



Guidance: Safe Recruitment

What does the Statutory Framework for the early years foundation stage say?

An essential aspect of ensuring quality and safety in Early Years and Childcare Settings is a robust and effective selection and recruitment process.

EYFS Section 3 Safeguarding and Welfare requirements state:

Introduction

3.2 Providers must take all necessary steps to keep children safe and well. The requirements in this section explain what early years providers must do to: safeguard children; ensure the suitability of adults who have contact with children; promote good health; manage behaviour; and maintain records, policies and procedures

Suitable people

3.9. Providers must ensure that people looking after children are suitable to fulfil the requirements of their roles. Providers must have effective systems in place to ensure that practitioners, and any other person who **may** (from Sept 21) have regular contact with children (including those living or working on the premises), are suitable

3.10. Ofsted or the agency with which the childminder is registered is responsible for checking the suitability of childminders, of every other person looking after children for whom the childminding is being provided (whether on domestic or non-domestic premises), and of every other person living or working on any domestic premises from which the childminding is being provided, including obtaining enhanced criminal records checks and barred list checks. Registered providers other than childminders must obtain an enhanced criminal records check in respect of every person aged 16 and over (including for unsupervised volunteers, and supervised volunteers who provide personal care²⁰) who:

- works directly with children
- lives on the premises on which the childcare is provided (***unless there is no access to the part of the premises when and where children are cared for***) and /or (Sept 21)
- works on the premises on which the childcare is provided (unless they do not work on the part of the premises where the childcare takes place, or do not work there at times when children are present) An additional criminal records check (or checks if more than one country) should also be made for anyone who has lived or worked abroad.

3.11. Providers must tell staff that they are expected to disclose any convictions, cautions, court orders, reprimands and warnings that may affect their suitability to work with children (whether received before or during their employment at the setting). Providers must not allow people, whose suitability has not been checked, including through a criminal records check, to have unsupervised contact with children being cared for.

3.12. Providers other than childminders must record information about staff qualifications and the identity checks and vetting processes that have been completed (including the criminal records check reference number, the date a check was obtained and details of who obtained it). For childminders, the relevant information will be kept by Ofsted or the agency with which the childminder is registered.

3.13. Providers must also meet their responsibilities under the Safeguarding Vulnerable Groups Act 2006, which includes a duty to make a referral to the Disclosure and Barring Service where a member of staff is dismissed (or would have been, had the person not left the setting first) because they have harmed a child or put a child at risk of harm

<https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>

What are pre-employment checks?

Pre-employment checks are a crucial part of the recruitment process, enabling you to reduce the risk of employing someone who could cause your business difficulties. There may also be checks which you must make to comply with the law such as confirming the person has the right to work in the country or, if they're working with young or vulnerable children/ people, criminal record checks will be necessary.

Why is it important to conduct pre-employment checks?

Pre-employment checks help you to determine whether a candidate is suitable for a particular role and that they possess the required qualifications and skills. They also help you confirm whether the person is physically able to carry out the work and that they are legally allowed to work in the UK.

When should you conduct pre-employment checks?

Checks take place once you have interviewed candidates and are completed as part of the conditional job offer to the selected candidate

Can I withdraw a job offer after pre-employment checks?

You can withdraw a job offer if your checks reveal something negative so long as you told the candidate about the checks when you made the offer. The candidate needs to be made aware any job offer is conditional pending pre-employment checks.

Documents that the candidates should bring to interview as part of the pre employment check

- Original qualifications certificates which can be photocopied by the prospective employer and signed/dated as copies of the originals

- Proof of identity (passport , driving licence etc) to be photocopied and signed/dated as copy of the original
- Eligibility documents to work in the UK to be photocopied and signed dated as a copy of the original
- DBS online update service number if subscribed. This would then be checked by the employer as part of a robust suitability check and would be recorded .

If the candidate is not successful, then these documents would be shredded as part of your GDPR protocols and the candidate should be informed of this.

Key points for scrutinising and shortlisting applications

- Check thoroughly for any gaps in employment and be prepared to challenge
- Check dates that don't match and be prepared to challenge
- Validity of stated qualifications and be prepared to challenge
<https://www.gov.uk/guidance/early-years-qualifications-finder>

DBS

Provider must not allow people whose suitability has not been checked including through criminal records checks to have unsupervised contact with children being cared for

- Do not accept a check done by a previous employer if the candidate is not on the online update service then you should complete a new enhanced DBS check prior to the candidate starting work.
- Online update service: check the status of the disclosure. Where the check identifies there has been a change to the disclosure details a new enhanced DBS must be applied for. Before accessing DBS online consent must be obtained from the from the candidate

Pre – employment checklist

- Name of applicant: _____ Date of interview: _____
- Conditional offer of employment sent subject to satisfactory pre-employment checks: Y /N Date: _____

Evidence (state documents seen)	Date applied for/ checked /received	Name and signature of checker
Identity / DOB		
Eligibility to work in the UK		
Enhanced DBS with barred list check Online update service to check the status of the disclosure		
Qualifications/certificates check (photocopy originals and date and sign)		
Overseas checks (please state)		
Professional status (please state)		
2 references to include last employer (please state)		

- <https://www.gov.uk/guidance/early-years-qualifications-finder>
- <https://www.sia.homeoffice.gov.uk/Pages/licensing-overseas-checks.aspx>
- <https://www.gov.uk/check-job-applicant-right-to-work>