



# Safer Recruitment Policy

## 2019-2020

Audience:	Parents School staff Local Governing Bodies
Approved:	
Other related policies:	Child Protection, Appraisal, Pay, Equality, Data Protection
Policy owner:	Andy How
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## AIMS AND OBJECTIVES

The aims of the Safer Recruitment policy are to help deter, reject or identify people who might abuse pupils or are otherwise unsuited to working with them, by having appropriate procedures for appointing staff.

The aims of our recruitment policy are as follows:

- 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 2018 (KSCIE), the Prevent Duty Guidance for England and Wales 2016 (the Prevent Duty Guidance), Childcare Disqualification Regulations 2009 and any guidance or code of practice published by the Disclosure and Barring Service (DBS);
- 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.

We have a principle of open competition in our 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 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 guidance. 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. We aim to operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job vacancies.

## ROLES AND RESPONSIBILITIES

It is the responsibility of the Governing Body to ensure that the school has effective policies and procedures in place for recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements, and monitor our compliance with them.

It is the responsibility of the Head Teacher, Senior Leaders and other designated staff involved in recruitment to ensure that we operate safe recruitment procedures and make sure all appropriate checks are carried out on all staff and volunteers who work with us, to monitor contractors' and agencies' compliance with this document, and to promote welfare of children and young people at every stage of the procedure. The Governing Body has delegated responsibility to the Head Teacher and other senior staff to lead in all appointments; Governors may be involved in staff appointments but the final decision will rest with the Head Teacher or senior staff member.

## RECRUITMENT AND SELECTION PROCEDURE

### *Advertising*

To ensure equality of opportunity, we will advertise all vacant posts to encourage as wide a field of applicant as possible; normally this entails an external advertisement. Any advertisement will make clear our 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.

## *Application forms*

We will use the standard application process as per expected practice for REAch2 Academy Trust schools, with all applicants for employment required to complete an application form containing questions about their academic and full employment history and their suitability for the role. 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. Incomplete application forms will not be shortlisted and CVs will not be accepted. It is unlawful for us 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. 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.

## *Job Descriptions and Person Specifications*

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. The person specification is of equal importance and informs the selection decision. It details the skills, experience, abilities and expertise that are required to do the job. The person specification should include a specific reference to suitability to work with children.

## *References*

References for shortlisted applicants will be sent for immediately after shortlisting. All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory, none of which can be from a relative. One of the references must be from the applicant's current or most recent employer. If the current / most recent employment did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children. 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 may be undertaken on a random basis with referees to verify the reference.

## *Interviews*

There will always be a face-to-face interview, and a minimum of two interviewers will see each applicant. The interview process will explore the applicant's ability to carry out the job description and meet the person specification. 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 not 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. All applicants who are invited to an interview will be required to bring evidence of their identity, address and qualifications. Only original documents will be accepted and photocopies will be taken; unsuccessful applicant documents will be destroyed no less than six months after the interview takes place.

## **OFFER OF APPOINTMENT AND NEW EMPLOYEE PROCESS**

In accordance with the recommendations set out in KCSIE 2018 and the requirements of the Education (Independent School Standards) Regulations 2014, we carry out a number of pre-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 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 is considered to be satisfactory;
- for positions which involve "teaching work":
  - being 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 or which, in our opinion, renders the applicant unsuitable to work with us;
  - 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 or which, in our opinion, renders the applicant unsuitable to work with us;
- where the position amounts to "regulated activity"\* the receipt of an enhanced disclosure from the DBS which is considered 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;
- For individuals working with children from birth to the 1<sup>st</sup> September following their 5<sup>th</sup> birthday (Up to and including reception) or later years childcare (this covers children above reception but have not attained the age of 8), childcare provided outside of school hours, the school will require confirmation that the applicant is not disqualified under the Childcare Regulations 2009, this includes by association (living in the same household as a disqualified person or in a household in which a disqualified person is employed).
- verification of the applicant's medical fitness for the role;
- 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 are deemed a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified)

*\*Definition of Regulated Activity and Frequency*

Any position undertaken at, or on behalf of the School 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. We are not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". We are required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, we 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 in order to decide which checks are appropriate. It is however likely that in nearly all cases we will be able to carry out an enhanced DBS check and a Children's Barred List check.

### *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.

### *DBS (Disclosure and Barring Service) Certificate (formerly known as CRB Disclosure)*

We 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 School 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 our policy that the DBS disclosure must be obtained before the commencement of employment of any new employee.

It is our policy to re-check employee's DBS Certificates if they leave employment and then return after a period of 3 or more months. Staff are aware of their obligation to inform the Head Teacher or the HR Department of any cautions or convictions that arise between these checks taking place. This is reinforced in performance reviews and annual declarations via the disqualification by association.

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

### *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 of £13 per annum, which is payable by the applicant. Portability must be applied for within 28 days of application and 30 days after certificate has been issued.

### *Copies of DBS Checks*

The DBS no longer issue Disclosure Certificates to employers, therefore employees/applicants should bring their certificate for the school to view within 7 days of issue and before they commence work or any project involving regulated activity.

### *Dealing with convictions*

We 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 Teacher or designated senior person and/or Human Resources. 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 Teacher or designated senior person and/or Human Resources 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, we may, where practicable and using 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*

All applicants invited to attend an interview will be required to bring their identification documentation such as passport, birth certificate, driving license 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. 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.

### *Verification of Qualifications and/or professional status*

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. Copies of all relevant qualifications will be maintained on personal files.

### *Medical Fitness*

We are legally required to verify the medical fitness of anyone to be appointed to a post, after an offer of employment has been made but before the appointment can be confirmed. All applicants are requested to complete a medical questionnaire and where appropriate a doctor's medical report may be required. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role. We are aware of duties under the Equality Act 2010; no job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence and considering reasonable adjustments.

### *Overseas checks*

Applicants who have lived/travelled abroad for more than 3 months will need to obtain a criminal records check from the relevant country. The applicant may not be permitted to commence work until the overseas information has been received and is considered satisfactory.

### *Single Centralised Register*

In addition to the various staff records kept on individual personnel files, a single centralised record of recruitment and vetting checks is kept in accordance with the Education (Independent School Standards) Regulations 2014 requirements. This is kept up-to-date and retained by the Office Manager. The Single Central Record will contain details of the following:

- all employees who are employed to work;
- all employees who are employed as supply staff whether employed directly or through an agency;
- all others who have been chosen to work in regular contact with children, covering volunteers, Governors, peripatetic staff and people brought in to provide additional teaching or instruction for pupils but who are not staff members such as sports coaches.

The Safeguarding Governor and/or Chair of Governors is responsible for auditing the Single Central Record and regularly reporting findings to the Governing Body.

### *Record Retention / Data Protection*

We are legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, we 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 discharge obligations as an employer e.g. so that we may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained for the duration of the successful applicant's employment. All information retained on employees is kept centrally in the Head Teacher's office in a secure cabinet. The same policy applies to

any suitability information obtained about volunteers involved with school activities. We will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed. The 6-month retention period is in accordance with the Data Protection Act 1998.

A Safer Recruitment checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personal files. (See appendix)

### *Ongoing employment*

The academy recognises 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

### *Leaving Employment*

Despite the best efforts to recruit safely there may be occasions when allegations of serious misconduct or abuse against children and young people are raised. Whilst pre-employment checks are undertaken, we also have a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at the School despite being barred from working with children;
- has been removed by the School 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, it may also be decided to make a referral to the National College for Teaching and Leadership.

### *Contractors and agency staff*

Contractors must complete the same checks for their employees that we are required to complete for our staff. We require confirmation that these checks have been completed before employees of the Contractor can commence work. Agencies who supply staff must also complete the pre-employment checks which we would otherwise complete for staff. Again, confirmation is required that these checks have been completed before an individual can commence work.

### *Volunteers*

We 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 school. Under no circumstances will we permit an unchecked volunteer to have unsupervised contact with pupils. It is our 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 us for three consecutive months or more. Those volunteers who are likely to be involved in activities on a regular basis may be required to sign up to the DBS update service as this permits us to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates. In addition, we may seek to obtain such further suitability information about a volunteer as considered appropriate in the circumstances. This may include (but is not limited to the following):

- formal or informal information provided by staff, parents and other volunteers;
- character references from the volunteer's place of work or any other relevant source; and
- an informal safer recruitment interview.



*Appendix 1*

**Lower Farm Academy**  
**Safer Recruitment Checklist**

<b>Name of applicant:</b>	
<b>Position applied for:</b>	

<b>Before Interview</b>	
<p align="center"><b>Job advertisement</b></p> <p>Making clear our commitment to safeguarding and promoting the welfare of children.</p>	
<p align="center"><b>Job Description</b></p> <p>Clearly and accurately setting out the duties and responsibilities of the job role.</p>	
<p align="center"><b>Person Specification</b></p> <p>Detailing the skills, experience, abilities and expertise that are required to do the job. The person specification should include a specific reference to suitability to work with children.</p>	
<p align="center"><b>Application Form</b></p> <p>Complete, signed form, including 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. The employment history has no unexplained gaps.</p>	
<p align="center"><b>References</b></p> <p>Minimum of two, from persons other than family. One from current or most recent employer. 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.</p>	

<b>At Interview</b>	
<p align="center"><b>Identification</b></p> <p>Original photo identification needed. Photocopy taken, signed and dated by member of SLT/SBM.</p>	
<p align="center"><b>Qualifications</b></p> <p>Original certificates etc. for qualifications relevant to job, as stated in application form. Photocopy taken, signed and dated by member of SLT/SBM.</p>	



<b>Following offer of employment, but before starting date</b>	
<b>Identification, qualifications and references</b> All 'Before' and 'At Interview' requirements are met, including qualifications.	
<b>Right to Work</b> Verification of the applicant's right to work in the UK – plus completion of the Right to Work checklist.	
<b>Right to Work for those having lived or worked outside of the UK</b> Any further checks which are necessary as a result of the applicant having lived or worked outside of the UK	
<b>Address</b> Original evidence of address (as per DBS requirements). Photocopy taken, signed and dated by member of SLT/SBM.	
<b>Signed contract</b> Incorporating standard terms and conditions of employment.	
<b>Enhanced DBS</b> The receipt of an enhanced disclosure from the DBS which is considered to be satisfactory. The email confirmation to be printed and then signed and dated when the original certificate is seen.	
<b>Children's Barred List Check</b> Confirmation that the applicant is not named on the Children's Barred List, i.e. that the applicant is not subject to a direction under section 142 of the Education Act 2002 - eyes on DBS and email signed and dated as above.	
<b>Disqualification under the Childcare Act</b> Confirmation that the applicant is not disqualified under the Childcare Regulations 2009, this includes by association.	
<b>Health Check</b> Verification of the applicant's medical fitness for the role.	
<b>For positions which involve 'teaching work':</b>	
<b>Prohibition Check</b> being satisfied that the applicant is not, and has never been, the subject of a sanction, restriction or prohibition and being satisfied that the applicant is not, and has never been, the subject of any proceedings before a professional conduct panel or equivalent body (see policy for full details)	
<b>For positions which involve management of the school:</b>	
<b>Section 128 Check</b> 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	

*For unsuccessful candidates, all copies of documents will be destroyed within 6 months of the date of the interview.*

<b>Start date:</b>	
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*I verify that these checks have been carried out and that the associated evidence is filed in the applicant's personnel file.*

<b>Signed:</b>		<b>Date:</b>	
	Office Manager		
<b>Signed:</b>		<b>Date:</b>	
	Head Teacher		