

Chroma Therapies Ltd

Safer Recruitment

This Policy is dated:	June 2021
This Policy was approved on:	11 th June 2021
This Policy is due for review on:	1 st July 2022
Responsible Person:	Jo Godsal

INTRODUCTION

The safe recruitment of staff and subcontractors to work with children and vulnerable adults is the first step to safeguarding and promoting welfare. Chroma is committed to safeguarding and promoting the welfare of all in its care. As an employer and contractor, Chroma expects all staff and sub-contractors to share this commitment.

The Safer Recruitment Policy applies both to the recruitment of staff and to bringing in sub-contractors. Safeguarding is always the most important consideration, so we apply these principles and safeguards no matter the nature of Chroma's relationship, be it employment, sub-contractor or volunteer. Where this policy refers to recruitment this will be applied to employees, sub-contractors and volunteers.

AIMS AND OBJECTIVES

The aims of the Safer Recruitment policy are to help deter, reject or identify people who might abuse or are otherwise unsuited to working with the children or vulnerable adults by having appropriate procedures for appointing staff.

The aims of Chroma's recruitment policy are as follows:

- to ensure that the best possible staff are recruited or sub-contractors worked with on the basis of their merits, abilities and suitability for the position;
- to ensure that all applicants are considered equally and consistently;

- to ensure that no 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 legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education – January 2021 (KCSIE), the Prevent Duty Guidance for England and Wales 2021 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- to ensure that Chroma meets its commitment to safeguarding and promoting the welfare of children and young people and adults by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

The recruitment and selection process should ensure the identification of the person best suited to the job or contract based on the applicant's abilities, qualification, experience and merit as measured against the job description and person specification.

The recruitment and selection of staff and sub-contractors will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, and relevant safeguarding legislation and statutory guidance (including KCSIE 2021 and Prevent Duty Guidance).

If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant they must declare it as soon as they are aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process.

Chroma aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants.

ROLES AND RESPONSIBILITIES

It is the responsibility of the Directing Board to:

- ensure Chroma has effective policies and procedures in place for recruitment in accordance with DfE guidance and legal requirements
- monitor Chroma's compliance with them.

It is the responsibility of the Clinical Director and Operations Manager, and other Managers involved in recruitment to:

- ensure that Chroma operates safe recruitment procedures and makes sure all appropriate checks are carried out
- monitor contractors' and agencies' compliance with this document
- promote welfare of children and young people at every stage of the procedure.

Definition of Regulated Activity and Frequency

Any position undertaken at, or on behalf of Chroma will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am; or
- satisfies the "period condition", meaning four times or more in a 30-day period; and
- provides the opportunity for contact with children.

Roles which are carried out on an unpaid / voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

Chroma is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". Chroma is required to carry out an enhanced DBS check for all staff or sub-contractors who will be engaging in regulated activity. However, Chroma can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.

RECRUITMENT AND SELECTION PROCEDURE

Advertising

To ensure equality of opportunity, Chroma will advertise all vacant posts to encourage as wide a field of applicant as possible; normally this entails an external advertisement.

Any advertisement will make clear Chroma's commitment to safeguarding and promoting the welfare of children.

All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act (DPA).

Where an advertisement is not used (ie when looking for sub-contractors for single short term contracts) Chroma will make clear the commitment to safeguarding and promoting the welfare of children both in discussions, and on application form.

Application Forms

Chroma uses its own application form and all applicants will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role (in addition all applicants are required to account for any gaps or discrepancies in employment history). Incomplete application forms will not be shortlisted.

The application form will include the applicant's declaration regarding convictions and working with children, and will make it clear that the nature of Chroma's work means applicants are exempt from the provisions of the Rehabilitation of Offenders Act 1974. CVs will not be accepted.

It is unlawful for Chroma to employ anyone who is barred from working with children. Chroma will also not work with any subcontractor who is or employs anyone barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at Chroma or to apply to be a sub-contractor with Chroma. All applicants will be made aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and referral to the police and/or the DBS.

Job Descriptions and Person Specifications

A job description is a key document in the recruitment process, and must be finalised prior to taking any other steps in the recruitment process. It will clearly and accurately set out the duties and responsibilities of the job role.

The person specification is of equal importance and informs the selection decision. It details the skills, experience, abilities and expertise that are required to do the job. The person specification will include a specific reference to suitability to work with children in a boarding environment.

References

References for shortlisted applicants will be sent for immediately after shortlisting. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted at that stage. In such cases, this reference will be taken up immediately after interview.

All offers of employment or to work as a subcontractor will only be made on the receipt of a minimum of two references which are considered satisfactory by Chroma. One of the

references must 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. The referee should not be a relative. References will always be sought and obtained directly from the referee and their purpose is to provide objective and factual information to support appointment decisions.

For newly qualified therapists (within one year of HCPC registration) a further reference will be required from their course tutor. This will be followed up with a call to that tutor by a senior Chroma staff member to discuss their reference.

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.

Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

Any discrepancies or anomalies will be followed up. Direct contact by phone will be undertaken with each referee to verify the reference.

Chroma does not accept open references, testimonials or references from relatives.

Interviews

There will be a face-to-face or video-conferencing interview, and a minimum of two interviewers will see the applicants for the vacant position. The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will enable the panel to explore any anomalies or gaps have been identified in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training).

Any information in regard to past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process, if it has not been disclosed on the application form.

All applicants who are invited to a video-conferencing interview will be required to supply evidence via email of their identity (current passport or driving licence only) and address (utility bill or bank statement dated within the last 3 months). When the interview is to be held in person, original documents only are to be provided and photocopies will be

taken. Unsuccessful applicant documents will be destroyed six months after the recruitment programme.

OFFER OF APPOINTMENT / SUBCONTRACTOR STATUS AND NEW EMPLOYEE PROCESS

If it is decided to make an offer of employment or to sub-contract work following the **formal interview**, any such offer will be conditional on the following:

- verification of the applicant's identity (where that has not previously been verified);
- the receipt of two references (one of which must be from the applicant's most recent employer) which Chroma considers to be satisfactory;
- the receipt of a third reference from their course tutor if they are newly qualified (HCPC registered within the last year);
- where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which Chroma considers to be satisfactory;
- where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List*;
- 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; and
- verification of professional qualifications which Chroma deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified). For therapists this will be through verification of membership of HCPC as a registered Arts Therapist and a copy of their degree certificate.

A personal file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personal files.

The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to pupils. Therefore, any convictions and cautions that would normally be considered 'SPENT' **must be** declared when applying for any position at Chroma.

DBS (Disclosure and Barring Service) Certificate (formerly known as CRB Disclosure)

Chroma 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 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 and to obtain other relevant suitability information.

It is Chroma's policy that the DBS disclosure **must be** obtained before the commencement of employment of **any** new employee or work with **any** sub-contractor.

It is Chroma's policy to re-check DBS Certificates every six months and in addition any employee that takes leave for more than three months (ie: maternity leave, career break etc) must be re-checked before they return back to work.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence.

Portability of DBS Certificates Checks

Staff or sub-contractors may wish to join the DBS Update Service if they are likely to require another check in the future. Applicants may sign up to the Service for a fee of £13 per annum, which is payable by Chroma for employees, and by the applicant for sub-contractors.

This allows for portability of a Certificate across employers. Chroma will:

- Obtain consent from the applicant to carry out an update search.
- Confirm the Certificate matches the individual's identity.
- Examine the original certificate to ensure that it is for the appropriate workforce and level of check, ie enhanced certificate/enhanced including barred list information.

Chroma will then make a 6 monthly check of the DBS Update Service.

The Update check would identify and advise whether there has been any change to the information recorded, since the initial Certificate was issued. Applicants will be able to see a full list of those organisations that have carried out a status check on their account.

DBS Certificate

The DBS no longer issue Disclosure Certificates to employers, therefore employees/applicants should bring their Certificate to the Operations Manager (for employees within 7 days of issue or applicants before they commence work or any project involving regulated activity).

Dealing with convictions

Chroma operates a formal procedure if a DBS Certificate is returned with details of convictions. Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- the nature, seriousness and relevance of the offence;

- how long ago the offence occurred;
- one-off or history of offences;
- changes in circumstances,
- decriminalisation and remorse.

A formal meeting will take place face-to-face to establish the facts with the Clinical Director. A decision will be made following this meeting. 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, the Clinical Director will evaluate all of the risk factors above before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, Chroma may, 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.

Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status

All applicants invited to attend an interview at Chroma will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in UK in accordance with those set out in the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines. Chroma does not discriminate on the grounds of age.

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.

In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification legally required for the position and claimed in their application form.

Medical Fitness

As part of the application form applicants are required to state if they do, or have ever, suffered from any medical condition that could affect their ability to work with children and young people. If the answer is yes, applicants will be asked to provide details in a sealed envelope attached to their application and marked with their name and “Confidential” on the outside. The envelope will not be opened unless they are being considered after the interview. Answering “Yes” will not necessarily stop them from being considered for the post

Chroma 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.

Overseas checks

Applicants who have lived/travelled abroad for more than 3 months will need to obtain a criminal records check from the relevant country. The applicant will not be permitted to commence work until the overseas information has been received and is considered satisfactory by Chroma.

Induction Programme

All new employees will be given an induction programme which will clearly identify Chroma's policies and procedures, including the Safeguarding Policy and make clear the expectations which will govern how staff carry out their roles and responsibilities.

All new sub-contractors will also have an induction which will highlight the Safeguarding policy and the clear expectations of conduct. Sub contractors will read and sign Chroma's Safeguarding Policy before undertaking any work.

Centralised Register

Chroma keeps an up to date file of all employees and all subcontractors which includes dates of relevant checks and safeguarding training which is reported to Directors monthly by the Operations Manager.

Record Retention / Data Protection

Chroma is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, Chroma will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to help Chroma to discharge its obligations as an employer e.g. so that the Chroma may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained by the School for the duration of the successful applicant's employment with the School. All information retained on employees is kept centrally in the Human Resources Office in a locked and secure cabinet.

The same policy applies to any suitability information obtained about volunteers involved with School activities.

Chroma will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed (ie: shredded). The 6-month retention period is in accordance with the General Data Protection Regulations (GDPR).

Ongoing Employment

Chroma recognises that safer recruitment and selection is not just about the start of employment, but should be part of a larger policy framework for all staff. Chroma will therefore provide ongoing training and support for all staff, as identified through the Annual Review/appraisal procedure.

It will also monitor sub-contractors and ensure they keep their safeguarding training up to date.

Leaving Employment at Chroma

Despite the best efforts to recruit safely, there will be occasions when allegations of serious misconduct or abuse against children and young people are raised. 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 Chroma also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at Chroma despite being barred from working with children; or
- has been removed by Chroma from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

If the individual referred to the DBS is a therapist, this will also be referred to the HCPC.

Monitoring and Evaluation

The Clinical Director will be responsible for ensuring that this policy is monitored and evaluated.

