

# **SPECIALIST EDUCATION SERVICES**

## **Recruitment and Selection Policy and Practice**

***(Incorporating the Policy Statement on the Secure Storage,  
Handling, Use, Retention and Disposal of Disclosures  
and Disclosure Information and Recruitment of Ex-Offenders Policy)***

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## 1 INTRODUCTION

This guidance has been drawn up in response to the DfE Statutory Guidance “Keeping children safe in education” and the supporting document “Keeping children safe in education: information for all staff”, as well as the earlier released, “Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children” (December 2023).

SES shares the same objectives stated in the above guidance, to help keep children, young people and young adults safe by contributing to:

- providing a safe environment for children, young people and young adults to learn and live; and
- identifying children, young people and young adults who are suffering or likely to suffer significant harm, and taking appropriate action with the aim of making sure they are kept safe both within the home and in the education setting.

It is important that this policy and practice document is therefore read in conjunction with the following SES Policy and Practice documents:

- Children’s / Young Adult’s Welcome Guide
- Safeguarding and Child Protection Policy and Practice
- Complaints and Representations Policy and Practice
- Health and Safety Policy and Practice
- Positive Management of Behaviour Policy and Practice
- Policy and Practice for the Disclosure of Information in the Public Interest (Whistle Blowing)
- Data Protection Policy and Practice

SES is committed to safeguarding and promoting the welfare of children, young people and young adults and expects all staff and volunteers to share this commitment.

## 2 SAFER RECRUITMENT AND SELECTION

### 2.1 PREPARATION AND PLANNING PRIOR TO ADVERTISING

The wording of every advertisement of a post with SES is thoroughly reviewed each time an advert goes to press and includes a statement about our commitment to safeguarding and promoting the welfare of children and for the need for the successful applicant to undertake a DBS Enhanced Disclosure with Barred List check. Advertisements also state that it is an offence to apply for a role if the applicant is barred from engaging in regulated activity with children.

Application forms are used for all posts and references are required firstly from the applicant’s current or most recent employer, and secondly from the next previous employer and one other source providing a character reference.

### 2.1.1 Candidate Application Pack

A candidate information pack is distributed to all applicants. It includes the following:

- Job description
- Person Specification
- Application form
- Safeguarding and Child Protection Policy and Practice document
- SES Vision Statement
- Avocet House and/or Turnstone House Brochure

### 2.1.2 Application Forms

Completed application forms are required for all appointments and interviews take place for all shortlisted candidates even if there is only one person shortlisted.

### 2.1.3 Health Related Questions

The Equality Act 2010 limited the circumstances under which pre-employment health questions could be asked. Questions can only be asked to enable an employer to:

- Decide whether an applicant can carry out a function that is essential (intrinsic) to the job
- Decide whether to make any reasonable adjustments for the person to the selection process
- Monitor diversity
- Take positive action to assist disabled people
- Assure themselves that a candidate has the disability where a job genuinely requires the jobholder to have a disability

A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role (for example, whether the applicant can fulfil the positive use of Positive Handling Strategies and appropriate Physical Interventions to keep children and others safe from harm).

### 2.1.4 Shortlisting

Shortlisting involves at least two people, and where possible three or more, and is completed against the criteria for the post. All applications are read and considered.

References are requested immediately for shortlisted candidates.

If candidates or referees disclose any information regarding safeguarding issues as they relate to the applicant, this will be fully investigated and

recorded by contacting the relevant referees and the Local Authority Designated Officer (LADO).

In line with KCSIE, an online search is carried out using the candidate's name to check for any incidents or issues that have happened, and are publicly available online, which the panel might want to explore with the applicant at interview. This is recorded on the recruitment checklist and will be brought to the attention of the panel if anything is found that requires further investigation.

#### 2.1.5 Invitation to Interview

An invitation to interview letter is sent out to all shortlisted candidates, which explains the structure and content of the interview process.

Shortlisted candidates will be asked to complete a 'Self Disclosure' form that must be returned either prior to, or on the day of the interview. If the form is not received SES have the right to withdraw the offer of interview.

#### 2.1.6 Internal Candidates

All internal candidates for substantive posts at SES will be expected to go through exactly the same procedure as external candidates, e.g. completion of application forms, references, interview, etc. References will be sought from their line manager prior to interview.

## 2.2 THE INTERVIEW PROCESS

The interview process is designed to assess the merits of each candidate against the job requirements, to assess their suitability to work with children or vulnerable young adults and in particular:

- their attitude towards children, young people and young adults, and their motivation for working with them
- exploring their skills and asking for examples of their experience relevant to the role applied for
- their understanding of and ability to support the establishment's agenda for safeguarding and promoting the welfare of children, young people and young adults
- exploration of any gaps in their employment history
- exploration of any concerns or discrepancies arising from the information provided by the candidate and/or a referee, or from the online search
- ensuring they are physically and mentally capable of performing a role working with complex SEMH children and young people

Any concerns or discrepancies arising will be explored with the candidate and the process recorded and retained by the interview panel.

There will always be a final opportunity for the candidate to declare anything in light of the requirement for an enhanced DBS with barred list check.

Interviews will always be conducted with at least two interviewers and more usually three or more. The Directors, Principals, Registered Managers, RSM, Heads of

Care and Heads of Education of SES establishments have all undergone Safer Recruitment training and every interview panel has at least one of them present and usually more than one of them present.

Interviews for all posts with SES will comprise of:

- meeting the interview panel, an introduction to the day including how the day is to be structured, order of interviews, housekeeping issues, and a reminder of conduct whilst on site
- briefing on the company
- briefing on both establishments and sites
- tour of site and buildings
- repeated opportunities for questions
- groupwork, where numbers permit, using focussed discussion around a range of topics, including behaviour management, child protection and safeguarding issues and practice, appropriateness of adult behaviour, role modelling, etc

On some interviews presentations may be required from candidates on given topics along with written tasks. All candidates are reminded that the interview process is a two-way process and that they should reassure themselves that this is the job for them as much as we are interviewing to decide whether they are right for the job.

Interview questions are designed to give each candidate an equal opportunity to respond. The same questions are used for each candidate, but follow up questions will be contextual.

All interview panellists make notes about candidates' answers on the interview recording format in order to aid discussion at the end of the process and to provide a record of the interview process.

### 2.2.1 Involving Children and Young Adults

Children and Young Adults are involved in the following ways:

- meeting and greeting candidates as they tour the site or home
- forming a Young Person's panel to conduct a separate, additional interview process
- being able to mix with candidates across lunchtime

Prior to the interview day a group of Young People will be selected and prepared to conduct a separate interview on any potential candidate which contributes to the overall decision to appoint. This process is supported by a senior manager who is Safer Recruitment trained.

The senior manager supports Young People in recording the candidate's responses during the interview process, and their scores are collated and fed back to the main panel. Once a decision on an offer of appointment is reached, this is fully described to the young people who have participated in the process and their contribution explained.

## 2.3 DETAILED INTERVIEW PROCEDURES

All interview panel members must be fully briefed on the interview process prior to interviewing. This cannot be on the day of the interview.

The day must be planned for in advance. It is usual to have at least 3 interviewers as this helps objectivity and debate.

Where there is competition between sites for appointments, discussion should take place prior to interviews as to how this will be decided and what criteria are important. This should not be left to the interview day. Where this applies there should be a representative from each site on the panel or a neutral person, e.g. the Operational Director.

Whoever is leading the interview day should have a candidate file ready at interviews and should have ALREADY explored issues that may need to be clarified during or at the end of individual sessions. The administration team will have raised any concerns about employment gaps in advance with a panel member, and there is opportunity to discuss this fully in the final interview questions. If references are available these should also be checked for possible issues. Any salary issues should be raised for clarification at the end of individual interviews.

A sheet giving the timings of the day should be given to the office as well as the candidates. Care should be taken to be as accurate as possible. Allow 45 mins per interview, although actual timings will vary according to how forthcoming candidates are in answering the questions.

The interview day commences with the panel meeting all candidates as a group.

Items covered to include:

- Introductions
- Agree order of interviews, checking that no-one has a time constraint
- Briefing on SES – this should be a concise picture of the company, its general philosophy (high quality, real personalisation, no limits thinking, holistic blended model building a community that works therapeutically, multi-disciplinary)
- Briefing on generalities of role remembering that the candidates should already be prepared from their pre-interview documentation
- Description of how the interview process works – why we write down what they say, (as that is what they are scored on) and the need for them to give as complete an answer as possible and listen carefully to the questions
- Address possible nerves and remind them that this is a 2 way process
- Describe how and why we run debriefs and that these should be available immediately if required when we phone them unless arranged otherwise
- Check that we are able to contact candidates on the day/evening with the result of their interview
- Give opportunity for questions at intervals throughout the time
- Tour of site and buildings
- Group discussion where used – remind the candidates that this is not part of the interview but is designed to help them process their thoughts and ideas against the work context as well as acting as a preparation for the behaviour scenarios



in their 1:1 session. Remind them that it is instinct and personal responses we are looking at coupled with the ability to problem solve and explore possible issues.

- Presentation of rotas, LC timetable, etc where appropriate
- Task, if used for the role
- **Remind the candidates to give full and complete answers after listening to the questions carefully – tell them that we can only judge what they say and short simple answers do not represent the experience and knowledge they bring to the interview**

The choice of interview room should try and ensure that whichever room is used, it is as free from, or as far away from distractions or overhearing as possible.

Careful arrangement of furniture in the interview room should be aimed at helping the candidate to feel relaxed. Try not to have a line of interviewers facing a single chair for the candidate – there should be more of a circular spread of seating.

Water and a glass should be provided for each candidate.

### 2.3.1 Conducting The Interview

Interview recording sheets should be handed to the panel. Each panel member should have their name at the top of each sheet used. Questions should be colour coded or highlighted to ensure that panel members are not confused as to who is asking which question. It is important the interviewers adhere to the exact questions given on the interview recording sheets. These questions are carefully constructed for each role and sometimes, with internal candidates who have been interviewed before, are constructed to have differences in their 2<sup>nd</sup> or perhaps 3<sup>rd</sup> interview.

*(Changes to recording sheets and possible changes to questions should be discussed with the Directors who will ensure consistency across SES and is responsible for updating record sheets if required)*

Irrespective of anything we know about a candidate, the scoring must be on the technical answers given and not influenced by prior or contextual knowledge. Interviewers should write notes on their record sheets that reveal what candidates have said in a factual sense. There may be minor differences between interviewers' records, but collectively they should only note what was said, not an opinion about what has been said. Interview records CANNOT be a subjective response on behalf of the interviewer.

In adhering to equal opportunity each candidate should be asked their questions without prompts. This is what is scored. Supplementary questions are admissible if their answer is a full one and of such interest that a supplementary question does not lead but clarifies further.

Prompts which lead the candidate to add more to a short answer are inappropriate and if used should not be reflected in the score.

The exemplar scores of 1 and 5 on the record sheet are illustrations of the type of information or response that might be expected to determine the

range of scoring. They are not meant to be exhaustive or all encompassing, or a tick list, but are a guide as to what we should be looking for.

Some interviewers are confident to score each question as they interview, others may feel they want to score at the end of each session or even at the end of the full set of interviews. This is a matter of preference and experience and also may depend on the number of candidates to be seen. However at the end of the sequence of interviews interviewers MUST place their interview records side by side and moderate their answers to be sure that scoring is consistent and fair across all candidates.

### 2.3.2 Young Person Panel

The Young Person panel should be arranged in advance. They are accompanied by an adult who will help and guide them through the process; this adult must be Safer Recruitment trained. Following the interview the adult will assist the young people in moderating their scores for each candidate. The adult collates the scores, thoughts and comments, and ensures this information is passed on to the lead person for the interviews who is responsible for providing the information to the full panel. Young people must be made aware that their views are considered alongside the full panel, and that their preferred candidate(s) may or may not be successful.

### 2.3.3 Decision Making

At the end of the interviews after moderation by interviewers of their own scores, each record sheet is totalled. The person leading the interview process creates a table where each score for each candidate is entered so that the panel can see both how they compare in scoring and whether or not there is an outstanding candidate on scores alone.

Debate may well take place at this point about how each interviewer has scored a particular candidate if there are extreme discrepancies. If so the panel should agree a moderation and individual scores adjusted if needed. Any references arriving during the interview process should be checked.

The idea of a threshold level is so that the panel can see clearly if a candidate is above or below what we term a threshold for employment. The higher above the threshold, the stronger the candidate and the more secure is the decision to employ at that time.

Anyone falling below the threshold is unlikely to be the preferred candidate but it does not mean that they cannot be considered for, or offered, a post, but there would need to be clear evidence why. This is another example of why scores should be moderated, as individual interviewers may be more generous overall whilst another may be scoring lower overall. Therefore, the threshold score is an indicator to support discussion not an absolute cutoff.

Often the decision the panel makes will not be in dispute and will be clear and unequivocal. Sometimes there may be additional information available to the panel from outside the individual interview session. Care should be

taken in ensuring objectivity and factual evidence not subjectivity with these issues. This will need to be carefully considered and may influence the decision. Personality and best fit to, and balance of, the team may well be considerations.

It is usual to contact the chosen candidate(s) first in case there is a problem with the offer. Unsuccessful candidates should be contacted following this process unless the panel decide that no job offer of any kind is appropriate, in which case there need not be a delay in contacting them.

Feedback to candidates should be clear and accurate as decided by the panel prior to any phone calls being made

At the end of the process, once a decision has been reached and candidates contacted the form should be filled in giving the office the relevant information on salary, start date, etc.

#### 2.3.4 De-Briefing Candidates

Once a decision has been reached the panel should collectively agree the key items of feedback to a candidate. This should include strengths and positive feedback as well as areas for development from our perspective. Always remind candidates that feedback is about what we saw not their value as a person, and that indeed we might not have seen the best of them but have to go by what we see from the interview process.

Sometimes the candidate will not want detailed feedback, just the result. Offer to give more information to them if they want it. Don't launch into feedback on detail unless they ask for it.

Sometimes it will simply be that another candidate scored higher than them, and although there was merit in their interview, they were just pipped to the post.

Sometimes it might be that there are difficult messages and the panel need to decide just how clear we should be or not.

Always ask the candidate whether they have any feedback for us about the process.

## 2.4 PROCEDURES FOLLOWING INTERVIEW

Candidates are not asked to remain on site once the interview process is over for them. Decisions are usually made that day once all candidates have been seen and candidates are notified as soon as possible that evening if contactable, and as soon thereafter where they are unavailable.

All candidates are offered a detailed de-brief immediately or at their leisure.

The successful candidate is given a verbal conditional offer of the post, which is followed, immediately by a written conditional offer subject to:

- receipt of three satisfactory references (if they have not already been received),
- a satisfactory Enhanced DBS Disclosure (and barred list check where required),
- any outstanding qualification or identity checks,
- any other appointment specific details.

#### 2.4.1 Reference Checks

The administration team verifies all three references by contacting the referee in person via the telephone. Verification with the referee will check any information that is unclear or is vague within the application form, as well as ensuring that the referee did personally write the reference. They are offered the opportunity to add any additional verbal comments to the written reference. Wherever possible, the referee should be asked if they believe the candidate 'has integrity, good character and is suitable for working with children'.

In circumstances where the reference is provided by an employer that involves working with children or vulnerable adults, the Registered Manager, RSM or Head of Education must contact the referee. The referee is asked to verify the following for the candidate:

- that they have integrity and good character,
- their suitability for working with children and any concerns that have arisen,
- the dates of employment and the reason for leaving the role.

Additionally, the Registered Manager, RSM or Head of Education is required to verify that the referee did personally write the reference and check if there is any additional information the referee would like to add. They must also confirm that the reference is accurate in respect of any disciplinary investigations. If there are any discrepancies between the reference provided and application form this must also be checked verbally, as well as any vague areas that require additional information.

The Registered Manager, RSM or Head of Education will maintain written evidence of this reference check using a Reference Verification Form.

Any previous employment of a candidate that has involved working with children or vulnerable young adults will require direct contact from SES to verify identity and establish the integrity and suitability of the candidate, asking if they are of 'good character and are suited to working with children'. The admin team will contact each employer to verify the dates of employment are correct and the reason why the employment ended. It is important to ensure 'verification so far as reasonably practicable', if it is not possible to establish contact this must be recorded to show SES made sufficient attempts (e.g. the previous employer may no longer be in business).

If a candidate is not currently working with children, a reference must be sought from the relevant employer from the last time the applicant worked with children.

Any gaps in employment are fully explored and clarified by the administration team, these will be checked through the interview process.

#### 2.4.2 Identity and Qualification Checks

DBS Enhanced Disclosures with Barred List are requested on all candidates offered posts and identity checks completed along with verification of qualifications. In addition, the administration team check that the person has the right to work in the UK. If the candidate has lived or worked outside the UK for more than 3 months in the last 10 years, the appropriate overseas checks will be carried out.

#### 2.4.3 Teacher Prohibition Orders

All teachers' appointments are subject to checking for any teacher prohibition orders preventing a person from carrying out teaching work. This also includes any member of staff who is appointed to carry out teaching work. This is completed using the Teacher Services' system.

#### 2.4.4 Section 128 Check

A section 128 direction prohibits or restricts a person from taking part in the management of an independent school. SES complete a section 128 check on all candidates who are joining either establishment's management team structure, e.g. Director, Executive Principal, Principal, Registered Manager, Head of Care, Head of Education, Deputy Head of Education. The record of the 128 check is maintained in the Single Central Record.

Only when all relevant checks are completed will an employee be allowed to commence work.

Where an issue related to previous conduct has been identified during the recruitment process, but has not prevented appointment, a full risk assessment must be completed prior to commencement of appointment. This will highlight specific support and development required for the individual as part of their induction and will be shared in confidence with senior managers prior to working with Young People.

Remuneration and commencement date are confirmed in writing.

Once a staff member has commenced their role with SES full and accurate details of the completed recruitment checks will be added to the establishment Single Central Record (for further detail see the Safeguarding and Child Protection Document).

### 2.5 SINGLE CENTRAL RECORD

The Single Central Record is maintained in line with the current Keeping Children Safe in Education Statutory Guidance. The SCR is kept in the admin office (Turnstone House)/Principal's office (Avocet House), updated by the administration team and periodically reviewed by the Principal.

## 2.6 POST APPOINTMENT: INDUCTION AND FOUNDATION TRAINING

This is the first layer of a comprehensive Staff Support and Development Programme that spans an appointee's employment with Specialist Education Services. The induction and foundation training period begins immediately after taking up post and covers the first six months of a staff member's employment when supervision is more intensive. Separate induction documents are available for all staff, specific to their role.

Induction and Foundation Training, and the subsequent discussion with the peer partner(s) and development manager, is the principal means by which staff are introduced to the Staff Support and Development Programme following appointment. Foundation Training starts during the Induction period and continues beyond the six month probationary period.

Apart from the obvious need for new staff to familiarise themselves with the geography of the site and buildings, and established policies and procedures, the induction programme is regarded as a means of developing a consistent professional approach across the staff team.

Whilst new staff are supported by the total staff group, their team colleagues and an individual peer partner(s), their development manager plays a crucial co-ordinating role in the induction of new team members.

Induction and Foundation Training Packs are available for each of the staff roles.

These packs form the first critical step in a continuous process of staff development and support, which is a feature of every staff member's career with SES.

Any additional support required for individual employees arising out of the recruitment process will be incorporated into their professional development meetings and recorded in the normal way.

## 2.7 MONITORING RECRUITMENT, INDUCTION AND STAFF TURNOVER

It is the responsibility of the Principal to monitor and evaluate recruitment procedures and staff turnover and their reasons for leaving, and to report to the Directors of SES on a termly basis. All staff must have a recorded exit interview that informs this process.

The Registered Manager, RSM and Head of Education are responsible for monitoring both quantitative and qualitative indicators of successful induction and foundation training. This information should be passed on to the Principal who will inform the Directors of SES on a termly basis.

## 3 USE OF AGENCY STAFF / SUPPLY STAFF

It is our preference not to use agency staff unless it is absolutely necessary and cannot be avoided in order to maintain staffing levels and the safe operation of Avocet House and Turnstone House, or SES Kite homes.

Where agency staff are used the agency will:

- provide written confirmation that it has completed all the appropriate checks on staff it supplies in compliance with DfE guidance (DBS, references, online check, Right to Work), and that those are satisfactory
- ensure that there is open communication and disclosure of any issue about previous conduct of any offered agency worker that is related to safeguarding

If this is not possible then the agency will be informed that such agency workers cannot work with SES.

Before agency staff commence work at SES their ID should be checked by the administration team or manager.

Supply staff who are not provided through an agency in line with the above guidelines must have an enhanced DBS check with barred list completed, along with references and right to work, before they can start working at SES. They will also need to be recorded on the SCR, in line with all agency and supply staff.

#### **4 USE OF VOLUNTEERS**

Due to the consistency of care required, and the fundamental importance of core relationships, it is rare that SES utilise volunteers within either Avocet House, Turnstone House or SES Kite homes. When this does occur, a risk assessment will be devised to assess whether an enhanced DBS is required, considering the nature of the work with children, what is known of the volunteer and if they will be engaged in regulated activity. A barred list check is not legally permitted to be completed for a volunteer. Further guidance is available in Keeping Children Safe for Education.

#### **5 EXTERNAL PROVIDERS**

External providers are often used for activities that cannot be facilitated by SES staff such as horse riding, archery, mountain biking. In order to use an external provider, the Visit Leader must ensure the provider completes the External Provider Approval Form. The provider must evidence that they have completed DBS checks for all their staff, any decision to proceed with an external provider who hasn't completed DBS checks for all staff must be approved by the Principal only. External providers are not entered on the SCR; the Visit Coordinator maintains copies of all external provider approval forms.

There are occasions where an external provider performs the majority of their activities with children within the establishment itself (onsite). In this circumstance it is highly likely that the adult will be added to the SCR; the final decision rests with the Principal who must be consulted.

(See also Educational, Social and Leisure Visits and Activities Policy and practice)

## 6 POLICY STATEMENT ON THE SECURE STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION

### 6.1 GENERAL PRINCIPLES

As an organisation using the Disclosure and Barring Service to help assess the suitability of applicants for positions of trust, Specialist Education Services Ltd complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information. It also complies fully with its obligations under the Data Protection Act and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of Disclosure information and has a written policy on these matters, which is available to those who wish to see it on request.

All staff employed by SES must undergo a DBS Enhanced Disclosure with Barred List check.

### 6.2 STORAGE AND ACCESS

Disclosure information should be kept securely, in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties. In the case of Specialist Education Services those people with access to this information are the Administrator, Principal and the Directors.

### 6.3 HANDLING

In accordance with Section 124 of the Police Act 1997, Disclosure information is only passed on to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom Disclosures or Disclosure information has been revealed and it is a **criminal offence** to pass this information to anyone who is not entitled to receive it.

### 6.4 USAGE

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

### 6.5 RETENTION

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information or supporting documentation for any longer than is necessary. Retention timescales may vary with individual circumstances but are usually for a maximum period of up to 6 months. Any supporting information gathered through the countersignatory process is kept until the Disclosure Copy is received. This is to allow for the consideration and resolution of any disputes, complaints or further validation that is necessary. The Disclosure Copy will be retained only for such time as it takes for the required central record to be updated.

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



## 6.6 DISPOSAL

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

## 7 RECRUITMENT OF EX-OFFENDERS POLICY AND PROCEDURE

### 7.1 PURPOSE AND SCOPE

The aim of this policy is to state our approach towards employing people who have criminal convictions.

We are committed to equality of opportunity for all job applicants and aim to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

However, Specialist Education Services is an exempt employers as defined in the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) and as such, we have a lawful basis for requesting an enhanced DBS disclosure certificate for all employees. In addition, Specialist Education Services is a regulated activity provider and for most posts, we have a statutory duty to check that the individual is not barred from regulated work with children and/or adults.

The safeguarding of children and vulnerable adults is of paramount importance to us and the scrutiny of any unspent cautions or convictions and those which would not be protected under the Ministry of Justice filtering rules is an essential and non-negotiable part of the pre-employment check process.

We will consider ex-offenders for employment on their individual merits. Our approach towards employing ex-offenders differs depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

All of the roles we are seeking to recruit are covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (roles in regulated positions and in Further Education provision). Specialist Education Services will require shortlisted applicants to disclose all unspent convictions or bind overs in addition to any criminal history that would not be filtered. However, we will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.

As a result of amendments to the Rehabilitation of Offenders Act in 2013 and 2020, cautions and convictions that meet specified criteria should not be disclosed by applicants and must not be taken into account by potential employers. We

encourage all applicants to use the flowchart and guidance provided by Nacro and to seek legal or impartial advice before completing their self-disclosure. We will not take into account any criminal history that would be protected or filtered, even if it is subsequently disclosed on the DBS certificate.

Specialist Education Services will, once we have selected the person to whom we wish to offer employment, make a joint application to the Disclosure and Barring Service (DBS) for an enhanced certificate with the relevant DBS barred list(s) check. Where the individual is a member of the DBS update service in the relevant workforce and at the required level, the organisation will, with the individual's permission, carry out a status check on any current certificate.

Specialist Education Services is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of the General Data Protection Regulations and the Data Protection Act 2018. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment and / or safeguarding purposes and will not be disclosed to any unauthorised person.

## 7.2 THE PROCESS

- As a Regulated Activity Provider (RAP) all paid employees at Specialist Education Services are in regulated activity and therefore subject to an enhanced DBS certificate with check(s) of the relevant DBS barred list(s).
- In relation to volunteers and contractors, we only request a DBS certificate after a thorough risk assessment has indicated that a check is relevant to the position concerned.
- For those positions where an enhanced DBS check is required, all application forms, recruitment advertising and recruitment briefs will contain a statement that an enhanced DBS certificate (with barred list check(s) where relevant) will be requested in the event of the individual being offered the position and an explanation of when in the recruitment process criminal information will be requested and considered.
- All shortlisted applicants are required to complete a criminal record self-disclosure to be returned no less than 1 day prior to the interview date. This information is to be sent to admin office. Failure to return the self-disclosure will result in the offer of interview being withdrawn. We will ensure that the self-disclosure information will only be seen by those who need to see it as part of the recruitment process.
- The criminal history self-disclosure will include information for shortlisted applicants on the importance of seeking legal advice and the contact details of organisations that can provide impartial advice.
- We ensure that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance on the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 (exceptions order 1975) (as amended 2013 & 2020) and know how to access advice and support (e.g. from HR, external adviser, NACRO) and relevant

registered bodies.

- At interview, or in a separate discussion, the recruitment selection panel will ensure that an open and measured discussion takes place on the subject of any offences or related concerns that might be relevant to the position. Failure to reveal information that would not be filtered could lead to withdrawal of an offer of employment.
- All potential employees are guided to the Disclosure and Barring Service Code of Practice and a copy is made available on request.
- We undertake to discuss any relevant matter revealed on a DBS certificate with the person seeking the position before withdrawing a conditional offer of employment. This discussion and any subsequent risk assessment may be undertaken by the SES Principal or by another appointed person. If the DBS check reveals any matching information against the DBS barred list(s) or any criminal conviction which precludes them from working with children and/or adults the applicant is deemed non appointable. In this circumstance, we would notify the Local Authority Designated Officer in line with the local multi-agency procedures.

## **References / useful links**

### Disclosure & Barring Service

[www.gov.uk/government/organisations/disclosure-and-barring-service](http://www.gov.uk/government/organisations/disclosure-and-barring-service)

Detailed information, fact sheets and FAQs:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

Filtering guidance from 28/11/20

<https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

Ministry of Justice – guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 (and self disclosure)

<https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>

### National Association for the Care and Resettlement of Offenders (Nacro)

Criminal record support service – advice for applicants and employers

<https://www.nacro.org.uk/criminal-record-support-service/>

Filtering processing flowchart for DBS vetting

<https://www.nacro.org.uk/news/nacro-news/dbs-filtering-regime-changes-to-come-into-effect-end-of-nov/>