

SAFER RECRUITMENT POLICY

Name of Organisation: Pony Partnerships CIC.

Venue/address for which policy applies: All venues

Date of last review: 30th January 2019

Date of next review: 30th January 2020

Name of author: Danielle Mills

This policy relates to the following documents and policies:

- Health and safety
- Equal opportunities
- Staff/volunteer supervision policy

Introduction

Safeguarding and promoting the welfare of children and vulnerable adults is an integral factor in Pony Partnerships CIC's recruitment process which plays an essential part in creating a safe and happy environment for children, parents and staff.

This document sets out the duties and responsibilities of all staff at Pony Partnerships CIC in relation to recruiting and vetting staff, contractors or volunteers and for providing a safe learning environment.

The measures described in this policy are applied in relation to everyone who works at Pony Partnerships CIC including those who may not have direct contact with children and vulnerable adults as a result of their job. This includes office staff and workers not on the payroll, e.g. Staff employed by contractors.

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Children Act 1989
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- Sexual Offences Act 2003
- Rehabilitation of Offenders Act 1974
- Education and Skills Act 2008
- Data Protection Act 2018
- Education Act 2002
- Equality Act 2010

This policy has due regard to guidance including, but not limited to, the following:

- DfE (2018) 'Keeping children safe in education'
- DfE (2017) 'Staffing and employment advice for schools'

Safer Recruitment Training:

Safeguarding Children and Safer Recruitment in Education (2006) requires that the Directors must have completed Safer Recruitment training, delivered by accredited trainers.

At least one member of an appointment panel within Pony Partnerships will have undertaken appropriate training in how to take proper account of the need to safeguard and promote the welfare of children when recruiting staff.

Within Pony Partnerships, the following people hold this certificate; at least one of these will be involved in any recruitment process:

- Danielle Mills (Director)

Elements of Safer Recruitment:

Safer practice in recruitment means applying due diligence to child protection and safeguarding and promoting the welfare of children and vulnerable adults at every stage of the process. This starts with recruitment and, where the post is advertised, ensuring that this makes clear our safeguarding commitment including the following safeguarding statement throughout:

Pony Partnerships CIC is committed to safeguarding and promoting the wellbeing of all our clients; this includes a robust recruitment, selection and induction procedure.

Consistent and thorough procedures for obtaining, collating, analysing and evaluating applicant information will be followed. Pony Partnerships CIC uses a standard application form for all candidates and does not accept CV's.

The process includes:

- Establishing members of the recruitment panel
- Ensuring the job description makes reference to Pony Partnerships CIC's safeguarding commitment
- Ensuring the person specification includes specific safeguarding reference about the 'suitability to work with children and vulnerable adults'
- Careful scrutiny of applicant information including: gaps in (which are investigated and documented, with reasons, in the interview file)
- Ensuring two independent references which require referees to respond to Pony Partnerships CIC's safeguarding commitment about the 'suitability to work with children and young adults'
- A face-to-face interview that probes the candidate's suitability to fulfil the essential requirements of the post
- Verifying the applicant's identity, enhanced DBS, academic and vocational qualifications, health and physical capacity, employment history and experience
- Verifying the right to work in the UK and police checks (for overseas' candidates);
- Making further checks should a person have lived or worked outside of the UK.

Staff induction records are filed as a permanent record of this including references. These are stored in staff personnel files in accordance with Pony Partnerships CIC's Privacy Policy, GDPR, and Data Protection 2018.

DBS Checks

All staff and tutors (including Students and Volunteers (without barred list) where applicable) are required to have an enhanced DBS certificate. For staff registered with the DBS Update Service, an update check will be performed every year. Where an update check reveals a change of information, a new enhanced DBS check will be required.

If the staff role does not include 'regulated activity', a barred list will not be requested.

Regulated activity is defined as (Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012):

Regulated activity includes:

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

We expect all staff to notify the Directors of any cautions or convictions accrued whilst in the employment of this school. Failure to do so could result in disciplinary action.

Conditional Offer of Employment/Contracting – Pre-employment/contract Checks

A conditional offer will only be made when the process (listed above) has been followed. In addition;

- satisfactory completion of the probationary period.

NB: In any case where a reference has not been obtained on the preferred candidate before interview, the chair of the interview panel must ensure that it is received, all questions answered and scrutinised, and any concerns are resolved satisfactorily, before the person's appointment is confirmed.

All checks will be:

- Documented and retained on the personnel file (subject to relevant advice contained in the DBS Code of Practice and our own data protection policy); and
- Followed up where they are unsatisfactory or there are discrepancies.

Post-Appointment - Induction

There is an induction programme for all staff (regardless of previous experience) newly appointed to Pony Partnerships CIC. The purpose of induction is to:

- Provide training and information about policies and procedures
- Support individuals
- Confirm the conduct expected of staff within Pony Partnerships CIC (Staff Code of Conduct)
- Provide opportunities for a new member of staff or volunteer to discuss issues or concerns about their role or responsibilities during the probation period/induction
- Support other staff to recognise and address concerns or issues about the new member of staff's ability or suitability and address them effectively

The induction will consist of a number of activities included in the staff induction packs

NB – all staff are expected to hold or complete on appointment Level 2 Safeguarding. They will also be offered a variety of free on line training that can be completed on a voluntary basis or by agreement with the Directors should it be identified as an area of need within the scope of their role.

The Single Central Record

We keep a Single Central Record (SCR) as described in Keeping Children Safe in Education 2016.

The SCR includes all employees, supply staff, relevant consultants those involved in regulated activity, Governors, alternative providers and volunteers. The Single Central Record must indicate whether or not the following have been completed:

- Identity checks
- Barred list check (as relevant for those engaged in regulated activity)
- DBS certificate (previously an enhanced CRB disclosure)
- Qualification checks for any qualifications legally required for the job
- Checks of permission to work in the United Kingdom
- Further overseas criminal records checks where appropriate (see 'Keeping Children Safe in Education March 15 for advice on staff who have lived or worked out the United Kingdom)

Volunteers

Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

Volunteers who, on an unsupervised basis work with children regularly on a one-off basis in Pony Partnerships CIC, will be in regulated activity. Pony Partnerships CIC will obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information). However, Pony Partnerships CIC may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns.

There are certain circumstances where Pony Partnerships CIC may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity (ref [www.gov.uk/DBS workforce guides](http://www.gov.uk/DBS-workforce-guides)). Employers are not legally permitted to request barred list information on a supervised volunteer as they are not considered to be engaged in regulated activity.

Pony Partnerships CIC will undertake a risk assessment and use their professional judgement and experience when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. In doing so we will consider:

- the nature of the work with children;
- what Pony Partnerships knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability;
- whether the role is eligible for an enhanced DBS check; and Details of the risk assessment should be recorded (appendix one).

Where unsafe practice has been identified

Where any misconduct or unsafe practice is identified, then appropriate procedures will be followed (see Safeguarding Policy) in addition to the relevant internal reporting expectations.

The Recruitment of Ex-Offenders

The Disclosure and Barring Service (DBS) will also assess the applicant's suitability for positions of trust so that that schools comply fully with the expectations regarding safer recruitment and fair treatment of all applicants. Pony Partnerships CIC will not discriminate unfairly against any subject of a disclosure on the basis of a conviction or other information revealed.

Pony Partnerships CIC is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

As part of the recruitment process, paperwork is held with the Directors that requires completion should a disclosure be made.

We actively promote equality of opportunity for all and believe that the right mix of talent, skills and potential ensure that Pony Partnerships CIC welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience (as outlined in the person specification).

A disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that disclosure will be requested in the event of the individual being offered the position.

Where a disclosure is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent marked 'confidential' and addressed to the Directors. We guarantee that this information will only be seen by those who need to see it as part of the recruitment

process if the candidate is offered the job. The sealed envelope for those not offered the job will remain unopened and will be destroyed.

Unless the nature of the position allows Pony Partnerships CIC to ask questions about the applicant's entire criminal record, we will only ask about unspent convictions as defined in the Rehabilitation of Offenders Act 1974.

We ensure that all those at Pony Partnerships CIC 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 and training in the relevant legislation relating to the employment of ex-offenders eg the Rehabilitation of Offenders Act 1974

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matters that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

We undertake to discuss any matter revealed in a disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar an applicant from working with us. This will depend on the nature of the position and the circumstances and background of the offences.

Where offences are disclosed a risk assessment may be required as part of a probationary period

DBS Risk Assessment

Previous DBS Certificate

Is the member of staff (to include volunteers) working in regulated activity?

Yes		No	
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(See Appendix Two for definition of Regulated Activity)

If the person has a previous DBS on what date was it issued?	
When was the person's last day at work in their previous role?	

If the person proposed start date and their last day at their previous employer are less than three months apart, then a new Enhanced DBS check is not required in law, although most providers will instigate a new one. Therefore, given that there is sufficient other information, the person could be assessed to be of low risk.

Decision:

(Please tick level of risk)

High Risk – Person should not be allowed to start without a new Enhanced DBS, as there has been a break in service of more than three months (or they do not have an Enhanced DBS certificate) and/or there is insufficient information about the person in the 'known information' list above.	
Medium Risk – Person may start and although there is sufficient other information listed above, because there is a gap in service of three months or more (or they do not have an Enhanced DBS certificate), the person must be supervised* at all times and should not undertake 1:1 work, personal care activities or residential visits. (*the unchecked person must always be 'within sight and hearing' of a person with an Enhanced DBA check)	
Low Risk – Person can start work, without additional supervision, as they hold an Enhanced DBS check and there is no break in service for 3 months or more and all other checks have been satisfactorily completed.	

Authorisation

Print Name:	
Role	
Signature	
Date	

DBS Risk Assessment Checklist

Starting work prior to DBS Certificate being seen

This risk assessment should be completed when considering whether to allow a new member of staff to work before a new DBS certificate has been seen by Pony Partnerships CIC

Name of person	
Role	
Interview date	

Proposed start date	
DBS check application date	

(The person must not start without an application being made)

Is the person in 'Regulated' activity?			
Yes		No	

A member of Staff (to include volunteers) should not work unsupervised in regulated activity without an Enhanced DBS and barred list check – see Appendix Two)

Reason for starting without seeing a new DBS Check

	Continuity of Pony Partnerships CIC's provision to pupils
	Other (Please state)

Known Information

Have all the following checks been satisfactorily completed?

	Signed by PP	Date
2 x References received and verified		
Safeguarding training level 2 verified		
DBS Received and verified		
Identity (Photographic) verified		
Right to work in UK verified		
Verification of current address		
Qualifications verified		
Professional Liability insurance verified		
Mental and physical fitness verified		

Any other information (please state):

Regulated activity in relation to children: scope

Factual note by HM Government

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Introduction

Regulated activity is work that a barred person must not do. This note provides information on the scope of Regulated Activity in relation to children, defined in the Safeguarding Vulnerable Groups (SVG) Act 2006 and the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, both as amended (in particular by, respectively, section 64 and Schedule 7, Protection of Freedoms Act 2012). This note is about the law in England and Wales, and in Northern Ireland.

This note comprises a short summary, and a full description.

Regulated activity still excludes family arrangements; and personal, non-commercial arrangements.

Summary

The new definition of regulated activity (i.e. work that a barred person must not do) in relation to children comprises, in summary:

- i. unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/ guidance on well-being, or drive a vehicle only for children;
- ii. work for a limited range of establishments ('specified places'), with opportunity for contact: e.g. schools, children's homes, childcare premises. Not work by supervised volunteers;

Work under (i) or (ii) is regulated activity only if done regularly: "regularly" is defined in detail on the following pages under items (a) to (f).

HM Government is publishing statutory guidance on supervision of activity that would be regulated activity if unsupervised.

- iii. relevant personal care, e.g. washing or dressing; or health care by or supervised by a professional;
- iv. registered childminding; and foster-carers.

A full detailed description of the above scope follows below.

Full description of scope

Part 1: Regulated Activity for children – Activities

The activities in the left-hand column are regulated activity in relation to children, subject to:

- exceptions in the right-hand column;
- different provisions for “establishments” (specified places) in Part 2 below.

Do not read the left-hand column in isolation from the right-hand column or from Part 2.

In the right-hand column:

- “new” exceptions are those in the 2012 Act;
- “existing” exceptions are already in the 2006 Act or 2007 Order as amended before the 2012 Act, or in secondary legislation under it.

Activity	Exceptions – not Regulated Activity
All of regulated activity.	Activity by a person in a group assisting or acting on behalf of, or under direction of, another person engaging in regulated activity in relation to children. This is the “peer exemption”.
In para 2(1) of Schedule 4¹:	
<p>(a) Teaching, training or instruction of children, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period, or overnight*.</p> <p>Day to day management or supervision on a regular basis of a person providing this activity which would be regulated if unsupervised. Para 1(15²).</p> <p>*Sources:</p> <ul style="list-style-type: none"> • once a week: guidance, March 2010, Annex B, page 70 para B.12; • four or more days/ overnight: Schedule 4, para 10(1) as amended. 	<p>New:</p> <ul style="list-style-type: none"> • Supervised activity - under reasonable day to day supervision by another person engaging in regulated activity. Para 2(3A) <p>Existing:</p> <ul style="list-style-type: none"> • Activity relating to a child in the course of his employment, not by a person for whom arrangements exist principally for that purpose. • Activity merely incidental to activity with adults.

¹ References to “Schedule 4” should be read as “Schedule 2” in the [Safeguarding Vulnerable Groups \(Northern Ireland\) Order 2007 \(SVG Order\)](#).

² Para 1(13) in the SVG Order.

Activity	Exceptions – not Regulated Activity
<p>(b) Care or supervision of children if carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period or overnight.</p> <ul style="list-style-type: none"> • See rows (i) to (iii) below re types of care. <p>Day to day management or supervision on a regular basis of a person providing this activity which would be regulated if unsupervised.</p>	<p>New:</p> <ul style="list-style-type: none"> • Supervised activity - under reasonable day to day supervision by another person engaging in regulated activity. Para 2(3B)(b). <p>Existing:</p> <ul style="list-style-type: none"> • Activity relating to a child in course of his employment, not by person for whom arrangements exist principally for that purpose. • Activity merely incidental to activity with adults.
<p>Particular types of care within (b) above, which apply to any child, even if done only once: (i) to (ii) below.</p>	
<p>(i) Relevant personal care. Para 1(1B):</p> <p>(a) physical help in connection with eating or drinking, for reasons of illness or disability;</p> <p>(b) physical help for reasons of age, illness, or disability, in connection with:</p> <ul style="list-style-type: none"> • (i) toileting (including re menstruation); • (ii-iii) washing, bathing, or dressing; <p>(c)-(d) prompting with supervision, in relation to (a)-(b), where the child is otherwise unable to decide;</p> <p>(e)-(f) other training or advice in relation to (a)-(b).</p>	
<p>(ii) Health care. Para 1(1C):</p> <p>All forms of health care relating to physical or mental health including palliative care and procedures similar to medical or surgical care.</p>	<p>New:</p> <ul style="list-style-type: none"> • Health care not by, or directed or supervised by, a health care professional*. Para 2(3B)(a). <p>*Defined by reference to regulatory bodies. Para 1(1C).</p>
<p>(c) Advice or guidance provided wholly or mainly for children relating to their physical, emotional or educational well-being if carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period or overnight.</p>	<p>New:</p> <ul style="list-style-type: none"> • Legal advice. Para 2(3C); <p>Existing:</p> <ul style="list-style-type: none"> • Activity relating to a child in course of his employment, not by person for whom arrangements exist principally for that purpose.

Activity	Exceptions – not Regulated Activity
<p>(a), (b) & (c): Definition of “overnight”: In relation to teaching, training or instruction; care or supervision; or advice or guidance, it is also regulated activity if carried out (even once) at any time between 2am and 6am and with an opportunity for face-to-face contact with children. Schedule 4, Para 10(2).</p>	
<p>Former category (d), treatment or therapy, is now replaced by “health care” provisions.</p>	
<p>(e) Moderating a public electronic interactive communication service likely to be used wholly or mainly by children, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period.</p>	<p>Existing:</p> <ul style="list-style-type: none"> • Activity by a person who does not have access to the content of the matter, or contact with users.
<p>(f) Driving a vehicle being used only for conveying children and carers or supervisors under arrangements as prescribed*, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period. *Prescribed by SI 2009-1548³.</p>	
<p>In para 1 of schedule 4:</p>	
<p>(3) Early years or later years childminding* with a requirement to register, or voluntary registration, under Childcare Act 2006⁴. *That is: on domestic premises, for reward; as opposed to “childcare premises”, part 2 below.</p>	
<p>(5) Fostering** a child. **Defined at section 53⁵.</p>	<p>Existing:</p> <ul style="list-style-type: none"> • Care arranged by family members and not for reward is not regulated activity. Section 53(8)⁶. • Local Authority can foster child with barred person who is, or lives with, a relative of the child. SI 2009-1797, Art 3(2).

³ In Northern Ireland: Statutory Rule S.R. 2009/306.

⁴ In Northern Ireland: requirement to register is provided for under Children (Northern Ireland) Order 1995.

⁵ In Northern Ireland: Article 55, SVG Order 2007.

⁶ In Northern Ireland: family or personal relationships are exempt under Article 3, SVG Order 2007.

Activity	Exceptions – not Regulated Activity
<p>(6) & (9) to (13)^{***}: Wales only:</p> <ul style="list-style-type: none"> • child minding with requirement to register under Children Act 1989 including activities that require registration if child under eight; • functions of Children’s Commissioner for Wales and deputy; • inspection functions in relation to education, training, childcare and children’s health or social care. <p>^{***}In Northern Ireland: (6), (6A), (7A) & (8):</p> <ul style="list-style-type: none"> • Guardians Ad Litem; • Controllers appointed under Mental Health (NI) Order 1986; • Inspection/ Registration functions in education, training, juvenile justice, childcare, and children’s health or social care. 	
<p>(14)⁷ Day to day management on a regular basis of a person providing a regulated activity in Schedule 4, paragraphs 1(1) or (2) – that is, activity:</p> <ul style="list-style-type: none"> • at (a) to (f) above; <p>or</p> <ul style="list-style-type: none"> • in establishments in part 2 below; <p>and</p> <ul style="list-style-type: none"> • (9C) or (11) in Wales only. 	

⁷ In Northern Ireland: Para 12 of Schedule 2 in SVG Order 2007.

Part 2: Regulated Activity in relation to Children – Establishments

An activity is regulated activity in relation to children if carried out (subject to exceptions below):

- in one of the following establishments;
- frequently (once a week or more often), or on 4 or more days in a 30-day period;
- by the same person, engaged in work for or in connection with the purposes of the establishment; and
- it gives the person the opportunity, in their work, to have contact with children.

Day to management or supervision on a regular basis of a person providing the above regulated activity for children is regulated activity for children.

Establishment	Exceptions – not Regulated Activity
Schedule 4, para 3(1):	
<p>(a) schools (all or mainly full-time, for children);</p> <p>(aa) pupil referral units (also known as Short Stay Schools) not falling within the above;</p> <p>(b) nursery schools;</p> <p>(d) institutions for the detention of children;</p> <p>(e) & (f) children’s homes;</p> <p>(fa) children’s centres in England;</p> <p>(g) childcare premises (including nurseries).</p> <p>Day to day management or supervision on a regular basis of a volunteer activity which would be regulated if unsupervised. Para 1(15).</p> <p>In Northern Ireland (under Schedule 2, Para 3(1) of the SVG Order):</p> <p>(a) schools (all or mainly full-time, for children);</p> <p>(b) nursery schools;</p> <p>(bb) Alternative Education Provision;</p> <p>(c) a children’s hospital;</p> <p>(d) institutions for the detention of children;</p> <p>(e) children’s homes;</p> <p>(f) childcare premises.</p>	<p>New:</p> <ul style="list-style-type: none"> ⌊ Activity by person contracted (or volunteering) to provide occasional or temporary services (not teaching, training or supervision of children). Para 1(2A) & (2B)(a); ⌊ Volunteering, under day to day supervision of another person engaging in regulated activity. Para 1 (2B)(b). <p>Existing:</p> <ul style="list-style-type: none"> ⌊ Activity by a person in a group assisting or acting on behalf of, or under direction of another person engaging in regulated activity; ⌊ childcare premises which are the home of a parent etc. of at least one child to whom the childcare or child minding is provided; ☐ for activity undertaken regularly in a number of different establishments, but only infrequently in each: each establishment is only arranging the activity infrequently, so each establishment is not a regulated activity provider in relation to that activity.

Establishment	Exceptions – not Regulated Activity
In Northern Ireland: day to day management or supervision on a regular basis of a volunteer activity which would be regulated if unsupervised. Para 1(13).	

Note: Categories for office holders (“Positions” - Para 1(9) and Para 4) and for Inspectorates in England (sub-paragraphs of Para 1) are removed. In Northern Ireland, categories for office holders (“Positions” – Para 1(7) and Para 4) are removed.



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