

# Safer Recruitment: Policy Statement

## Contents

|   |  |   |
|---|--|---|
| 1 | Introduction .....   | 1 |
| 2 | Advertisements .....   | 1 |
| 3 | Application Forms And Checks.....                                | 2 |
| 4 | Safeguarding responsibilities for candidates and Mary's .....    | 2 |
| 5 | Invitations To Interview .....                                   | 3 |
| 6 | Pre-Employment Checks And Conditional Offers Of Employment ..... | 4 |
| 7 | Recruitment Of Ex-Offenders.....                                 | 7 |
| 8 | Changes, Reviews and Approvals for this Policy.....              | 9 |

## 1 Introduction

---

Mary's aims to recruit staff that share and understand our shared commitment and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.

All queries on the recruitment process should be directed to the CEO.

All offers of employment are conditional based on receipt of satisfactory completed pre-employment checks. All checks will be made in advance of an appointment.

This policy refers to and applies to all individuals working at Mary's, whether they are employees, volunteers or students on placements.

## 2 Advertisements

---

All vacancies will be advertised on Mary's website, job boards and via recruitment agencies as appropriate.

All advertisements will contain an appropriate safeguarding statement:

*Mary's is committed to safeguarding and to the protection of the welfare of young people: all applicants must be willing to undergo screening appropriate to the post applied for including with past employers and the Disclosure and Barring Service.*

## 3 Application Forms and Checks

---

Pro forma applications

Mary's will only accept applications from candidates completing the application process in full. The application process must include:

- Details of employment history
- Information about gaps in employment history
- Details of relevant training, education, and qualifications
- A personal statement with reference to the person's specification (this may be substituted for another method, for example, a short essay, or video submission)
- A declaration of whether they have the right to work in the UK.
- A declaration that the information they have provided in their application form is accurate.

All internal applicants for externally advertised posts will need to follow the same process as that followed by external applicants including the submission of complete application forms. A cover letter and CV will be required for posts that are exclusively internally advertised.

## 4 Safeguarding responsibilities for candidates and Mary's

---

Mary's will make candidates aware that all posts in the organisation involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Candidates for employed posts will receive a job description and person specification for the role they are applying for.

Checks will be made of previous employment history to ascertain satisfactory reasons for any gaps in employment. These checks will then be checked against references and any discrepancies discussed with the candidate.

Mary's takes its responsibility to safeguard young people very seriously, and any staff member and/or successful candidate who is aware of anything that may affect their suitability to work with children must notify the CEO immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings they may receive.

If the candidate is currently working with young people, on either a paid or voluntary basis, Mary's will ask their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether the candidate has been the subject of any child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure.

If the candidate is not currently working with children but has done so in the past, Mary's will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, Mary's will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, Mary's may request character references, including references from the candidate's school, university or voluntary sector organisation.

All candidates should be aware that the provision of false information is an offence and could result in the application being rejected or summary dismissal by Mary's if they have been appointed, and a possible referral to the Police, Children's Services or other external agencies, such as DBS.

## 5 Invitations To Interview

### 5.1 Shortlisting

---

Mary's will shortlist applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. At least two people will carry out the shortlisting exercise; consider any inconsistencies; look for gaps in employment and reasons given for them; and explore all potential concerns.

Shortlisted applicants will then be invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail.

### 5.2 References

---

References are requested after a conditional offer of employment are made.

Mary's may obtain references prior to interview for any post. This allows any concerns raised to be explored further with the referee and to be taken up with the shortlisted candidate at interview.

### 5.3 Online searches

---

As part of Mary's pre-employment checks, a member of Mary's HR team may use Google or another search engine to search for any references to an applicant. A record will be kept on file. Any concerns about an applicant that come about as a result of the search may be picked up at interview or thereafter.

### 5.4 Interview panels

---

All formal interviews will have a panel of at least two but preferably three people chaired by a senior staff member; there may be more than one panel interview. At least one person on any panel will have undertaken safer recruitment training.

The Chair of Trustees will chair the panel for CEO appointments. Other trustees may assist with interviews for those applying for senior management roles.

For all interviews, the interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should withdraw from the panel. Should the Chair have a conflict of interest, the Chair of the Nominations Committee should decide whether the Chair should withdraw from the panel.

The interview will be conducted in person (except where the prevailing conditions do not allow this to happen) and the areas which it will explore will include suitability to work with young people including where appropriate, any discussion of information shared by a candidate in their self-declaration form. Typically, this section of the interview will be conducted by the Designated Safeguarding Lead (DSL) for members of the delivery team or a senior manager for administrative and supportive staff; the discussion will explore safeguarding awareness and typically include a response to a safeguarding scenario.

## 5.5 Documents to be brought to an interview

---

All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g.: the original or certified copy of certificates, diplomas etc). Where originals or certified copies are not available for the successful candidate, the candidate must obtain written confirmation of the relevant qualifications from the awarding body.

Mary's requests that all candidates invited to interview also bring with them:

- A passport or a full birth certificate.
- A utility bill or financial statement issued within the last three months showing the candidate's current name and address.
- Where appropriate, any documentation evidencing a change of name.
- Where applicable, proof of entitlement to work and reside in the UK.

Originals of the above are necessary. Photocopies or certified copies are not sufficient.

## 5.6 Reasonable adjustments

---

Candidates with a disability who are invited to interview should inform Mary's of any necessary reasonable adjustments or arrangements to assist them in attending the interview.

# 6 Pre-Employment Checks and Conditional Offers of Employment

## 6.1 DBS checks

---

A successful applicant will be required to complete a disclosure form from the DBS for the position and, where appropriate, a check of the Barred List will be undertaken. Any offer of employment will be conditional on obtaining such satisfactory checks. Additionally, successful applicants should be aware that they are required to notify Mary's immediately if they are any reasons why they should not be working with children.

A record of the DBS Disclosure number and date of issue will be retained.

## 6.2 Disqualification

---

Mary's will not employ a person who is on the barred lists.

## 6.3 Prevent Duty

---

Mary's has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have "due regard to the need to prevent people from being drawn into terrorism". This is known as the Prevent duty. Mary's required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. Accordingly, as part of the recruitment process, the offer may be subject to a Prevent duty risk assessment when an offer is made.

## 6.4 Self-declaration

---

All candidates will be asked to complete a self-declaration form in relation to their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on disclosing criminal records. Applicants will be asked to sign a declaration confirming that the information they have provided is true.

## 6.5 Conditional offer of employment requirements

---

Any offer to a successful candidate will be conditional upon:

- Receipt of at least two satisfactory references (if not already received).
- Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK (if not already received).
- A satisfactory enhanced DBS check and, if appropriate, a check of the Barred List maintained by the DBS.
- Verification of professional qualifications, including Qualified Teacher Status, where appropriate.
- Where the successful candidate has worked overseas or been resident overseas for three consecutive months within the last 10 years, such further checks and confirmations as Mary's may be considered appropriate so that any relevant events outside the UK can be considered. This shall include the candidate providing Mary's with proof of their past conduct in the form of a letter of professional standing from the professional regulating authority in the country in which they have worked.
- Evidence of satisfactory medical fitness.
- Confirmation that the candidate is not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006", or receipt of a signed self-declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006".
- For a candidate to be employed into a senior management position as set out above under "Scope", receipt of a signed "senior charity manager positions: automatic disqualification declaration" confirming that the candidate is not disqualified from acting in a senior management position for a charity in accordance with the automatic disqualification rules for charities.

## 6.6 Health checks

---

It is Mary's practice that a successful candidate must provide a completed pre-employment health declaration. The information contained in the declaration will then be held by Mary's in the strictest confidence and processed in accordance with the Recruitment Privacy Notice and Data Protection Policy. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role.

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

## 6.7 REFERENCES

---

Mary's will seek references for shortlisted candidates (including internal applicants) from at least two referees and will approach previous employers for information to verify particular experience or qualifications, before an interview. One of the references must be from the applicant's current or most recent employer. References must be received by the CEO or their delegated deputy. If the candidate does not wish Mary's to take up references before the interview, they should notify Mary's at the time of applying.

Mary's will ask all referees if the candidate is suitable to work with children. Mary's will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials. Mary's will verify all references. Where references are received electronically, Mary's will ensure they originate from a legitimate source.

Mary's will compare any information provided by the referee with that provided by the candidate on the application form. Any inconsistencies will be discussed with the candidate.

## 6.8 DISCLOSURE AND BARRING SERVICE (DBS) CHECKS

---

### 6.8.1 Type of disclosures

There are three levels of Disclosure: Enhanced, Standard and Basic. The Enhanced level is for posts involving a high degree of contact with children. The type of work will generally involve regular caring for, supervising, training or being in sole charge of young people. This check involves an additional level of checking than the Standard Disclosure, in that it includes a check of Police records.

Mary's will only undertake checks on staff at the Enhanced level.

### 6.8.2 DBS checks

Mary's complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request, or accessed here:

<https://www.gov.uk/government/publications/dbs-code-of-practice>

### 6.8.3 DBS certificates

DBS certificates are issued to employees and not to Mary's; therefore, such certificates are the employee's property. Copies of certificates should not be requested or kept in employee files. Mary's will, however, require all new employees to show their certificate to a senior staff member who will make a note on the personnel file or the Single Central Register of the certificate number and date of issue.

### 6.8.4 DBS update service

Where an applicant subscribes to the DBS update service the applicant must consent for Mary's to check there have not been changes since the issue of a disclosure certificate. A barred list check will still be required using the early confirmation check form.

<https://www.gov.uk/government/publications/dbs-update-service-early-confirmation-application-form>

### **6.8.5 If disclosure is delayed**

A short period of work is allowed under controlled conditions, at the CEO's discretion; however, if an "enhanced disclosure" is delayed, they may allow the member of staff to commence work:

- Without confirming the appointment.
- After a satisfactory check of the barred list if the person will be working in regulated activity and all other relevant checks (including any appropriate prohibition checks) having been completed satisfactorily.
- Provided that the DBS application has been made in advance.
- With appropriate safeguards taken (for example, a risk assessment and supervision).
- Safeguards reviewed at least every two weeks by the CEO and the relevant line manager.
- The person in question is informed what these safeguards are.

### **6.8.6 Recruitment of ex-offenders**

The DBS Code of Practice states that employers should: "treat all applicants for positions who have a criminal record fairly and not to discriminate unfairly against the subject of a Disclosure on the basis of conviction or other information revealed. It also obliges them to have a written policy on the recruitment of such individuals, which can be given to all applicants for positions where a Disclosure is requested and to ensure that a body or individual at whose request applications are countersigned has such a written policy." Mary's position statement is at 0

Recruitment Of Ex-Offenders.

### **6.8.7 Retention, security of records and data protection obligations**

Mary's will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under Mary's Data Protection Policies. Copies of DBS certificates will not be taken or retained on file.

Mary's will comply with its data protection obligations in respect of the processing of criminal records information.

## **7 Recruitment Of Ex-Offenders**

---

Mary's will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. Mary's makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar them from employment within the charity. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

All candidates should be aware that the provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the Police, Children's Social Services or other external agencies, such as DBS.

Under the relevant legislation, it is unlawful for Mary's to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for Mary's to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for Mary's to knowingly employ someone who works in the relevant settings and is disqualified.

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the charity. Mary's will report the matter to the Police, Children's Services or other external agencies, such as DBS:

- Receives an application from a disqualified person
- Is provided with false information in, or in support of, an applicant's application; or
- Has serious concerns about an applicant's suitability to work with children.

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, Mary's will consider the following factors before reaching a recruitment decision:

- Whether the conviction or other matter revealed is relevant to the position in question.
- Whether the conviction or caution is "protected" as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account).
- The seriousness of any offence or other matter revealed.
- The length of time since the offence or other matter occurred.
- Whether the applicant has a pattern of offending behaviour or other relevant matters.
- Whether the applicant's circumstances have changed since the offending behaviour or other relevant matters.
- In the case of disqualification from providing childcare, whether the applicant has or is able to obtain a waiver from disqualification.
- The circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is Mary's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug-related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is Mary's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, Mary's normal policy is to consider it a high risk to employ anyone convicted of drunk driving.



## 8 Changes, Reviews and Approvals for this Policy

---

| Date       | Changes, Reviews and Approvals   | Who By     |
|------------|--|------------|
| 21/07/2023 | Significant changes to policy following the demerger of the organisation. <ul style="list-style-type: none"><li data-bbox="464 398 1070 506">• Changes to remove references to childcare specific requirements (for example Ofsted and the LA early years contacts).</li><li data-bbox="464 506 943 539">• Formatting and readability changes.</li></ul> | Aston Wood |
| 26/07/2023 | Approval   | Trustees   |
|            |  |            |