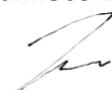


This policy has been written in accordance with DfE statutory guidance 'Keeping Children Safe in Education' (September 2020)

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1. Aims

This policy has been developed to ensure that the recruitment of tutors who work for and on behalf of Young Giants is compliant with [DFE Staffing and Employment Advice for Schools](#), including the [Keeping Children Safe in Education, 2019](#), so that the risk of recruiting someone who intends to harm is minimised. It applies to all people who carry out work for and on behalf of Young Giants, whether paid, voluntary, on a self-employed basis or under a service term agreement.

2. The Recruitment Process

The importance of safeguarding and protecting children who receive tuition will be promoted and published throughout the recruitment process in order to deter would-be abusers.

For every post, Young Giants CVs, contracts, guidance documents and associated policies will be used.

2.1 Timeline

The need for a thorough safer recruitment process is paramount appointment of tutors and the timeline will vary depending on the time it takes to receive all of the appropriate pre checks. It is recognised that appointments need to take place speedily to ensure continuity of provision for a young person needing tuition, however no appointment process will circumvent the measures described in this policy for the sake of expediency.

2.2 Job Description and Person Specifications

All Job Descriptions will, as a minimum detail:

Job Purpose

Specific Requirements (including educational requirements and where appropriate the learning and emotional needs of the student)

Specific Responsibilities

The postholder’s specific responsibility towards the promotion and the practice of safeguarding the welfare of young people

2.3 Advertisements

The advertisements for recruiting tutors will demonstrate our commitment to safer recruitment and vetting via a safer recruitment statement in order to act as a deterrent to would-be abusers.

All tutor recruitment advertisements will display the following:

Young Giants' name and logo

Rates of pay (range)

Advert text

Qualification requirements

Minimum experience required

Safeguarding Children Statement: 'Young Giants is committed to safeguarding and promoting the welfare of young people and expects all tutors to share this commitment. Tutors will be expected to undertake or have undertaken a Disclosure and Barring Check.'

2.4 Initial Interview and Application Packs

Potential candidates will initially be interviewed by telephone where the application process will be explained to them. Successful candidates in this first round will then be sent an application pack.

All covering letters sent with application packs will include the following paragraph:

'Young Giants is committed to safeguarding and protecting the welfare of young people as its number one priority. This commitment to robust recruitment and selection procedures extends to tutors who are working on its behalf.'

The following, as a minimum, will be provided to applicants:

Registration form

Safeguarding policy and procedure

Terms and conditions

Rehabilitation of Offenders Declaration Form [Disqualification by Association](#) guidance where appropriate

Tutors are required to email the following documents which are checked by the recruiting team as part of the screening process.

Completed registration form, includes qualifications, subjects and experience

CV, detailing work history and experience

Scanned copy of current DBS clearance (if none available a DBS check through Young Giants will be required). DBS copies will be kept for a maximum of 6 months in accordance with regulations. Thereafter only the DBS number and issue date will be stored.

Scanned Qualifications certificates

Teacher number if applicable

Scanned passport or other photo ID Scanned proof of address

Right to work in the UK (if appropriate)

2.5 Shortlisting

The management team will review all applications and match against the advertisement.

Checks include, verifying their professional qualifications, identity and right to work in the UK. Each candidate must have signed a declaration to confirm they have received, read and understood Young Giants safeguarding policy and procedures.

2.6 Interviews

The interview for final acceptance as a tutor is conducted by telephone, Skype or in person. It will allow time for any discrepancy in a candidate's application form to be scrutinised. Interviewers will question the candidates regarding employment gaps, criminal record disclosures (if this is not clear then further checks will take place – see below), previous experience, suitability for the role and their motivation to work with young people. Tutors are allocated to a variety of roles within the company, including private clients, work with vulnerable young people, supplementary education and catch-up tuition, as part of the interview process the interviewer will check SEN experience, experience of entrance examination preparation, online learning and the range of students taught in more formal settings. This information is used to guide consultants on the suitability of tutors to different placements. The interviewer must be completely satisfied with all answers before proceeding further with the candidate's application. Tutors being considered for Alternative Provision placements undergo a second interview and screening process which will involve a face to face meeting (if this has not happened already). The tutors will be initially matched as potentially suitable to work with a vulnerable student by location, qualifications and experience. The Head of AP provision will ensure that the tutor has a high level of awareness of safeguarding issues and child protection and check compliance. In the majority of cases they will also follow up with the tutor at the initial contract meeting with the student and parent /carer and if the tutor is not suitable for this placement the tutor will be reassigned.

2.7 References

These will be requested following the interview. One of the referees must be the candidate's current or most recent employer. Open references will not be accepted neither will references provided by the candidate. Referees for all candidates will be asked specific role and child protection related questions. This avoids references which may have

been written as part of a compromise agreement and would not state any adverse qualities or incidents involving the candidate.

When references are received our Tutor Support team will follow up any discrepancies or issues.

2.8 Employment Gaps

Candidates must explain all employment gaps and these will be investigated at interview. The Tutor Support team will explore patterns of repeated change in career or employers at interview, ensuring that the reasons for this are fully explored.

3. Pre Checks

Tutors are exempt from the Rehabilitation of Offenders Act 1974 (updated guidance March 2014), therefore, we encourage candidates to disclose any unspent and spent convictions during the application stage by asking the question at interview and then sending a Criminal Declarations Form. Disclosing a criminal background will not be used as a reason to not interview the candidate, unless it involves violence and/or the safety of young people. Having a criminal conviction will not necessarily bar a person from working with young people. Successful candidates will be required to complete a DBS application form unless they hold an enhanced DBS issued within three years. Once Enhanced DBS with barred list clearance is verified, any discrepancy in convictions declared on the Self Disclosure and DBS clearance will be discussed, and may lead to the candidate's application being refused. As part of this vetting procedure any DBS forms that are not completely clear will be initially assessed by the tutor support team leader and discussed with the applicant at interview. If the conviction relates to a serious issue, relating to harm to another person(s), sexual offences or drug offences (see Appendix 1) then the candidate will automatically be rejected. If it is a less serious offence that is not directly related to the safeguarding of young people (see Appendix 2) then it will be assessed independently by Young Giants' management and risk assessed. Risk assessments will be checked by at least two people before clearance is given. If the tutor is passed for tutoring by Young Giants the details on the DBS will be shared with clients prior to any placement and clearance must be obtained by email from the client and a record kept.

3.1 Regulated Activity

An Enhanced DBS check is needed for all staff and tutors.

For all appointments, an Enhanced DBS check with barred list information will be required as all tutors will be engaging in regulated activity. A person will be considered to be in 'regulated activity' if as a result of their work they:

Will be responsible, on a regular basis, in any setting for the care or supervision of children or

Will regularly work in a school or college at times when children are on the school or college premises or

Will regularly come into contact with children under 18 years of age

3.2 Verification of Candidates Identity

It is vital that we know who our tutors are and have evidence to prove this. Evidence of identity will be sought. We require a current passport. If a candidate does not own a current passport then a driving licence photo ID is accepted. If a tutor does not complete registration or decides to not tutor any more then this identity information is destroyed confidentially.

3.3 Enhanced DBS Check with Children's Barred List Check

All employees and tutors will be considered to take part in regulated activity and therefore we will require them to be checked against the Children's Barred List and obtain an enhanced DBS check.

We will accept enhanced DBS checks from other organisations if they are less than three years old and have been checked against the Children's Barred List.

3.4 Right to Work in the UK

The Tutor Support team will request documentation from the candidate to verify their right to work in the UK (Passport along with Residence Permit/Visa). Where the right to work in the UK cannot be verified, the tutor's application will be withdrawn.

3.5 Verification of Professional Qualifications

The Tutor Support team will require evidence of qualifications as detailed on their application form. A copy of their certificates will be kept on our central system. If the applicant has qualified overseas, a [NARIC](#) may also be requested. All candidates will not proceed to be offered work without satisfactory checks being received and verified.

4. Single Central Register

Young Giants will keep a Single Central Record for all tutors that provides confirmation that relevant checks have been taken such as:

Verification of Identity

Qualifications

Children's Barred List Check Disclosure and Barring Service Check Employer Access Online (GTC check) References

Right to work in the UK

5. Young Giants - GUIDANCE AND PROCESSES CONCERNING POSITIVE DBS CHECKS

Background

Young Giants expects all tutors and staff to uphold high standards of safeguarding (children and vulnerable adults) that are consistent with best practice and compliant with statutory responsibilities.

All prospective tutors who will work with children and young people must be compliant with the Children Act 2004 Section 11 responsibilities, and this will be verified and explored before the registration of tutors is completed.

Disclosure and Barring Service (DBS) checks are part of established best practice when recruiting tutors and staff who hold positions where they deal with vulnerable people and children.

Young Giants ensures that every tutor and member of staff who would like to work through us and for us is subject to enhanced DBS checks before the individual has contact with any children or vulnerable adults. Individuals known to PoCA (Proceeds of Crime Act) and PoVA (Protection of Vulnerable Adults) or the Childrens' Barred List previously known as List 99 would be effectively barred from working with children and vulnerable adults. Note that the Independent Safeguarding Authority's (ISA) 'barred lists' have replaced (and incorporated) these lists since October 2009.

Schedule Four of the Criminal Justice and Court Services Act 2000 lists the offences that would automatically bar the offender from working with children. These include various kinds of violence and sexual offences and are detailed in Appendix 1.

Young Giants accepts that some individuals who have a history of offending may not pose a current risk to children or vulnerable adults and that their personal experience may provide them with unique skills and experience which can be used as a rich opportunity to divert some young people from taking similar paths. An indicative list of these offences is given in Appendix 2.

In all such cases, positive DBS checks must be risk assessed by a panel (of at least two people) to assess whether the individual possesses a current risk to children and vulnerable adults. The decision as to whether or not to accept someone with a positive check must be signed off in writing by the Managing Director.

Appendix 1: Convictions or circumstances which would automatically exclude a tutor or member of staff being appointed

Please note: this list is not definitive or exhaustive nor restricted to posts involving access to children/young persons and vulnerable adults or to information about them.

1. Placement on either the PoCA or PoVA lists or Childrens' Barred List

People whose employment has been barred or restricted by the Secretary of State for Education and Skills under the terms of the Education (Restriction of Employment) Regulations 2000, and previous regulations

3. Offences where death results, violence is used or threatened or life recklessly endangered by a person's actions including, but not restricted to:

- Murder (Common Law)
- Manslaughter (Common Law)
- Wounding or Causing Grievous Bodily Harm with Intent, otherwise known as Malicious Wounding (Section 18 – Offences Against the Person Act 1861)
- Grievous Bodily Harm or Unlawful Wounding (Section 20 – Offences Against the Person Act 1861)
- Robbery (Section 8 – Theft Act 1968)
- Aggravated Burglary (Section 10 – Theft Act 1968)
- Injury or Assault (Section 1 – Children and Young Persons Act 1933 amended 1989)
- Rioting (Section 1 – Public Order Act 1986)
- Violent Disorder (Section 2 – Public Order Act 1986)
- Infanticide (Section 1 (1) – Infanticide Act 1938)
- Child Destruction (Section 1 – Infant Life Preservation Act 1929)
- Causing fear of violence (Section 4 – Protection from Harassment Act 1997)
- Arson (Section 1 – Criminal Damage Act 1971)
- Offences included in the Prevention of Terrorism (Temporary Provisions) Act 1989
- Firearms offences – Possession of Firearms with Intent, Use of Firearms to Resist Arrest and Possession in Relation to Certain Offences (Section 16, 17(i), 17(ii) & 20 – Firearms Act 1968)
- Threats to kill (Section 16 – Offences Against the Person Act 1861)
- Destroying or Damaging Property with Intent to Endanger Life (Section 1 (1) – Criminal Damage Act 1971)
- Incitement of Racial Hatred (Section 31 – Race Relations Act 1976)
- Aggravated Vehicle Taking (Section 12 (a) – Theft Act 1992)
- Drug offences:

- Importation and Exportation, Production, Supply and Possession with Intent to Supply (Sections 3, 4(2) 4(3), 5(3) Misuse Of Drugs Act 1971)
- Sexual offences to include (but not be restricted to) the below as well as more recent changes as listed in the Sexual Offences Act 2003 or any subsequent updates or amendments to this Act which may supersede any previous Sexual Offences Acts:
 - Rape and Attempted Rape
 - Abduction
 - Incest
 - Buggery (for the purposes of these guidelines this applies only when the offence was committed with a child under 16 or any person without consent)
 - Gross Indecency*
 - Indecent Exposure*
 - Indecent Assault
 - Causing or Encouraging to Become Prostitutes
 - Intercourse with a Girl Under 16 or Mentally Disabled Person (known as Defilement)
 - Indecent Contact with Children

*Depending on the circumstances some offences concerning indecency may afford discretion. The circumstances would need to be clearly established before a final decision could be made.

Appendix 2: Offences subject to management discretion

It is recognised that there are a variety of “other” offences where convictions may or may not indicate that the person is unsuitable for work providing substantial access to children and vulnerable adults. The reason for having such a category is that circumstances surrounding some offences vary widely. It is not possible to establish the precise circumstances of the arrest or details of the offence merely from the information provided by the DBS. We will ask for a Self-Disclosure form to be completed so all circumstances can be considered. For example, a person charged with “assault” may have been acting in self-defence or the offence of threatening behaviour could arise from a picket as part of an industrial dispute.

Offences in this category could include:

- Any bound over orders or cautions or any breaches of the peace.
- Offences committed when the candidate was under the age of 18 therefore legally considered a juvenile, unless those detailed in Appendix 1.
- Assaults or threats of violence
- Actual Bodily Harm (Section 47 – Offences Against the Person Act 1861)
- Common Assault (Section 39 – Criminal Justice Act 1988)
- Carrying an Offensive Weapon (Prevention of Crime Act 1963)
- Affray (Section 3 – Public Order Act 1986)
- Intentional Harassment, Alarm or Distress (Section 4(a) – Public Order Act 1986)
- Assault on Police (Section 81(1) – Police Act 1996 or Section 51 Police Act 1964)
- Criminal Damage
- Destroying or Damaging Property (Section 1 (2) – Criminal Damage Act 1971) Thefts
- Theft (Section 1 – Theft Act 1968)
- Making off without payment (Section 3 – Theft Act 1968)
- Burglary (Section 9 – Theft Act 1968)
- Obtaining property by Deception (Section 15 – Theft Act 1968)
- Obtaining a Pecuniary Advantage (Section 16 – Theft Act 1968)
- Handling Stolen Goods (Section 22 – Theft Act 1968)
- Blackmail (Section 21 – Theft Act 1968)
- Going Equipped (Section 25 – Theft Act 1968)
- Sexual Offences
- Loitering and Soliciting
- Kerb Crawling
- Drug offences
 - Possession of Class A, B & C Drugs (Section 5(2) – Misuse of Drugs Act 1971) Verify how long ago the offence occurred, and whether there is any medical history of drug taking.
- Other offences
- Obscene Publications Offences (Section 1 (13) – Obscene Publications Act 1964)

- Cruelty to Animals (Section 1 – Protection of Animals Act 1911)

These guidelines do not provide an exhaustive list of all criminal offences, but cover those most likely to be recorded.