

Safer Recruitment

Undertaking online searches of shortlisted candidates

Keeping Children Safe in Education (KCSIE) 2022 paragraph 220, states: "In addition, as part of the shortlisting process schools and colleges should consider carrying out an online search as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school or college might want to explore with the applicant at interview." It is important to remember that although KCSIE refer to schools and colleges it should also be applied to early years and childcare settings.

Some areas you may wish to consider are:

- 'should' in statutory guidance means that you should do it unless you have a good reason not to. If you have a good reason not to, it would be wise to have a written document outlining your rationale.
- 'should consider' is not the same as 'should undertake'. In other words, you could consider doing online checks and decide they are not appropriate. However, it may be difficult to think of many circumstances in which you might decide not to undertake the checks.
- An 'online search' is **not** the same as a search of candidates' social media activity. Whilst social media searching was included as part of a consultation about KCSIE 2022, it was withdrawn by the Department for Education from the final version, due to concerns about employment law and the potential for discrimination and bias.
- Your processing condition under General Data Protection Regulations/Data Protection Act 2018 is that it is a regulatory requirement meaning, you do not need consent. However, the applicant has a right to know **beforehand** that this search will be conducted if they are shortlisted. It would potentially be a **breach of data protection to search an individual's social media** presence, particularly if that search is done covertly.
- Will you do online searches for all posts that you recruit to, or just some? If you would not undertake this additional check for an applicant for a cleaning post or manager, why not?
- Who will do the check? If internal, the staff member should be given a clear understanding of what they are looking for, how to record it and who to pass the information to. It is essential that they have found the correct account for the candidate, particularly when they do not know what the candidate looks like. (Try checking Facebook and see how many Joseph Browns exist!) Ideally, the online check should **not** be completed by a member of the recruitment panel.
- Information recorded by the setting regarding an online search (emails to the manager/recruitment panel, etc) are subject to data protection legislation and would be disclosable under a Subject Access Request. Ensure the information is fair, factual and does not introduce any personal bias.

- Beware of any company offering social media checks. Some may advertise a service that includes people's online behaviour, financial circumstances and also positive indicators such as whether the candidate is involved in community activities, charitable work, fundraising, etc. This may be an appropriate level of vetting for a Premier League footballer or MP, it would be difficult for a school or setting to defend the use of such information to an employment tribunal.

Actions

1. Include a statement in your recruitment policy, recruitment materials for applicants and on the application form, explaining that an online search will be completed for shortlisted candidates.
2. Add the online check to your safer recruitment check list.
3. Agree a format for the checker to notify the panel that the online check has been completed and the detail of what was discovered or that there was no information found.
4. If information has been discovered, this should be compared with the candidate's application form, employment history and criminal/suitability self-disclosure and then discussed with the applicant at interview – the questions asked and responses provided by the applicant should be recorded on the interview notes.
5. Remember that criminal information found via a search engine is still covered by the Ministry of Justice filtering rules. If the conviction/caution would be filtered, it should **not** be discussed with the candidate and **cannot be taken into account**.
6. If the information relates to a serious incident or demonstrates that the candidate has been dishonest in their application/self-disclosure form, seek advice from the LADO and/or police **before** discussing with the candidate at interview.
7. Ask your preferred supply agencies to confirm that they are now including online checks in their vetting procedures.

Online searches

When searching via a web browser you may want to think of any aliases that the candidate may have, for example if they are called Josephine, are they known as Joe or Josie? For each alias you may want to add words such as:

- convicted,
- crown court,
- magistrates court, or
- their country of origin if from abroad.

You could also search for your candidates on LinkedIn and check their previous employers matches the employment history provided on their job application form, along with a comparison of the employment dates.