



Pearson

Pearson Tutoring

Programme:

**Recruitment, selection
and disclosure policy
and procedure**

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Introduction

The Pearson Tutoring Programme is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. The Programme is also committed to providing a supportive and flexible working environment to all its members of staff. The Programme recognises that, in order to achieve its aims, it is of fundamental importance to attract, recruit and retain members of staff of the highest calibre, who share firm commitment to the Programme's purpose and values.

Policy Statement

Purpose and scope of policy statement

Pearson puts the learner at the centre of all that we do. We are committed to providing a safe and secure online environment for all our learners, employees, apprentices and stakeholders, particularly those that are under 18 or in some other way vulnerable.

Our primary consideration is to ensure that no learner is at risk of abuse or is harmed. We aim to protect children, young people and vulnerable adults who are engaging with our sessions whether online or face to face with the overarching principles that guide our approach to child protection.

The Pearson Tutoring Programme will usually be delivered via a school. As such we will work closely with the school on all matters regarding Safeguarding and the welfare of the students. The links with the school's Designated Lead for Safeguarding will be particularly important and this is reflected in the document below.

Legal framework and related policies and procedures

This policy is complementary to several existing organisational 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.

- Code of conduct
- Health and safety
- Social media guidelines
- Online safety
- Global information security
- Safeguarding policy

Our beliefs

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Issue date: 11/09/2020

Review date: 30/06/2021

Owner: Shaun Kelly

We aim for all learners to have the same opportunity to use and engage with our materials and therefore all learners should have equality of protection when doing so. This is regardless of their gender, ability, race, sexuality, ethnicity, circumstances or age. Vulnerable children and adults require particular attention in order to optimise their safety needs and promote their access to important opportunities.

Our objective is to do all that we can to ensure that learners are not at risk of abuse while receiving a service from us online or in schools/colleges, whether this is from Pearson employees, peers or contractors. We will recognize and take appropriate action, when a child, young person or vulnerable adult might be abused in the community or family.

Aims of recruitment, selection and disclosure policy and procedure

The aims of the Pearson Tutoring Programme Recruitment, Selection and Disclosure Policy and Procedure are as follows:

- 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 job applicants are considered equally and consistently
- to ensure that no job 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 published by the Department for Education (DfE), Safeguarding children and safer recruitment in education (Guidance), Keeping Children Safe in Education (KCSIE), the ISI Handbook for the Inspection of Schools (Guidance), the Prevent Duty, and relevant guidance or code of practice published by the Disclosure and Barring Service (DBS)
- to ensure that the Programme meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks

Scope of the policy

The Pearson Tutoring Programme Recruitment, Selection and Disclosure Policy and Procedure document applies to members of staff directly recruited and employed/engaged by Pearson Tutoring Programme, most often tutors.

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In the case of agency workers or where a recruitment agency has been used to recruit or play a part in the recruitment of staff, Pearson Tutoring Programme will obtain written confirmation from the agency that it has carried out the appropriate checks as detailed in the Safer Recruitment Policy and Procedure.

In the case of contractors, Pearson Tutoring Programme will conduct the required checks as detailed in the Safer Recruitment Policy and Procedure and, where appropriate, obtain written confirmation that contractor checks have been carried out.

Dates

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

Signature



[shaun kelly \(Sep 18, 2020 09:19 GMT+1\)](#)

Shaun Kelly

Recruitment and selection procedure

Advertising of posts

The aim of advertising is to attract a wide range of high quality candidates from diverse backgrounds. All advertisements for posts, whether in newspapers, journals or online should include a statement confirming that Pearson Tutoring Programme is committed to safeguarding and the welfare of children and that all candidates who may come into contact with pupils, either online or in person, will be required to undergo an Enhanced DBS check.

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Job descriptions and person specification

The qualifications, skills, experience, knowledge, aptitudes and abilities that are required for the post will be identified clearly in the job description and person specification. The job description will also state that it is the individual's responsibility to promote the welfare of children and young people s/he is responsible for or comes into contact with.

Application form

Pearson Tutoring Programme will normally only accept applications from candidates completing the documentation provided for application for the specific role. CVs will not be accepted as a substitute for application forms. The Programme will make candidates aware that all posts in the Programme involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Any gaps in employment history must be accounted for and will be explored (and noted). Pearson's Tutoring Programme's application form, job descriptions, person specification, Safeguarding policy and Recruitment, selections and disclosure policy are made available to all applicants.

Invitation to interview

The Programme will shortlist applicants for interview based on selection criteria which assess the candidate's qualifications, skills, experience, knowledge, aptitudes and abilities against the job description and person specification. The applicant may then be invited to a formal interview at which their relevant skills and experience will be assessed in more detail. There may be a variety of interview processes, which include digital and online contact with the interviewee. All formal interviews will have a panel of at least two people. The Programme seeks to ensure that at least one person on the recruitment panel/s will have undertaken safer recruitment training. A written or video record of the interview will be kept. In addition to technical/competency-based questions, candidates will be asked questions relating to their attitude and motivation to work with children and young people (or in an environment where they are present). For security purposes, and in accordance with statutory guidance, all applicants are to provide original documentation during the application process, confirming photo evidence of their identity.

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Conditional offer of appointment

If it is decided to make an offer of employment, any such offer will be conditional on the following basis:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating Pearson Tutoring Programme standard terms and conditions of employment
- verification of the applicant's identity (where that has not previously been verified)
- the receipt of at least two written references (one of which must normally be from the applicant's most recent employer), which Pearson Tutoring Programme considers to be satisfactory
- confirmation from the Teaching Regulation Agency (previously known as the National College for Teaching and Leadership (NCTL)) that the applicant is not subject to a prohibition order (including check of any EEA authority restrictions, if applicable)
- the receipt of an Enhanced Disclosure + Barred Listing check from the DBS which Pearson Tutoring Programme deem to be satisfactory, and that the Enhanced DBS certificate is provided to Pearson Tutoring Programme before the first day of employment
- verification of the applicant's medical fitness for the role (see section on medical fitness below)
- for any roles which are based in the UK, verification of the applicant's right to work in the UK
- any further checks, which are necessary as a result of the applicant having lived or worked outside of the UK
- verification of professional qualifications which the Pearson Tutoring Programme deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified)
- that the applicant attends and satisfactorily completes all the required training, including Safeguarding training

Medical fitness

The Programme is legally required to verify the mental and physical fitness to carry out their work responsibilities of anyone to be appointed to a post at the Programme, after an offer of employment has been made but before the appointment can be confirmed.

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Review date: 30/06/2021

Owner: Shaun Kelly

It is the Programme's practice that all applicants, to whom an offer of employment is made, must complete a Health Questionnaire. The information contained in the questionnaire will then be held by the Programme in strictest confidence and processed in accordance with Pearson's Employee Privacy Notice and Data Protection Policy. The information will be reviewed against the Job Description and the Person Specification for the role. If the Programme has any doubts about an applicant's fitness, the Programme will consider reasonable adjustments in consultation with the applicant. The Programme may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.

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

Pre-employment checks

In accordance with the recommendations set out in the statutory guidance, KCSIE 2019 and the requirements of the Education (Independent School Standards) (England) Regulations, the Pearson Tutoring Programme carries out a number of pre-employment checks in respect of all prospective employees.

In addition to the checks set out below, Pearson Tutoring Programme reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work for the Pearson Tutoring Programme. This may include internet and social media searches.

Verification of identity

All applicants who are invited to interview will be required to provide an original photo ID. The Programme complies with the DBS identity checking guidelines. As part of the recruitment process, applicants will be advised of the original documents they are required to provide.

Where an applicant claims to have changed their name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change.

Pearson Tutoring Programme asks for the date of birth of all applicants (and proof of this) in accordance with the Guidance and KCSIE 2019. Proof of date of birth is necessary so that

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the Pearson Tutoring Programme may verify the identity of all applicants as well as check for any unexplained discrepancies in the employment and education history. Pearson Tutoring Programme does not discriminate on the grounds of age.

References

A complete set of references will be taken up once an offer of employment is made, unless these have been received previously.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by Pearson Tutoring Programme. One of the references must normally 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 reference 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.

Pearson Tutoring Programme may, at its discretion, require further references as appropriate in order to satisfy itself that the preferred candidate is both suitable and appointable.

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 normally be sent a copy of the job description and person specification for the role for which the applicant has applied. 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), except where the issues were deemed to have resulted from allegations which were found to be false, unsubstantiated, unfounded or malicious
- 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, except where the allegation or concerns were found to be false, unsubstantiated, unfounded or malicious.

The Programme will only accept references obtained directly from the referee. It will not rely on references or testimonials provided by the applicant or on open references or testimonials.

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The Programme will compare all references with information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed. The Programme will contact referees upon receipt of references to confirm that they have indeed supplied the reference.

Prohibition checks

Persons who are prohibited from teaching/and or management will not be appointed to work for the Pearson Tutoring Programme. Any offer of employment will be subject to the same and will not be confirmed until Pearson Tutoring Programme is satisfied that the individual is not prohibited from teaching and/or management.

Prohibition orders prevent a person from carrying out teaching work in schools and other settings. Where an individual is prohibited, their details will appear on the Prohibited List (Teaching). Pearson Tutoring Programme will check the Prohibited List (Teaching) and restrictions imposed by another EEA authority before confirming an applicant's employment.

The Programme will check whether successful applicants are the subject of a prohibition, or interim prohibition, order.

Criminal records check

Due to the nature of the work, the Programme applies for an Enhanced Disclosure + Barred Listing from the DBS in respect of all prospective members of staff or volunteers. Most posts at the Programme are exempt from the Rehabilitation of Offenders Act 1974. These are set out in the Rehabilitation of Offenders Act (Exceptions) order 1975. This means that applicants applying for posts in the Pearson Tutoring Programme must declare all convictions, cautions and bind-overs, including those regarded as 'spent'. Applicants who have been convicted of a criminal offence will be requested to give details, in confidence, to a member of the HR Team. The details will subsequently be destroyed.

Pearson Tutoring Programme applies for an Enhanced Disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at Pearson Tutoring Programme which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List maintained by the DBS. Any position undertaken at, or on behalf of, the Programme (whether paid or unpaid), will amount to "regulated activity" if it is carried out:

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- frequently, meaning once a week or more or
- regularly in that it satisfies the "period condition", meaning three times or more in a 30-day period and
- provides the opportunity for contact with children

This definition will cover nearly all posts at the Pearson Tutoring Programme.

It is for the Pearson Tutoring Programme to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances.

The DBS issues a DBS disclosure certificate to the subject of the check only, rather than to Pearson Tutoring Programme. It is a condition of employment with the Pearson Tutoring Programme that the original disclosure certificate be made available to the Pearson Tutoring Programme prior to the new employee's start date. Original certificates should not be sent by regular post. Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the Programme.

If there is a delay in receiving a DBS disclosure and the position requires an urgent start, the recruiting manager, in consultation with HR, may allow an individual to begin work pending receipt of the disclosure only if:

- all other checks, including a clear Children's Barred List check (where the position amounts to regulated activity), have been completed
- appropriate supervision can be put in place
- a new starter DBS risk assessment is completed and reviewed every two weeks until the Enhanced DBS check is received

No employee will be able to work unsupervised and will be subject to a DBS risk assessment (incorporating the appropriate level of supervision) until a suitable DBS disclosure certificate is received by Pearson Tutoring Programme. The risk assessment will be reviewed on a fortnightly basis until receipt of the disclosure.

Disclosure update service

The DBS disclosure update service allows individuals to register their details online with the DBS (as part of their Enhanced Disclosure application) and pay an annual fee to keep their DBS certificate details updated. This means that any future employers can quickly check the certificate online which will avoid many unnecessary repeat applications.

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Any gaps in employment/engagement longer than three months will normally require a new Enhanced Disclosure check to be undertaken. Pearson Tutoring Programme has therefore made it a requirement for staff, once employed, to sign up to the DBS update service so that repeat checks can be carried out quickly and easily on a regular basis. For most staff this will be annual. If a staff member has failed to keep their enrolment with the update service current, Pearson may refuse to fund the cost of a further DBS check but a DBS check will remain a prerequisite for employment

Overseas criminal record check

If Pearson Tutoring Programme does not consider the DBS certificate alone as sufficient (because it would not cover offences committed abroad), Pearson Tutoring Programme will require whatever evidence of checking is available from the person's country of origin (or any other countries in which they have lived) before the appointment is confirmed.

An overseas check will be required where the applicant has lived and/or worked abroad for three months or more in the last five years in accordance with ISI requirements. The Home Office has published updated guides on what checks are available from different countries. A UK national, returning after working in a foreign country, is required to obtain a certificate of good conduct or equivalent from the country/countries in question. Pearson Tutoring Programme will request extra references from countries that do not provide criminal record checks or should the overseas criminal record check be delayed. If an employee needs to start prior to receipt of the overseas police check, Pearson Tutoring Programme will confirm a start date provided that a risk assessment and all other pre-employment checks, including DBS and reference checks, are in place.

Prevention of illegal working – document checks

All candidates attending interview will be required to produce proof of identity, right to work in the UK and proof of address documents. Further details on the exact nature of documents to be provided will be sent to shortlisted candidates prior to interview.

Data protection and retention of records

Candidates will be required to provide certain information to enable the Programme to carry out the checks that are applicable to their role. The Programme will be required to provide certain information to third parties, such as the Disclosure and Barring Services. Failure to provide requested information may result in Pearson Tutoring Programme not being able to meet its employment, safeguarding or legal obligations. Pearson Tutoring Programme complies with its legal obligations under the Data Protection Act 2018 and the EU General Data Protection Regulation (GDPR) and will process pre-employment information in accordance with the Pearson Applicant Privacy Notice.

If the applicant is successful, personal data gathered during the recruitment process (with the exception of DBS information) will be transferred to the new employee's personnel file and retained during their employment. DBS certificate information will not be kept any longer than is necessary. This retention will allow for the consideration and resolution of any disputes or complaints or be for the purpose of completing safeguarding audits. Once the retention period has elapsed, the Programme will ensure that any DBS certificate information is immediately destroyed. Details about how Pearson Tutoring Programme processes employee data and the periods for which data will be held is set out in Pearson's Employee Privacy Notice and Data Protection Policy.

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks, Pearson Tutoring Programme also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at the Programme despite being barred from working with children
- has been deployed to another area of work that is not regulated activity (whether paid or unpaid), or has been suspended or has resigned prior to being redeployed, because they have harmed, or pose a risk of harm, to a child (the harm test)

If the individual referred to the DBS is a teacher, Pearson Tutoring Programme may also decide to make a referral to the Teaching Regulation Agency.

Appendix A: Background

The Pearson Tutoring Programme will not unfairly discriminate against any applicant for employment on the basis of a conviction or other details revealed. Pearson Tutoring Programme complies with the Disclosure and Barring Service (DBS) Code of Practice and makes

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appointment decisions based on skills, qualifications and experience. If an applicant has a criminal record, this will not automatically bar him/her from employment within the Programme. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

All positions within the Programme are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent", except for those to which the DBS filtering rules apply. A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct or the job offer being withdrawn. A failure to disclose a previous conviction may also amount to a criminal offence.

It is unlawful for the Pearson Tutoring Programme to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to attempt to apply for a position at the Programme. The Programme will make a report to the Police and /or the LADO, in the first instance, if:

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

A subsequent referral to the DBS and/or the Teaching Regulation Agency may also become necessary.

Appendix B: Assessment criteria and 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, Pearson Tutoring Programme 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
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

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Most Pearson Tutoring Programme posts involve regular contact with children. Therefore, it is normal for Pearson Tutoring Programme to consider it a high risk to employ anyone who has been convicted at any time for any of the following offences:

- murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence
- Class A drug related offences, robbery, burglary, theft, deception or fraud

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

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, Pearson Tutoring Programme will carry out a risk assessment by reference to the criteria set out above. The risk assessment must be signed by the Global Director of Safeguarding before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they can do so by contacting the DBS direct. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the Pearson Tutoring Programme will (where practicable and at its discretion) defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

Appendix C: Retention and security of disclosure information

The Pearson Tutoring Programme's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

In particular, Pearson Tutoring Programme will:

- store disclosure information and other confidential documents issued by the DBS securely
- not retain disclosure information or any associated correspondence for longer than is necessary
- Pearson Tutoring Programme 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

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- prohibit the photocopying or scanning of any disclosure information without the express permission of the individual