

SAFER RECRUITMENT POLICY



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This policy will be subject to ongoing review and may be amended prior to the scheduled date of the next review in order to reflect changes in legislation where appropriate.

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SCOPE

Phoenix Rising aims to recruit staff who share and understand our shared commitment and ensure that no job applicant is treated unfairly because of a protected characteristic as defined within the Equality Act 2010. All queries on the recruitment process should be directed to the C.E.O. All offers of employment are conditional on receipt of satisfactory completed pre-employment checks. All checks will be made in advance of an appointment. This policy refers to and applies to all working at Phoenix Rising, whether employees, volunteers, or members on placements.

ADVERTISEMENTS

All vacancies will be advertised on the Phoenix Rising website, job boards, and via recruitment agencies as appropriate. All advertisements will contain an appropriate safeguarding statement: Phoenix Rising is committed to safeguarding and protecting the welfare of young people. All applicants must be willing to undergo screening appropriate to the post applied for, including with past employers and the Disclosure and Barring Service.

APPLICATION FORMS AND CHECKS

Pro forma applications Phoenix Rising will only accept applications from candidates completing the application process in full. The application process must include:

- Details of employment history
- Information about gaps in employment history
- Details of relevant training, education, and qualifications
- A personal statement with reference to the person's specification (this may be substituted for another method, for example, a short essay or video submission)
- A declaration of whether they have the right to work in the UK.
- A declaration that the information they have provided in their application form is accurate.

All internal applicants for externally advertised posts will need to follow the same process as external applicants, including submitting complete application forms. A cover letter and CV will be required for posts that are exclusively internally advertised.

SAFEGUARDING RESPONSIBILITIES FOR CANDIDATES AND PHOENIX RISING

Phoenix Rising will make candidates aware that all posts in the organisation involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Candidates for employed posts will receive a job description and person specification for the role they are applying for.

Previous employment history will be checked to ascertain satisfactory reasons for any gaps in employment. These checks will then be checked against references, and any discrepancies will be discussed with the candidate.

Phoenix Rising takes its responsibility to safeguard young people very seriously, and any staff member and/or successful candidate who is aware of anything that may affect their suitability to work with children must notify the C.E.O. immediately. This will include notification of any convictions, cautions, court orders, reprimands, or warnings they may receive.

If the candidate is currently working with young people, on either a paid or voluntary basis, Phoenix Rising will ask their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether the candidate has been the subject of any child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure.

If the candidate is not currently working with children but has done so in the past, Phoenix Rising will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, Phoenix Rising will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, Phoenix Rising may request character references, including references from the candidate's school, university, or voluntary sector organisation.

All candidates should be aware that providing false information is an offence. It could result in the application being rejected or summary dismissal by Phoenix Rising if they have been appointed and a possible referral to the Police, Children's Services, or other external agencies, such as DBS.

INVITATIONS TO INTERVIEW

SHORTLISTING

Phoenix Rising will shortlist applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. At least two people will carry out the shortlisting exercise, consider any inconsistencies, look for gaps in employment and reasons given for them, and explore all potential concerns. Shortlisted applicants will then be invited to attend a formal interview, during which their relevant skills and experience will be discussed in more detail.

REFERENCES

References are requested after a conditional offer of employment is made. Phoenix Rising may obtain references for any post prior to the interview. This allows any concerns raised to be explored further with the referee and to be taken up with the shortlisted candidate at the interview.

ONLINE SEARCHES

As part of Phoenix Rising pre-employment checks, a member of Phoenix Rising HR team may use Google or another search engine to search for any references to an applicant. A record will be kept on file. Any concerns about an applicant that come about as a result of the search may be picked up at interview or thereafter.

INTERVIEW PANELS

All formal interviews will have a panel of at least two but preferably three people chaired by a senior staff member; there may be more than one-panel interview. At least one person on any panel will have undertaken safer recruitment training.

The Chair of Trustees will chair the panel for C.E.O. appointments. Other trustees may assist with interviews for those applying for senior management roles.

For all interviews, the interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates. The chair will judge whether or not an interviewer should withdraw from the panel. Should the Chair have a conflict of interest, the Chair of the Nominations Committee should decide whether the Chair should withdraw from the panel.

The interview will be conducted in person (except where the prevailing conditions do not allow this to happen), and the areas it will explore will include suitability to work with young people, including, where appropriate, any discussion of information shared by a candidate in their self-declaration form. Typically, this interview section will be conducted by the Designated Safeguarding Lead (DSL) for members of the delivery team or a senior manager for administrative and supportive staff; the discussion will explore safeguarding awareness and typically include a response to a safeguarding scenario.

DOCUMENTS TO BE BROUGHT TO AN INTERVIEW

All candidates invited to interview must bring documents confirming any educational and professional qualifications necessary or relevant to the post (e.g., the original or certified copy of certificates, diplomas, etc.). Where originals or certified copies are unavailable for the successful candidate, the candidate must obtain written confirmation of the relevant qualifications from the awarding body.

Phoenix Rising requests that all candidates invited to interview also bring with them:

- A passport or a full birth certificate.
- A utility bill or financial statement issued within the last three months showing the candidate's current name and address.
- Where appropriate, any documentation evidencing a change of name.
- Where applicable, proof of entitlement to work and reside in the UK.

Originals of the above are necessary. Photocopies or certified copies are not sufficient.

REASONABLE ADJUSTMENTS

Candidates with a disability who are invited to interview should inform Phoenix Rising of any necessary reasonable adjustments or arrangements to assist them in attending the interview.

PRE-EMPLOYMENT CHECKS AND CONDITIONAL OFFERS OF EMPLOYMENT

DBS CHECKS

A successful applicant will be required to complete a disclosure form from the DBS for the position, and, where appropriate, a check of the Barred List will be undertaken. Any offer of employment will be conditional on obtaining such satisfactory checks. Additionally, successful applicants should be aware that they must notify Phoenix Rising immediately if there are any reasons why they should not be working with children. A record of the DBS Disclosure number and date of issue will be retained.

DISQUALIFICATION

Phoenix Rising will not employ a person who is on the barred lists.

PREVENT DUTY

Phoenix Rising has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have “due regard to the need to prevent people from being drawn into terrorism”. This is known as the Prevent duty. Phoenix Rising is required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. Accordingly, as part of the recruitment process, the offer may be subject to a Prevent duty risk assessment when an offer is made.

SELF-DECLARATION

All candidates will be asked to complete a self-declaration form in relation to their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on disclosing criminal records. Applicants will be asked to sign a declaration confirming that the information they have provided is true.

CONDITIONAL OFFER OF EMPLOYMENT REQUIREMENTS

Any offer to a successful candidate will be conditional upon the following:

- Receipt of at least two satisfactory references (if not already received).
- Verification of identity and qualifications, including, where appropriate, evidence of the right to work in the UK (if not already received).
- A satisfactory enhanced DBS check and, if appropriate, a check of the Barred List maintained by the DBS.
- Verification of professional qualifications, including Qualified Teacher Status, where appropriate.
- Where the successful candidate has worked overseas or been resident overseas for three consecutive months within the last ten years, such further checks and confirmations as Phoenix Rising may be considered appropriate so that any relevant events outside the UK can be considered. This shall include the candidate providing Phoenix Rising with proof of their past conduct in the form of a letter of professional standing from the professional regulating authority in the country in which they have worked.
- Evidence of satisfactory medical fitness.

- Confirmation that the candidate is not disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006” or receipt of a signed self-declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance “Disqualification under the Childcare Act 2006”.
- For a candidate to be employed into a senior management position as set out above under “Scope,” receipt of a signed “senior charity manager positions: automatic disqualification declaration” confirming that the candidate is not disqualified from acting in a senior management position for a charity in accordance with the automatic disqualification rules for charities.

HEALTH CHECKS

It is Phoenix Rising practice that a successful candidate must provide a completed pre-employment health declaration. Phoenix Rising will then hold the information contained in the declaration in the strictest confidence and process it in accordance with the Recruitment Privacy Notice and Data Protection Policy. This information will be reviewed against the Job Description and Person Specification for the particular role, together with details of any other physical or mental requirements of the role.

Phoenix Rising is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, considering medical evidence and considering reasonable adjustments.

REFERENCES

Phoenix Rising will seek references from at least two referees for shortlisted candidates (including internal applicants) and will approach previous employers for information to verify particular experience or qualifications before an interview. One of the references must be from the applicant’s current or most recent employer. References must be received by the C.E.O. or their delegated deputy. If the candidate does not wish Phoenix Rising to take up references before the interview, they should notify Phoenix Rising when applying.

Phoenix Rising will ask all referees if the candidate is suitable to work with children. It will only accept references obtained directly from the referee and will not rely on references or testimonials provided by the applicant or on open references or testimonials. Phoenix Rising will verify all references. Where references are received electronically, Phoenix Rising will ensure they originate from a legitimate source.

Phoenix Rising will compare any information provided by the referee with that provided by the candidate on the application form. Any inconsistencies will be discussed with the candidate.

DISCLOSURE AND BARRING SERVICE (DBS) CHECKS

TYPE OF DISCLOSURES

There are three levels of Disclosure: Enhanced, Standard and Basic. The Enhanced level is for posts involving high contact with children. The type of work will generally involve regular caring for, supervising, training or being in sole charge of young people. This check involves an additional level of checking than the Standard Disclosure, including a check of Police records. Phoenix Rising will only undertake checks on staff at the Enhanced level.

DBS CHECKS

Phoenix Rising complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request or accessed here: <https://www.gov.uk/government/publications/dbs-code-of-practice>

DBS CERTIFICATES

DBS certificates are issued to employees and not to Phoenix Rising; therefore, such certificates are the employee's property. Copies of certificates should not be requested or kept in employee files. Phoenix Rising will, however, require all new employees to show their certificates to a senior staff member, who will note the certificate number and date of issue on the personnel file or the Single Central Register.

DBS UPDATE SERVICE

Where an applicant subscribes to the DBS update service, the applicant must consent for Phoenix Rising to check that there have not been changes since the issue of a disclosure certificate. The early confirmation check form will still require a barred list check. <https://www.gov.uk/government/publications/dbs-update-service-early-confirmation-applicationform>

IF DISCLOSURE IS DELAYED

A short period of work is allowed under controlled conditions at the C.E.O.'s discretion; however, if an "enhanced disclosure" is delayed, they may allow the member of staff to commence work:

- Without confirming the appointment.
- After a satisfactory check of the barred list, determine whether the person will be working in regulated activity and ensure all other relevant checks (including any appropriate prohibition checks) have been completed satisfactorily.
- Provided that the DBS application has been made in advance.
- With appropriate safeguards taken (for example, a risk assessment and supervision).
- Safeguards reviewed at least every two weeks by the C.E.O. and the relevant line manager.
- The person in question is informed what these safeguards are.

RECRUITMENT OF EX-OFFENDERS

The DBS Code of Practice states that employers should: “treat all applicants for positions with a criminal record fairly and not to discriminate unfairly against the subject of a Disclosure based on conviction or other information revealed. It also obliges them to have a written policy on recruiting such individuals, which can be given to all applicants for positions where a Disclosure is requested and to ensure that a body or individual at whose request applications are countersigned has such a written policy.” Phoenix Rising's position statement is at 0 Recruitment of Ex-Offenders.

RETENTION, SECURITY OF RECORDS AND DATA PROTECTION OBLIGATIONS

Phoenix Rising will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under Phoenix Rising Data Protection Policies. Copies of DBS certificates will not be taken or retained on file.

Phoenix Rising will comply with its data protection obligations with respect to the processing of criminal records information.

RECRUITMENT OF EX-OFFENDERS

Phoenix Rising will not unfairly discriminate against any candidate for employment based on conviction or other revealed details. Phoenix Rising makes appointment decisions on the basis of merit and ability. If an individual has a criminal record, this will not automatically bar them from employment within the charity. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

All candidates should be aware that providing false information is an offence. It could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the Police, Children’s Social Services, or other external agencies, such as DBS.

Under the relevant legislation, it is unlawful for Phoenix Rising to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for Phoenix Rising to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for Phoenix Rising to knowingly employ someone who works in the relevant settings and is disqualified.

It is a criminal offence for anyone disqualified from working with children to attempt to apply for a position within the charity. Phoenix Rising will report the matter to the Police, Children’s Services or other external agencies, such as DBS:

- Receives an application from a disqualified person
- Is provided with false information in, or in support of, an applicant's application; or
- Has serious concerns about an applicant's suitability to work with children.

If relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, Phoenix Rising will consider the following factors before reaching a recruitment decision:

- Whether the conviction or other matter revealed is relevant to the position in question.
- Whether the conviction or caution is “protected” as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 (if yes, it will not be taken into account).
- The seriousness of any offence or other matter revealed.
- The length of time since the offence or other matter occurred.
- Whether the applicant has a pattern of offending behaviour or other relevant matters.
- Whether the applicant's circumstances have changed since the offending behaviour or other relevant matters.
- In the case of disqualification from providing childcare, whether the applicant has or can obtain a waiver from disqualification.
- The circumstances surrounding the offence and the explanation(s) the convicted person offers.

If the post involves regular contact with children, it is Phoenix Rising normal policy to consider it a high risk to employ anyone who has been convicted at any time of any of the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug-related offences, robbery, burglary, theft, deception, or fraud.

If the post involves access to money or budget responsibility, Phoenix Rising's normal policy is to consider it a high risk to employ anyone who has been convicted of robbery, burglary, theft, deception, or fraud.

If the post involves some driving responsibilities, Phoenix Rising normal policy is to consider it a high risk to employ anyone convicted of drunk driving.