

# Safer Recruitment Policy and Procedures

## Pearson Tutoring

Policy No:01 / Date: 01 September 2022



# Introduction

Pearson Tutoring is committed to providing the best possible care and education to its learners and to safeguarding and promoting the welfare of children and young people. Pearson Tutoring is also committed to providing a supportive and flexible working environment to those working for or on behalf of them. We recognise that, to achieve our aims, it is of fundamental importance to attract, recruit and retain people of the highest calibre, who share firm commitment to Pearson's purpose and values. The aims of the Safer Recruitment Policy & Procedure are as follows:

- Help make sure anyone working for or on behalf of Pearson are suitable to work with children and young people.
- To ensure that the best possible staff are recruited based on their merits, abilities and suitability for the position; to deter, identify and reject prospective applicants who are unsuitable for work with children or young people
- To ensure that all applicants are considered equally and consistently
- To ensure that no applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex, or sexual orientation, marital or civil partner status, disability or age
- To ensure compliance with all relevant UK legislation, recommendations and guidance including the statutory guidance
- To ensure that we meet our commitment to safeguarding and promoting the welfare of children and young people.

## Purpose and Scope of this Policy

The Safer Recruitment document applies to members of staff directly recruited and employed/ or engaged by Pearson Tutoring.

It outlines our commitment to safeguarding and protecting all children and young people by implementing robust safer recruitment practices, this includes:

- Identifying and rejecting applicants who are unsuitable to work with children and young people
- Responding to concerns about the suitability of applicants during the recruitment process
- Responding to concerns about the suitability of members of staff directly recruited and employed/ or engaged by Pearson Tutoring, once they have begun their role
- Ensuring all new members of staff directly recruited and employed/ or engaged by Pearson Tutoring participate in an induction which includes child protection
- A list of the supporting procedures that accompany the policy

Pearson's purpose and values will be embedded throughout the recruitment process to ensure candidates understand the culture and can demonstrate how they can each individually make a positive contribution.

## Our Beliefs

We aim for all learners to have the same opportunity to use and engage with us therefore all should have equality of protection when doing so.

Our objective is to do all that we can to ensure that learners are not at risk of harm. We will recognise and take appropriate action when any learner may be at risk if harm.

## Regulated Activity and Regulated Work

In summary, a person will be engaging in regulated activity with children if, because of their work, they:

- Will be responsible, on a regular basis in a school or college, for teaching, training instructing, caring for or supervising children
- Will be working on a regular basis in a specified establishment, such as a school, or in connection with the purposes of the establishment where the work gives opportunity for contact with children
- Engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government has produced Factual note on regulated activity in relation to children. Regulated activity includes:

- Teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children
- 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.

Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

- Relevant personal care, or health care provided by or provided under the supervision of a health care professional: o personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability
- Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Regulated activity will not be:

- Paid work in specified places which is occasional and temporary and does not involve teaching, training
- Supervised activity which is paid in non-specified settings such as youth clubs, sports clubs etc

## Job Descriptions and Person Specifications

For any role working with children and young people, both the role description and the person specification highlight the level and frequency of safeguarding responsibilities.

## Advertising of Posts

The advertisement is our first opportunity to send out a clear safeguarding message. Every advert for a role that includes work with children includes:

- A statement about our commitment to keeping children safe.
- The skills, abilities, experience, attitude, and behaviours required for the post
- The safeguarding requirements, i.e., to what extent will the role involve contact with children and will they be engaging in regulated activity relevant to children
- whether the post is exempt from the Rehabilitation of Offenders Act (ROA) 1974
- Ensure job applicants are aware that we will be undertaking online checks that involve screening of social media profiles
- If the role requires a criminal records check, this should be included in the advert.

We should advertise all vacancies to attract a wide selection of applicants – whether the role is for paid staff or a volunteer.

## Application Form

Providing an application pack ensures that people interested in applying for a role have all the information they need about the organisation and the advertised vacancy. A standard application form is used for all roles, whether paid or unpaid. This helps make sure we get all the information we need from each candidate. It includes:

- A link to the Safeguarding and Child Protection Policy and Safer Recruitment Policy
- Personal details, current and former names, current address, and national insurance number
- Details of their present (or last) employment and reason for leaving
- Full employment history, (since leaving school, including education, employment, and voluntary work) including reasons for any gaps in employment
- Qualifications, the awarding body, and date of award
- Details of referees/references
- A statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification
- Ensure job applicants are aware that we will be undertaking online checks that involve screening of social media profiles

We only accept copies of a curriculum vitae alongside a completed application form (a curriculum vitae on its own will not provide adequate information).

## Shortlisting

Shortlisting is carried out by at least two people. They will be clear about what the role involves and assess each application form according to how well it meets the criteria set out in the person specification. In addition, they will:

- Consider any inconsistencies and look for gaps in employment and reasons given for them
- Explore all potential concerns

## Self-disclosures

A self-disclosure form gives candidates the opportunity to tell us confidentially about any relevant criminal convictions, child protection investigations or disciplinary sanctions they have on their record.

We only ask for the information we are entitled to know about as a potential employer. What we ask will depend on the role they will be doing. For example:

- if they have a criminal history
- if they are included on the children's barred list
- if they are prohibited from teaching
- if they are prohibited from taking part in the management of an independent school
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted
- if they are known to the police and children's local authority social care
- if they have been disqualified from providing childcare
- any relevant overseas information.

This information is only requested from applicants who have been shortlisted. The information is no the requested in the application form to decide who should be shortlisted.

Applicants will be asked to sign a declaration confirming the information they have provided is true. Where there is an electronic signature, the shortlisted candidate will physically sign a hard copy before commencing in the role.

## Disclosure and Barring Service Checks

People on the barred list will not be given a role that requires them to work or volunteer with children or young people in regulated activity.

It is illegal for an employer to knowingly employ somebody to carry out regulated activity whilst they are on the barred list.

If we find that someone who has applied to work with children is barred, we will notify the police.

We do not use 'spent' or 'protected' convictions as a reason not to employ somebody (unless the conviction makes them unsuitable to work with children).

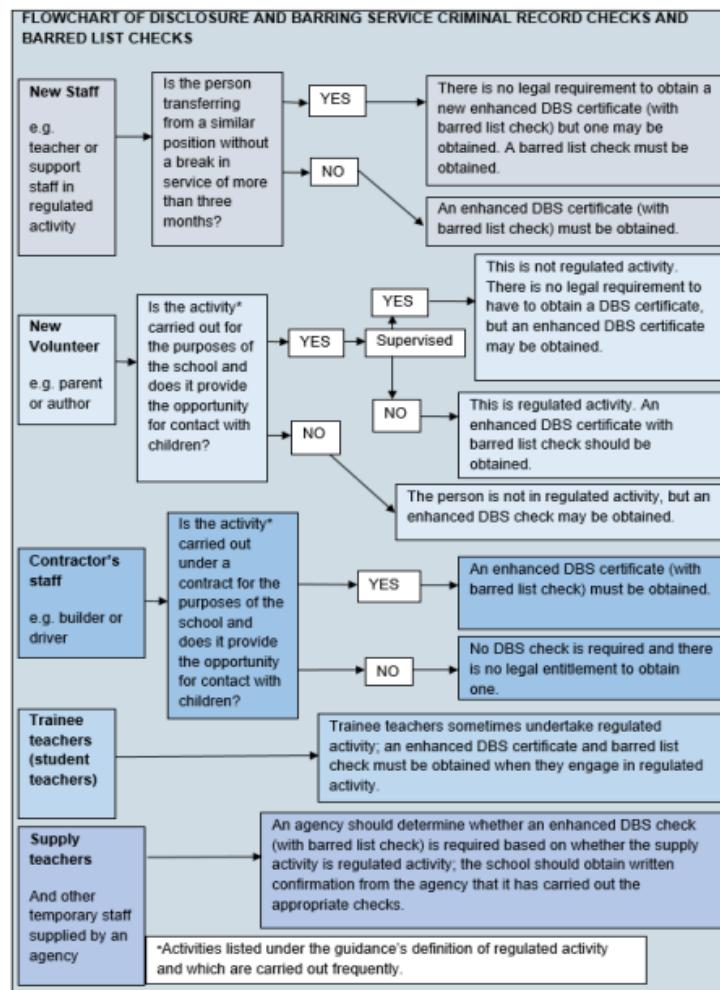
If the applicant has not been barred from working with children but the checks have raised concerns (for example if they have a criminal record), we will carry out a risk assessment to ascertain whether the applicant is suitable to work with children and young people

These are the types of checks available:

- Basic DBS check
- Standard DBS check
- Enhanced DBS check
- Enhanced DBS check with children's barred list information

Where people are working or seeking to work in regulated activity relating to children, the Enhanced DBS check with children's barred list information allows an additional check, to be made, about whether the person appears on the children's barred list, along with a check of the Police National Computer records plus additional information held by the police as above. The position being applied for, or activities being undertaken must be eligible for an enhanced DBS check as above and be for a

purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check. In addition, this check can also include information as to whether an individual is subject to a section 128



## Rehabilitation of Offenders

There is legislation across the UK that sets out what information should be disclosed on a self-disclosure form and what information will show on criminal record checks.

In England, Scotland and Wales, the Rehabilitation of Offenders Act 1974 sets out what we can ask applicants about their previous cautions or convictions. Certain roles are designated as exempt from the Act, which allows us to ask applicants for more information about their past record.

## Carrying out Risk Assessments

Decisions about whether to employ someone whose vetting checks raised concerns should be made on a case-by-case basis. A risk assessment will help us work out whether they are suitable to work with children and young people.

We only share information about an applicant's criminal record with those who need to know. The applicant will be told who in the organisation knows about their record.

The applicant will usually know about any information revealed during a vetting or barring check. We discuss any concerns with them as part of the risk assessment process.

- Past convictions might be a great source of anxiety and embarrassment for the person concerned, so we need to act with sensitivity and empathy.
- Take all reasonable steps to gather as much relevant information as possible.
- Make sure a third party is present during the discussions. Ask a colleague who was involved in the recruitment process to support us and take notes.
- Carefully plan the questions we need to ask in advance and keep the discussion focused on the individual, their feelings, and attitudes
- It is not our responsibility to decide whether a legal decision was right or fair – we need to decide whether the applicant is suitable to work or volunteer with children and young people.

## Making the Decision

Follow our procedures to make sure all recruitment decisions are consistent.

The reasons for our decision should be objective, rational and easy to understand. These are written down and kept securely, along with the notes made during our investigations.

Things to potentially include:

- the nature of the offence and its seriousness
- the relevance of the offence to other staff, volunteers, children and their families
- the length of time since the offence took place
- the length of the sentence
- whether the offence was an isolated incident or part of a pattern or history of offending
- the circumstances which led to the offence being committed
- whether these circumstances have changed (if so, do these changes increase or reduce the likelihood of similar offences happening in future?)
- whether the individual has changed since the offence (if so, what has led to the change and does this reduce or increase the likelihood of them committing further offences?)
- the level of remorse expressed by the applicant and/or any efforts to change
- whether the new role provides opportunities to re-offend
- any legal constraints relevant to the role, for example if the person has lost their driving licence and the role requires driving.

## Confidential Information

If the vetting and barring check includes additional information that is marked "in confidence", we do not discuss it with the applicant. This could compromise a criminal investigation or the safety of another person and may constitute a criminal offence under the Police Act 1997.

If we decide not to appoint someone based on confidential information, we need to be careful when we inform them that the offer is withdrawn. It is sufficient to tell the applicant that, based on checks and references that have been made, we have had to withdraw the provisional job offer.

## Storing disclosure and barring checks

We do not store copies of disclosure and barring check certificates unless there is a dispute about the results of the check. Instead, we keep a confidential record of:

- the date the check was completed
- the level and type of check
- the reference number of the certificate
- the decision made about whether the person was employed (with reasons).

If there is a dispute about the results of a check, we keep a copy of the certificate for no longer than six months.

## Employment History and References

We ask applicants to provide the details of at least two referees and check references as part of vetting checks. Any concerns raised will be explored further with the referee and taken up with the candidate. Candidates can request an overview of the questions we'll be asking referees, so the candidate can be aware of what information is being provided. We ask about the candidate's suitability to work with children and young people and use a standard reference form for all roles, to make sure we get all the information we need.

We ask referees:

- about the candidate's suitability and ability to work with children and young people
- about the candidate's knowledge and understanding of child protection and safeguarding.
- To provide the facts (not opinions) of any substantiated safeguarding concerns/allegations that meet the harm threshold
- To not include information about concerns/allegations which are unsubstantiated, unfounded, false, or malicious.

A reference should provide us with all the information we've asked for and the responses should be clear and direct.

We should:

- not accept open references e.g., to whom it may concern
- not rely on applicants to obtain their reference
- ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority (if the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect of any disciplinary investigations)
- obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed
- secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has never worked with children, then ensure a reference from their current employer
- always verify any information with the person who provided the reference
- ensure electronic references originate from a legitimate source
- contact referees to clarify content where information is vague or insufficient information is provided

- compare the information on the application form with that in the reference and take up any discrepancies with the candidate
- establish the reason for the candidate leaving their current or most recent post
- ensure any concerns are resolved satisfactorily before appointment is confirmed

## Preparing to Interview

We assess all applicants on their ability to carry out the role, based on justifiable and objective criteria. We use a range of selection methods that are clearly related to the person specification.

### Panel

- At least two people are on the interview panel, and we nominate a chair.
- Agree beforehand who is responsible for ensuring all assessments are conducted fairly and candidates are treated equally.

### Children's Participation

- Where possible we involve children, young people and their families in recruitment if we feel it will be a useful way of finding the right people for the role.

### Practical Test

- Where a question-and-answer format may not be the best way to test a particular requirement or competency we may consider other methods such as a practical test.

## Interview and Selection

We use a range of selection techniques to identify the most suitable person for the post. Those interviewing agree structured questions. These include:

- finding out what attracted the candidate to the post being applied for and their motivation for working with children
- exploring their skills and asking for examples of experience of working with children which are relevant to the role
- probing any gaps in employment or where the candidate has changed employment or location frequently, asking about the reasons for this.

The interviews are used to explore potential areas of concern and to determine the applicant's suitability to work with children. Areas that may be concerning and lead to further probing include:

- implication that adults and children are equal
- lack of recognition and/or understanding of the vulnerability of children
- inappropriate idealisation of children
- inadequate understanding of appropriate boundaries between adults and children
- indicators of negative safeguarding behaviours.

Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case.

All information considered in decision making is clearly recorded along with decisions made.

## Checking Identity

We check each candidate's identity during the recruitment process. The first opportunity to do this is usually when the candidate attends an interview.

## Individuals that have Lived or Worked Outside the UK

Individuals who have lived or worked outside the UK undergo the same checks as all other staff (This includes obtaining (via the applicant) an enhanced DBS certificate (including children's barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, we make any further checks we think appropriate so that any relevant events that occurred outside the UK can be considered.

Following the UK's exit from the EU, we apply the same approach for any individuals who have lived or worked outside the UK regardless of whether it was in an EEA country or the rest of the world. These checks could include, where available:

- criminal records check for overseas applicants
- obtaining a letter (via the applicant) from the professional regulating authority (this is often the Department/Ministry of Education but varies across the world) in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach.

Where available, such evidence will be considered together with information obtained through other pre-appointment checks to help assess their suitability. Where this information is not available, we seek alternative methods of checking suitability and/or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, we consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

Not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from country to country. We are mindful that the criteria for disclosing offences in other countries often have a different threshold than those in the UK.

Some overseas qualified teachers can apply to the TRA for the award of qualified teacher status (QTS) in England. It is important to note that holding a teaching qualification (wherever it was obtained) does not provide suitable assurances for safeguarding purposes that an individual has not been found guilty of any wrongdoing or misconduct, and or is suitable to work with children.

## Online Screening

As part of the shortlisting process, post-interview we may carry out an online search as part of our due diligence on the shortlisted candidates. This helps us to identify any incidents or issues that have happened, and are publicly available online, which we may want to explore with the applicant.

Checks will only be made at the after interview prior to contract offer stage in the same way that references are only checked as a final stage in the recruitment process.

## Conditional Offer

When we contact the successful candidate, we make it clear that the offer is still subject to satisfactory completion of all the vetting processes we need to undertake.

## Physical and Mental Wellbeing

We will verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant will be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role.

## Data Privacy and Retention of Records

- We do not have to keep copies of DBS certificates to fulfil the duty of maintaining the single central record. To help comply with the requirements of the Data Protection Act 2018, when we choose to retain a copy, there should be a valid reason for doing so and it should not be kept for longer than six months.
- When the information is destroyed, we may keep a record of the fact that vetting was carried out, the result and the recruitment decision taken if they choose to.
- Copies of DBS certificates and records of criminal information disclosed by the candidate are covered by UK GDPR/DPA 2018 Article 10.89
- A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications should be kept on their personnel file

## Agency and Third-Party Staff

We obtain written notification from any agency, or third-party organisation, that they have carried out the checks on an individual who will be working for or on behalf of Pearson, that we would otherwise perform.

In respect of the enhanced DBS check, we ensure that written notification confirms the certificate has been obtained by either the employment business or another such business. Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work, which has disclosed any matter or information, or any information was provided to the employment business, we must obtain a copy of the certificate from the agency. Where the position requires a children's barred list check, this must be obtained by the agency or third party obtaining an enhanced DBS certificate with children's barred list information, prior to appointing the individual. We also check that the person presenting themselves for work is the same person on whom the checks have been made.

## Creating a Safer Culture

The commitment to safeguarding children is an ongoing process and has a high profile in the organisation. Those working for or on behalf of Pearson should feel responsible for helping to make a safer culture and empowered to speak out if they have concerns.

To help develop a safe environment for speaking out, we make child protection a key part of induction for those working for or on behalf of Pearson

## Induction

Having a consistent induction process makes sure everyone in Pearson Tutoring fully understands and knows how to follow our safeguarding policies and procedures.

We make sure those working for or on behalf of Pearson:

- have read and understand our safeguarding and child protection policies and procedures
- know how to spot the signs that a child may be experiencing abuse
- know how to respond appropriately if a child makes a disclosure about abuse
- know what to do if they have concerns about a child's wellbeing.

All those working for or on behalf of Pearson complete child protection training as part of their induction – even if they say they have done this before. We make sure everyone has up-to-date knowledge and skills and understands how child protection works in our organisation.

We may also put a mentoring and/or supervision process in place for new staff and/or having a probationary/trial period. This allows concerns on either side to be raised and responded to appropriately.

## Ongoing Supervision and Training

Supervision and training are regular and ongoing. It gives everyone a chance to reflect on and improve their child protection practice and keeps safeguarding at the front of their minds.

Ensure everyone is kept up to date with any changes that are made to our safeguarding and child protection policies and procedures.

## Single Central Record

We maintain a single central record of pre-appointment checks, referred to in the Regulations as “the register” and more commonly known as “the single central record”

The minimum information that is recorded in respect of staff members is set out below.

For agency and third-party supply staff, schools and colleges must include:

- whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, the date this confirmation was received and whether details of any enhanced DBS certificate have been provided in respect of the member of staff.

The single central record must indicate whether the following checks have been carried out or certificates obtained:

- the date on which each check was completed, or certificate obtained
- a standalone children's barred list check
- an enhanced DBS check (with children's barred list check) requested/certificate provided
- a prohibition from teaching check
- further checks on people who have lived or worked outside the UK
- a check of professional qualifications, where required
- a check to establish the person's right to work in the United Kingdom
- whether the person's position involves 'relevant activity', i.e., regularly caring for, training, supervising or being solely in charge of persons aged under 18

- independent schools (including academies and free schools) must record details of the section 128 checks undertaken for those in management positions

We also record any other information we deem relevant. For example:

- whether relevant staff have been informed of their duty to disclose relevant information under the childcare disqualification arrangements
- checks made on volunteers
- dates on which safeguarding and safer recruitment training was undertaken
- the name of the person who carried out each check.

The details of an individual are removed from the single central record once they no longer work for Pearson Tutoring. The single central record is kept in electronic form

## Legal Framework and Related Policies and Procedures

This policy is complementary to several existing policies and practices mentioned below. In general, where any reference is made to the physical world in these documents, this will apply in the same way in the online world, or as near to it as is reasonably foreseeable and possible.

### Legal and Statutory Framework

- KCSIE 2022
- The Teachers' Disciplinary (England) Regulations 2012
- Childcare Act 2006
- Apprenticeships, Skills, Children and Learning Act 2009
- Working Together to Safeguarding Children
- The Teachers Standards
- The Education Act 2002
- Human Rights Act 1998
- Equality Act 2010
- Public Sector Equality Duty (advice for schools)
- Children and Young Persons Act 2008
- The School Staffing Regulations 2009
- SVGA 2006
- Police Act 1997
- The Rehabilitation of Offenders Act 1974
- The Education (Independent Schools Standards) Regulations 2014

### Pearson Policies

- Code of conduct
- Health and safety
- Specific practices for online delivery
- Global Safeguarding Statement
- Global Safeguarding Standards
- Safeguarding and Child Protection Policy
- Online Screening guidance

## Policy Development and Review

We review our Policy at least every year to ensure that our commitments remain relevant to the nature of operations and practices.

Signature:

A handwritten signature in blue ink that reads "shaun kelly". The signature is written in a cursive style with a horizontal underline underneath the name.

Shaun Kelly, Global Director of Safeguarding

Date: 02 September 2022