

Safer Recruitment Guidance

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The Safer Recruitment Guidance is a document produced by the Childcare and Early Years Service (CEYS) for the Early Years and Childhood sector. It is intended to support employing providers in their recruitment and human resources (HR) processes to ensure compliance with the statutory requirements under the Day Care of Children (Jersey) Law, 2002 when employing staff.

Should an emergency staffing situation arise, CEYS must be notified immediately. Full details will need to be received in writing in order for us to risk assess and make decisions will be communicated in writing.

HR Central Log

All registered providers are expected to keep a HR Central Log. This must include information on all employees including staff working in a regulated capacity (see DBS guidance to see what constitutes regulated activity), cover staff, staff working in regular contact with children, volunteers, the registered person and any member of the governing body or committee responsible for the provision.

This document must contain all dates (where applicable) and be kept up to date at all times with any changes in staffing and their details/personal circumstances.

Information must include but is not restricted to:

- Staff personal details (names, contact details, etc.)
- Pre-employment Screening
- Qualifications and training
- Eligibility to work/Employment rights
- Health Declaration
- Personal Declaration
- Any other information specific to your provision or employees

A HR Central Log template can be requested from CEYS to either be used by providers or assisting in producing their own.

CEYS must have access to the HR Central Log as requested. Those checks are to ensure employees are compliant and standards are maintained. Other organisations/agencies may also require access to this information i.e. in a case where safeguarding concerns are being investigated.

CEYS will also carry out checks with awarding bodies and/or organisations to ensure staff qualifications have been appropriately verified by the provider.

Interview Process

Depending on the role and requirements of your organisation, there can be a wide range of questions candidates can be asked during an interview that are appropriate to the role. The below highlights key steps to be conducted accordingly.

- Employment application is received and interview is arranged with the candidate.

- The manager must be present at the interview, take a leading role and ask relevant questions on safeguarding and childcare practices.
- The manager must be involved in the decision making process to employ the candidate.

Following a successful interview, the role can be offered to the candidate. However, commencement of employment must be subject to satisfactory results of the Pre-employment Screening.

Pre-employment Screening (checks)

Pre-employment screenings are in place to ensure a person's suitability to work with children or be in regular contact with young people. Should there be any issue or ambiguity with the information provided by the candidate and/or pre-employment checks, providers must refer to CEYS before employment commences (Ceys@gov.je).

Important note: *No staff member is to be employed or commence employment until all checks are completed and are satisfactory.*

1- Disclosure and Barring Service (DBS)

An enhanced DBS check is a criminal record background check and forms an essential part of the Pre-employment Screening. Various official agencies and organisations are involved in the process in searching for any offences or felonies committed by a candidate. For more details visit the DBS website <https://www.gov.uk/government/organisations/disclosure-and-barring-service>.

DBS Verifiers

Most providers will have a trained in-house DBS Verifier. This should be a senior member of staff who will be DBS trained and in charge of carrying out DBS checks for the candidate to be employed within the provision.

Depending on their size and requirements, some providers may not have a DBS Verifier. In those cases, CEYS will carry out DBS checks on their behalf and offer continued support with the DBS procedures.

Should a setting not have a DBS verifier for some reason (i.e. a new provider, the person has left their role, is on long-term sick leave, there has been a change of ownership, etc.), CEYS will provide support with carrying out DBS checks. However, it is expected that a senior member of staff will attend the next DBS Verifier Training at the next available date.

DBS Checks

The DBS Verifier must carry out a DBS check (enhanced and with barring list) on the candidate to be employed and its results must be satisfactory. Should there be any disclosures recorded on the DBS certificate that are questionable or of concern, CEYS must be consulted to determine suitability.

Once results have been received, it is now mandatory for all candidates to join the Update Service. This means that the system continually runs checks in ensuring that DBS Certificates remain current and satisfactory or changes in circumstances known. Candidates have 30 days from when the DBS results are received to subscribe. If that period passes, the candidate will have to do a new DBS Check and then subscribe to the Update Service. For more details visit <https://www.gov.uk/dbs-update-service>.

If the candidate already has a DBS check, providers must see the original Disclosure Certificate to ensure it is satisfactory and check that the candidate is subscribed to the Update Service.

In the case of a setting using a governing body or a committee, DBS procedures for regulated activity must be adhered to. This means that subject to the roles held, the person with overall responsibility on the governing body or committee will be required to complete a DBS check.

Risk Assessment (DBS)

Where a setting wants/needs to employ someone who's DBS has not been received back, then a robust Risk Assessment must be completed for any person wanting to go into regulatory activity. Appendix A is an example of a Risk Assessment with questions that may be relevant and helpful to this appointment. CEYS must be satisfied that the manager and /or registered person has given their recommendation in order to support this decision process.

2- Rights to be employed and references

All relevant documents to verify identification must be checked.

Providers must verify the candidate's right to be employed in Jersey via the Population Office.

Should the candidate have lived in the British Isles for less than five years, a 'Certificate of Good Conduct', or equivalent, must be obtained from any previous countries lived in for a full five years and this must be verified by providers. For more details, visit the DBS website www.gov.uk/dbs.

The candidate must have provided at least two referees. These must be followed up and relevant questions asked in relation to the person's suitability and ability to care for children and their personal and professional conduct, etc. Ideally, there would be a professional reference (from the most recent childcare related employer or other) and a personal reference (someone who has known the candidate for a considered length of time but is **not** family related). These must be received in writing.

3- Health Declaration

This is to be completed to understand a person's physical and mental suitability to care for or be in regular contact with children and/or young people.

- The Health Declaration form must be completed by the candidate and forwarded to the setting manager once it is done. Instructions on how to complete this is on the form.
- Should there be anything declared which may have an impact on the candidate's ability to care for children, the manager must follow-up with the relevant medical professional and further information requested (see list below of what could trigger further scrutiny).
- Should the medical professional's opinion be that the person's health is satisfactory to work, they can be employed.
- Should the medical professional's opinion be that the person's health is unsatisfactory or if they are unable to reach a final decision, the manager must contact CEYS to discuss.
- Communications in relation to this must be kept in the HR Central Log.

A Health Declaration remains transferable for 12 months following the date issued should the person change employer. Should there be a change in health circumstances during their employment, existing employees must complete a new Health Declaration.

List of what could trigger further scrutiny or completion of a new Health Declaration:

- Any stress or anxiety related condition

- Intake of medication not immediately understood for a specific purpose) i.e. contraceptive pill, blood pressure, thyroid issues, etc.)
- Regular contact over the last 12 months with any medical professional not related to coughs, colds, flu or pregnancy
- Following an admission to hospital or any hospital procedure
- Physical condition or illness that would impact on someone's ability to safely care for babies and toddlers
- Being the main carer of a critically ill child/adult. Serious illness of a dependant
- Household member suffering with mental health condition with access to children (only applicable for childminders).

4- Personal Declaration

All staff must complete a Personal declaration annually to determine whether there are any other circumstances not picked-up through the DBS check or where personal circumstances have changed.

- Once form is completed by the candidate, it is to be forwarded to the manager/owner to be checked.

Employees are required to share with their employer any charges, convictions or court appearances immediately. This information must also be entered in the HR Central Log

5- Qualifications and Mandatory Training

The candidate's qualifications must be checked with lead body and/or organisations. Original qualification certificates must be seen (where possible). If there are any doubts about whether a qualification is valid, the manager should consult CEYS.

- If the candidate does not hold all the relevant qualifications or sufficient training to be employed, a training plan with reasonable timelines must be put in place. If a provider decides to go through this process, correct staff ratios and minimum qualifications must still be met at all time. For more details regarding this, refer to the Statutory Requirements and Qualification and Training Matrix relevant to your provision.

New Providers

For new registrations, CEYS will assist in carrying out pre-employment procedures.

- CEYS will act as a DBS Verifier until the provision is open and a senior member of staff has completed the Verifier training.
- Completed Health Declarations to be sent to CEYS so they can be checked.
- Completed Personal Declarations to be sent to CEYS so they can be checked.
- All original qualification certificates for staff will be checked by CEYS before the provision is open but must also be seen by the manager/owner of the provision.

Appendix A Disclosure and Barring Service (DBS) Risk Assessment

This Risk Assessment is to be completed if considering a newly appointed employee commencing work before their DBS results are received. The completed form should be kept in the employee's personal file. **Note:** *As per registration requirements, new employees should not normally commence work pending on DBS results. This should only be considered in exceptional circumstances and is subject to all other Pre-employment Screenings being completed and satisfactory.*

SECTION 1 – Candidate and employment details

This section is to be completed by the Line Manager

Setting name	
Post to be filled	
Candidate name	
Date interviewed	D D M M Y Y Y Y
Type of DBS check	
Date DBS application form sent to Employee Vetting Team (number)	
Has the candidate declared any offences, convictions, reprimands or warnings?	Yes / No
If yes, please confirm that this has been discussed with the candidate and are satisfied that this does not pose a risk to their appointment.	
Health Declaration completed?	Yes / No
If there are concerns on the Health Declaration, have these been checked?	Yes / No
Mandatory Qualifications checked? <i>(Detail all)</i>	Yes / No
Identity check completed? <i>(i.e. Driving License, Passport, Birth Certificate)</i>	Yes / No
Are there unexplained gaps in employment history?	Yes / No
If yes, has this been clarified and explanation is satisfactory?	Yes / No
Cleared reference from the most recent employer has been received and contains no reservations regarding suitability to work with children, young people or vulnerable adults?	Yes / No
Reference details.	
What special arrangements are being put in place to reduce all identified risks pending receipt of the DBS disclosure. <i>(i.e. supervised at all times, etc.)</i>	

Is the line manager confident that all work with children, young people, and vulnerable adults will be closely supervised?		Yes / No							
Is the line manager confident that the candidate will not be given any responsibility for high risk activities? (<i>i.e. hygiene care, 1:1 work, etc.</i>)		Yes / No							
In light of the above, does the candidate constitute an acceptable 'risk'?		Yes / No							
Line Manager Signature									
Line Manager Print Name									
Date Signed		D	D	M	M	Y	Y	Y	Y

SECTION 2 - Declaration

This section is to be completed by the CEO or Deputy.

I understand CEYS's policies on appointment pending DBS clearance and believe that the applicant does not constitute a risk for the following reasons:									
CEO / Deputy Signature									
CEO / Deputy Print Name									
Date Signed		D	D	M	M	Y	Y	Y	Y

SECTION 3 - Childcare and Early Years Service Statement and Declaration

This section is to be completed by the CEYS and returned to the setting.

Select from the statements below:									
I agree / disagree with the setting's decision to appoint / not appoint the candidate.									
This decision is based upon the following reason(s):									
CEYS Officer Signature									
CEYS Officer Name									
Date Signed		D	D	M	M	Y	Y	Y	Y