



SAFER RECRUITMENT POLICY

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Safer Recruitment Policy Statement

Fresh Start Management Services Ltd are committed to safeguarding and recognise that safe recruitment is the first step to safeguarding and promoting the welfare of all students.

As a provider that works nationally, we align our policies and procedures in accordance with national policy and Local Safeguarding Children Boards Guidance. Our commitment to safeguarding runs through our whole recruitment process and is evident at all stages of the process in accordance with national guidelines.

This policy is reviewed annually or more frequently if there are relevant changes in legislation in the interim period.

All Fresh Start Management Services staff are required to read this policy.

To be agreed and adopted by the Managing Director.

Name: Ed Robbins

Position: Managing Director

Signature: 

Date: 28.05.2021

DEFINITIONS

The following definitions will be used throughout the policy:

- Fresh Start Management Services Ltd will be referred to as 'the Company' throughout this policy
- The term 'staff' refers to the Company's employees
- The term 'work-seeker' refers to any person receiving a work finding service from the Company
- The term 'Registration' refers to any written submission of personal information by a work-seeker for the Company's consideration in providing a work finding service
- The term 'Client' refers to any company, school, organisation or body that commissions the Company to provide a recruitment service.

1. INTRODUCTION

The Company's process for the recruitment and selection of staff for Clients is designed to be systematic and effective, ensuring all individual processes are carried out in accordance with the Department for Education - Keeping Children Safe in Education and Safer Recruitment Statutory Guidance. Safeguarding underpins all that the Company does.

No work-seeker or member of staff will receive less favourable treatment because of race, sex, religion or belief, disability, marital or civil partnership status, age, pregnancy or maternity, sexual orientation, gender reassignment, or caring responsibilities, nor will they be disadvantaged by conditions or requirements which cannot be justified.

This policy should be read in conjunction with the following policies:

- **Equality and Diversity** Policy
- **Data Protection** Policy
- **Complaints, Comments and Compliments** Policy.

2. CRITERIA FOR SELECTION

The criteria for selection are based on the specific or generic requirements laid out by the Client. This can be either in the form of a Staff Request Form, a telephone conversation or meeting and is evidenced in a Job Description and Person Specification provided by the Client. A work-seeker's suitability, knowledge, skills, attitude, mental and physical ability are measured against these criteria.

2.1. Record Keeping and Management

The Company keeps a record of the recruitment and selection process. All information is treated in accordance with the requirements of the Data Protection Act 2018.

Data may be stored electronically and or as written records. Records of unsuccessful work-seekers are kept for no more than 2 years. For staff, data records are kept for up to 85 years from the date of termination of contract. Records of applicants who are not called for interview are kept for no longer than the needs of the business dictate.

2.2. Confidentiality

Throughout the recruitment process the Company will ensure that confidentiality is maintained, however, this does not preclude disclosure of information where necessary as required by law, or as permitted under the Data Protection Act 2018.

2.3. Disclosure and Barring Service Checks

The Police Act 1997 provides a statutory basis for certain criminal record disclosures, which may be used by employers depending on the nature of a role. If the nature of the work carried out by the Client requires a work-seeker to provide a current Disclosure Barring Service certificate (DBS), then this will be requested by the Company along with a full disclosure of any spent or unspent convictions in accordance with the Conduct of Employment Agencies and Employment Businesses Regulations 2003. Failure to meet these requirements will result in immediate termination of an application.

2.4. Permission to Work in the United Kingdom

The Company will ensure that any foreign national has the Right to Work in the United Kingdom and can provide proof of this. The Asylum and Immigration Act 1996 makes it a criminal offence for an employer to contract those who do not have permission to live or to work in the United Kingdom. For further information, visit the Home Office website at www.ind.homeoffice.gov.uk.

2.5. Requesting References

The Company requests references on all work-seekers who have agreed to the Company providing a work-finding service. References will be requested at any stage of the recruitment process depending on the Client's specific requirements.

If the work-seeker is applying for a position to work with children, young people or vulnerable adults, then strict guidelines are adhered to, to ensure that Safeguarding protocols are followed. For further information, please see 'Section 5'.

3. DEFINING A VACANCY

3.1. Identifying Recruitment Requirements

The Company will work directly with the Client's designated member of staff responsible for the vacancy(ies) in question. The Client is required to provide a Job Description and Person Specification which will state the essential and desirable criteria for selection based on a set of competencies, identified as necessary for the requirements of the job adhering to Regulation 18 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003.

3.2. Identifying Specific Requirements and Areas of Risk

Once the Client has provided the Company with a completed 'Staff Request Form' (see 'Appendix 2') the Company will also require the Client to provide any relevant information on areas and levels of potential risk posed to a work-seeker, including what steps they have taken to reduce and or prevent such risks from occurring. The areas and probability of risk, along with the steps the Client has taken to prevent and or reduce such risks from occurring, are discussed between with the work-seeker and the Company, as part of the selection process.

4. PROCESSING ENQUIRIES FROM WORK-SEEKERS

4.1. Initial Enquiry and Registration

Work-seekers are required to register with the Company via the Company's online registration form and provide their CV, as well as additional information; for example, education background, employment history, specific skills and expertise, and whether they have any allegations or criminal convictions, spent or unspent. Please see the **Recruitment of Ex-Offenders Policy** for guidance for what should and shouldn't be disclosed.

A work-seeker is also required, at this time, to agree to the Company's terms giving permission to the Company to provide a work-finding service and to introduce the work-seeker to a Client.

A Job Description and Person Specification are made available to the work-seeker upon registering, as well as the Company's Safer Recruitment, Data Protection and Equal Opportunities Policies.

A work-seeker's registration is then processed using the Client's 'essential' and 'desirable' criteria from the Job Description and Person Specification, specific to the role. This is to ascertain the work-seeker's suitability for the role applied. If the work-seeker is unsuitable as a candidate, they are notified by email and their application for the position closed. The work-seeker may then be asked if they wish to remain on the Company's Register of Work-Seekers, and if they decline then their information will be deleted, according to the Company's Data Protection Policy.

4.2. Security Check

Where the work-seeker meets the general criteria, they will be subject to a telephone Security Check. This check is to:

- Confirm their name and personal details
- Confirm they have the right to remain and work in the United Kingdom
- Confirm they have read and understood the Job Description and any other information sent to them
- To give them the opportunity to disclose any criminal convictions (spent or unspent) and any allegations that may have been made against them.

If the work-seeker is deemed unsuitable for the role at this point, their application will be closed, and they will be notified by email. The work-seeker may then be asked if they wish to remain on the Company's Register of Work-Seekers, and if they decline then their information will be deleted, according to the Company's Data Protection Policy.

5. SELECTION PROCESS

The Selection Process enables the Company to identify the strengths and specialisms of the work-seeker as well as their limitations. The Selection Process consists of a thorough background and referencing check, an online assessment, a prohibition from teaching check (where the job involves teaching or mentoring), a telephone interview and face-to-face or online interview.

5.1. Online Assessment

The purpose of the Online Assessment is to assess the work-seeker's comprehension, writing skills and ability to report information. It is also used to check their understanding of Safeguarding, assessment of potential risk, engagement and de-escalation strategies.

5.2. Interviews

The interview process is conducted in various stages and across different platforms including, but not limited to, telephone, online video and in person; whilst always being carried out by Safer Recruitment trained members of staff. Detailed notes are taken at all stages of the interview process, including audio and video recordings of telephone and online interviews, and are reviewed by a panel of two or more Recruitment Consultants for quality assurance. A recommendation, based on suitability for the post, is then made, based upon the information gained at all interview stages.

5.3 Background Checks

If a work-seeker is considered successful, at each interview stage they will be required to complete online background checks which include a DBS self-declaration form, a medical questionnaire, employment and character references, education and employment history including any gaps, address history and time spent living or working abroad. The background checks include the candidate uploading ID, Right to Work and proof of address documents as well as DBS certificates, qualifications and training certificates, and any other necessary authorisations and documents that the Company or FSMS may require.

It is important to note that due to the recent COVID-19 pandemic, Government Guidance stipulates that all Right to Work checks are to be carried out via video calls and all documentation to be submitted electronically. These measures are expected to be in place until April 5th, 2022.

6. OBTAINING REFERENCES

The Company considers referencing a vital part of its recruitment process and reflects its commitment to upholding the standards of the Conduct of Employment Agencies and Employment Businesses Regulations 2003, as well as adhering to the Recruitment and Employment Confederation's (REC) Code of Professional Practice. It is the Company's policy not to accept open references.

6.1. Referencing Staff

The Company requests references on all prospective office staff once an offer of employment has been made. A minimum of two references are required, including a reference from the candidate's current and or most recent employer.

The Company has the right to withdraw any offer of contract made to a prospective member of staff if information comes to light through a reference which contradicts or calls into question their suitability.

6.2. Referencing Work-Seekers

When requesting references for work-seekers who apply for a position with a Client, these references are taken at the request of the Client to verify the suitability of the work-seeker. Copies of references are forwarded to the Client when requested for inclusion in decision making and safeguarding.

All references are requested through a secure online platform which is fully integrated with the Company's Online Management Information System. A work-seeker has the opportunity to inform the Company whether or not they give permission for a reference to be requested before being introduced to a Client.

A minimum of two Employment references are requested for every work-seeker and must include a reference from their most recent employer, contractor or agency. If a reference has been requested from an Agency and the Agency does not wish to provide a reference, the Company will approach the relevant work place where the work-seeker held a position.

These references are scrutinised and must correspond with the candidate's employment history. These references include questioning the work-seeker's suitability for the role they have applied for, their professional conduct and verify if there are any safeguarding concerns connected with them. Their references are also required to be verified over the telephone by the Referees.

In addition to Employment references, Personal references are also requested for each work-seeker. In some circumstances Academic references will be requested.

Work-seekers who are unable to provide suitable references may not be considered.

7. DISCLOSURE AND BARRING SERVICE CHECKS

The Company ensures that every work-seeker applying for a position in a 'regulated activity', meets the necessary requirements of the Client by providing a current enhanced Disclosure Barring Service (DBS) certificate with 'Barred List' and 'Child/Adult workforce'. The Company will only ask a work-seeker about convictions and cautions that are not protected under 'The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975' (as amended in 2013); however, if, as defined by the Act, the position "demands the upmost integrity in order to maintain public trust and confidence", full disclosure of all convictions, cautions, reprimands and warnings must be made regardless if they are spent, unspent or protected.

7.1 The Disclosure and Barring Update Service

The DBS Update Service is an online subscription service that lets an individual keep their DBS certificates up-to-date. It also allows the Company, and other employers, to check DBS certificates online, with an individual's consent. Registration lasts for one year and the annual service cost of £13 starts from the date an individual's DBS certificate is issued. The Company will run an annual update service check on every work-seeker who provides a DBS certificate to verify whether any criminal convictions or cautions have been declared since the work-seeker's DBS certificate was issued. If a work-seeker's DBS certificate is not registered to the update service, they will be required to apply for a new DBS if offered a contract by one of our Clients.

7.2. Recruitment of Ex-Offenders

As an organisation using the DBS to assess work-seekers and staff suitability for positions of trust, the Company fully complies with the DBS Code of Practice and undertakes to treat staff and work-seekers

applying for positions, fairly. The Company does not discriminate against any subject of a Disclosure on the basis of a conviction or other information revealed.

Having a criminal record will not necessarily prevent a work-seeker from working with the Company, however, it will depend on the nature, circumstances and background of the work-seekers offences and the nature of the position applied for. Please see the **Recruitment of Ex-Offenders** Policy.

If the work-seeker's DBS certificate is blemished, in that it has criminal convictions or cautions declared, regardless of whether it is on the update service, then the certificate, along with supporting documentation, will be risk-assessed. The DBS certificate risk assessment must be signed off by the Client, to say whether they are willing to consider the work-seeker in the light of the blemishes. For more information on how the Company handles DBS certificates please see **Appendix 1**.

7.3. Referring to Disclosure and Barring Service

It is the Company's obligation to inform the DBS about a candidate who has either harmed or has been found at risk of harming a child or vulnerable adult. If the Company believes that the candidate has engaged in Relevant Conduct or the Harm Test is satisfied, the Company will provide the necessary information to the DBS by completing a DBS Referral Form according to the Safeguarding Vulnerable Groups Act 2006.

If a Client notifies the Company that a work-seeker has been removed from carrying out 'regulated activity' because the Client believes that the person has engaged in 'relevant conduct' or the 'harm test' is satisfied, the Company will encourage the Client to provide information to the DBS about the matter by completing a DBS Referral Form.

Regardless of whether the Client has made a referral, it is the Company's responsibility to do so, according to the Safeguarding Vulnerable Groups Act 2006.

8. WORK-SEEKERS WHO HAVE WORKED OUTSIDE THE UNITED KINGDOM

8.1. Qualification Checks

If a work-seeker applies for a position and has an overseas teaching qualification, for this qualification to be accepted, the work-seeker must provide evidence the qualification(s) have been checked and verified by NARIC (National Academic Recognition Information Centre). If the work-seeker cannot provide this evidence, their qualification(s) will not be accepted.

8.2. Overseas Police Checks

Where a work-seeker has worked or lived abroad for six months or more within the last five years, an International Police Certificate or Overseas Criminal Records Check is required. For more information please visit <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>.

If there is no obvious reason why a work-seeker cannot obtain an 'International Police Certificate' or 'Overseas Criminal Records Check' and does not wish to provide one, the work-seeker's application may be refused by the Client.

8.3. Letters of Good Conduct

When an International Police Certificate cannot be obtained, the Company will consider alternatives such as a Letter of Good Conduct from the overseas police force or from the relevant embassy. This also includes a letter from a working professional such as a doctor, lawyer, teacher etc.

References from the work-seeker's employers in the overseas territory will always be requested to help establish suitability as per the Company's obligations under Regulation 19 of the Conduct Regulations

9. TEACHING REGULATION AGENCY CHECKS

All work-seekers working in teaching related positions, regardless of whether they hold a teaching qualification or not are submitted to the Department for Education's Teaching Regulation Agency (TRA) to check whether they have any disciplinary issues, prohibitions, sanctions or restrictions that might prevent them from taking part in certain activities or working in specific positions.

Once a check has been completed it is recorded on the work-seeker's file in the Company's Online Management Information System.

9.1. Qualified Teacher Checks

When a Client requires a work-seeker to hold 'Qualified Teacher Status' or similar, additional checks are put in place to assess the validity of the work-seeker's qualification and teaching record. This is carried out by checking the work-seeker's teaching record using their Teacher Reference Number via the TRA platform and The Society of Education and Training, if applicable.

- Whilst reviewing the work-seeker's teaching record, the following information will be checked and recorded on the work-seeker's file in the Company's Online Management Information System. Qualification obtained
 - Date received
 - Induction status
 - Active sanctions.

If a work-seeker's teacher record does not appear on the TRA register, the Company will contact the work-seeker and inform them to contact the TRA as they will investigate further.

9.2. Prohibited from Teaching Checks

All work-seekers applying to work in teaching related positions will undergo a Prohibited from Teaching check. If the work seeker's name appears on the Prohibited from Teaching List, this will be recorded on the work-seeker's file in the Company's Online Management Information System. The work-seeker will immediately be informed, and the Company will no longer provide a work-finding service for the work-seeker.

If there is evidence that a work-seeker has demonstrated unacceptable professional conduct, conduct that may bring the profession into disrepute and or a conviction, at any time, then it is the Company's responsibility to make a referral of the work-seeker in question to the TRA.

10. INTRODUCTION TO CLIENT

A work-seeker is introduced to the Client when the Company has been satisfied that the work-seeker has met all the necessary requirements stipulated by the Client. This is done by the Company providing the Client with all relevant and necessary information, including: application form, CV, employment history, qualifications and training certificates, right to work documents, proof of ID and address document, DBS certificate and or evidence of Child Barred List Check, and references. Interview notes, along with any recommendations may also be included.

Once the Client has informed the Company of their decision, the Company will then inform the work-seeker by telephone within 24 hours and send confirmation via email the same day.

10.1. Additional information on Work-seekers.

If the Company, having introduced a work-seeker to a Client, receives or obtains information, which indicates that the work-seeker is or may be unsuitable for the position in which the work-seeker has been employed by the Client, the Company shall inform the Client of that information without delay (the same day, or where that is not reasonably practicable, on the next business day), in accordance with the Conduct of Employment Agencies and Employment Businesses Regulations 2003. This applies for a period of 3 months from the date of introduction of a work-seeker by the Company.

Created: August 2018
Reviewed: Sept 2021
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APPENDIX 1**How we handle Disclosure and Barring Service (DBS)
Certificates****1. GENERAL PRINCIPLES**

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust, the Company complies fully with the DBS Code of Practice 2015 regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

The Company also complies fully with its obligations under the Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information.

2. STORAGE AND ACCESS

Certificate information is stored electronically on the Company's Online Management Information System, which is strictly controlled and limited to those who are entitled to see it as part of their duties.

3. HANDLING

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. The Company maintains a record of all those to whom certificates, or certificate information has been revealed. It is a criminal offence to pass certificate information to anyone who is not entitled to receive it.

Once processed, the certificate will be destroyed, or deleted in the case of electronic copies, in accordance with the DBS Code of Practice.

4. USAGE

Certificate information is only used for the specific purpose for which it was requested and for which the work-seekers full consent has been given.

5. RETENTION

Once a recruitment (or other relevant) decision has been made, the Company does not keep certificate information for any longer than is necessary. This is generally for a period of no more than 6 months, to allow for the consideration and resolution of any disputes or complaints.

If, in very exceptional circumstances, it is considered necessary to keep certificate information for longer than 6 months, the Company will consult the DBS about this and will give full consideration to the Data Protection and Human Rights of the individual before doing so.

Throughout this time, the usual conditions regarding the safe storage and strictly controlled access will prevail.

6. DISPOSAL

Once the retention period has elapsed, the Company will ensure that any DBS certificate information is immediately destroyed by secure means; for example, by shredding or, in the case of information that is held electronically, file deletion.

The Company will not keep any photocopy or other image of the DBS certificate, or any copy or representation of the contents of a DBS certificate. However, notwithstanding the above, the Company may keep a record of the:

- Date of issue of a DBS certificate
- Name of the subject
- Type of DBS certificate requested
- Position for which the DBS certificate was requested
- Unique reference number of the DBS certificate
- Details of the recruitment decision taken.

APPENDIX 2

Staff Request Form	
Name and contact information of Client:	
Type of Contract:	
Start Date:	
Location where teaching will take place (including post code):	
Required Notice:	
Job Title:	
Number of Vacancies:	
Required training / experience / authorisations and necessary qualifications:	
Required Hours:	
Pay / Benefits and remuneration details:	
Health and Safety / Risk Assessments	
Additional Information:	

Name _____

Signature _____

Position _____

Date: _____