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INTRODUCTION

Young Giants Ltd (the “Company”) are committed to safeguarding and promoting the welfare of all pupils. All employees and self-employed tutors are expected by the company to share this commitment.

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 2021 guidelines, 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.

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 contracts, guidance documents and associated policies will be used.

Timeline

The need for a thorough safer recruitment process is paramount to the 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.

Job Description and Person Specifications

All Job Descriptions will contain, 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 post holder’s specific responsibility towards the promotion and the practice of safeguarding the welfare of young people

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 if appropriate, 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.’ (or variant of)

Initial Interview and Application Packs

Potential candidates will initially be interviewed by telephone where the application process will be explained to them. Successful candidates will be sent an application pack.’

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

- Registration form
- Safeguarding policy and procedure
- Terms and conditions
- Rehabilitation of Offenders Declaration Form and 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, including 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)

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.

Interviews

At least one person on the interview panel will be trained in Safer Recruitment.

The interview for final acceptance as a tutor is conducted via video call 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 work with vulnerable young people, supplementary education and catch-up tuition. As part of the interview process the interviewer will check SEND experience, experience of 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 will be initially matched as potentially suitable to work with a vulnerable student by location, qualifications, and experience. The interviewer on behalf of Young Giants 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.

References

These will be requested following the interview. One of the referees must be the candidate's current or most recent employer and one must be for work involving children or vulnerable people. 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.

Employment Gaps

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

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 on the Tutor Registration Form 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 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 new DBS application unless they hold an enhanced DBS issued within three years *and* still work for the organisation through which the DBS was obtained. 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 risk assessed by the DSL and discussed with the applicant at interview or before first teaching assignment. If the conviction relates to a serious issue, such as listed in Appendix 1 then the candidate will automatically be rejected. If it is a less serious offence such as listed in Appendix 2, then it will be assessed independently by Young Giants' management/DSL and risk assessed.

If a person is not eligible for a children's barred list check but will be working in a management position, a section 128 check will be carried out using the Teaching Regulation Agency's (TRA) employer access service.

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 Enhanced Check – if on update service, original certificate must be seen and online check carried out for any updates
- Prohibition from Teaching check via TRA
- References
- Right to work in the UK

GUIDANCE AND PROCESSES CONCERNING POSITIVE DBS CHECKS

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 DSLs 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 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
2. 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:

Violent Offences:

- 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 minor 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.

QUERIES

This Policy will be regularly reviewed and updated as necessary. The management team endorses these Policies and is fully committed to their implementation. If you have any queries about this policy you should contact Jaime Johnson or Lisa Crawley.