



Safer Recruitment Work Instruction

This work instruction explains how to implement our Safer Recruitment and Code of Practice (and for a new starter the relevant sections in Pre-Start and Vetting Work Record should be populated with the safer recruitment results. The renewal period for DBS checks for all staff and associates is 2 years. For renewal DBS checks and any other renewal vetting, please follow the prompts on the DBS and Vetting Update Record in conjunction with the relevant sections of this work instruction.

1. Obtain references: Record that references have been seen and record explanations for gaps in employment.

2. Verify identity: Ask to see ID – Keep a record of evidence provided.

3. Check professional qualifications: Ask to see professional certificates. Keep a record of certificates produced and add to staff CPD file.

4. Right to Work Check: Follow the Home Office An employer's guide to right to work checks (<https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>) and record evidence as stipulated.

5. Conduct Disclosure Services Criminal Record Check as applicable to job role: Qualitrain Ltd uses Disclosure Services, our umbrella organisation, to conduct applicable criminal record checks, typically through Disclosure Barring Service (DBS) to help assess the suitability of applicants for positions. Qualitrain Limited complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information, also ensuring its obligations under the General Data Protection Regulation (GDPR) and other relevant legislation (See Safer Recruitment and Code of Practice Policy). Qualitrain Limited complies with the Rehabilitation of Offenders Act 1974 through the Recruitment of Ex-Offenders Policy

5.1 Disclosure Services Contact Details:

Disclosure Services
Ellice House
Ellice Way
Yale Business Village
Wrexham
LL13 7YL

e: info@disclosureservices.com

t: 01978 510100

For GDPR enquiries or enquiries relating to Data Protection please contact:

Steven Burgess

Compliance and governance officer

Steven.Burgess@disclosureservices.com

5.2 Types of Checks: There are the four types of check:

Basic Check:

- A basic check can be used for any position or purpose.

- A basic check will contain details of convictions and conditional cautions that are considered to be unspent under the terms of the Rehabilitation of Offenders Act (ROA) 1974.

Source: <https://www.gov.uk/government/publications/basic-checks> Accessed 12th October 2020

Three other types of check are:

- A standard check shows spent and unspent convictions, cautions, reprimands and final warnings
- An enhanced check shows the same as a standard check plus any information held by local police that's considered relevant to the role
- An enhanced check with barred lists shows the same as an enhanced check plus whether the applicant is on the list of people barred from doing the role

Source: <https://www.gov.uk/dbs-check-applicant-criminal-record>) Accessed 12th October 2020

5.3 Who needs a check and at what level?

Typical checks that should be considered by Qualitrain are given below along with guidance. (Disclosure Services will query a check level if seems wrong for role, as could be a GDPR breach and can be consulted to help identify required level of check):

Basic DBS Check can be conducted for any position and as a minimum it is a Qualitrain requirement for those working with employed learners 16 or above. (Anyone 16 or older who is employed is considered to be an adult for DBS checking as explained in Scenario One and Two in Appendix 2).

Note: Government guidance states that certain work activities are regulated when carried out in specified establishments (regulated places of work). Training and/or assessments taking place **off site** could mean that the participant attends a college or similar premises. If these premises are considered to be a specified establishment then any tutor/trainer who meets the definition of regulated activity would have been checked accordingly. Appendix 2 contains some guidance, but If in doubt seek advice and/ or conduct a risk assessment.

Standard DBS Check may be a requirement for director-level individuals of organisations bidding for public contracts, when requested by the contracting organisation (See Legislative Wording 2 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/753972/Standards_eligibility_guide_v1.0_051118.pdf Accessed 12th October 2020) **Note:** Appendix 2 states that based on guidance a Basic check is the level required for a Good 2 Go senior officer.

Enhanced level DBS check with a children's barred list check or enhanced level DBS check only: Learners aged 16 and 17 and not employed are defined as a child for DBS checking purposes. Please follow guidance in Scenario 3 in Appendix 2. This is because the learners are under 18.

The Basic check is the right one for those training vulnerable adults provided it is not a regulated activity. If support is provided with health/ washing/ toilet etc... as described in our Safeguarding policy (QT76), then it becomes a regulated activity and an Enhanced DBS check is required. (Caroline Clarke 21/8/15).

Note: Any appropriate checks should be conducted through DBS (Disclosure Barring Service) for people living or working in England or Wales, whereas Disclosure Scotland or AccessNI should be used for checks for people living or working in Scotland or Northern Ireland, respectively. However, as already stated, all checks are conducted through umbrella organisation, Disclosure Services.

5.4 Once Type of Check Determined: The following five steps need to be followed:

Step 1: Firstly, information and consent need to be given by the applicant. Disclosure Services can help with any questions, alternatively advice is available online, such as for the basic check via <https://www.gov.uk/government/publications/basic-checks>. Give applicant the appropriate Evidence Gathering and Consent Form from within the Disclosure Services online library which explains the information requirements. For a basic check, this is the Basic Evidence Gathering and Consent Form.

- a. Either ask applicant to complete the relevant paper-based Evidence Gathering and Consent Form and provide ID evidence
- b. Or, ask applicant to reference the Evidence Gathering and Consent Form and then submit the required information electronically, which can be done by directing them to the Disclosure Services website (www.disclosureservices.com) as a **remote applicant** to add the required evidence gathering information. Using:

Username: qualitrainsremote

Password: qualitrains53268

Ask applicant to follow the onscreen prompts. If a DBS Basic check is applicable, the following responses should be included:

Application Level: BASIC

Reason for applying: Employment

Work Location: England/ Wales

Section 4: Organisation/ Employer's Details:

Workforce Type: Other Workforce (Based on advice given by Disclosure Services)

Employer Sector: No option really covers Qualitrain, but it is a marketing question, so not linked to the check. Select best match, such as Manufacturing or Further Education option.

Position: Enter job title

Cost Centre No.: Ignore (Leave blank)

Step 2: ID Checker needs to be provided with the completed Evidence Gathering and Consent Form if this was completed, or receive an email with Candidate Remote DBS Submitted in the header from Disclosure Services if the information and consent were gathered electronically. Then arrange to see originals of the ID documents stated during Step 1 so the ID evidence can be checked, and then applications can be activated. Applications are submitted via the password protected client log-in on the Disclosure Services website, accessible by going to <http://www.disclosureservices.com/>.

Step 3: Once a check has been processed an email notification is sent to up to 3 named Disclosure Services Qualitrain users which states whether the check is clear or not clear, but is **not** the certificate.

- If a Basic check, the certificate will be issued based on consent form information; typically to the applicant.
- If a standard or enhanced check, the certificate listing the results is automatically sent to the applicant.

The applicant needs to be asked to show Qualitrain the certificate if it does not come back clear.

Step 4: All other evidence not needed for compliance purposes needs to be destroyed* as explained in Safer Recruitment and Code of Practice

* The applicant has the right to request that a paper-based basic certificate, if issued, is passed on to them rather than destroyed.

Step 5: Continue with vetting:

- Pre-Starter: Continue following this work instruction, in conjunction with completion of Pre-Start and Vetting Work Record.
- DBS Renewal for an Existing Employee or Associate – Go to Section 8 (Consider Risks), in conjunction with completion of DBS and Vetting Update Record Work Record

6. **Prohibition of teaching check, if applicable***: By following Teacher status checks: information for employers in conjunction with the Secure Access <https://sa.education.gov.uk/ui/help> and updating the Single Central Register (Safeguarding Master) with the outcome.

*Note: Andrew Hall (Specialist Safeguarding Consultant states that the **check is not required for staff in Further Education colleges and our sector as explained in Appendix 3**. Organisations who must carry out this check and record they have done so on the Single Central Record: Maintained Schools, Pupil Referral Units, Independent schools, Academies, Free Schools, Non-maintained special schools and Sixth Form Colleges. This is similar to the requirements stated in Paragraph 126 of *Keeping Children Safe in Education (September 2019)*. Also, Qualitrain's Safeguarding Lead says colleges have never asked for this check on a Single Central Register (Safeguarding Master).

7. **Overseas Check**: Where a successful applicant has worked or been resident overseas conduct such checks and confirmations as the Company may consider appropriate.

8. **Impact of Any Disability and Appropriate Measures**: Ask applicant to complete Equality and Diversity Monitoring Form to identify the effect or impact any disability or health condition may have on ability to give best at work. This is so that any appropriate measures can be identified that would ensure the health & safety of individual, colleagues, students, and all others while at work.

9. **Other Screening Checks**: Other screening checks if considered necessary due to role such as a senior officer. For instance, Disqualified Director and Bankruptcy and Insolvency Register searches. Alternatively, completely independent ones, such as through Experian via Disclosure Services for Good 2 Go senior officers, namely Directorship Check, Adverse Financial Check, Sanctions File Check and Identity Check. Please refer to job description for the requirements that need to be evidenced.

8. **Consider risks**: If any evidence indicates a potential risk, then Risk Assessment (QT76WR4) should be conducted.

9. **Update Single Central Register (Safeguarding Master)**: The Safeguarding Lead or nominated person updates the Single Central Register (Safeguarding Master) with the DBS outcome, namely date of issue and Unique Reference Number.

Appendix 1 Ofsted: Guidance linked to employed trainees, including Under 16s:

Inspecting safeguarding in early years, education and skills settings September 2019, No. 190014 Page 33
Available at <https://www.gov.uk/government/publications/inspecting-safeguarding-in-early-years-education-and-skills> Accessed 25th February 2021

Extract below:

Some providers only train their own employees. Employers are not required to undertake DBS checks on staff who are supervising employed trainees under the age of 18. However, if any staff are employed principally to carry out teaching, training, assessing, mentoring or coaching of learners under 16 years old on a frequent or intensive basis, they are engaged in regulated activity and the employer should undertake a DBS check on those staff.

Appendix 2: Disclosure Services: DBS and Experian Checks

Extract of email dated 5th February 2021 from Caroline Clark (Disclosure Services Co-Founder and Director):

A) DBS Checks:

Scenario 1

Participants in training courses, NVQs or apprenticeships aged 18 and over

- Anyone aged 18 and over is considered to be an adult for DBS checking purposes. This is regardless of whether they are in education, employment or not in work.
- Tutors/trainers carrying out training and/or assessments for these adults in their workplace are not carrying out any activity which would enable eligibility for a DBS check at Standard or Enhanced level.
- Tutors/trainers carrying out training and/or assessments for these adults off site, are not carrying out any activity which would enable eligibility for a DBS check Standard or Enhanced level.

Scenario 2

Participants in training courses, NVQs or apprenticeships in relation to employment and aged 16 and 17

- Anyone aged 16 and 17 and employed is considered to be an adult for DBS checking purposes.
- Tutors/trainers carrying out training and/or assessments for these adults in their workplace are not carrying out any activity which would enable eligibility for a DBS check at Standard or Enhanced level.
- Tutors/trainers carrying out training and/or assessments for these adults off site are not carrying out any activity which would enable eligibility for a DBS check at Standard or Enhanced level. This is because the training and/or assessment is in connection with the adults' employment.

Scenario 3

Participants in training courses, NVQs or apprenticeships aged 16 and 17 and not in work

- Anyone aged 16 and 17 and not employed is defined as a child for DBS checking purposes. This is because they are under 18.
- Tutors/trainers carrying out training and/or assessments for these children in a workplace are carrying out either:
 - a) regulated activity with children – enhanced level DBS check with a children's barred list check; or
 - b) work with children – enhanced level DBS check only
- Tutors/trainers carrying out training and/or assessments for these children off site are carrying out either:
 - a) regulated activity with children – enhanced level DBS check with a children's barred list check; or
 - b) work with children – enhanced level DBS check only

- Carrying out regulated activity is dependent on whether the tutor/trainer meets **the frequency or period condition and is not supervised** by someone else in regulated activity. If they are supervised, then the organisation must consider the Dept for Education Statutory Guidance on Supervision to determine if this supervision is sufficient to remove the risk of harm. DBS is unable to provide advice on whether a role is sufficiently supervised or not.

Additional email from Caroline Clark 22/02/21 provided this regulated activity with children guidance on the frequency or period condition and is not supervised by someone else in regulated activity:

- '**Specified activities with children and what you need to consider**' pages 6 and 7 and
- '**Specified establishments with children**' pages 8 and 9 and
- '**Supervision – carrying out activities in specified establishments.**'

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739154/Regulated_Activity_with_Children_in_England.pdf

An individual classed as a **NEET** (Not in Education, Employment or Training) would not affect how the eligibility is applied to the tutors/trainers because once the NEET attends any form of training, whether it be work-based or not, **they no longer fall within the definition of a NEET** and are simply either an adult or a child as per the above.

Specified Establishments: Training and/or assessments taking place **off site** could mean that the participant attends a college or similar premises. If these premises are considered to be a specified establishment then any tutor/trainer who meets the definition of regulated activity would have been checked by the college.'

- B) **Senior Officer (Experian Checks):** In addition to the DBS Basic level check for your Senior Officers, Disclosure Services is able to offer the following vetting searches through our external partner (Experian) which meet the requirements outlined in your email:
- A **Directorship Check** consults the Directors Database to verify a candidate's current and previously held directorships. The Directorship Check will also detail any disqualifications on a candidate's record. A disqualification might suggest that a candidate is either unsuitable to hold a directorship, or is outright barred from doing so.
 - An **Adverse Financial Check** gives you the peace of mind that your candidates have no history of financial mismanagement. When you request a pre-employment credit check, the system will quickly scour numerous public and private databases for any adverse financial warning signs. We check County Court Judgements (CCJs), bankruptcies, voluntary arrangements, decrees and administration orders. The Adverse Financial Check also consults the candidate's electoral roll registration to confirm their current address.
 - A **Sanctions File Check** screens high risk individuals and helps organisations to fulfil compliance and anti-money laundering (AML) obligations. It is an invaluable employee screening solution for businesses in the financial sector, or for any position that involves the handling of money, client accounts or sensitive data. When processing a Sanctions File Check, we look at various sanctions and watch lists issued by governments, financial market regulators and law enforcement bodies from across the world. These include: The Home Office, The US Secret Service, The Bank of England, The Politically Exposed Persons (PEP) list, The US Treasury's Office of Foreign Assets Control (OFAC), The list of non-co-operative countries and territories (NCCT) and numerous regional, national and international law enforcement bodies.

Number: -

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- When you request an **Identity Check**, we will rapidly compare your candidate's details against millions of records held in both public and private databases. Our identity checking service draws from the electoral role, almost immediately delivering a score indicating our confidence in the candidate's identity. We will also check their current address and, if necessary, up to two previous addresses.

Appendix 3: Prohibition Checks (Not required in our Sector)

Research into prohibition checks was conducted and advice provided indicates that these checks are not required in our sector:

Andrew Hall FRSA office@safeguardingschools.co.uk via helpscout.net
to me ▾

Thu, 14 Feb, 07:37 ☆ ↩ ⋮

Sorry I didn't realise that. Prohibition from teaching checks don't apply in your sector. See here: <https://www.safeguardingschools.co.uk/prohibition-checks-people-under-taking-teaching-work/>

Best Regards

Andrew Hall FRSA
Specialist Safeguarding Consultant
Success In Schools Ltd.
www.safeguardingschools.co.uk

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www.safeguardingbriefing.co.uk

Andrea Lagerberg <andrea.lagerberg@qualitrain.co.uk>
to Andrew ▾

14 Feb 2019, 08:38 ☆ ↩ ⋮

Hi Andrew,

Thank you for letting me know. Does that also mean the prohibition from management Section 128 check is not required for FE colleges?

Hope you can let me know.

Many thanks,

Andrea

Andrew Hall FRSA office@safeguardingschools.co.uk via helpscout.net
to me ▾

25 Feb 2019, 21:22

Sorry for the delay in replying.

That's correct!

Best Regards

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www.safeguardingschools.co.uk