

Safe Recruitment for the Early Years Workforce

- Ensuring the safety of the children in your setting is your highest priority. Your recruitment and selection procedures will impact upon this safety.
- To meet early years regulatory requirements set by The Department for Education, Ofsted, the Early Years Foundation Stage Framework and the Safeguarding Vulnerable Groups Act 2006 you will need to ensure that all staff, including volunteers, have an enhanced Disclosure and Barring Service (DBS) check which will typically include Children's Barred List.
**Employers are responsible for checking if an individual is eligible for an Enhanced DBS check, for more information [click here](#)*
- The Disclosure and Barring Service (DBS) help protect the public by helping employers make safer recruitment decisions and by barring individuals who pose a risk to vulnerable groups from working in certain roles.'
- The Disclosure and Barring scheme collects background information on applicants before they are issued with a certificate which contains a certificate number.
- Visit the Disclosure and Barring Service website for the most up-to-date legislation and guidance [DBS website](#)
- Visit [NSPCC Learning](#) for further support, resources and information on safer recruitment.

You should develop a 'safe recruitment' procedure.

- Set time aside with your management team to look at your current recruitment practices, taking time to reflect on current practice and consider a new code of practice to ensure your setting has a "safer culture" when recruiting staff".
- Set out clear job descriptions and person specifications setting down boundaries and expectations of the role including a statement of responsibility and requirements for safeguarding.
- Ensure clear messages about safeguarding children and your setting's policy on safeguarding is sent to candidates from the outset.
- Include a statement about your commitment to safeguarding in any job advertisement.
- Ensure you ask for application forms to be filled out rather than just asking for CVs. **Remember** - it's easier to hide information on a CV and it makes it harder for you to determine if the applicant meets the selection criteria.
- Include a section on your application form asking for two referees.

- Issue a reference proforma prior to interviews.
- Ensure that the interview panel is made up of at least two staff and consider other selection tools, such as asking the candidate to prepare and deliver an activity so you can assess how well they engage with the children and how the children respond. You could ask them to prepare a presentation, undertake a role play activity or even suggest a supervised work trial.
- Ensure interview questions involve some probing questions into motives, attitudes and expected behaviors' when working with children.
- Make sure that information sought about criminal history is used appropriately.
- Promote an ongoing culture of vigilance within your setting and ensure that all staff understand your safeguarding policy which should include reporting concerns or "whistleblowing".

Disclosure and barring checks

All employees when working directly with children must have an enhanced Disclosure and Barring Service (DBS) check and most will need to include Children's Barred List. In the unlikely circumstance where an employee's DBS is still being processed, that employee should under no circumstances be left unsupervised with children. Where an employee has commenced work with a DBS issued under another employer they must also not be left unsupervised until their new disclosure is returned and satisfactory.

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Note: A DBS check does not last for an agreed length of time and any information included will only be accurate at the time the check was carried out, for recruitment purposes Ofsted states it is best to expect that the certificate must have been issued within 3 months (if it is not on the update service). The correct storage of DBS certificate information is important. The code of practice requires that the information revealed is considered only for the purpose for which it was obtained and should be destroyed after a suitable period has passed - usually no longer than six months. It is good practice to keep a record of DBS certificate numbers. Additionally; you must ask employees whilst undertaking their one to one supervisions to declare any criminal convictions and changes to their suitability.

Home-based Workers

A Home-based position is when the applicant carries out some or all of his or her work with children (or adults) from the place where the applicant lives; or they live in the household of someone who is being or has been checked because they work with children and carry out some or all of their work from their own home. You can find further information about home based check's [here](#).

The Disclosure and Barring Service (DBS) Update Service

- enables applicants to keep their DBS certificates up to date
- enables employers to check a DBS certificate

The Update Service is an online subscription that allows individuals to keep their standard or enhanced DBS certificate up to date and allows employers to check a certificate online. The subscription is £13 per year and this can be paid by debit or credit card. There's no charge for volunteers.

Information on how to register with the Update Service can be found [here](#). If an individual is in the process of applying for a Standard or Enhanced check, they will need their application reference number. If they already hold a Standard or Enhanced certificate, they must register for the Update Service within 30 days of the certificate being issued using the certificate number.

Employers can check an individual's DBS certificate status online. The employer must be legally entitled to carry out the check and have the employee's permission. The employer does not need to pay or register to carry out the status check. The employer guide can be found [here](#).

Disqualification by Association

A provider or a childcare worker may also be disqualified from working with children because they live in the same household as another person who is disqualified, or because they live in the same household where a disqualified person is employed. If a provider or childcare worker is disqualified they may, in some circumstances, be able to obtain a 'waiver' from Ofsted. Employers should ask employees whilst undertaking their one to one supervisions to declare any reason why they may be disqualified from working with children.

Barring [click here for DBS information including how to make a quality referral](#)

Providers of regulated activity have a legal duty to make a referral under certain conditions:

- you withdraw permission for a person to engage in regulated activity with children and/or adults. Or you move the person to other area of work that isn't regulated activity. This includes situations when you would have taken the above action, but the person was re-deployed, resigned, retired, or left. And you think the person has carried out one of the following:
 - engaged in relevant conduct in relation to children. An action or inaction has harmed a child or adult or put them at risk or harm or;
 - satisfied the harm test in relation to children. E.g. there has been no relevant conduct but a risk of harm to a child still exists, or
 - been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence

This helps to make sure the DBS have all the relevant information to consider a case. DBS can then make a fair, consistent and thorough decision about whether to bar a person from working with vulnerable groups.

Criminal records that won't be disclosed

[Filtering](#) is the term the DBS use to describe the process which will identify and remove protected convictions and cautions so that they are no longer disclosed on a DBS certificate (Standard and Enhanced DBS checks).

Filtering Rules (Standard and Enhanced Checks):

Some criminal records won't be disclosed on a Standard or Enhanced DBS certificate; see the [DBS guidance](#) for more information.

Further important information

It is a criminal offence for a person to permit an individual they know (or have reason to believe) is barred from regulated activity to engage in regulated activity.

Providers of regulated activity (early years employers) have a legal duty to make referrals to the Barring Service.

For further information, please contact the regional outreach officer for the DBS (DBSregionaloutreach@dbs.gov.uk) or the Customer Service Team (customerservices@dbs.gov.uk)

We would advise that job vacancy adverts for posts which involve direct work with children contain the following statement:-

This post is exempt from the Rehabilitation of Offenders Act 1974. Applicants must be prepared to disclose any convictions, cautions, reprimands or final warnings which would not be filtered in line with current guidance. The successful applicant will be subject to an Enhanced DBS Check (criminal records disclosure) with Children's Barred List Check.