitment process and must be finalised prior to taking any other steps in the recruitment process. It will clearly and accurately set out the duties and responsibilities of the job role.

The person specification is of equal importance and informs the selection decision. It details the skills, experience, abilities and expertise that are required to do the job. The person specification will include a specific reference to suitability to work with children/adults.

References

References for shortlisted applicants will be sent for immediately after short listing. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted at that stage. In such cases, this reference will be taken up immediately after interview.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by SPLASH. One of the references must be from the applicant's current or most recent employer. If the current / most recent employment does/did not involve work with

children/adults, then the second reference should be from the employer with whom the applicant most recently worked with children/adults. The referee should not be a relative. References will always be sought and obtained directly from the referee, and their purpose is to provide objective and information to support appointment decisions.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children/adults. Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of "extremism".

Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

Any discrepancies or anomalies will be followed up. Direct contact by phone will be undertaken with each referee to verify the reference.

SPLASH does not accept open references, testimonials or references from relatives.

Interviews

There will be a face-to-face interview wherever possible, and a minimum of two interviewers will see the applicants for the vacant position. The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will enable the panel to explore any anomalies or gaps have been identified in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training).

Any information regarding past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process if it has been disclosed on the application form.

At least one member of any interviewing panel will have undertaken safer recruitment training or refresher training as applicable.

All applicants who are invited for an interview will be required to bring evidence of their identity, address and qualifications. Original documents will only be accepted, and photocopies will be taken. Unsuccessful applicant documents will be destroyed six months after the recruitment programme.

OFFER OF APPOINTMENT AND NEW EMPLOYEE PROCESS

SPLASH carries out several pre-employment checks in respect of all prospective employees.

If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- The agreement of a mutually acceptable start date and the signing of a contract incorporating SPLASH's standard terms and conditions of employment
- Verification of the applicant's identity (where that has not previously been verified)
- The receipt of two references (one of which must be from the applicant's most recent employer) which SPLASH considers being satisfactory
- For positions which involve "respite break work":
 1. SPLASH being satisfied that the applicant is not, and has never been, the subject of any proceedings before a professional conduct panel or equivalent body in the UK or any other country for any reason which prevents the applicant working at the

2. alternatively, information which, in SPLASH's opinion, renders the applicant unsuitable to work at SPLASH

- Where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which SPLASH considers to be satisfactory
- Where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children/adults Barred List*
- Confirmation that the applicant is not subject to a direction under section 79 of the Charities Act 2016 which prohibits, disqualifies or restricts them from providing working at SPLASH, taking part in the management of an independent SPLASH
- Verification of the applicant's medical fitness for the role; verification of the applicant's right to work in the UK
- Any further checks which are necessary as a result of the applicant having lived or worked outside of the UK and
- Verification of professional qualifications which SPLASH deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified)

SPLASH is not permitted to check the Children/adults Barred List unless an individual will be engaging in "regulated activity". SPLASH is required to carry out an enhanced DBS check for all staff, supply staff and Trustees who will be engaging in regulated activity. However, SPLASH can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.

Whether a position amounts to "regulated activity" must, therefore, be considered by SPLASH in order to decide which checks are appropriate. It is however likely that in nearly all cases SPLASH will be able to carry out an enhanced DBS check and a Children/adults Barred List check.

A personal file checklist will be used to track, and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personal files.

The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with or having access to children/adults. Therefore, any convictions and cautions that would normally be considered 'SPENT' must be declared when applying for any position at SPLASH.

DBS (Disclosure and Barring Service) Check (formerly known as CRB Disclosure)

SPLASH applies for an enhanced disclosure from the DBS and a check of the Children/adults Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at SPLASH which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children/adults by inclusion on the Children/adults Barred List and to obtain other relevant suitability information.

It is SPLASH's policy that the DBS disclosure must be obtained before the commencement of employment of any new employee.

It is SPLASH's policy to re-check employee's DBS Certificates every two years and in addition, any employee that takes leave for more than three months (i.e., maternity leave, career break, etc) must be rechecked before they return to work.

Members of staff at SPLASH are aware of their obligation to inform The SLT of any cautions or convictions that arise between these checks taking place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence.

Portability of DBS Certificates Checks

Staff may wish to join the DBS Update Service if they are likely to require another check in the future. Applicants may sign up to the Service if their check was issued after 17 June 2013, the fee is payable by the applicant.

DBS Certificate the DBS no longer issue Disclosure Certificates to employers; therefore employees/applicants should bring their original Certificate to the Human Resources Department within seven days of issue or applicants before they commence work or any project involving regulated activity.

Dealing with convictions

SPLASH operates a formal procedure if a DBS Certificate is returned with details of convictions. Consideration will be given to the Rehabilitation of Offenders Act 1974 and:

- The nature, seriousness and relevance of the offence; how long ago the offence occurred
- One-off or history of offences; changes in circumstances
- Decriminalisation and remorse

A formal meeting will take place face-to-face to establish the facts with SLT. A decision will be made following this meeting. If relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the SLT will evaluate all the risk factors above before a position is offered.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, SPLASH may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status.

All applicants invited to attend an interview at SPLASH will be required to bring their identification documentation such as passport, birth certificate, driving licence, etc. with them as proof of identity/eligibility to work in the UK in accordance with those set out in the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines. SPLASH does not discriminate on the grounds of age.

Where an applicant claims to have changed their name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change.

Medical Fitness

SPLASH is required to verify the medical fitness of anyone to be appointed to a post at SPLASH, after an offer of employment has been made but before the appointment can be confirmed.

All applicants are requested to complete a medical questionnaire and where appropriate a doctor's medical report may be required. This information will be reviewed against the Job Description and the Person Specification for the role, together with details of any other physical or mental requirements of the role

SPLASH is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence and considering reasonable adjustments.

Overseas Checks

Applicants who have lived/travelled abroad for more than three months within the previous year will need to obtain a criminal record check from the relevant country. The applicant will not be permitted to commence work until the overseas information has been received and is considered satisfactory by SPLASH.

Induction Programme

All new employees will be given an induction programme which will clearly identify SPLASH's policies and procedures, including the Child and Adult Safeguarding Policy, the Code of Conduct, and make clear the expectations which will govern how staff carry out their roles and responsibilities.

Register of Members of Staff and Volunteers

In addition to the various staff records kept in SPLASH and on individual personnel files, a record of recruitment and vetting checks is kept. This is kept up-to-date and retained by SLT (for staff and office volunteers) The Register will contain details of the following:

All employees who are employed to work at SPLASH;

- All employees who are employed as supply staff to SPLASH whether employed directly or through an agency
- All others who have been chosen by SPLASH to work in regular contact with children/adults. This will cover volunteers, Trustees, people brought into SPLASH to provide services.

Record Retention / Data Protection

SPLASH is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, SPLASH will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to help SPLASH to discharge its obligations as an employer e.g. so that SPLASH may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained by SPLASH for the duration of the successful applicant's employment with SPLASH. All information retained on employees is kept centrally with SLT, in a locked and secure cabinet.

The same policy applies to any suitability information obtained about volunteers involved with SPLASH activities.

SPLASH will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed (i.e., shredded). The six-month retention period is in accordance with the Data Protection Act 1998.

Ongoing Employment

SPLASH recognises that safer recruitment and selection is not just about the start of employment but should be part of a larger policy framework for all staff. SPLASH will, therefore, provide ongoing training and support for all staff, as identified through the Annual Review/appraisal procedure.

Leaving Employment at SPLASH

Despite the best efforts to recruit safely, there will be occasions when allegations of serious misconduct or abuse against children/adults and young people are raised. This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. While these are pre-employment checks SPLASH also has a legal duty to make a referral to the DBS in circumstances where an individual:

- Has applied for a position at SPLASH despite being barred from working with children/adults
- or has been removed by SPLASH from working in regulated activity (whether paid or unpaid)
- or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

Contractors and agency staff

Contractors engaged by SPLASH must complete the same checks for their employees that SPLASH is required to complete for its staff. SPLASH requires confirmation that these checks have been completed before employees of the Contractor can commence work at SPLASH.

Agencies who supply staff to SPLASH must also complete the pre-employment checks which SPLASH would otherwise complete for its staff. Again, SPLASH requires confirmation that these checks have been completed before an individual can commence work at SPLASH

SPLASH will independently verify the identity of staff supplied by contractors or an agency in and will require the provision of the original DBS certificate before contractors or agency staff can commence work at SPLASH.

Volunteers

SPLASH will request an enhanced DBS disclosure and Children/adults 's Barred List information on all volunteers undertaking regulated activity with children/adults at or on behalf of SPLASH (the definition of regulated activity set out above will be applied to all volunteers).

Under no circumstances will SPLASH permit an unchecked volunteer to have unsupervised contact with children/adults.

It is SPLASH's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with SPLASH for one year or more. Volunteers on break as asked to declare any new convictions since their last DBS check within the one-year period. Those volunteers who are likely to be involved in activities with SPLASH on a regular basis may be required to sign up to the DBS update service as this permits SPLASH to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition, SPLASH will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to the following):

- Formal or informal information provided by staff and other volunteers
- Character references from the volunteer's place of work or any other relevant source
- and an informal safer recruitment interview
- Online background checks.

Monitoring and Evaluation

The SLT will be responsible for ensuring that this policy is monitored and evaluated. This will be undertaken through formal audits of job vacancies and a yearly Safer Recruitment Evaluation audit which will be presented to the Advisory Group for Safeguarding Children/adults to report to the governing body.

Safeguarding

At SPLASH, safeguarding is paramount, and we are fully committed to ensuring the welfare and safety of all our children/adults.

We believe that children/adults have a right to stay in a supportive, caring and safe environment which includes the right to protection from all types of abuse; where staff are vigilant for signs of any child in distress and are confident about applying the processes to avert and alleviate any such problems.

If any behaviour is a concern in relation to safeguarding SPLASH procedures and processes will always be followed in accordance with the Safeguarding Policy.

Any concerns will be referred to the Designated Safeguarding Lead and reported at the Advisory Group. Our Safeguarding Trustee is Sister Christine Frost.

Manager Signature: Sr. Christine Frost Date: 17/04/20

Review

This Policy will be regularly monitored and reviewed by the SLT and Trustees at the first month of every year.

