

# Safer Recruitment Guidance and Procedures

## Section 3 - Essential Vetting Checks

For those staff working in "regulated activity" the following checks will be mandatory.

ISA Barring List Check (formerly List 99)  
Disclosure and Barring Check  
Verification of Identity  
Right to work in the UK  
Professional Qualifications  
Professional Registration  
Medical clearance  
References - previously covered in Section 2

## Disclosure and Barring (DBS) Checks

### Who should have enhanced checks?

Any person working in "regulated activity". In general the type of work will involve regularly caring for, supervising, training or being in sole charge of such people  
The Council's policy is that -

- "Re-checks" are required for staff who join from another Council until such time as the DBS Update Service is introduced
- "Re-checks" are required for any staff with a three month gap in their employment history with the Council
- "Re-checks" are not always necessary where an employee moves within the Council – please see next section on Portability.

## Portability

As a general policy, the Council does not recognise portability as it is not yet supported by the Disclosure and Barring Service. A new DBS check will, therefore, be required even where an individual transfers from another Council. Portability is the term used where a person offers an existing DBS check to a new employer.

However, the Council will recognise portability between other service areas provided there has not been a break in service of more than 3 months and provided the appropriate DBS check has been undertaken. The check must be less than 12 months old. Where this is the case the service area must contact People Services to confirm that the check was made and that there was no information supplied which did not appear on the Disclosure certificate.

## Recognised Partners for the purposes of "portability"

The Local Authority has agreed that certain partners can be recognised for the purpose of Portability. This currently applies to:

- University of the West of England (trainee social workers)
- Norton Radstock College (students on programs of study only)
- Bath College (students on programs of study only)
- Bath Spa College (initial teacher training – school based training sessions)
- Active Leisure (Sports Coaches, etc)

The Council will ensure that any recognised partners have the necessary safeguarding policies in place and obtain written confirmation that the organisation complies with the requirement to carry out statutory vetting checks have been carried out. Where services use any of the above providers they must ensure that arrangements are in place for checking the identity of individuals. The Council's template letter and form must be used for obtaining the necessary assurances and should be held on a central file so it can be easily accessed. See confirmation of safeguarding policies and vetting procedures for recognised partner organisations available in the Safer Recruitment Toolkit.

Local Authority Employees Visiting Schools – the Local Authority is responsible for ensuring that safer recruitment practices have been followed and that the appropriate vetting checks are in place for all staff working in "regulated activity who visit schools. The Local Authority will provide schools with an annual assurance document confirming that individual services areas comply with the Local Authority's Safer Recruitment Standards and that where appropriate staff have undergone a DBS check. All Local Authority staff must wear their identity badge at all times. Schools have the right to refuse access where a badge has expired or they have concerns about authenticity and will report this to the relevant service area.

## Employment Agencies

Where agency staff are used, it is important that the manager obtains written assurance that the agency operates procedures that follow good safer recruitment practice and that any staff supplied are subject to those safeguards.

Where there is disclosed information on a DBS check the service must obtain a copy of the Disclosure from the agency before the individual starts work. If the Disclosure refers to additional information the Council will obtain a new Disclosure before the person starts work. A [template covering letter and form](#) that can be faxed to the provider and held on an "agency staff file" for each individual is available in the Safer Recruitment Toolkit.

## Starting Work Pending a DBS Check:

It is Council policy that a DBS check is obtained before an individual begins work together with all other necessary vetting checks. The request for a DBS check must always be submitted in advance of the individual starting work. In exceptional circumstances Directors have discretion to allow an individual to begin work within a service area pending receipt of the DBS check. This is subject to the following conditions:

- the person is supervised at all times during their contact with children, young people and vulnerable adults
- a barring list check has been carried out and is satisfactory

- a thorough risk assessment has taken place and has been recorded (see [Risk Assessment Template – Safer Recruitment Toolkit](#))
- written confirmation by the Director that this is acceptable

People Services have on line access for Barring List checks and service areas must ensure they have received verification that the check is satisfactory.

Appropriate supervision for individuals who start work prior to the result of a DBS check being known needs to reflect what is known about the person concerned, their experience, the nature of their duties and the level of responsibility they will carry. For those with limited experience and where references have provided limited information the level of supervision required may be high. For those with more experience and where the references are detailed and provide strong evidence of good conduct in previous relevant work a lower level of supervision may be appropriate – this does not, however, mean that they should be left unsupervised with vulnerable groups. It should be made clear to the employee that they are subject to this additional supervision. The nature of the supervision should be specified and the roles of staff in undertaking the supervision spelt out. The arrangements should be reviewed regularly (at least every two weeks) until the DBS check is received.

## Positive DBS Disclosures

In the event of offences being disclosed, the Council has to make a judgement as to the suitability of the individual, taking into account only those offences which may be relevant to the particular job or situation in question. The fact that a person has a criminal record does not automatically render him or her unsuitable for work with those aged under 18 or vulnerable adults. It is also important to be aware of the fact that it is not only sexual offences which may render a person unsuitable. An individual's suitability should be looked at as a whole in the light of all the information available. A thorough risk assessment must be carried out in all cases and any matters of concern discussed with Human Resources and the appropriate Director. Any disclosures which raise adult/child protection issues must be notified to the LADO (Local Authority Designated Officer) and/or relevant Strategic Director. Any final decision to appoint will lie with the Director and Human Resources following the risk assessment (see [Positive Disclosure Procedure](#)).

Where matters of concern are raised, they will generally be the subject of discussion with the applicant prior to a decision being made. However, confidential information, which has not been disclosed to the applicant, cannot be disclosed.

Factors to take into account will include:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence 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 the other relevant matters; and
- the age of the applicant at the time of the offence(s).

- It is important to note that an offence is committed where:
- an individual who is disqualified from working with children/ young people/vulnerable adults knowingly applies for, offers to do, accepts or does any work with those groups
- a disqualified individual, continues to work in a position for which he or she knows he or she is disqualified
- an individual or employer knowingly offers work with vulnerable groups to, or procures work with vulnerable groups for, an individual who is disqualified from working with vulnerable groups, or allows such an individual to continue in such work

It is imperative that if a person is found to be disqualified and they are working in a regulated position, they immediately cease work in that particular role.

## **Discrepancies and disagreements**

A person who believes the information provided by the Disclosure and Barring Service is incorrect can make representations through their complaints procedure. Validity of Disclosures: A Disclosure of whatever type carries no period of validity. This is because the information they contain is only valid at the point of issue.

## **Re-checks**

All employees will have a new DBS check where there is gap of three months or more in their continuity of employment.

## **Individuals recruited from countries outside of the UK**

DBS checks will not generally show offences committed by individuals whilst living abroad (except in the case of services personnel). It is, therefore, essential to obtain a certificate of good conduct from relevant embassies or police forces. Although the level of information can vary from country to country it can provide some additional assurance. See section on [Overseas Staff and DBS Checks](#).

## **Verification of identity**

It is vital that the identity of a prospective employee is reliably verified before they are appointed. Verification is necessary for both the DBS check and as proof of an individual's right to work in the UK. Wherever possible, managers should obtain photographic evidence to establish identity. This should be an official document such as a passport or driving licence.

Certain documents are required as part of the DBS application process and these are detailed on the [Verification Form](#). The form should be completed to show that the relevant checks have been carried out and what type of identity has been provided. Additional information and guidance can be found on the DBS website - [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). Any photocopies taken must be signed and dated by the individual carrying out the checks as verification of having seen the originals.

In addition to this, the UK Border Agency requires that employers “check, copy and keep” all verified documentation - see [Sections A and B of the Verification Form](#) for details. The completed form should be sent to People Services together with the relevant copies of documents for the employee’s personnel file.

## Overseas Staff and DBS checks

It is good practice to carry out a DBS check even if an applicant claims never to have lived in the UK, and a police check in the country of origin.

DBS checks will not generally show offences committed by individuals whilst living abroad (except in the case of services personnel). It is, therefore, essential to obtain a certificate of good conduct from relevant embassies or police forces. Although the level of information can vary from country to country it will provide additional assurance.

Where an applicant is from or has lived in a country where criminal record checks cannot be made and there is no means of obtaining the relevant information, managers must be vigilant in taking up valid references and other background checks. This means being clear and specific about whether they have a record of any factors that would make them unsuitable to work with children, young people and vulnerable adults. The authenticity of any referee should be checked by telephone.

If managers are recruiting people from overseas and wish to check their overseas criminal record, a police check may not provide a complete picture of their criminal record that may or may not exist. The DBS cannot currently access overseas criminal records or other relevant information as part of its Disclosure service. However, to help get a fuller picture of their background, the [Foreign and Commonwealth Office](#) does provide guidance on how to get further information from a number of countries.

## Right to Work in the UK

While checking an applicant’s identity, it is also important to make sure that the individual is legally entitled to work in the UK in line with Home Office guidance. Checking an individual’s right to work in the UK is a statutory requirement for all employees.

## Employing Migrant Workers - Preventing Illegal Working

The [UK Border Agency](#) has introduced a points-based system that applies to United Kingdom based employers employing migrant workers and educational institutions teaching migrants. If you are considering employing a migrant worker you must make immediate contact with Human Resources to see if the individual meets the requirement of the points based system and whether the job you are requiring them to carry out comes under one of the shortage occupations. A [detailed list of shortage occupations is available here](#).

It should be noted that the UK Border Agency can carry out enforcement and compliance visits. If the UK Border Agency find that an employer is using illegal migrant workers a civil penalty of up to £10,000 can be levied for each illegal worker.

With effect from April 2011 the government's new annual limit also comes into force. Under the annual limit, employers will be able to bring only 20,700 people from outside the EU to work in skilled professions under Tier 2 (General) of the points-based system. A further 1,000 visas will be made available to people of 'exceptional talent', to ensure that Britain remains open to the brightest and the best. The 1,000 exceptional talent visas will be given to those who experts believe will make the biggest contribution to science and the arts in the UK. To ensure that only those with the skills we need can come to the UK to work, prospective workers will need to have a graduate-level job offer, speak an intermediate level of English and meet specific salary and employment requirements. Those earning a salary of £150,000 or more will not be subject to the limit. The points-based system consists of a number of tiers if you are considering you will need to contact Human Resources immediately.

## **Professional Qualifications**

It is the responsibility of the manager to verify that an appointee has actually obtained any qualifications that are legally required or are an essential requirement within the job description such as a degree or diploma in social work, qualified teacher status, health/medical qualification etc. Applicants should be asked to bring evidence of their qualification to interview so that verification can take place prior to any job offer being made. Only original documents or properly certified copies are acceptable. Photocopies cannot be accepted. Any application process or offer of employment should, in any case, be subject to qualifications being validated i.e. production of original certificates and appropriate verification being sought. It is the applicant's responsibility to provide adequate evidence of all relevant qualifications. All documentation must be forwarded to People Services.

## **Professional Registration**

Posts such as social workers and health professionals require registration with a relevant regulatory body and special conditions may apply. Any appointment must be subject to confirmation of a satisfactory check being made with the relevant regulatory body. Managers should also refer to the Council's Professional Registration Policy.

## **Medical Clearance (Occupational Health Checks)**

For certain posts such as social workers and teachers, there is a statutory responsibility for organisation to satisfy themselves that individuals have the appropriate level of physical and mental fitness before an appointment offer is confirmed where the posts involves regular contact with children, young people or vulnerable adults. At the current time it is unclear whether the Regulations such as those that apply to social workers and teachers have been repealed by the Equality Act 2010.

A health questionnaire should not be completed until a job offer is made – the offer of employment should always be conditional upon the individual's fitness to perform the role and this being verified by an Occupational Health expert. In making decisions about medical fitness, employers must adhere to the provisions of the Equality Act

2010. Where it has been confirmed that health could impact on someone's ability to perform the role, advice should always be sought from Human Resources.