

LINCOLN COLLEGE

SAFER RECRUITMENT POLICY AND ASSOCIATED PROCEDURES

POLICY PEOPLE SERVICES/PO/13

SPONSOR

Chief People Officer

Equality and Diversity Statement

Lincoln College strives to treat all its members and visitors fairly and aims to eliminate unjustifiable discrimination on the grounds of gender, race, nationality, ethnic or national origin, political beliefs or practices, disability, marital status, family circumstances, sexual orientation, spent criminal convictions, age or any other inappropriate grounds.

LINCOLN COLLEGE

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TABLE OF CONTENTS

1	PURPOSE	5
2	AIMS	5
3	INTRODUCTION	5
4	SAFEGUARDING AND PREVENT TRAINING	6
	4.1 Safeguarding Induction and Refresher Training	6
	4.2 Safer Recruitment Training	6
	4.3 Prevent Training	6
5.	INFORMATION AVAILABLE TO CANDIDATES	7
	5.1 The Advert and Website.....	7
	5.2 The Job Description and Person Specification	7
	5.3 Application Form	8
	5.4 Acceptance of CVs.....	8
6	SHORTLISTING	8
	6.1 Candidates that have Declared Convictions	9
7	INTERVIEW PROCESSES	9
	7.1 Exploring Gaps in Employment.....	9
	7.2 Exploring Reasons for leaving Employment	9
	7.3 Exploring Referees.....	10
	7.4 Exploring Declared Convictions	10
	7.5 Verifying a Candidates Identity	10
	7.6 Interview Questions on Safeguarding, Prevent and Equality, Diversity and Inclusion Opportunities. 10	
	7.6.1 Areas of Potential Concern	10
8	PRE-EMPLOYMENT RECRUITMENT CHECKS	11
	8.1 References	11
	8.1.1 Requesting References	12
	8.1.1i Requesting References for School Leavers	12
	8.1.1ii Requesting References for Candidates that were previously Self-employed.....	13
	8.1.2 Managers Interpretation of References	13
	8.1.3 New Starters without a First Reference in Place	13
	8.1.4 Receiving Reference Requests	13
	8.1.5 Providing a Personal Reference	15
	8.2 DBS Service	15
	8.2.1 Employment of Ex-Offenders.....	15
	8.2.2 Misconduct outside the Workplace	16
	8.2.3 DBS Checks.....	16
	8.2.3i DBS Check Levels used at Lincoln College.....	16
	8.2.3iii DBS Checking Process	16
	8.2.3v Existing Staff - Change in role	17
	8.2.3vi Existing Staff - Change to an existing role	17
	8.2.4 DBS Update Service	17
	8.2.5 DBS Portability.....	18
	8.3 Employee Background Checks – Annual Declaration	18
	8.4 Secretary of State Prohibition Order Checks	18
	8.5 Qualifications	19
	8.6 Individuals who have worked Outside of the UK.....	19
	8.6.1 Certificate of Good Conduct.....	19
	8.6.2 Applying for a Certificate of Good Conduct	19
	8.6.2i Candidate Unable to Obtain a Certificate of Good Conduct.....	20

8.7	FE Resources Associates Obtaining a Permanent Contract	20
9	RIGHT TO WORK IN THE UK CHECKS.....	20
10	RISK ASSESSMENT	21
	10.1 Posts Requiring a Child or Adult Barred List Check	21
	10.2 Risk Assessments for Agency Workers (Non-FE Resources), Consultants and Volunteers/Work Experience	21
11	SINGLE CENTRAL RECORD (SCR)	21
12	AGENCY WORKERS (NON FE RESOURCES)	22
	12.1 Recruitment Process	22
	12.2 Single Central Record Agency Form.....	22
	12.3 Consultants and Secretary of State Prohibition Order Checks.....	22
	12.4 Verifying Identity of an Agency Temp	22
13	VOLUNTEERS/WORK EXPERIENCE	22
	13.1 Volunteers/Work Experience Recruitment Process	22
	13.2 Verifying Identity of a Volunteer/Work Experience.....	22
	13.3 DBS Checks for Volunteers/Work Experience.....	23
	13.3.1 Unsupervised Volunteers/Work Experience People.....	23
	13.3.2 Supervised Volunteers/Work Experience People.....	23
	13.4 Volunteers/Work Experience People and Secretary of State Prohibition Order Check.....	24
	13.5 Risk Assessments for Volunteers/Work Experience.....	24
	13.6 Online Barred List Check	24
	13.7 Volunteers/Work Experience SCR	24
14	CONSULTANTS	24
	14.1 Consultants Recruitment Process.....	24
	14.2 Verifying Identity of a Consultant	24
	14.3 DBS Checks for Consultants.....	24
	14.3.1 Consultants Working Remotely	24
	14.4 Consultants and Secretary of State Prohibition Order Checks.....	25
	14.5 Risk Assessment.....	25
	14.6 Online Barred List Check	25
	14.7 Consultants SCR.....	25
15	TRAINEE TEACHER PLACEMENTS.....	25
	15.1 Trainee Teacher Placement Recruitment Process	25
	15.2 Verifying Identity of a Trainee Teacher Placement.....	25
	15.3 DBS Checks for Trainee Teacher Placement.....	25
16	COMMERCIAL ROLES.....	25
17	CAREER BREAKS.....	26
18	LIST OF ASSOCIATED DOCUMENTS.....	27
	18.1 General Safeguarding Legislation.....	27
	18.2 DBS Checks	27
	18.4 Right to Work in the UK.....	27
	18.5 Employment References	27
	18.6 Internal Policies and Forms.....	27
	Appendix 1 – Levels of DBS Check.....	28

LINCOLN COLLEGE

SAFER RECRUITMENT POLICY AND ASSOCIATED PROCEDURES

1 PURPOSE

The purpose of this policy is to ensure that Lincoln College complies with the procedures and regulations relating to Safer Recruitment and any other relevant legislative requirements.

2 AIMS

The aim of this policy and associated procedures is to detail the relevant legislation applicable and checks that are required for any individual working for Lincoln College, to ensure that they are suitable to work within our learning environment.

These safer recruitment checks are in place as part of a whole college approach to safeguarding to deter and prevent people who are unsuitable to work with children from applying for, securing employment or volunteering opportunities within our learning environment.

Lincoln College undertakes not to discriminate unfairly against the subject of Disclosure information on the basis of conviction or other details revealed.

Lincoln College actively promotes equality of opportunity for all and welcomes applications from a wide range of candidates, including those with criminal records. All candidates are selected for interview based upon their skills, qualifications and experience listed within their application.

3 INTRODUCTION

Safer Recruitment is about more than obtaining a satisfactory criminal record check. It is about attracting the right candidate for the post and ensuring that the information a candidate has given on their application form is consistent, can be verified and is accurate.

[Keeping Children Safe in Education](#) statutory guidance provides the legal requirements that governing bodies and proprietors need to understand when appointing individuals to engage in regulated activity relating to children. It covers the importance of ensuring the correct pre-appointment checks are carried out with the aim of helping to identify whether a person may be unsuitable to work with children (and in some cases is legally prohibited from working with children and/or working as a teacher).

Having safer recruitment practices in place can also help to assess whether the candidate has the right attitudes, values and behaviours to work with young people, as well as ensuring potential applicants are given the right messages about the college's commitment to recruit suitable people.

Safer Recruitment is embedded into the Lincoln College recruitment process to ensure the following:

- Students are able to learn and in a safe environment
- Statutory responsibilities are adhered to
- Appropriate staff are appointed for the job they do
- Recruited staff and volunteers are the best in their field.

This policy, along with the Lincoln College Recruitment and Selection Code of Practice, describes in detail the recruitment processes and the checks which are in place to help deter, reject or identify people who are unsuitable to work within our learning environment.

Our Safer Recruitment practices cover:

- Training to ensure that all managers involved in the recruitment process are aware of their responsibilities with regards to safer recruitment practices
- Information available to candidates to help deter those that are unsuitable from applying and to ensure those that are successfully appointed are clear on the culture of safeguarding and its importance within Lincoln College
- Safer Recruitment Checks – References, DBS, Criminal record check of overseas applicants (if applicable), Prohibition Checks and Right to Work in the UK.

4 SAFEGUARDING AND PREVENT TRAINING

4.1 Safeguarding Induction and Refresher Training

In line with the Keeping Children Safe in Education statutory guidance, all staff undergo mandatory safeguarding training at induction, which includes online safety. This safeguarding training is in line with advice from the local safeguarding partners. All staff update their Level 2 by undertaking refresher training every two years.

The completion of safeguarding training is recorded by the People Services team.

To ensure that all new staff members are aware of systems within Lincoln College, which support safeguarding, all new starters receive the following information, in addition to safeguarding induction training:

- A copy of the Safeguarding Policy
- A copy of the LC Safeguarding Handbook (this includes information on the identity of the designated safeguarding lead and any deputies)
- A copy of the Staff Code of Conduct
- A copy of the Keeping Children Safe in Education statutory guidance (Part One).

In line with Keeping Children Safe in Education statutory guidance, all new starters are also directed to the [Learner Conduct Procedure](#) and [Safeguarding Policy and Procedures](#) so that they are aware of the safeguarding response to learners who go missing from education. Policies referred to in Keeping Children Safe in Education are also included in both the People Services Induction and Line Managers checklists for permanent employees to ensure that new starters are aware of key policies.

This safer recruitment policy is reviewed on an annual basis.

4.2 Safer Recruitment Training

It is a mandatory requirement¹ that those involved with the recruitment and employment of staff to work with children have received appropriate safer recruitment training². Any manager Chairing an interview must have completed Safer Recruitment Training before they are authorised to Chair an interview.

Prior to an interview taking place, the People Services team will check the Safer Recruitment Training records to ensure that the Chair has completed this training. If the Chair has not completed the training, the People Services team will arrange for the Chair to undertake this training prior to any interviews taking place.

4.3 Prevent Training

¹ Effective from 1 January 2018

² Paragraph 208, page 52 - Keeping Children Safe in Education September 2023

All schools and colleges are subject a duty under section 26 of the Counter-Terrorism and Security Act 2015 (the CTSA 2015), in the exercise of their functions, to have 'due regard'³ to the need to prevent people from being drawn into terrorism. This duty is known as the Prevent duty.

The Prevent Duty should be seen as part of schools and colleges' wider safeguarding obligations.

All new starters complete [Home Office Prevent Awareness eLearning](#). A link to this training is emailed to all new starters and it is expected that all new starters complete within their first 2 weeks of employment.

Staff are required to undertake a refresher course in Prevent training every 2 years.⁴

5. INFORMATION AVAILABLE TO CANDIDATES

As well as providing information to applicants regarding the role and the recruitment process, it is also important to remember that information provided to applicants is a key tool in ensuring a safer recruitment process. Information available to potential applicants can ensure that the right message is sent out with regards to the Safeguarding culture within the organisation.

It is important to include background information on the organisation as this provides an insight into the needs of Lincoln College and provides an opportunity to highlight specific characteristics of the organisation that candidates need to be aware of e.g. beliefs, behaviours and aspects of diversity and safeguarding culture. Providing such information, supplies suitable applicants with a clear image of the Lincoln College Group. A variety of information to show our commitment to safeguarding is therefore provided for candidates throughout the recruitment process.

5.1 The Advert and Website

Information provided to applicants (as part of the Jobs area of the Lincoln College website) explains the checks that are in place as part of the Lincoln College recruitment process (such as a DBS check) and that if the applicant is shortlisted then any discrepancies or anomalies in the information provided as part of their application form, will be discussed further as part of their interview.

Each advert also direct applicants to the dedicated Safer Recruitment page of the Lincoln College website to ensure that they are fully informed of the checks that are required as part of the recruitment process.

5.2 The Job Description and Person Specification

As safeguarding is a responsibility shared by everyone, it is important that this is reflected within job descriptions and person specification documents.

When a vacancy is first identified – whether a new or existing post – the first priority is to review the job description and person specification to ensure they accurately describe the role and attributes required. This should include reference to expectations in respect of safeguarding.

A safeguarding related statement should be included within all Lincoln College job descriptions:

To be responsible for the safeguarding and promoting the welfare of children wherever applicable within the role.

Reference to safeguarding must also be made in relation to the person specification, as a minimum the following statement should be included within the person specification,

'Responsibility for safeguarding and promoting the welfare of children wherever applicable.'

³ According to the Prevent duty guidance, 'having due regard' means that the authorities should place an appropriate amount of weight on the need to prevent people being drawn into terrorism when they consider all the other factors relevant to how they carry out their usual functions.

⁴ As of 01.10.22.

5.3 Application Form

A statement is included as part of the application process informing applicants that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children. Applicants are directed to safeguarding policies and practices and other relevant information on the Lincoln College website.

Application forms capture the following information, as a minimum:

- Current and former names
- Current address
- National insurance number
- Details of their present (or last) employment and reason for leaving
- Full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment.
- Qualifications, the awarding body and date of award
- Details of referees/references
- A statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.

5.4 Acceptance of CVs

Schools and colleges should only accept copies of a curriculum vitae (CV) alongside an application form. A CV on its own will not provide adequate information. A CV will be structured to provide only the information the applicant chooses to provide, whereas the application form provided through the Lincoln College recruitment process, asks applicants to demonstrate how they are able to meet the requirements of the person specification and job description for the post/role. The application form also ensures that applicants provide details of references and a complete employment history, as well as asking candidates to declare any convictions and consent to a DBS check and other safer recruitment checks, if successfully appointed.

6 SHORTLISTING

Once panel members have completed their shortlisting, against the person specification criteria and in line with the Lincoln College Recruitment and Selection Code of Practice. Panel members should then ensure that they scrutinise all shortlisted candidates' applications carefully. The shortlisting panel will consist of at least two people, where possible it will be the same people whose responsibility it will be to carry out the interview for a consistent approach.⁵

When scrutinising applications, panel members should be vigilant in identifying:

- Any inconsistencies
- Application forms that have not been completed fully
- Any gaps in the applicant's employment history or other information that need to be explored further at interview such as reasons for leaving where this is not disclosed or states 'other'.

The Chair should also complete the declaration on the shortlisting paperwork stating that they have checked for gaps in employment and reasons for leaving previous employment. Any discrepancies will be explored with candidates as part of the interview process.

All shortlisted candidates are asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. Applicants should be asked to sign a declaration confirming the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at point of interview. The purpose of a self-declaration is so that candidates will have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.⁶

⁵ Paragraph 220, Page 55 – Keeping Children Safe in Education September 2023

⁶ Paragraph 216, Page 54 – Keeping Children Safe in Education September 2023.

6.1 Candidates that have Declared Convictions

Panel members should be aware that it is discriminatory to use disclosed information for the purposes of shortlisting. Criminal background self-disclosures should not be considered by the short-listing panel until the short list has been agreed and self-disclosures should therefore only be considered for short listed candidates.

Once the final shortlist has been agreed, the application forms of the shortlisted candidates must be checked for details of any unspent criminal convictions under the provisions of the [Rehabilitation of Offenders Act 1974](#).

If the post is exempt from the Act all previous convictions, whether spent or unspent, must be considered. The disclosure of any spent or unspent convictions does not automatically exclude the candidate from the selection process.

The suitability of that candidate for that particular post should be re-assessed with careful consideration given to the nature of the offence(s) in relation to the specific post applied for. In particular, the need to protect children, students and employees must be balanced against the College's commitment not to discriminate.

Panel members must bear in mind the need to maintain the confidentiality of any information disclosed by applicants concerning previous convictions.

Panel members must consult with the Head of People Services before making any decisions regarding the withdrawal or otherwise of a particular candidate that has declared convictions on their application form, from the selection process. In the event that the panel members and the Head of People Services decide that they are unable to proceed with a candidate's application, the reason for not shortlisting should be noted on the shortlisting form.

If the candidate concerned requests feedback as to why they weren't shortlisted, the Chair of the Panel should be advise them accordingly. The candidate should be assured that the information they provided has been treated with confidence and used only in connection with this application and does not bar them from obtaining other employment with the College.

7 INTERVIEW PROCESSES

7.1 Exploring Gaps in Employment

Panel members should agree what additional questions the Chair of the Panel needs to ask of the candidate at interview, in respect of any gaps in employment.

Panel members should note down any responses that the candidate provides in relation to gaps within their employment history.

The Chair of the Panel should complete the declaration at the end of each interview question form to confirm that they have explored gaps in employment and are satisfied with the response provided by the candidate.

7.2 Exploring Reasons for leaving Employment

Panel members should agree what additional questions the Chair of the Panel needs to ask of the candidate at interview, in respect of exploring reasons for leaving provided by applicant where it may state 'other' or it is not disclosed.

Panel members should note down any responses that the candidate provides in relation to their reasons for leaving former employment.

The chair of the Panel should complete the declaration at the end of each interview question form to confirm that they have explored reasons for leaving and are satisfied with the response provided by the candidate.

7.3 Exploring Referees

Candidates should be expected to nominate their current employer as their first referee in order to secure the most recent information about the candidate's employment history, work performance and suitability for the post that is being recruited to.

If the candidate hasn't nominated their most recent or current employer as their referee, the recruiting managers should carefully explore with the candidate reasons for this, making it very clear that it may not be possible to proceed with an appointment without an opportunity to check the candidate's suitability for the role with their most recent employer.

Candidates may request that the recruiting manager delays requesting a reference from a current employer until a decision about making a conditional offer of employment has been made, in order to avoid any prospective repercussions of seeking alternative employment in the event that the candidate is unsuccessful in their application. Recruiting managers should be sensitive to such requests but should make it clear to candidates that references will be sought in due course and that it may be necessary to call them back for a further discussion about any issues arising from references before an offer of employment can be confirmed.

7.4 Exploring Declared Convictions

If panel members decide to shortlist a candidate that has declared convictions on their application form, then at interview, the college will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought, for example if further details are revealed following the return of a DBS check, then this could lead to withdrawal of an offer of employment.

Panel members should agree what additional questions need to be asked of the candidate at interview in respect of information in their self-disclosure.

Disclosure Information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

See [Employment of Ex Offenders](#) for further guidance.

7.5 Verifying a Candidates Identity

All candidates identity must be verified as part of the interview process. Candidates must provide original photographic ID, which will be verified by the interview panel and a copy taken.

7.6 Interview Questions on Safeguarding, Prevent and Equality, Diversity and Inclusion Opportunities

It is strongly advised that candidates are asked at least one question relating to Safeguarding, Prevent Duty and Equality, Diversity and Inclusion at interview. The type of questions will vary with the nature of the job.

7.6.1 Areas of Potential Concern

The interviews should be used to explore potential areas of concern and to determine the applicant's suitability to work with children. Areas that may be concerning and lead to further probing include:

- Implication that adults and children are equal
- Lack of recognition and/or understanding of the vulnerability of children
- Inappropriate idealisation of children
- Inadequate understanding of appropriate boundaries between adults and children, and

- Indicators of negative safeguarding behaviours⁷

8 PRE-EMPLOYMENT RECRUITMENT CHECKS

Any offer of permanent employment is subject to satisfactory pre-employment checks. As part of the Lincoln College recruitment process, and in line with the Keeping Children Safe in Education statutory guidance⁸, the following checks are completed:

- Verify a candidate's identity
- Obtain an enhanced DBS certificate (including Child and/or Adult barred list information when applicable to the role)
- Obtain a separate children's barred list check if an individual will start work in a role that requires a child and/or adult barred list check via a risk assessment, before the DBS certificate is available
- Verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role
- Verify the person's right to work in the UK
- If the person has lived or worked outside the UK, make any further checks the college consider appropriate
- Verify professional qualifications, as appropriate.

In addition, the following checks must be undertaken as part of the recruitment process:

- Obtain satisfactory references from the candidate's most recent employer
- Conduct a prohibition order check.

8.1 References

Lincoln College follows [AoC guidance](#)⁹ in relation to obtaining employment references.

Following the acceptance of an offer of appointment the People Services Unit will take up references. All offers of employment will be subject to receipt of satisfactory references.

Under Data Protection legislation individuals are not entitled to have access to any reference given by the provider of the reference if it is given for the purposes of education, training or employment. However, the individual will be able to apply to a new employer, or potential employer, for a copy.

The employee can ask their new employer for a copy of the reference, but this is limited in that it does not allow the employee to automatically see a copy. It can however be disclosed to the employee if the former employer consents or it is reasonable to disclose without consent.

When requesting references, the college informs referees that successful candidates will have access to their own personal file and will, therefore, be able to see their references. If an individual requests to see a reference received about them, the college will be obliged under the Data Protection Act, to provide access to it, subject to the paragraph above.

With regard to "sensitive" data, the individual's explicit written consent is required for disclosing matters.

The non-provision of a reference can be seen as an act of discrimination even where the employment relationship has terminated.

In giving and acting upon references, care should be taken to avoid acts of unlawful discrimination. This is particularly the case where opinions are not based on any objective evidence

⁷ Paragraph 226, Page 56 - Keeping Children Safe in Education September 2023

⁸ Paragraph 230, Page 57 - Keeping Children Safe in Education September 2023

⁹ References for Safeguarding Purposes, Page 4 – Employment References AoC Guidance 2018

are sought or offered on the suitability of applicants. Opinions should therefore be backed up by objective evidence.

8.1.1 Requesting References

All offers of employment are subject to receipt of satisfactory references.

The first reference will be from the present or most recent employer and a second from their employer prior in order to verify gaps in employment (Should the length of time since the previous employment be such that the business no longer exists, then a reference should be sought from the employment prior to that).

If the new starter is not currently working with children or in contact with children, then a reference should be obtained from the most recent employer where the person worked directly with children, or in contact with children.¹⁰

For example, if a candidate applying for a Lecturing post wasn't currently employed as a Lecturer, we would go to their last employer for a first reference and then also request a reference (using the first reference form) from the last place they were employed as a Lecturer.

In the event that the referee is unable to complete the first reference form (for example due to organisation policy) then the People Services Unit will endeavour to ensure that employment dates and any safer recruitment information is included within any first reference received.

If a reference is completed and returned electronically, then the People Services Unit will ensure that the reference is emailed via a company email address. References submitted via a personal email address will not be accepted, unless the People Services Assistant is able to verify the email address via another method i.e. confirming company information via [Companies house](#) or employer websites, in cases of smaller/local employers.

There may be certain instances when more than 2 references are required. For example, if a candidate for a post requiring a specific qualification (e.g. Lecturer, Finance) is not currently employed in that vocational role, the People Services Unit in conjunction with the appointing manager, may decide to request further references from the organisation at which the candidate was most recently employed in a similar role to confirm details of their employment and their reasons for leaving.¹¹

The reference for the successful candidate is retained on the new employee's personal file and the return is recorded on the Single Central Record.

References which are deemed unsatisfactory and ultimately result in a withdrawal of employment are to be held by the People Services Unit for six months, in order to successfully defend Employment Tribunal claims should they arise.

In circumstances where information is required urgently, the People Services Unit may contact the referee and request a verbal reference. In this instance, information given verbally should be recorded on a file note for future reference.

Lincoln College reserve the right to contact referees directly to discuss information provided in references and clarify a candidate's suitability to fulfil the requirements of the role.

8.1.1i Requesting References for School Leavers

For school leavers who are unable to provide an employment reference, their last educational establishment can act as a referee. In this circumstance, there is no requirement to obtain 2 references – unless 2 references can be obtained from 2 different educational establishments.

¹⁰ This change came into place for LCG from 1 February 2018. Prior to that first references were from the most recent employer, however a further first reference was not obtained from the last place that the employee was employed working directly with children, or in contact with children.

¹¹ AoC Guidance – Employment References: Guidance for Colleges, Page 4, Safeguarding Section.

8.1.1ii Requesting References for Candidates that were previously Self-employed

For candidates that have been self-employed and therefore unable to provide an employment reference, the People Services Unit will endeavour to obtain at least one of the following:

- A reference from their last employer (up to 5 years previous)
- If the candidate has worked for a consistent contractor whilst self-employed, a reference from the contractor.¹²

8.1.2 Managers Interpretation of References

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. Once in receipt of a candidates references, the People Services Assistant will forward references to the relevant appointing manager/supervisor.

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References should always be obtained and scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed.

It is the responsibility of the appointing manager to ensure that references are scrutinised and any concerns resolved satisfactorily, before an appointment is confirmed.

Upon receipt of all references, the recruiting manager should:

- Scrutinise the reference carefully, giving active consideration to the significance of all information provided
- Check that the information provided is not contradictory or incomplete
- Check to ensure that all specific questions on the reference pro forma have been answered satisfactorily. Referees should be contacted to provide further clarification as appropriate
- Compare the information provided to ensure it is consistent with the information provided by the candidate on the application form
- Take up any discrepancies with the candidate
- If there are any anomalies or doubts about the candidate's suitability to fulfil the requirements of the role, the recruiting manager should contact the referee and explore the issues, asking the referee whether there are any reasons that would prevent them from re-employing the candidate. The recruiting manager should make and retain a detailed written record of all such discussions and sign the record.

8.1.3 New Starters without a First Reference in Place

If a first reference hasn't been returned prior to a new starters first day, then it will be the decision of the relevant manager (usually the relevant Assistant Principal) to decide if they are willing to accept the new starter commencing employment without a first reference in place. If the manager approves the new starter commencing employment without a first reference in place then an approved risk assessment must be in place. See [Risk Assessment](#) section for further guidance.

8.1.4 Receiving Reference Requests

It is the duty of the referee to exercise reasonable care to:

- Ensure that all references written are accurate, not misleading, justified and true
- Ensure the information is factually correct
- Express opinions (if the writer chooses to do so) about the subject of the reference which are reasonable in the circumstances and can be justified
- Create a fair impression overall. This might mean putting certain factual matters into context where not to do so would create a misleading impression.

¹² This process was put in place following advice from Barbara Simpson, Level 2 Safeguarding trainer.

In order to complete the cycle of effective protection of children and vulnerable adults, from potential abuse and neglect by staff and volunteers, it is essential to ensure that when managers are asked to provide references, they are written with the following 4 objectives in mind:

- **Deter** unsuitable people who have behaved or may have behaved in a way that indicates they may not be suitable to work with children and young people from seeking employment or opportunities to volunteer
- **Reject** applications from unsuitable people
- **Prevent** abuse and neglect of children by staff and volunteers
- **Identify** incidents of abuse and neglect by staff and volunteers and respond appropriately.

In particular, managers should provide honest, objective and factual information about any concerns discussed with the applicant about their practice with children and/or vulnerable adults; any investigations of allegations other than those that led to a conclusion that the allegation was false or malicious; and any disciplinary action in respect of the applicant's practice with children and/or vulnerable adults including outcomes and any sanctions imposed.

This requirement highlights the importance of managers addressing concerns with employees and volunteers as early as possible and maintaining a clear record of all such discussions. This must include discussions undertaken in the context of day to day management and supervision, as well as formal investigation and disciplinary processes.

Having checked the factual accuracy of statements and reasonableness of opinions contained in the reference, the referee should then ensure that the effect of the whole reference is fair and not misleading.

If a previous employee was subject to a disciplinary sanction which were spent at the termination of employment (unless relating to safeguarding), questions regarding disciplinary sanctions should be responded to using the following wording, 'There were no outstanding allegations or live disciplinary sanctions on the employees file at the termination of employment.'¹³

Where the referee has limited knowledge of the subject, this should clearly be stated.

Requests for references should be responded to promptly.

Lincoln College adopt a standardised approach to the completion of references, the People Services Officer will complete the reference using the appropriate pro-forma relevant to the disclosure required¹⁴.

In line with GDPR, upon receipt of the reference request, the People Services Officer will contact the requesting organisation, requesting the employees written consent to provide a reference on their behalf.

The individuals line manager will also be contacted, with a request for suitable comments as appropriate, providing the line manager with a 5 working day deadline for a response. Upon receipt of the line managers comments and the individuals written consent, the reference will be returned to the requesting organisation.

The reference will also be saved on the former employees electronic file for future reference.

In circumstances where information is required urgently, the referee may be called upon to give a telephone reference. This should be approached with caution but should not be unreasonably refused.

If the person requesting the reference is unknown, their workplace telephone number should be established to call them back ensuring it is the right person in the right organisation.

The referee should reserve the right not to answer specific questions but be as helpful as possible. Notes of the questions asked should be taken and the answers given.

¹³ Wording based on advice received from Irwin Mitchell – 17.09.19
¹⁴ Reference procedure as of 01 March 2020

8.1.5 Providing a Personal Reference

In the event than an employee wishes to provide a personal reference, they must ensure that the reference request is received at their home address (not at any college location), that any reference is not written on college headed paper/ sent via college email, and that they do not include their job title. In addition, all personal references must include a disclaimer, i.e. "this reference is written in a personal capacity and should not be regarded as representing the views of any employer/organisation".

8.2 DBS Service

Lincoln College aim to comply with the procedures and regulations relating to DBS checks on employees in accordance with the Code of Practice provided by the DBS, the Rehabilitation of Offenders Act 1974 and the Data Protection Act 2018.

The DBS Code of Practice published under section 122 of the Police Act 1997 advises that it is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

Disclosure checks for the purposes of recruitment shall not be used in isolation or as a substitute for any of the full range of existing pre-appointment checks, including taking up references and enquiring into the person's previous employment history.

As an organisation using the DBS checking service to help assess the suitability of applicants for positions of trust, Lincoln College complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

It also complies fully with its obligations under the General Data Protection Regulations (GDPR), Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information. DBS certificate information is recorded electronically and submitted electronically via eSafeguarding. DBS information is kept secure with access strictly controlled and limited to those who are entitled to see it as part of their duties.

We retain DBS information for the purpose of Ofsted and other safeguarding related inspections – for example on our Single Central Record (SCR).

In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

8.2.1 Employment of Ex-Offenders

Lincoln College meets the requirements in respect of exempted occupations under the Rehabilitation of Offenders Act 1974.

All applicants are therefore required to disclose if they have any convictions, cautions, reprimands or final warnings that are not "protected" as defined by the Rehabilitation of Offenders Act 1974 (exceptions) Order 1975 (as amended in 2013) by SI 2013 1198. Any information disclosed will be kept confidential and used only in connection with the application.

Lincoln College actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates including those with criminal convictions.

Lincoln College ensures that all those in the organisation who are involved in the recruitment process have been suitably trained to identify and access the relevance and circumstances of offences. It also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders e.g. the Rehabilitation of Offenders Act 1974.

Lincoln College makes every subject of a criminal record check submitted to the DBS aware of the existence of the code of practice and makes a copy available on request.

All applicants who are offered employment will be subject to a DBS Check from the DBS before the appointment is confirmed.

In order to assist the College to make appropriate use of Disclosure Information in reaching decisions, the following guidance will be adhered to in relation to the employment and fair treatment of ex-offenders and to the Rehabilitation of Offenders Act 1974.

The college undertakes to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

At interview, or in a separate discussion, the college will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

Disclosure Information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

8.2.2 Misconduct outside the Workplace

All contracts of employment include an updated clause that relates to misconduct outside the workplace. In the event that any allegations of potential gross misconduct are made against employees in respect of their conduct outside the workplace they are obliged to notify the college immediately. This includes any allegations made in the course of any secondary employment or holding a public appointment.¹⁵

8.2.3 DBS Checks

All new appointments to the College's employment are subject to satisfactory clearance of a DBS check before the appointment is confirmed.

Lincoln College complete their DBS checks in line with the [DBS Code of Practice](#).

Disclosures will only be sought after a candidate has been provided with a provisional offer of employment or where applicable, a voluntary/temporary position (see [Volunteer](#) section for further information on DBS process for [volunteers](#)).

8.2.3i DBS Check Levels used at Lincoln College

All Lincoln College employees are subject to an enhanced DBS check. Dependent on the role this enhanced DBS check will include a check of the child and/or adult barred list.

8.2.3iii DBS Checking Process

Once an offer of employment is made the People Services Unit will contact the candidate via email, sending them a link to commence their DBS check via eSafeguarding and asking them to make an appointment to bring in their original ID documents.

¹⁵ The contract clause relating to Misconduct outside of the Workplace were effective in contracts of employment from June 2020, This clause has been drafted following the decision in the Basildon Academies v Amadi UKEAT/0343/14. The EAT found that an employee does not have an implied duty to disclose to his employer allegations of misconduct made against him whilst working elsewhere, unless there is an express contractual obligation to do so. Colleges may have employees engaged or employed on contracts at other organisations and this clause requires the employee to notify the college of any allegations of misconduct that take place outside of the college workplace. Colleges notified of such allegations will need to determine on a case-by-case basis whether proceedings under the college's disciplinary procedure would be instigated]. <https://www.gov.uk/employment-appeal-tribunal-decisions/the-basildon-academies-v-mr-e-amadi-ukeat-0343-14-rn>

DBS checks are conducted by following the checking guidelines issued by the DBS.

If the DBS check is returned prior to the proposed start date with no issues then the candidate can commence employment without supervision, as long as all other appropriate checks have also been completed.

If the DBS check is not returned prior to the proposed start date then it may be possible for the candidate to commence employment on the proposed start date with a risk assessment in place. See the Risk Assessment section for further guidance.

Where the DBS check is returned and states 'Comp Paper' then the People Services Assistant will contact the candidate and request that they bring a copy of their DBS certificate into College for them to view. The People Services Assistant will also make the Recruitment and Resourcing Lead aware that the DBS check has been returned as Comp Paper and after seeing sight of the DBS certificate it may then be necessary for the Recruitment and Resourcing Lead to hold a meeting with the candidate to discuss this further. A number of factors will be considered before reaching a decision. A record of the decision will be recorded securely on the password protected SCR for future reference.

8.2.3v Existing Staff - Change in role

New DBS checks will not be carried out on existing staff unless they have a change in role which means they require a child or adult barred list check and their previous role meant that they haven't previously been subject to this check. For example, an employee originally employed in an admin position with no regular unsupervised contact with vulnerable adults' changes to a LSA role or if they've had a break in service of 12 weeks or more.¹⁶ In this event, a new DBS check would be conducted (including the relevant barred list check for the role) and the new certificate number and the date issued, would be recorded on the Single Central Record.

The only other time that existing staff will be rechecked would be if there are concerns about their suitability to work with children and/or vulnerable adults, in which case another DBS check (including the relevant barred list check for the role) will be undertaken as if the person was a new member of staff.

8.2.3vi Existing Staff - Change to an existing role

A further DBS check will be required when there is a change to an existing role, which means the role now requires a child or adult barred list check. For example, a support member of staff is recruited to a role which does not require a child or adult barred list check. A change is then made to their role, which means that their role now requires a child or adult barred list check.

In this instance, a further DBS check would be conducted and a risk assessment would be put in place to ensure no unsupervised contact until the new DBS was returned.

It is the responsibility of the individual line manager to inform the People Services Unit of such a change.

8.2.4 DBS Update Service

Individuals can join the DBS Update Service at the point an application for a new DBS check is made, enabling future status checks to be carried out to confirm that no new information has been added to the certificate since its issue.

Organisations can then subsequently carry out a free online check. This would identify whether there has been any change to the information recorded, since the initial certificate was issued and advise whether the individual should apply for a new certificate. Individuals will be able to see a full list of those organisations that have carried out a status check on their account.

Where a new employee has indicated that they have signed up to the DBS Update Service we will:

- Obtain consent from the applicant to carry out a check (by completing a section of the application form to this effect)
- 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, e.g. enhanced certificate/enhanced including barred list information.
- Record the certificate number and the date the check of the update service was conducted on the Single Central Record.

8.2.5 DBS Portability

The update service should not be confused with Portability. Portability refers to the re-use of a Disclosure i.e. a Disclosure obtained for a position in one organisation and later used for a position in another organisation. Lincoln College do not currently accept the portability of Disclosures provided by external organisations and as such all offers of permanent employment will be subject to completion of a new Disclosure check.

In instances where the individual is working and/or has worked within the last 3 months for the organisation via FE Resources, the portability of Disclosure will be accepted in these instances due to the check being conducted under the same umbrella body. Please note that this will only be accepted in cases where the DBS check has been conducted at the same level relevant to the role the person has been appointed to.

8.3 Employee Background Checks – Annual Declaration

All Lincoln College (including Deans and Corporate Support Solutions) employees are now contractually required to declare that there have been no changes in relation to their background employment checks on an annual basis. This includes being subject to a prohibition order, an interim prohibition order or any changes to circumstances related to DBS/Barred List checks.

Employees will complete an annual declaration confirming that their circumstances have remained the same (or otherwise) via Employee Self-Service¹⁷, the date of the declaration shall be recorded on the Single Central Record.

8.4 Secretary of State Prohibition Order Checks

Prohibition orders are made by the Secretary of State under section 141B of the Education Act 2002. The Teachers' Disciplinary (England) Regulations 2012 apply to schools and sixth form colleges and any person that is subject to a prohibition order is prohibited from carrying out teaching work in those establishments.

Prohibition checks were first introduced on 1 January 2007; however, College's previously believed that they were exempt from the requirement to conduct prohibition checks due to the guidance contained with the footnote on page 22 of the Keeping Children Safe in Education September 2016 document. Following legal guidance, the Lincoln College Group began conducting prohibition checks on all teachers employed since July 2017 (historical guidance on Prohibition Checks can be found in Appendix 3) and the 2018 Keeping Children Safe in Education guidance was updated to state that even though prohibition orders do not legally prevent a person from working in a College, by virtue of their Conditions of Funding (in respect of funding received from the Education and Skills Funding Agency) colleges may not employ or engage a person who is subject to a prohibition order to carry out teaching work and therefore Colleges are now required to complete such checks. Footnote 72, page 62 of the Keeping Children Safe in Education September 2021 statutory guidance subsequently confirmed the requirement for colleges to undertake such checks and this guidance continues to form part of Keeping Children Safe in Education.¹⁸

¹⁷ As a result of an amendment to the ESFAs funding agreement with the college which specifically and explicitly requires this with effect from 1 August 2019.

¹⁸ Bullet point 5, page 59 – Keeping Children Safe in Education September 2023.

Lincoln College complete Prohibition Order checks on all new employees.

8.5 Qualifications

All new starters are asked to make an appointment with People Services Unit prior to their start date. As part of this appointment new starters are asked to bring in original copies/evidence of all qualifications listed on their application form (that are listed on the person specification).¹⁹ The People Services Unit will check qualifications and clarify any discrepancies with the individual prior to their start date. Details will be recorded on the [Single Central Record](#).

In the absence of physical certificates, the organisation will accept written confirmation by the appropriate awarding bodies, which confirm that the individual has obtained this qualification.

8.6 Individuals who have worked Outside of the UK

Individuals who have lived or worked outside the UK must undergo the same checks as all other newly appointed staff, this includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been in the UK.

Following the UK's exit from the EU, schools and colleges should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world²⁰.

8.6.1 Certificate of Good Conduct

In addition to all other pre-employment checks, all candidates²¹ that have lived outside of the UK for 3 consecutive months or more within the past 5 years will be required to obtain a criminal record check from the country they lived in²². This is commonly referred to as a 'Certificate of Good Conduct' but has many different names including Certificate of Clearance and Certificate of no Criminal Conviction. Certificates of Good Conduct are required in addition to a DBS check, as whilst a DBS check is a check of a candidates criminal record in the UK, this cannot currently assess criminal records held overseas.

Certificates of Good Conduct are **not** required, if the appointed candidate has, within 3 months of their start date at the college:

- Worked in a school in England in a position which brought them regularly into contact with persons aged under 18; or
- Another institution within the further education sector in England, or in a 16 to 19 Academy, in a position which involved the provision of education and caring for, training, supervising or being solely in charge of persons aged under 18.²³

Whilst there is no requirement to carry out an enhanced DBS or carry out checks for events that may have occurred outside the UK, schools or colleges may still choose to request one to ensure they have up to date information. However, schools and colleges must still carry out all other relevant pre-appointment checks, including where the individual is engaging in regulated activity with children, a children's barred list check²⁴.

8.6.2 Applying for a Certificate of Good Conduct

¹⁹ From September 2023, all candidates attending the interview of an Education & Training role will be asked to provide a copy of their qualifications to the People Services Unit in advance of their interviews/ bring a copy of their qualifications to the interview.

²⁰ Paragraph 280, Page 74 – Keeping Children Safe in Education September 2023

²¹ Prior to 1 January 2018, it was a Lincoln College requirement that academic posts would only require a letter of good conduct. A change was implemented on 1 January 2018 to ensure that all posts would now require this check.

²² Government guidance states 10 years, 12 months however the AoC provided guidance on 3 October 2018 advising that 5 years, 3 months was deemed to be a sensible time period. Irwin Mitchell (on behalf of the AoC) state, 'there is actually no specification in law (including Keeping Children Safe in Education Guidance and the Overseas Criminal Records Check Guidance) as to when the college are obliged to conduct a check. The 5 year rule was previously adopted widely but is not prescribed in law. I do however consider it is sensible for the college to have a system in place and the 5 year, 3 month rule previously applied remains a sensible guide.

²³ Paragraph 234, Page 60, Keeping Children Safe in Education September 2023

²⁴ Paragraph 235, Page 60 – Keeping Children Safe in Education September 2023

The application process for criminal records checks or 'Certificates of Good Conduct' varies from country to country. Candidates will have to apply in the country or to the relevant embassy in the UK.

Guidance for applying for criminal records checks from overseas can be found at: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

The People Services team can provide candidates with a letter explaining why the check is needed if this is required by the embassy or police authority.

8.6.2i Candidate Unable to Obtain a Certificate of Good Conduct

It is not always possible to obtain a certificate from countries that do not have functioning criminal record regimes or refuse to provide these to anyone other than their own citizens. If a candidate is unable to obtain a Certificate of Good Conduct then the college will obtain as much information as possible in the form of references etc. (and all other checks that would be carried out in any event) before deciding whether or not to withdraw an offer of employment.²⁵

Where this information is not available the college will seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment'.²⁶

8.7 FE Resources Associates Obtaining a Permanent Contract

There is no requirement to carry out an additional enhanced DBS check when an FE Resources Associate is appointed to a contracted position unless the following occurs:

- The FE Resources Associate is changing roles and requires a different barred list check
- The FE Resources Associate hasn't had any bookings with the College within 3 months of their contracted start date.

The People Services Assistant will always check the above prior to an Associate commencing contracted employment and will then (if necessary) submit a new DBS check prior to their start date.

Additionally, the People Services Assistant will also check that the appropriate check has been undertaken for the role the new starter will be undertaking i.e. Child and or/Adult barred list check. If these haven't been undertaken then a new DBS check will be carried out.

If a new DBS check is required, the FE Resources Associate will be able to commence employment by using their current FE Resources DBS check however a risk assessment will be required until the check has been returned. The People Services Assistant will record the FE Resources DBS details on the SCR until the new check has been returned.

9 RIGHT TO WORK IN THE UK CHECKS

Under section 15 of the Immigration, Asylum and Nationality Act 2006 ("the Act") an organisations may be liable for a civil penalty if they employ someone who does not have the right to carry out the work in question.

All employers have a duty to prevent illegal working in the UK by people who are subject to immigration control. If this is not complied with, they may face a financial penalty (civil penalty of up to a maximum of £20,000 per illegal worker) and in some cases, prosecution.

Organisations can avoid becoming liable for a civil penalty and prosecution by carrying out simple specified document checks on people before employing them, to ensure they are allowed to work in the UK. This check needs to be repeated when someone has temporary permission to be in

²⁵ Based on advice received from Irwin Mitchell (on behalf of the AoC) 3 October 2018.

²⁶ Paragraph 282, Page 74 – Keeping Children Safe in Education September 2023

the UK and to work. Conducting these checks in the prescribed manner will provide a statutory excuse against a civil penalty.

In order to comply with Right to Work in the UK legislation specified document checks are carried out by the People Services Unit on all employees prior to them being employed. Follow-up checks are also conducted on people who have time-limited permission to be in the UK and work.

There is no requirement to check the status of internal applicants who are already employed by the College, unless they leave and seek re-employment.

The People Services Assistant conducts right to work checks in line with the [Government Guidance](#).

10 RISK ASSESSMENT

Where it can be demonstrated, through a risk assessment that there will be no contact, or no unsupervised contact with students/learners under the age of 18 or vulnerable adults, an earlier start can be considered when there are outstanding pre-employment checks (eg. A DBS has not yet been returned, a reference hasn't yet been received). Details of the risk assessment must be recorded on the risk assessment form, along with the decision of the Recruitment and Resourcing Lead. The risk assessment form must be kept for future reference.

10.1 Posts Requiring a Child or Adult Barred List Check

In the case where a DBS check has not been returned, in relation to a role that requires a check of the adult and/or child barred list, an online barred list check must be successfully obtained (in addition to a risk assessment completed by the relevant line manager) before a decision will be made by the Recruitment and Resourcing Lead.²⁷

10.2 Risk Assessments for Agency Workers (Non-FE Resources), Consultants and Volunteers/Work Experience

Please see [Agency Workers \(Non FE Resources\)](#), [Consultants](#) and [Volunteers/Work Experience](#) sections for further guidance in relation to risk assessments and these roles.

11 SINGLE CENTRAL RECORD (SCR)

Schools and colleges must maintain a single central record of pre-appointment checks, referred to in the Regulations as "the register" and more commonly known as "the single central record".

The single central record must indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed or certificate obtained:

- An identity check, (identification checking guidelines can be found on the GOV.UK website)
- A standalone children's barred list check
- An enhanced DBS check (with children's barred list check) requested/certificate provided
- A prohibition from teaching check
- further checks on people who have lived or worked outside the UK
- A check of professional qualifications, where required
- A check to establish the person's right to work in the United Kingdom
- Whether the person's position involves 'relevant activity'

Schools and colleges are free to record any other information they deem relevant.

For example:

²⁷ Previously the risk assessment procedure was to conduct a barred list check on any Lecturer/Assessor and Instructor posts. From January 2018, it was agreed that any post that required a child/adult barred list check would be subject to an online barred list check as part of the risk assessment process.

- Checks made on volunteers
- Checks made on governors
- Dates on which safeguarding and safer recruitment training was undertaken
- The name of the person who carried out each check²⁸

A key is in place to explain any abbreviations listed on the SCR.

12 AGENCY WORKERS (NON FE RESOURCES)

12.1 Recruitment Process

This section of the Safer Recruitment Policy and Associated procedures, concentrates on the safer recruitment checks that are in place for Agency Workers (non-FE Resources). Please consult the Lincoln College Recruitment and Selection Code of Practice for more general information regarding the recruitment process for Agency Workers (non-FE Resources).

12.2 Single Central Record Agency Form

All external agency workers are required to have a completed Single Central Record Agency form in place prior to the start of their assignment.

This form is written verification that confirmation has been received that the agency supplying the worker has carried out the same checks that the college would otherwise perform on any individual who will be working at the college.²⁹

12.3 Consultants and Secretary of State Prohibition Order Checks

A Prohibition Check will be conducted on any agency roles engaging in roles that require a child and/or adult barred list check. This will be undertaken by the College as agencies do not have access to conduct such checks.

12.4 Verifying Identity of an Agency Temp

All agency workers are required to complete an agency temp application form. The People Services Assistant will also check that the person presenting themselves for work is the same person on whom the SCR form has been completed for and whom the checks have/ will be carried out for, by requesting that they bring photographic identification in at the start of their assignment.³⁰

13 VOLUNTEERS/WORK EXPERIENCE

13.1 Volunteers/Work Experience Recruitment Process

This section of the Safer Recruitment Policy and Associated procedures, concentrates on the safer recruitment checks that are in place for Volunteers. Please consult the Lincoln College Recruitment and Selection Code of Practice for more general information regarding the recruitment process for Volunteers.

Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.³¹

13.2 Verifying Identity of a Volunteer/Work Experience

The People Services Assistant will check that the identity of the person presenting themselves for the volunteer/work experience role, by requesting that they bring photographic identification

²⁸ Para 273, Page 72 – Keeping Children Safe in Education September 2023

²⁹ Paragraph 286, Page 75 – Keeping Children Safe in Education September 2023

³⁰ Paragraph 289, Page 76 – Keeping Children Safe in Education September 2023 and Section 16 of The Further Education (Providers of Education) (England) Regulations 2006.

³¹ Paragraph 305, Page 78 – Keeping Children Safe in Education September 2023

in at the start of their assignment. A copy of the ID will be taken and will be kept along with the rest of the recruitment paper work in relation to the volunteer/work experience person.

13.3 DBS Checks for Volunteers/Work Experience

The Protection of Freedoms Act 2012 amended the Safeguarding Vulnerable Groups Act 2006, removing supervised volunteers from regulated activity and applying a duty on the Secretary of State to issue guidance to assist regulated activity providers such as schools and colleges in deciding what level of supervision is required so that this exclusion would apply. If the volunteer is to be supervised while undertaking an activity, which would be regulated activity if it was unsupervised, the statutory guidance must be followed. This is replicated at Annex E of the Keeping Children Safe in Education statutory guidance.

The guidance issued following this change requires that:

- There must be supervision by a person who is in regulated activity
- The supervision must be regular and day to day and
- The supervision must be “reasonable in all the circumstances to ensure the protection of children.”³²

13.3.1 Unsupervised Volunteers/Work Experience People

Any volunteer/work experience role that provides the individual undertaking the role unsupervised contact with children is deemed to be regulated activity and should therefore be subject to the same level of pre-employment checks including a DBS check (with appropriate barred list check) as an employed role.

Volunteers/Work experience people who on an unsupervised basis teach or look after children regularly, or provide personal care on a one to one basis will be in regulated activity.³³

The college will obtain an enhanced DBS certificate (which should include the relevant barred list check) for all volunteers/work experience people who are working in regulated activity.

13.3.2 Supervised Volunteers/Work Experience People

Volunteers/work experience people whose contact with children is always supervised by another individual who is in regulated activity (e.g. a teacher) are not deemed to be in regulated activity. In this circumstance, employers are not legally permitted to request barred list information on a volunteer/ work experience person who is not in regulated activity i.e. because they are supervised.³⁴

The College will use their professional judgement, experience and discuss with the relevant line manager, when deciding whether to seek an enhanced DBS check for any volunteer/ work experience person not engaging in regulated activity.³⁵

In doing so they will consider:

- The nature of the work with children
- What the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers
- Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability

³² Paragraph 310, Page 79 – Keeping Children Safe in Education September 2023

³³ Paragraph 309, Page 78 – Keeping Children Safe in Education September 2023

³⁴ Paragraph 309, Page 78 – Keeping Children Safe in Education September 2023

³⁵ Paragraph 307, Page 78 – Keeping Children Safe in Education September 2023

- Whether the role is eligible for an enhanced DBS check

13.4 Volunteers/Work Experience People and Secretary of State Prohibition Order Check

A Prohibition Check will be conducted on any volunteers/work experience person engaging in roles that require a child and/or adult barred list check.

13.5 Risk Assessments for Volunteers/Work Experience

All volunteers that have not had a DBS check will be subject to a Risk Assessment, which must be approved prior to them commencing employment. Details of the risk assessment must be recorded on the risk assessment form, along with the decision of the Recruitment & Resourcing Lead. The risk assessment form must be kept for future reference.³⁶

13.6 Online Barred List Check

In the case where a DBS check has not been returned prior to the start of the assignment (in relation to a role that is in regulated activity) an online barred list check must be successfully obtained by the PEOPLE SERVICES Unit, using the TRA, Employer Access service. In addition, a risk assessment completed by the relevant line manager, before a decision will be made by the PEOPLE SERVICES Manager to approve that the volunteer/work experience person can commence their agreement.

13.7 Volunteers/Work Experience SCR

Volunteers/Work experience and the checks that have been completed, will be recorded on the Volunteers/Work Experience section of the Single Central Record.

14 CONSULTANTS

14.1 Consultants Recruitment Process

This section of the Safer Recruitment Policy and Associated procedures, concentrates on the safer recruitment checks that are in place for Consultants. Please consult the Lincoln College Recruitment and Selection Code of Practice for more general information regarding the recruitment process for Consultants.

14.2 Verifying Identity of a Consultant

The People Services Assistant will check that the identity of the person presenting themselves for the consultant role, by requesting that they bring photographic identification in at the start of their assignment. A copy of the ID will be taken and will be kept along with the rest of the recruitment paper work in relation to the consultant and their consultancy agreement.

14.3 DBS Checks for Consultants

The college will obtain an enhanced DBS certificate (including the relevant barred list check) for all consultants working in a role that requires a child and/or adult barred list check, prior to the commencement of their consultancy agreement.

Under no circumstances should a consultant in respect of whom no checks have been obtained be left unsupervised.

14.3.1 Consultants Working Remotely

The Recruitment & Resourcing Lead, in conjunction with the relevant line manager, will use their professional judgement and experience when deciding whether to seek an enhanced DBS check for any consultant working remotely.

³⁶ Paragraph 308, Page 78 – Keeping Children Safe in Education September 2023

14.4 Consultants and Secretary of State Prohibition Order Checks

A Prohibition Check will be conducted on any consultants engaging in roles that require a child and/or adult barred list check.

14.5 Risk Assessment

An approved risk assessment must be in place until a DBS check is in place for all consultants where a DBS check is required and it has not been returned prior to the start of their agreement. Details of the risk assessment must be recorded on the risk assessment form, along with the decision of the Recruitment & Resourcing Lead. The risk assessment form must be kept for future reference.

14.6 Online Barred List Check

In the case where a DBS check has not been returned prior to the start of the assignment (in relation to a role that required a child and/or adult barred list check), an online barred list check will be obtained before a decision will be made by the Recruitment & Resourcing Lead to approve that the consultant can commence their agreement via a risk assessment.

14.7 Consultants SCR

Details of the consultant and the safer recruitment checks will be recorded on the Consultant section of the SCR.

15 TRAINEE TEACHER PLACEMENTS

15.1 Trainee Teacher Placement Recruitment Process

This section of the Safer Recruitment Policy and Associated procedures, concentrates on the safer recruitment checks that are in place for Trainee Teachers. Please consult the Lincoln College Recruitment and Selection Code of Practice for more general information regarding the recruitment process for Trainee Teachers.

15.2 Verifying Identity of a Trainee Teacher Placement

The People Services Assistant will check that the identity of the person presenting themselves for the trainee teacher placement, by requesting that they bring photographic identification in at the start of their assignment. A copy of the ID will be taken and will be kept along with the rest of the recruitment paper work in relation to the trainee teacher and their placement agreement and welcome letter.

15.3 DBS Checks for Trainee Teacher Placement

Where applicants for initial teacher training are salaried by the school or college, it is the responsibility of the school or college to ensure that all necessary checks are carried out. Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provide to carry out the necessary checks.³⁷

The People Services Assistant will obtain written confirmation via the Single Central Record form that all pre-employment checks have been carried out by the provider and that the trainee has been judged by the provider to be suitable to work with children.

16 COMMERCIAL ROLES

All new appointments to the College's commercial roles are subject to satisfactory clearance of an enhanced DBS check and any other Safer Recruitment checks deemed appropriate.

³⁷ Paragraph 296, Page 78 – Keeping Children Safe in Education September 2023

In order to ensure that business needs are met and due to the flexible nature of the commercial opportunities, individuals can commence their assignments prior to obtaining satisfactory clearance of an enhanced DBS check, under the measures of a risk assessment, reviewed and approved by the Recruitment & Resourcing Lead. However, this is on the proviso that candidates supply the People Services Assistant with all necessary DBS documentation in advance of their start date, a DBS check will then be obtained after 3 weeks of the employee working for us.³⁸

17 CAREER BREAKS

A career break provides the opportunity for employees to take an extended unpaid break from employment, to undertake caring responsibilities, long-term full-time study or voluntary work.

Further information in relation to eligibility grounds, the process to be followed when requesting and returning from a career break can be viewed within the Flexible Ways of Working Policy.

Once it has been confirmed that an employee is returning to work from their career break, if the individual has had a break of three months or more, it is best practice to undertake a DBS check (including Barred list check if required) before they return to work.³⁹

³⁸ As of 01 February 2020
³⁹ AoC advice obtained on 27 January 2021

18 LIST OF ASSOCIATED DOCUMENTS

18.1 General Safeguarding Legislation

- [Keeping Children Safe in Education – September 2023](#)
- [Working together to Safeguard Children](#)
- [Regulations 20-25 and the Schedule to the Further Education \(Providers of Education\) \(England\) Regulations 2006](#)

18.2 DBS Checks

- [Government ID Checking Guidelines for DBS Checking document.](#)
- [Child Workforce Factsheet](#)
- [Regulated Activity with Children](#)
- [Adult Workforce Factsheet](#)
- [Regulated Activity with Adults](#)
- [HM Government factual note on regulated activity in relation to children scope.](#)
- [Rehabilitation of Offenders Act 1974](#)
- [Spent Conviction Timescales](#)
- [Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012.](#)
- [eSafeguarding privacy policy](#)
- [DBS privacy policies](#)

18.4 Right to Work in the UK

- [Code of practice on preventing illegal working: 6 April 2022 \(accessible version\) - GOV.UK \(www.gov.uk\)](#)
- [Right to work checks: an employer's guide - GOV.UK \(www.gov.uk\)](#)
- [Employers' right to work checklist - GOV.UK \(www.gov.uk\)](#)

18.5 Employment References

- [Employment References - AoC Guidance – March 2018](#)

18.6 Internal Policies and Forms

- Agency Request Form
- Agency Risk Assessment Form
- Agency SCR Form
- Consultant Application Form
- Consultant Risk Assessment
- Consultants Request Form
- Lincoln College Recruitment and Selection Code of Practice
- Lincoln College Volunteer Policy
- Risk Assessment Form
- SCR Key
- Volunteer or Work Experience Application Form
- Volunteer or Work Experience Request Form
- Volunteer or Work Experience Risk Assessment

Appendix 1 – Levels of DBS Check

LEVELS OF DBS CHECKS – LAST REVIEW: SEPTEMBER 2023

Enhanced DBS Check	Enhanced DBS Check + a Child Barred List Check	Enhanced DBS Check + an Adult Barred List Check	Enhanced DBS Check + a Child & an Adult Barred List Check
<p>Roles which don't meet the criteria set out in the Child Barred List check column i.e. Supervised volunteers, some temporary roles.</p>	<p>All posts (including commercial business posts such as employees based in Deans) where the employee:</p> <ol style="list-style-type: none"> 1. Works at the college on more than 3 days in a 30-day period or overnight between 2am and 6am with the opportunity for face to face contact with learners. 2. Has the opportunity, because of their job, to have contact with the learners in the establishment (this doesn't mean teaching, this means walking through campus, passing in the corridor, using the toilet etc.). 3. Work at the college for the purpose of the establishment. 4. It is not temporary or occasional work*. 5. It is not a supervised volunteer role. <p>*This excludes temporary roles via FER or in positions where there may be teaching of anyone under the age of 18 or where there is frequent unsupervised contact with learners.</p> <p>Governors</p> <p>Consult the DBS Guidance for further information:</p> <p>DBS - Regulated activity in relation to children.pdf DBS - Child Workforce Guide</p>	<p>Any role where personal care may be provided to adults.</p> <p>Any role where the individual is employed as the line manager of someone who provides personal care to adults, even if they themselves are not providing personal care.</p> <p>Consult the DBS Guidance for further information:</p> <p>DBS - Regulated Activity with Adults in England.pdf DBS - Adult Workforce Guide</p>	<p>Any role (including FE Resources associates and un supervised volunteers) where they qualify for a child barred list check and are also providing personal care to adults i.e. Learning Support Assistants, Lecturers in Skills for Life and Foundation Studies, Technician/Learning Support Officers, Senco SEND roles, Assessment and Support Co-ordinators.</p> <p>Any role where the individual is employed as the line manager of someone who provides personal care to adults, even if they themselves are not providing personal care.</p>