

**Safer Recruitment Policy**

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**1. Aims and Objectives**

1.1 The Trust Primary Schools' Safer Recruitment Policy (SRP) aims to help deter, reject or prevent people who are not suited to working with children by having appropriate procedures for appointing staff.

The aims of the Schools' recruitment policy are as follows:

- To ensure that the safeguarding and welfare of children and young people takes place at each stage;
- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education (KCSIE) - September 2016, the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

The Trust Primary Schools have a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the job. The recruitment and selection process should ensure the identification of the person best suited to the job at the school based on the applicant's abilities, qualification, experience and merit as measured against the job description and person specification.

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, and relevant safeguarding legislation and statutory.

If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant, they must declare it as soon as they are aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process. The applicant's progression will not be helped or hindered by this personal relationship.

## **2. Roles and Responsibilities.**

It is the responsibility of the Directors to:

- Ensure the school has effective policies and procedures in place for recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements.
- Monitor the schools' compliance with them.

It is the responsibility of the Executive Headteacher, Head of School, Trust Business Manager and other Managers involved in recruitment to:

- Ensure that the school operates safer recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the school.
- To monitor contractors' and agencies' compliance with this document.
- Promote welfare of children and young people at every stage of the procedure.

The Directors have delegated responsibility to the Head and Executive Head to lead in all appointments. School governors may be involved in staff appointments but the final decision will rest with the Head and Executive Head.

## **3 Recruitment and Selection Procedure**

### **3.1 Advertising**

To ensure equality of opportunity, the schools will advertise all vacant posts to encourage as wide a field of applicant as possible, normally this entails an external advertisement, but will be appropriate to the position.

Any advertisement will make clear the schools' commitment to safeguarding and promoting the welfare of children.

All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act (DPA).

### **3.2 Application Forms**

The Trust Primary Schools are part of Education for the 21<sup>st</sup> Century Trust; which uses its own application form and all applicants for employment will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role (in addition all applicants are required to account for any gaps or discrepancies in employment history). Incomplete application forms will not be shortlisted.

The application form will include the applicant's declaration regarding convictions and working with children, and will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974. CV's will not be accepted.

It is unlawful for the Schools to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at any Trust School. All applicants will be made aware that providing false

information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and referral to the police and/or the DBS.

### **3.3 Job Descriptions**

A job description is a key document in the recruitment process, and must be finalised prior to taking any other steps in the recruitment process. It will clearly and accurately set out the duties and responsibilities of the job role.

### **3.4 References**

References for short listed applicants will be requested immediately after short listing. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted at that stage. In such cases, this reference will be taken up immediately after interview.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the Schools. One of the references must be from the applicant's current or most recent employer. If the current/most recent employment does/did not involve working with children, then the second reference should be from the employer with whom the applicant most recently worked with children. The referee should not be a relative. References will always be sought and obtained directly from the referee and their purpose is to provide objective and factual information to support appointment decisions.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children.

Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

Any discrepancies or anomalies will be followed up.

Direct contact by phone will be undertaken with each referee relating to a work placement abroad to verify the reference.

The Trust Primary Schools do not accept open references, photocopies of references, testimonials or references from relatives.

### **3.5 Interviews**

There will be a face-to-face interview wherever possible, and a minimum of two interviewers will see the applicants for the vacant position. The interview process will explore the applicant's ability to carry out the job description and meet the needs of the school. It will enable the panel to explore any anomalies or gaps that have been identified in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training).

Any information in regard to past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process, if it has been disclosed on the application form.

At least one member of any interviewing panel will have undertaken safer recruitment training or refresher training as applicable, within the last three years.

All applicants who are invited to an interview will be required to bring evidence of their identity, address and qualifications. Original documents will only be accepted and

photocopies will be taken. Unsuccessful applicant documents will be destroyed 6 months after the recruitment programme.

#### **4. Appointment and Employment checks**

##### **4.1 Employment Checks**

In accordance with the recommendations set out in KCSIE (2016) and the requirements of Ofsted standards the School carries out a number of employment checks in respect of all prospective employees.

If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the Schools' standard terms and conditions of employment;
- verification of the applicant's identity (where that has not previously been verified);
- the receipt of two references (one of which must be from the applicant's most recent employer) which the Schools considers to be satisfactory;
- for teaching positions S128 checks will be made and the school must be satisfied that the applicant is not, and has never been, the subject of a sanction, restriction or prohibition issued by the National College for Teaching and Leadership, or any predecessor or successor body, or by a regulator of the teaching profession in any other European Economic Area country which prevents the applicant working at the Schools or which, in the Schools' opinion, renders the applicant unsuitable to work at the Schools; and the Schools being satisfied that the applicant is not, and has never been, the subject of any proceedings before a professional conduct panel or equivalent body in the UK or any other country for any reason which prevents the applicant working at the Schools or which, in the Schools' opinion, renders the applicant unsuitable to work at the Schools;
- where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which the Schools consider to be satisfactory; where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List\*; confirmation that the applicant is not subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a school, taking part in the management of an independent school or working in a position which involves regular contact with children;
- confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school;
- verification of the applicant's right to work in the UK;
- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK;
- verification of professional qualifications which the Schools deem a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).

\*The Schools are not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The Schools are required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, the Schools can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.

Whether a position amounts to "regulated activity" must therefore be considered by the Schools in order to decide which checks are appropriate. It is however likely that in nearly all cases the School will be able to carry out an enhanced DBS check and a Children's Barred List check.

A personal file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personal files and data inputted onto the single central register.

The Rehabilitation of Offenders Act 1974 The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to pupils. Therefore, any convictions and cautions that would normally be considered 'SPENT' must be declared when applying for any position at the Trust Primary Schools.

DBS (Disclosure and Barring Service) Check (formerly known as CRB Disclosure) The Schools apply for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the Schools which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information.

It is the Schools' policy that the DBS disclosure must be obtained before the commencement of employment of any new employee.

#### **Definition of Regulated Activity and Frequency**

Any position undertaken at, or on behalf of the Schools will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am; or
- satisfies the "period condition", meaning four times or more in a 30-day period; and
- provides the opportunity for contact with children.

Roles which are carried out on an unpaid / voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

It is the Schools' policy to re-check employees, volunteers and governor's DBS Certificates every three years.

Members of staff are aware of their obligation to inform the Executive Headteacher, Head of School, SBM or the HR Department of any cautions or convictions that arise between these checks taking place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence.

#### **4.2 Portability of DBS Certificates**

Checks: Staff may wish to join the DBS Update Service if they are likely to require another check in the future. Applicants may sign up to the Service if their check was issued after 17 June 2013, for a fee per annum, which is payable by the applicant.

DBS Certificate: The DBS no longer issue Disclosure Certificates to employers, therefore employees/applicants should bring their original Certificate to the HR department. The details of which will be inputted onto the single central register.

#### **4.3 Dealing with convictions**

The Schools operate a formal procedure if a DBS Certificate is returned with details of convictions. Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- the nature, seriousness and relevance of the offence;
- how long ago the offence occurred;
- one-off or history of offences;
- changes in circumstances,
- decriminalisation and remorse.

A formal meeting will take place face-to-face to establish the facts with the Head. A decision will be made following this meeting. In the event that 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, the Head will evaluate all of the risk factors above before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the Schools may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status.

All applicants invited to attend an interview at the school will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in UK in accordance with those set out in the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines. The Schools do not discriminate on the grounds of age.

Where an applicant claims to have changed their name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change. In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification legally required for the position and claimed in their application form.

#### **4.4 Overseas checks**

The Schools, in accordance with the UK Visas and Immigration (UKVI) will, if applicable, sponsor new foreign nationals (see Certificate of Sponsorship section).

#### **4.5 Certificates of Sponsorship (CoS)**

If an appointed applicant is a national of a non-EEA country, a CoS may be required. Before any offer of employment is made, the Interviewer should consult with the Head and Executive Head to establish whether the schools have any unallocated Sponsorship Certificates.

#### **4.6 Induction Programme**

All new employees will be given an induction programme which will clearly identify the school policies and procedures, including the Child Protection Policy, the Code of Conduct, and Part One of KCSIE, and make clear the expectations which will govern how staff carry out their roles and responsibilities.

#### **4.7 Single Centralised Register**

In addition to the various staff records kept centrally at E21C and on individual personnel files, a single centralised record of recruitment and vetting checks is kept in accordance with guidance. This is kept up-to-date and retained by the Trust School Business Manager.

The Single Centralised Register will contain details of the following:

- all employees who are employed to work at the schools;
- all employees who are employed as supply staff to the school whether employed directly or through an agency;
- all others who have been chosen by the schools to work in regular contact with children. This will cover volunteers, governors, peripatetic staff and people brought into the school to provide additional teaching or instruction for pupils but who are not staff members e.g. sports coaches etc.

The designated Safeguarding Director will be responsible for auditing the Single Centralised Register and reporting his/her findings to the full Board of Directors during the Summer Term meeting.

#### **4.8 Record Retention / Data Protection**

The Schools are legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the Schools will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to help the Schools to discharge its obligations as an employer e.g. so that the Schools may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained by the Schools for the duration of the successful applicant's employment with the Schools. All information retained on employees is kept centrally in a locked and secure cabinet.

The same policy applies to any suitability information obtained about volunteers involved with School activities.

#### **4.9 Ongoing Employment**

The Trust Primary Schools recognise that safer recruitment and selection is not just about the start of employment, but should be part of a larger policy framework for all staff. The school will therefore provide ongoing training and support for all staff, as identified through the Annual Review/appraisal procedure.

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks the Schools also have a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at the Schools despite being barred from working with children; or
- has been removed by the Schools from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

If the individual referred to the DBS is a teacher, the Schools may also decide to make a referral to the National College for Teaching and Leadership.

#### **4.10 Contractors and agency staff**

Contractors engaged by the Trust Primary Schools must complete the same checks for their employees that the Schools are required to complete for its staff. The Schools require confirmation that these checks have been completed before employees of the Contractor can commence work at the Schools unsupervised.

Agencies who supply staff to the Schools must also complete the pre-employment checks which the Schools would otherwise complete for its staff. Again, the Schools require confirmation that these checks have been completed before an individual can commence work at the Schools.

The Schools will independently verify the identity of staff supplied by contractors or an agency and will require the provision of the original DBS certificate before contractors or agency staff can commence work at the Schools.

#### **4.11 Volunteers**

The Schools will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the Schools (the definition of regulated activity set out above will be applied to all volunteers). Under no circumstances will the Schools permit an unchecked volunteer to have unsupervised contact with pupils.

It is the Schools' policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the Schools for three consecutive months or more. Those volunteers who are likely to be involved in activities with the Schools on a regular basis may be required to sign up to the DBS update service as this permits the Schools to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.