

Gainsborough Adventure Playground Ltd

Recruitment, Selection & Disclosure Policy and Procedure

1. Introduction

GAPA is committed to providing the best possible service and is committed to the safeguarding and promotion of the welfare of children and young people. GAPA recognises the need to meet the requirements of the EYFS for child care in relation to safe recruitment. In order to achieve this we will ensure all vacant job descriptions are reviewed and amended to accurately reflect the job role and to meet current legislation. All advertising and recruitment processes will be in accordance with our Equal Opportunities policy.

Advertisements will state that the position is subject to DBS enhanced disclosure and that the position is exempt from the Rehabilitation of Offender's Act 1974. This includes any convictions considered as "spent" under the Act.

In accordance with equal opportunities, a Curriculum Vitae and covering letter will not be accepted as part of the application process. An appropriate application form will be used by all applicants.

In line with the EYFS statutory requirements, applications will only be sought from persons over the age of 17 years.

References will be sought and checked that they demonstrate the applicant's suitability for the position before they are invited to interview.

The interview process will ensure fair selection of the most appropriate candidate.

Each new member of staff will have a job description, a staff induction pack, staff handbook, staff record sheet, (statement of particulars) and contract of employment and to ensure that GAPA meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

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

2. Recruitment & Selection Procedure

All applicants for employment will be required to complete an Application Form containing questions about their academic and employment history and their suitability for the role. Incomplete Application Forms will be returned to the applicant where the deadline for completed Application Forms has not passed. Curriculum Vitae will not be accepted in place of the completed Application Form.

Applicants will receive an application pack that includes a Job Description and Person Specification for the role applied for.

The applicant may then be invited to attend a Formal Interview at which his/her relevant skills and experience will be discussed in more detail.

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

- The agreement of a mutually acceptable start date and the signing of a contract incorporating GAPA's standard terms and conditions of employment;
- The successful candidate will be required to complete a DBS form prior to starting at the setting. If the disclosure is not returned in time for the candidate to commence work, then they will NOT be left unsupervised with children within the nursery and a written risk assessment will be completed.
- Continued employment is subject to a satisfactory enhanced DBS disclosure for roles within the new definition of regulated activity*.

It is GAPA's practice that all short-listed applicants must complete a pre-employment health questionnaire. The information contained in the questionnaire will then be held by GAPA in strictest confidence and will not form part of the selection process. GAPA may then arrange for the information contained in the questionnaire of the successful candidate to be reviewed by a medical advisor. 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 i.e. working hours, activities. If the medical advisor has any doubts about an applicant's fitness GAPA will seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

GAPA is aware of its duties under the Disability Discrimination Act 1995. No job offer will be withdrawn without first consulting with the applicant, considering medical evidence, considering reasonable adjustments and suitable alternative employment.

If the offer is accepted and the above conditions are satisfied, the applicant will be issued with a **Contract of Employment** as confirmation of employment.

3. Pre-employment checks

In accordance with the recommendations of the DofE, GAPA carries out a number of pre-employment checks in respect of all prospective employees.

3.1 Verification of Identity and Address

All applicants who are invited to an interview will be required to bring the following evidence of identity, address and qualifications:-

- current driving licence (including photograph) or passport or full birth certificate; and
- two utility bills or statements (from different sources) less than three months old showing their name and home address; and
- documentation confirming their National Insurance number (P45, P60 or National Insurance card); and
- documents confirming any educational and professional qualifications referred to in their Application Form.

Where an applicant claims to have changed his/her name by deed poll or any other mechanism (e.g. marriage, adoption, statutory declaration) he/she will be required to provide documentary evidence of the change.

In all cases original (not photocopy) documents must be provided.

GAPA asks for the date of birth of all applicants (and proof of this) in accordance with the DofE's. Proof of date of birth is necessary so that the GAPA may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. GAPA does not discriminate against applicants on the grounds of age.

3.2 References

Two References will be taken up on short listed candidates prior to interview. All offers of employment will be subject to the receipt of a minimum of two satisfactory references, one of which must be from the applicant's current or most recent employer. If the current/most recent employment does/did not involve work with children, then the second referee should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. All referees will be sent a copy of the Job Description and Person Specification for the role which the applicant has applied for. If the referee is a current or previous employer, they will also be asked to confirm the following:-

- the applicant's dates of employment, salary, job title/duties, reason for leaving, performance and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired);
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people.

GAPA 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.

GAPA will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant before any appointment is confirmed.

3.3 Disclosure & Barring Checks

Due to the nature of the work, GAPA applies for enhanced DBS checks for all roles that fall within the new definition of regulated activity*, and works within the guidelines set out by the Disclosure and Barring Service.

An enhanced disclosure will contain details of all convictions on record (including those which are defined as "spent" under the Rehabilitation of Offenders Act 1974) together with details of any cautions, reprimands or warnings held on the Police National Computer. An enhanced disclosure will also reveal whether an applicant is barred from working with children or vulnerable adults by virtue of his/her inclusion on the lists of those considered unsuitable to work with children or vulnerable adults maintained by the DofE and the Department of Health. An enhanced disclosure may also contain

non-conviction information from local police records which a chief police officer thinks may be relevant in connection with the matter in question.

Applicants with recent periods of overseas residence and those with little or no previous UK residence may also be asked to apply for the equivalent of a disclosure, if one is available in the relevant jurisdiction(s).

4. Policy on recruitment of ex-offenders

4.1 Background

GAPA will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. GAPA makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically debar him/her from employment within GAPA. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 4.2 below.

In view of the fact that all positions within GAPA will amount to "regulated positions" within the meaning of the Protection of Children Act 1999 (as amended by the Criminal Justice and Courts Services Act 2000), all applicants for employment must declare all previous convictions (including those which would normally be considered "spent" under the Rehabilitation of Offenders Act 1974). A failure to disclose a previous conviction may lead to an application being rejected or, if the failure is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

Under the relevant legislation, it is unlawful for GAPA to employ anyone who is included on the lists maintained by the Department for Education and Skills, the Independent Safeguarding Authority and the Department of Health of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for GAPA 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 a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within GAPA If :

- GAPA receives an application from a disqualified person;
- is provided with false information in, or in support of an applicant's application; or
- GAPA has serious concerns about an applicant's suitability to work with children,

It will report the matter to the Police, DBS, DofE's Children's Safeguarding Operations Unit.

4.2 Assessment Criteria

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, GAPA will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- 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; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is GAPA's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences:-

- against adults: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence;
- against children or adults: serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is GAPA'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, it is GAPA's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last 10 years.

4.3 Assessment Procedure

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, GAPA will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Chair of the Committee before a position is offered.

If an applicant wishes to dispute any information contained in a Disclosure, he/she can do so by contacting the Disclosure and Barring Service direct. In cases where the applicant would otherwise be offered a position were it not for the disputed information, GAPA will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the Disclosure information.

4.4 Retention and Security of Disclosure Information

GAPA's policy is to observe the guidance issued or supported by the Disclosure and Barring Service on the use of Disclosure information.

In particular, GAPA will:-

- store disclosure information and other confidential documents issued by in locked, non-portable storage containers, access to which will be restricted to members of GAPA's senior leadership team.
- not retain Disclosure information or any associated correspondence for longer than is necessary. In most cases, GAPA will not retain such information for longer than 6 months although GAPA will keep a record of the date of a Disclosure, the name of the subject, the type of Disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken.

- ensure that any Disclosure information is destroyed by suitably secure means such as shredding;
- prohibit the photocopying or scanning of any Disclosure information.

5. Retention of Records

If an applicant is appointed, GAPA will retain any relevant information provided on their application form (together with any attachments) on their personnel file. If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after 6 months unless the applicant specifically requests GAPA to keep their details on file.

6. Queries

If an applicant has any queries on how to complete the Application Form or any other matter they should contact the Company Manager.

***Summary of the new definition of regulated activity**

The full, legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006, as amended (in particular, by the Protection of Freedoms Act 2012).

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

1. Regulated activity relating to children

The new definition of regulated activity relating to children comprises only:

- (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: for example, schools, children's homes, childcare premises. Not work by supervised volunteers;

Work under (i) or (ii) is regulated activity only if done regularly. We are providing statutory guidance about supervision of activity which would be regulated activity if unsupervised.

- (iii) Relevant personal care, for example washing or dressing; or health care by or supervised by a professional;
- (iv) Registered childminding; and foster-carers.