

St Peter, Paul & Thomas of Canterbury, Bovey Tracey

DUTY OF CARE: SAFEGUARDING SAFER RECRUITMENT, RECRUITMENT OF EX-OFFENDERS AND SELECTION POLICY

Who approves the policy?	Standing Committee
Who is responsible for updating the policy?	Church Administrator
Classification	Recruitment
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Revised By	
Next Revision Date	August 2021
Related Documents	
Location of Electronic Copy	Google Drive PPT Church Admin
Scope	This Policy applies to all the PCC of PPT Bovey employees plus those individuals identified in paragraph 2. The PCC of PPT Bovey reserves the right to amend this policy at its discretion at any time. It does not form part of any employees' contract of employment with the PCC of PPT Bovey
Extensions	Individuals identified in Paragraph 2. Future PCC of PPT Bovey job applicants and Ex-Offenders. <i>Note in Paragraph 2.</i>
Exclusions	None

Safer Recruitment, Recruitment of Ex-Offenders and Selection Policy

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1. Policy Statement

This policy implements the *Promoting a Safer Church: The Church of England's Safeguarding Policy for children, young people and adults*. The care and protection of children, young people and vulnerable adults involved in Church activities is the responsibility of the whole Church. Everyone who participates in the life of the Church has a role to play in promoting a Safer Church for all.

The Church of England safeguarding policy statement is based on 5 foundations and offers 6 overarching policy commitments:

- Promoting a Safer environment and culture.
- Safely recruiting and supporting all those with any responsibility related to children, young people and vulnerable adults within the Church.
- Responding promptly to every safeguarding concern or allegation.
- Caring pastorally for victims/survivors of abuse and other affected persons.
- Caring pastorally for those who are the subject of concerns or allegations of abuse and other affected persons.
- Responding to those that may pose a present risk to others.

This policy applies to all Church Bodies and Church Officers. Full understanding of, and adherence to, this policy should lead to a deepening in the understanding of, and respect for, the rights of children, young people and vulnerable adults as people of faith in the life of the Church.

All recruitment by the PCC of PPT Bovey will follow the Safer Recruitment Practice Guidance as issued by the House of Bishops.

We recruit in line with the Rehabilitation of Offenders Act 1974 and as such must treat all applicants who have a criminal record fairly and not discriminate automatically because of a conviction or other information revealed.

In the event that this policy and the law conflict, the law shall take precedence. If employees are in any doubt as to what their rights are, they are to discuss matters with their manager. If this policy changes as a result of amendments in the law, the changes will be notified to the employee via their manager.

This policy does not form part of your contract of employment and it may be amended at any time.

2. Who is Covered by the Policy?

This policy is intended to apply to all current and potential/future employees of the the PCC of PPT Bovey including full-time, part-time and fixed-term employees; plus consultants, contractors and trainees who may apply for a paid role of employment or volunteers who apply to undertake authorised regular activity with or on behalf of the PCC of PPT Bovey.

It is intended that paid casual and agency workers and volunteers when they are being considered to undertake regular activities and duties authorised by the PCC of PPT Bovey or in a capacity viewed as officially representing the PCC of PPT Bovey on

a regular basis also adhere to this policy. In such cases, the individuals will be made aware of this policy by their official supervisor.

The requirement for any employed, paid or volunteer role to undergo a DBS check will depend upon the nature of the duties of the role or the services provided.

Note: All references in this document to 'the Diocese of Exeter' refer to the collective bodies under the headship of the Bishop of Exeter including, but not limited to, Exeter Diocesan Board of Finance (the PCC of PPT Bovey), EDPS Ltd, and the Office of the Bishop of Exeter.

3. Scope - Safer Recruitment and Disclosure & Barring Service

The latest best practice guidance can be found here: <https://exeter.anglican.org/resources/safeguarding/resources/#SaferRecruitment>

Whenever possible, roles will be advertised internally before they are advertised externally.

We can only ask an individual to provide details of convictions and cautions that we are legally entitled to know about, whereas a DBS certificate at either Standard or Enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended and, where appropriate, the Police Act 1997 regulations as amended).

4. Using the Disclosure & Barring Service

As an organisation using the Disclosure and Barring Service (DBS) to help assess the suitability of applicants for positions of trust, we comply fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information. We also comply fully with our obligations under the Data Protection Act.

Disclosure information is never kept on an applicant's personnel file. Hard copies are always kept separately and securely in lockable, non-portable storage containers, and electronic copies are stored on restricted drives on a secure server with access strictly controlled and limited to those who are authorised to see the information as part of their duties in accordance with Section 124 of the Police Act 1997.

DBS Disclosures are only obtained with the expressed consent of the applicant. Disclosure information is only used for the specific purpose of assessing the suitability of an applicant for a role or, where information is disclosed, for the purposes of safeguarding children and adults at risk of or experiencing abuse, neglect or harm.

Once a recruitment (or other relevant) decision has been made, we do not keep disclosure information for any longer than is absolutely necessary. This is generally for a period of up to six months to allow for the consideration and resolution of any disputes or complaints.

Beyond six months, only the DBS certificate number, issue date and level of check are retained to facilitate the legitimate interests of the PCC of PPT Bovey, for example, to track renewal of DBS disclosures, and to meet legal requirements, for example, to

confirm to appropriate third parties and statutory agencies that the post-holder is in possession of a current DBS disclosure. If, in very exceptional circumstances, we consider it necessary to keep disclosure information for longer than six months, full consideration will be given to the data protection and human rights of the individual.

Once the retention period has elapsed, we will ensure that any disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, disclosure information will not be kept in any insecure receptacle (e.g. a waste bin or confidential waste sack).

5. References

An employer's reference may be provided where formally requested by a future/prospective employer. On receiving an internal or external request for a reference, managers should contact the incumbent or Chair of the PCC to ensure the request is dealt with appropriately.

Open testimonials or references are not normally given other than in exceptional circumstances.

6. Further Details About Conviction Information

On the 29 May 2013, legislation came into force that allows certain old and minor cautions and convictions to no longer be subject to disclosure.

Employers will no longer be able to take an individual's old and minor cautions and convictions into account when making decisions where they fall into the category above (i.e. they do not appear on a DBS disclosure).

All cautions and convictions for specified serious violent and sexual offences, and other specified offences of relevance for posts concerned with safeguarding children and vulnerable adults, will remain subject to disclosure. In addition, all convictions resulting in a custodial sentence, whether or not suspended, will remain subject to disclosure, as will all convictions where an individual has more than one conviction recorded.

You can direct applicants to the guidance and criteria which explains the filtering of old and minor cautions and convictions which are now 'protected' so not subject to disclosure to employers - <https://www.gov.uk/government/collections/dbs-filtering-guidance>

7. Recruitment of Ex-Offenders

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

The code also obliges such bodies to have a written policy on the recruitment of ex-offenders, a copy of which can be given to applicants at the outset of the recruitment process.

To help meet this requirement the Diocese of Exeter has produced the following policy statement (based upon the Disclosure & Barring Service (DBS) 'sample policy').

8. Diocese of Exeter Recruitment of Ex-Offenders Policy Statement

As an organisation which assesses applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), the Diocese of Exeter complies fully with the code of practice and undertakes to treat all applicants for positions fairly - <https://www.gov.uk/government/publications/dbs-code-of-practice>

We undertake not to discriminate unfairly against any person subject of a criminal record check on the basis of a conviction or other information revealed.

We can only ask an individual to provide details of convictions and cautions that we are legally entitled to know about, where a DBS certificate at either Standard or Enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended apply).

We can only ask an individual about convictions and cautions that are not 'protected'.

We are committed to the fair treatment of our employees and officers (paid and voluntary), potential employees/officers or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.

We will make this written policy on the recruitment of ex-offenders, available to all applicants at the start of the recruitment process.

We actively promote 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 records.

We select all candidates for interview based on their skills, qualifications and experience (excepting where there is an 'occupational requirement' as laid out under the terms of the Equality Act 2010).

An application for a criminal record check is only submitted to DBS after a thorough assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all job/role adverts and role descriptions will contain a statement that an application for a DBS certificate will be required in the event of the individual being offered the position.

We will ensure that those in the Diocese of Exeter who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences under the guidance of the Diocesan Safeguarding Team.

Any disclosure of a caution or conviction, whether for a serious violent and/or sexual offence or a conviction resulting in a custodial offence (whether or not suspended), or other intelligence information disclosed, will be referred to the Diocesan Safeguarding Team for an initial assessment and they will consult as appropriate with the individual responsible for the recruitment process as to whether the disclosure may affect suitability for the role.

At interview, or in a separate discussion, we 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.

The Diocese of Exeter makes every person subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request.

The Diocese of Exeter undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

The Diocese of Exeter will apply this policy to employed/paid volunteer roles and where appropriate self-employed/consultant roles depending on the nature of the services (duties to be provided by the self-employed/consultant).

9. Recruitment and Selection Process

All our recruitment and selection procedures are designed to recruit the most suitable available person for the post. Where the post has been undertaken satisfactorily on a temporary basis for some time, a decision may be taken to confirm the post holder in a permanent post. However, there may be occasions where a decision is taken to advertise a post internally and externally at the same time, for example, where it is unlikely that suitably qualified staff are already within the employ of the PCC of PPT Bovey or where there may be a need for external expertise to be recruited.

The incumbent and Chair of the PCC and managers will take steps to raise the awareness of this policy and its application among all members of staff. It is intended that all employees involved in recruitment and selection will apply the principles set out in this policy. Those involved in recruitment and selection who are not employees, such as Board members who sit on appointment panels, will be made fully aware of the provisions of the relevant legislation and this policy, and the importance we attach to it.

10. Positive Action

Positive action is a range of measures allowed under the Equality Act 2010 (provided the employer meets the conditions set out in ss.158 or 159 of the Equality Act 2010) which can be lawfully taken to encourage and train people from under-represented groups to help them overcome disadvantages in competing with other applicants.

It is important to bear in mind that positive action has a very specific meaning and must not be confused with positive discrimination which is unlawful, e.g. the setting of quotas (as opposed to targets, which are lawful) or any form of preferential treatment. Where positive action has been taken to encourage applicants from under-represented groups to apply, every applicant must be considered on individual merit and selection for interview and appointment must be based strictly on the agreed selection criteria.

Positive action therefore involves an employer taking positive “proportionate” steps to help remove the hurdles faced by sections of the community that are under-represented in its workforce. There are two types of positive action:

General provisions on positive action allow an employer to take steps to encourage people from an under-represented group to take advantage of opportunities for employment.

Taking such steps is subject to certain conditions, including having the objective to reduce the under-representation in the employer’s workforce. The steps can include measures to encourage or train people from an under-represented group to apply for jobs.

Specific provisions on positive action allow employers to select an applicant for recruitment or promotion from an under-represented group, in favour of another applicant who is not from that group, if, and only if, both applicants are “as qualified as” each other.

In other words, where there is a tie between two candidates in a recruitment or promotion round, and one of the candidates is from an under-represented group, the employer can use the positive action provisions to appoint the candidate from the under-represented group.

Guidance published by the Government Equalities Office refers to candidates being “of equal merit” to each other.

The guidance advises that “a candidate’s overall ability, competence and professional experience together with any relevant formal or academic qualifications, as well as any other qualities required to carry out the particular job” can be taken into account when assessing candidates.

Some of the criteria undoubtedly involve subjective judgements which could be open to challenge by an unhappy unsuccessful candidate.

Employers, therefore, need to tread carefully when making use of the positive action provisions in the Equality Act. If an employer is to successfully use positive action, its recruitment or promotion programme must be able to stand up to scrutiny.

For further information, please see the Government advice accessible from the link below.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85046/positive-action-recruitment.pdf

The PCC of PPT Bovey Exercising of Positive Action

Positive action as part of our recruitment policy may be used where any group, not only women, is under-represented in that part or function of our organisation. The PCC of PPT Bovey may therefore, for the recruitment of certain identified roles, including volunteer roles, make use of positive action in the recruitment and selection process

If we identify the need to exercise this part of our policy during the recruitment and selection process for a particular role, it will be made clear to all involved in the process, including the manager of the role, the interview panel and the candidates called to interview. The exercising of this policy will also be made clear during the advertising of the role. We will also outline why we have chosen to exercise this policy in relation to the role and provide the supporting evidence to the decision.

The use of positive action requires selection of the candidate to be based on a threshold approach, whereby the candidate needs to meet a threshold against a specified set of criteria that are required for the job. Once the threshold has been met we are legally entitled to take positive action in the selection of candidate for the role.

We may also review the composition of the interview panel as part of the positive action process.

We will follow the best practice laid out by the Government Equalities Office where greater detail of how to apply positive action is clearly defined and set out.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/85046/positive-action-recruitment.pdf

For further information about employment with the PCC of PPT Bovey please refer to the PCC of PPT Bovey Equality and Diversity Policy which contains our Equal Opportunities Policy. This can be found on the church website or a copy can be requested from the Church office.