

Safer Recruitment and Vetting Procedure

1. Introduction

The Open University recognises and implements its duty of care in ensuring a safe study environment in accordance with current safeguarding legislation and guidance in England, Northern Ireland, Scotland and Wales.

The University is committed to safer recruitment practices through ensuring consistent processes for obtaining and evaluating information regarding applicants for job roles. The Safer Recruitment and Vetting Procedure builds on the Safer Recruitment and Vetting Policy and is intended to protect the University, its staff and students, by establishing that all applicants appointed to specified roles are confirmed as suitable.

The University wishes to ensure that a fair, consistent and sensitive approach is adopted in relation to all disclosure and barring service (DBS), police vetting and any other background or vetting checks (i.e. Disclosure Scotland Service, AccessNI and National Vetting Bureau). These examples of background vetting of staff may be added to in the future, should this be required for the University to fulfil its duty of care towards students. The University commits to be supportive of individuals throughout the vetting process and to fully comply with legal guidelines.

2. Safeguarding children, young people and vulnerable adults

The University commits that all staff who are working with students under the age of 18 years of age will have passed a safer recruitment check, such as an enhanced Disclosure and Barring Services (DBS) check. The cost of the check(s) will be borne by the University.

Where an Associate Lecturer or Practice Tutor is allocated any such students within their tutor group, they will be invited to undergo a safer recruitment check. These checks are not mandatory.

Where an Associate Lecturer / Practice Tutor chooses not to provide their consent, or the results of the safer recruitment check do not provide the required level of clearance, the student will be reallocated to another member of staff who is either willing to consent, or has already had a satisfactory check. Each individual situation will be managed on a case by case basis, by the Unit and People Services, dependent upon the specific circumstances and implications.

3. Disclosure services and vetting checks

There are a range of external services that the University may utilise to assess the suitability of postholders or applicants for positions of trust. These include for instance criminal record checks and Non-Police Personnel Vetting (NPPV) checks. Examples of disclosure services, background and vetting checks that may be commissioned by the University include, but are not limited to:

- The Disclosure and Barring Service (DBS)
- Disclosure Scotland Service
- AccessNI
- National Vetting Bureau
- National Police Personnel Vetting (NPPV)

The specific checks and the required level of clearance will be determined for each job role as part of the recruitment process and will apply to both external candidates plus existing staff. The required clearance must be gained before an appointment is made and will be determined by several factors. The University must consider: the remit of the position plus whether it involves access to restricted and confidential data, or access to systems, assets and premises by the postholder.

Once the background checks required for a role are identified, the level and type of check will be carried out in line with the appropriate rules for the nation within which the candidate/employee resides and where the role will be based.

In cases where Non-Police Personnel Vetting (NPPV) checks are required the relevant police force's vetting unit will undertake these. See Appendix 1 for a list of identified roles.

As an organisation using external services to help assess the suitability of postholders or applicants for positions of trust, the University commits to complying fully with the relevant Codes of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information. Additionally, the University commits to complying fully with its obligations under data protection legislation and any other relevant legislation pertaining to disclosure information.

4. Providing consent

Where it is identified that safer recruitment, external background or other vetting checks are required as part of the selection process for a new vacancy, this requirement will be mandatory and will be explicitly stated throughout the recruitment process. Written consent will be compulsory before any checks can take place and any resulting offers of employment will be subject to the receipt of a background check or vetting outcome that is satisfactory and acceptable to the University.

Where it is identified that a role being undertaken by an existing member of staff requires additional clearance, that wasn't previously required, the rationale will be fully explained to the individual employee. Such instances may occur as a result of either: changes to the role, requirements linked to a specific project or a revision to University policy. Written consent must be secured before any checks can be made. In all cases, a successful vetting outcome will be mandatory for the individual to continue in the role (or, in the case of an Associate Lecturer to teach a student under the age of 18).

If an employee chooses not to provide their consent, or the results of the required checks do not provide the required level of clearance, each situation will be managed on a case by case basis by the Unit and People Services, dependent upon the specific circumstances and the implications.

Where the individual will no longer be able to undertake the role, all efforts will be made to find alternative work that does not require the additional checks, in line with the agreed University redeployment procedure.

In the case of an Associate Lecturer/Practice Tutor who chooses not to provide their consent, or where the results of the safer recruitment check do not provide the required level of clearance, the student under the age of 18 will be reallocated to another group

5. Data protection

Storage and access

The disclosure services across the four nations of the UK and Republic of Ireland no longer issue employers with disclosure certificates as these are sent directly to the individual, who must provide these to the University where it is a requirement for a specific role.

Individual data, including the signed consent form and the documented outcome, will always be held in a separate and secure file during the recruitment process. Once the results are known and all recruitment decisions have been made, the documented outcome for the successful candidate, along with the expiry date, will be held separately and securely in a locked down electronic tracker within People Services. Access will be strictly controlled and restricted to those individuals who are entitled to see confidential vetting information as part of their duties and who need to know the outcome in relation to any safer recruitment, external background or other vetting checks.

Disclosure information in relation to any safer recruitment, external background or other vetting checks will not be retained on an individual's personal file. The signed consent forms for all applicants / members of staff, plus documented outcomes, will be destroyed.

Subject access requests

Staff and external candidates have the right to make a subject access request, under the General Data Protection Regulations (GDPR) in relation to the data that the University holds about them, via the Information Rights team.

People Services also offer an informal route for staff to view the personal information held on them by People Services. The Procedure for Staff Members Requesting Access to Personal Information held by People Services, allows a staff member direct access to their information rather than receiving copies of the information.

Handling

The Police Act 1997 (part V) establishes the legal basis for employers to ask exempted questions, in order to obtain information about an applicant's spent cautions and convictions. In accordance with Sections 123 and 124 of the Act, disclosure information will only be passed to those who are authorised to receive it in the execution of their duties.

The University recognises that it is a criminal offence to pass such information to anyone who is not entitled to receive it.

Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's / staff member's explicit consent has been given.

Retention

Once a recruitment (or other relevant) decision has been made, the University will not keep external background checks information for any longer than is necessary. This is generally for a period of six months, to allow for the consideration and resolution of any recruitment disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep disclosure information for longer than six months, the University will

consult the relevant disclosure service / police force vetting unit or agency code of practice and will consider the data protection rights and human rights of the individual before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

The University will not keep a photocopy or any other image of a DBS certificate, nor any copy or representation of the contents of a certificate. The only exception being the Certificate of Sponsorship requirement for migrant workers. In this case DBS checks, where required, will be retained for one year from the date the sponsorship of the migrant has ended.

The University Secretary (or nominated deputy) is responsible for taking decisions to appoint or not appoint applicants with criminal convictions. This will be through consideration of the risk to staff, students, University reputation and business. Where a decision is made to not appoint external legal advice will be sought, as required, and a written record will be made of the reason this decision was made. The University commits to comply fully with the Rehabilitation of Offenders Act 1974 and the Disclosure and Barring Service (DBS) Code of Practice.

The specifics around what documents and information are retained by the University will be in line with the specific requirements of each external background and vetting checks agency. However, notwithstanding the above, People Services will keep a record of: the date of issue of a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the details of the recruitment decision taken.

Disposal

Once the retention period has elapsed, People Services will ensure that any disclosure information is destroyed by secure means. Whilst awaiting destruction, disclosure information will be kept secure.

6. Acting as an umbrella body/use of Umbrella bodies

Before acting as an Umbrella Body (i.e. one which countersigns an application and receives disclosure information on behalf of other employers or recruiting organisations), the University will take all reasonable steps to ensure that they can comply fully with the relevant disclosure service Code of Practice. This includes ensuring that they will handle, use, store, retain and dispose of disclosure information in full compliance with the Codes and in full accordance with this policy. The University will ensure that any other organisation, at whose request applications for disclosure are countersigned, has such a written policy. If necessary, the University will provide a model policy for that body or individual to use or adapt for this purpose.

The University may choose, and/or be required by the relevant disclosure service, to use an umbrella body to undertake external background checks on its' behalf.

7. Employee Assistance Programme

The University recognises that dealing with safeguarding queries and concerns or consenting to additional vetting checks, may be upsetting and/or feel stressful. Employees should seek the support of their line manager whenever they need advice. An alternative option, or an addition to talking to the line manager, is to contact the University Employee Assistance Programme (EAP).

8. Useful references

Procedure for Staff Members Requesting Access to Personal Information held by People Services
Authorisation Form for the Release of Personal or Sensitive Data
Recruitment of Ex-Offenders Policy
Safeguarding Policy
DBS Code of Practice
Disclosure Scotland Code of Practice
AccessNI Code of Practice
National Vetting Bureau (Children and Vulnerable Persons) Acts 2012 to 2016
Rehabilitation of Offenders Act 1974
Redundancy, Redeployment and Reallocation of Duties Code of Practice for Support Staff
Redeployment Procedures Academic and Academic Related Staff
Employee Assistance Programme (EAP)

Appendix 1

Example: Vetting requirements for the PEQF programmes contract between the OU and a UK Police Force – 2020

The Open University has entered a contract with a UK Police Force to deliver:

- Police Constable Degree Apprenticeships (PCDA) and
- Degree Holder Entry Programme (DHEP) qualifications.

Due to sensitivities around data security of Police information this requires some staff involved in the delivery of the contract to have a level of Non-Police Personnel Vetting (NPPV) as outlined below.

Level of vetting:

The level of vetting required has to date been identified as NPPV Level 2 (Abbreviated).

Reasons for vetting:

Members of staff with regular access to force premises and police staff.
 Members of staff with regular access to force systems and technology.
 Member of staff who are developing OU systems and technology to support the delivery of the contract.

Programme delivery schedule:

First presentation – July 2020

Presentation cycle – 4 per year, mixture of DHEP and PCDA programmes

Identified roles requiring vetting:

Unit	Role	Reason
BDU	Business Development Manager	Regular visit to force premises
	Apprenticeships Delivery Manager	Regular visit to force premises
	E-portfolio Management	Regular access to force systems and technology
	Functional skills (FS) tutor/assessors	Regular visit to force premises
FBL	Curriculum Lead	Regular visit to force premises
	Teaching Director	Regular visit to force premises
	Associate Lecturer (2 per module, 4 cohorts per year) Modules: BXY132, BXY232, BXY332 – PCDA	Regular access to force premises and police staff
	(2 per module, 4 cohorts per year) Modules: BYPP341 - DHEP	Regular access to force systems and technology
	Practice Tutor (2 per module, 4 cohorts per year) Modules: XBXY134 – PCDA	Regular access to force premises and police staff
(2 per module, 4 cohorts per year) Modules: BYPP340 - DHEP	Regular access to force systems and technology	

	Central Academics	Regular access to force premises and police staff
		Regular access to force systems and technology
	Assessors (EPA)	Regular access to force premises and police staff
		Regular access to force systems and technology
CIO	Information security	Members of staff who are developing OU systems and technology to support the delivery of the contract
CIO	IT Development team (e.g. developers, analysts, architects)	Development of OU systems for NYP contract

Please Note:

The information within the table above may be subject to change and therefore will be reviewed regularly.

The reasons for vetting and the identified impacted roles are specific to the contract with the specific UK Police force. Should further contracts be entered into with other Police Forces, the requirements are likely to change.