



DANES EDUCATIONAL TRUST

## SAFER RECRUITMENT POLICY

| <b>RESPONSIBILITIES</b>                               |   |
|---|---|
| To determine and approve policy and ensure compliance | Danes Educational Trust Board                               |
| To implement, deliver and comply                      | Head of HR, HR Business Partners, Headteachers, CEO and COO |
| <b>APPROVAL DATE</b>                                  | May 2024  |
| <b>COMMITTEE</b>                                      | People Committee  |
| <b>DURATION</b>                                       | 2 Years   |
| <b>REVIEW DATE</b>                                    | Summer 2026   |
| <b>EXECUTIVE ADVISOR</b>                              | Head of Human Resources                                     |

## 1. INTRODUCTION

1.1 The safe recruitment of staff is the first step to safeguarding and promoting the welfare of children and young people in education. Our Trust is committed to safeguarding and promoting the welfare of the pupils in its care and expects all staff and volunteers to share this commitment.

The purpose of this policy is to set out the minimum requirements of recruitment processes which aim to:

- attract the best possible applicants to vacancies;
- deter prospective applicants who are unsuitable for work with children or young people and
- identify and reject applicants who are unsuitable for work with children and young people.

1.2 The objectives of this policy are as follows:

- to ensure that all applicants are considered equally and consistently;
- to ensure that no applicant is treated unfairly on any grounds and specifically any protected characteristics as outlined in the Equality Act 2010;
- 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), the Prevent Duty Guidance for England and Wales and any guidance or code of practice published by the Disclosure and Barring Service (DBS);
- to ensure that the Danes Educational Trust and all schools within the Trust meet their commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

## 2. TIERS OF DELEGATION FOR RECRUITMENT

Danes Educational Trust Board (the 'Board') will be responsible for the recruitment of the CEO. The Board and CEO will be responsible for the recruitment of Headteachers and Support Staff with responsibility for Central Services. The Headteachers will be responsible for arranging recruitment within their schools including Senior Leadership Teams.

## 3. IDENTIFICATION OF RECRUITERS

In accordance with KCSiE, each Trust school will maintain a position in which at least one recruiter on any panel has undertaken accredited training in safer recruitment procedures and has kept this training up to date.

## 4. ADVERTISEMENTS AND RECRUITMENT PACKS

4.1 Advertisements for posts, whether in newspapers, journals or on-line, will include the statement: "The school is committed to safeguarding children and young people. All post holders are subject to a satisfactory Disclosure and Barring Service (DBS) check."

4.2 Prospective applicants will be supplied, as a minimum, with the following:

- job description and person specification;

- the school's child protection policy;
- the Trust's recruitment policy (this document);
- the selection procedure for the post;
- an application form

4.3 All prospective applicants must complete, in full, the application form, which is available on the My New Term website. CVs are not accepted in isolation as they do not contain the required information to support safer recruitment.

## **5. SHORT LISTING AND REFERENCES**

- 5.1 Short-listing of candidates will be against the person specification for the post.
- 5.2 All shortlisted candidates will be asked to complete a declaration regarding convictions and working with children as posts in schools are exempt from the provisions of the Rehabilitation of Offenders Act 1974. The relevant declaration form is attached at Appendix 3.
- 5.3 Where possible, references will be taken up before the selection stage, to enable any gaps and/or discrepancies to be probed during the selection stage. In the event that this is not possible at interview these will be probed before any offer of employment.
- 5.4 References will be sought directly from the referee. References or testimonials provided by the candidate will never be accepted.
- 5.5 Where necessary, referees will be contacted by telephone or email in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges. This contact will be recorded on the Single Central Record for successful candidates.
- 5.6 Where necessary, previous employers who have not been named as referees will be contacted in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.
- 5.7 Referees will always be asked specific questions about:
- the candidate's suitability for working with children and young people;
  - any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children;
  - the candidate's suitability for this post.
- 5.8 Confidential references are exempt from disclosure under the General Data Protection Regulation and Data Protection Act 2018.
- 5.9 Online searches are undertaken as part of the recruitment process at the point of offer and the following points will be considered:
- candidates will be notified in advance (when the safeguarding questions are asked at interview) that online searches will be carried out at part of due diligence at the point of an offer of employment being made
  - the search will be based upon an agreed set of criteria (a sample Online Search Record can be found in Appendix 4), using all names associated with the candidate
  - the focus will be on professional information that sits within the public domain on specific platforms, applied consistently for all candidates and searches, and carried out by the same person using employer owned devices who has not been involved in the selection process

## 6. SECRETARY OF STATE PROHIBITION ORDERS (TEACHING AND MANAGEMENT ROLES)

- 6.1 In all cases where an applicant is to undertake a teaching role (this may include non-teaching staff if they plan, prepare and deliver lessons and assess and report on pupils without supervision of a qualified teacher) a Prohibition Order check will be made using the Employer Access Online Service. It is anticipated that this will be performed at the shortlisting stage but will in any case be made before any offer of employment is made.
- 6.2 Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.
- 6.3 Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the Teacher Regulation Agency (TRA). Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.
- 6.4 A section 128 direction prohibits or restricts a person from
- 6.4.1 taking part in the management of an independent school, including academies and free schools
  - 6.4.2 working in a free schools an employee
  - 6.4.3 being a trustee of an academy or free school trust; a governor or member of a proprietor body for an independent school
  - 6.4.4 be a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities

A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a school as stated in Keeping Children Safe in Education and the [DfE Governance Handbook](#).

A check for a section 128 direction will be carried out using the TRA web page. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

## 7. THE SELECTION PROCESS

- 7.1 Selection techniques will be determined by the nature and duties of the vacant post, and all vacancies will require an interview of short-listed candidates.
- 7.2 Interviews will always be face-to-face. Telephone interviews may be used at the short-listing stage but will not be a substitute for a face-to-face interview.
- 7.3 Candidates attending for interview will be required:
- to complete a Criminal Convictions Self Declaration Form on the My New Term website
  - to bring original evidence of their
    - identity
    - address

- right to work in the UK (passport, birth certificate 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 Code of Practice Regulations -including evidence of settled status as required)
- relevant qualifications and to demonstrate that they have actually obtained any academic or vocational qualification required for the position and claimed in their application form;
- Good quality photocopies will be taken of the documents listed above and signed and dated by the person who has evidenced the originals and the copy should state: "Originals seen and identity confirmed". The photocopies taken will be destroyed for unsuccessful candidates no later than six months after the recruitment process has been concluded;
- to provide a satisfactory explanation of any anomalies or gaps in employment and the information available to recruiters;
- to declare any information that is likely to appear on a DBS check;
- to demonstrate their capacity to safeguard and protect the welfare of children and young people.
- to demonstrate how they meet the job description and person specification

## **8. EMPLOYMENT CHECKS**

8.1 All successful applicants to whom an offer of employment will be made are required:

- to provide proof of identity
- to complete a DBS application using our designated provider and to receive satisfactory clearance
- to provide written details of any aspect of their online presence which they would like the Trust to be aware of ahead of the social media checks which will be carried out as part of the Trust's pre-employment checks.
- have a satisfactory certificate of good conduct relating to time spent living outside of the UK, where applicable
- to pass a prohibition from teaching check (where applicable)
- to pass a prohibition from management roles (section 128) check where applicable (part of barred list check for those in regulated activity)
- to provide actual original certificates of professional qualifications, as deemed appropriate by the school
- to complete a confidential health questionnaire and be deemed mentally and physically fit to perform the role
- to provide proof of their right to work in the United Kingdom

8.2 Fitness to undertake the role

A confidential pre-employment health questionnaire, provided by the Trust's Occupational Health Provider must be completed to verify the candidate's mental and physical fitness to carry out their work responsibilities. An applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role once an offer of employment has been made.

### 8.3 Individuals who have lived or worked outside the UK

When appointing a UK citizen who has lived overseas or a non-UK citizen, a Certificate of Good Conduct must be obtained (wherever possible) from the embassy of the country the applicant has specified they have spent a significant period of time in. This must happen where the applicant has lived or worked (including studying) in a foreign country for a period of 6 months or more in the last 5 years, where aged 18 or over.

The exemptions to this are:

- If the applicant is currently employed by the school and has already provided the certificate, which can be used for future appointments providing that there is no break in service.
- Applicants who have spent time overseas as part of His Majesty's Services i.e. Army, Navy, Royal Air Force.
- Applicants who are seeking asylum and who are therefore unable to provide such documentation, as contacting the embassy may jeopardise their safety.

8.4.3 If an applicant is unable to provide a Certificate of Good Conduct, evidence must be presented to show that an attempt to obtain a copy has been made.

8.4.4 Any costs incurred for obtaining a Certificate of Good Conduct must be met by the individual and will not be reimbursed.

8.4.5 If an applicant is unable to obtain a Certificate of Good Conduct then a Risk Assessment Form must be completed and signed off by an appropriate Trust signatory. All other pre-employment checks must be completed. Keeping Children Safe in Education requirements state "In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

The Home Office guidance on criminal records checks for overseas applicants can be found [here](#). These further checks should include a check for information about any teacher sanction or restriction that an EEA (European Economic Area) professional regulatory authority has imposed, using the TRA Teacher Services' system".

Alternative checks could include references obtained from all employers abroad in the last five years that clarify that there are no disciplinary records in regard of safeguarding and that the previous employer has no concern regarding the potential employee working with children in a safeguarded environment (see paragraph 5.7).

If the outcomes of these references are satisfactory then a risk assessment can be considered to progress the employment process and meet statutory guidance.

## 9. OFFER OF APPOINTMENT

Any offer of appointment made to a successful candidate, including anyone who has lived abroad, must be conditional on the satisfactory completion of the necessary pre-employment checks including:

- receipt of a satisfactory DBS Certificate
- separate barred list check (if applicable)
- references
- medical checks
- prohibition checks,
- social media checks
- childcare disqualification checks and waivers (if applicable)
- right to work in the UK
- copies of qualifications and proof of identity

Since 1<sup>st</sup> July 2021, candidates from an EEA Country are required to provide evidence of having obtained settled status under the EU Settlement Scheme and any overseas candidates must apply for a VISA via the New Points Based Immigration Scheme.

## **10. SINGLE CENTRAL RECORD (SCR)**

Each Trust school must keep a single central record (SCR) referred to in the regulations as “the register”. The SCR must cover all staff (including supply staff, and teacher trainees on salaried routes, volunteers, Governors and Trustees) who work at the school and it must be accessible to DET Central Services HR at all times.

Confirmation that these checks have been carried out along with the date the check was undertaken/obtained must be logged on this record timely for all employees of the school.

## **11. RECRUITMENT OF VOLUNTEERS**

- 11.1 Under no circumstances will a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.
- 11.2 Volunteers who, on an unsupervised basis, teach or look after children regularly, or provide personal care on a one-off basis in Trust schools will be in regulated activity. The school will obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they already had a DBS check (which includes barred list information). However, Trust schools may conduct a repeat DBS (which should include barred list information) on any such volunteer should they have concerns.
- 11.3 There are certain circumstances where Trust schools may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity. This is set out in DBS workforce guidelines, which can be found on [Gov.UK](https://www.gov.uk). Employers are not legally permitted to request barred list information on a supervised volunteer as they are not considered to be engaged in regulated activity.
- 11.4 Trust schools will undertake a risk assessment and use their professional judgement and experience when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. In doing so they should consider:
  - the nature of the work with children
  - what the establishment knows about the volunteer, including formal or informal information offered by staff, parents or other volunteers

- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability
- whether the role is eligible for an enhanced DBS check.

Details of the risk assessment should be recorded.

11.5 It is for Trust schools to determine whether a volunteer is considered to be supervised. In making this decision, and where the individual is supervised, to help determine the appropriate level of supervision the school must have regard to the statutory guidance issued by the Secretary of State. This guidance requires that, for a person to be considered supervised, the supervision must be:

- by a person who is in regulated activity;
- regular and day to day; and
- “reasonable in all the circumstances to ensure the protection of children.”

The DBS cannot provide barred list information on any person, including volunteers, who are not in, or seeking to engage in regulated activity.

## **12. INDUCTION**

- 12.1 The Trust 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 Trust will therefore provide ongoing training and support for all staff.
- 12.2 All staff who are new to the Trust will receive induction training that will include the school’s safeguarding policies and guidance on safe working practices including Child Protection, PREVENT, FGM awareness and Online safety.
- 12.3 Regular meetings will be held during the probationary period of employment between the new employee(s) and the appropriate manager(s) in accordance with the Trust’s Probationary Policy.

## **13. CONTRACTORS AND AGENCY WORKERS**

Trust schools will obtain written notification from an agency, or third party organisations they use, that the organisation has carried out the checks (in respect of the enhanced DBS certificate, written notification that confirms the certificate has been obtained by either the employment business or another such business), on an individual who will be working at the school.

Where the position requires a barred list check, this will be obtained by the agency or third party prior to appointing the individual. The school will also check that the person presenting themselves for work is the same person on whom the checks have been made.

## **14. GOVERNORS AND TRUSTEES**

Governors and Trustees are required to have an enhanced criminal records certificate from the

DBS. It is the responsibility of the School Board/Trust Board to apply for the certificate for any Governors/Trustees who do not already have one. Governance is not a regulated activity so Governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity. A section 128 is also required.

#### **15. LINKS TO OTHER POLICIES**

This policy should be read in conjunction with the Trust Child Protection and Safeguarding Policy

#### **16. MONITORING AND REVIEW**

This policy be reviewed and, where necessary, amended every two years.

This policy will be reviewed by the People sub-committee to the DET board.

## **APPENDIX 1**

### **DBS Guidelines**

The Child Protection and Safeguarding Policy at Danes Educational Trust includes the requirement for all staff to have enhanced DBS clearance.

This policy, in particular circumstances, extends to the appointment of temporary staff whether paid or voluntary. This includes: exams invigilators; sports coaches; Duke of Edinburgh volunteers; Governors; Business mentors; Contractors. External agencies (eg Chessbrook Education Support Centre, Herts Catering) are required to provide proof that their staff have been DBS checked.

In order to assess whether a DBS check is required for an individual, guidance should be sought from the Hertfordshire Grid for learning. This includes a definition of what is 'regulated activity' with respect to working with children and which requires a DBS check or risk assessment process:

[http://www.thegrid.org.uk/schoolworkforce/human\\_resources/dbs/dbs\\_who/index.shtml](http://www.thegrid.org.uk/schoolworkforce/human_resources/dbs/dbs_who/index.shtml)

Applicants have to prove that they have the right to work in the UK and provide evidence in the form of 'certificate of good repute' if they have lived or worked (including studying) in a foreign country for 6 months or more in the last 5 years, where they are aged 18 or over. The risk assessment form for this is attached. Applications for DBS checks are made by Human Resources via relevant providers.

### **Temporary staff**

Once temporary staff have been added to the Casual Work Team this information must be recorded on the 'Single Central Record'. All temporary staff will be seen either at training or in follow up debriefing meetings every 3 months. Where a period of more than 3 months has lapsed between such contact within school, then further DBS clearance will be sought before work is subsequently offered.

### **Exam Invigilators**

Training is mandatory each year for both new and existing exam invigilators.

## APPENDIX 2

DANES EDUCATIONAL TRUST

|                     |  |       |
|---------------------|--|-------|
| RISK ASSESSMENT FOR | Appointment of a member of staff who has been resident overseas for six months or more |       |
| School:             | Assessment by:   | Date: |
| Review Date:        | Approved by:   | Date: |

| Hazard/Risk  | Who is at Risk                              | How can the hazard cause harm   | Normal Control Measures   | Are Normal Control Measures Y/N/NA |          |
|--|---|---|---|------------------------------------|----------|
|  |   |   |   | In Place                           | Adequate |
| Appointment of a member of staff who has been resident overseas for 6 months or more | Staff<br>Colleagues<br>Students<br>Visitors | Any action in conflict with the SCD Code of conduct for Employees and other School Policies | <p>Refer to Danes Educational Trust 'Appointment Procedures including DBS and vetting'. A Certificate of Good Conduct (CGC) should be obtained for any period of 6 months or more that has been spent abroad within the last 5 years.</p> <ul style="list-style-type: none"> <li>A CGC has been obtained and is in staff file. (information on how to get a CGC can be found at: <a href="https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants">https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants</a> )<br/>(If answer is 'Yes' then there is no need to complete this risk assessment form)</li> <li>Candidate has proof they have applied for a CGC from the country/countries they have been resident in and evidence is in staff file.<br/>(If 'Yes or no' risk assessment form should be completed and signed off- * Circumstances of period abroad should be explained in writing and attached to this form)</li> <li>If an applicant is unable to obtain a Certificate of Good Conduct then this risk assessment form must be completed and signed off. * All other pre-employment checks must be completed.</li> </ul> |                                    |          |
|  | <b>Signature of Line Manager</b>            |   |   |                                    |          |
|  | <b>Signature of Headteacher</b>             |   |   |                                    |          |
|  | <b>Date of Review</b>                       |   | <b>Comments</b>   |                                    |          |

## APPENDIX 3 – CRIMINAL RECORD DECLARATION

### **Criminal Record Declaration**

(Roles exempt from the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended))

The declaration must be completed by all shortlisted candidates where a police check (also known as a DBS), is required.

The declaration is made via the My New Term website, through which all applicants apply, as part of the invitation to interview element of the selection process.

Information disclosed will be discussed during the interview process and following receipt of the DBS certificate as appropriate.

Questions on the declaration relate to safeguarding and full details must be provided as required in relation to:

- Unspent conditional cautions or convictions
- Spent adult cautions (simple or conditional)
- Spent convictions which are not protected
- Criminal convictions or service discipline convictions received within the Armed Forces Justice system
- Being barred from working with children or disqualified from working in childcare
- Being subject to any sanctions in the European Economic Area (EEA)
- Prohibition from teaching or any sanctions received
- Prohibition from the management of an independent school (section 128)

#### **Policy statement on recruiting applicants with criminal records**

This post is exempt from the Rehabilitation of Offenders Act 1974; therefore, all applicants are required to declare any convictions, cautions, reprimands and final warnings that are not protected (i.e. that are not filtered out) as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013).

For further information on filtering please refer to [Nacro guidance](#) and the [DBS website](#).

We recognise the contribution that ex-offenders can make as employees and volunteers and welcome applications from them. A person's criminal record will not, in itself, debar that person from being appointed to this post. Any information given will be treated in the strictest confidence. Suitable applicants will not be refused posts because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying.

All cases will be examined on an individual basis, taking the following into consideration:

- Whether the conviction is relevant to the position applied for
- The seriousness of any offence revealed.
- The age of the applicant at the time of the offence(s)
- The length of time since the offence(s) occurred.
- Whether the applicant has a pattern of offending behaviour

- The circumstances surrounding the offence(s), and the explanation(s) offered by the person concerned.
- Whether the applicant's circumstances have changed since the offending behaviour.

Applicants should note that:

- a) failure to disclose all cautions, convictions, reprimands or final warnings that are not protected could result in disciplinary proceedings or dismissal. Further advice and guidance on disclosing a criminal record can be obtained from [Nacro](#).
- b) where an application is unsuccessful the details of this disclosure will be securely destroyed within 6 months of application

## APPENDIX 4 – ONLINE SEARCH RECORD

As noted in section 5.9 of this policy, in every instance where an offer of employment is made an online search record will be completed by the relevant HR Coordinator providing administrative support to the recruitment process.

The record which will be retained will be as follows:

|   |   |
|---|---|
| Candidate name:   | Role shortlisted for:   |
| Searcher name:  | Date and time of online search:   |
| <p><b>SEARCH PARAMETERS</b></p> <p><b>Google search</b><br/>Search on the following terms, looking at the first three pages of results only:</p> <ul style="list-style-type: none"> <li>● 'Candidate name'</li> <li>● 'Candidate name' + 'current school/employment'</li> <li>● 'Candidate name' + 'previous school/employment'</li> <li>● 'Candidate name' + 'educational institution'</li> <li>● 'Candidate name' + 'job title'</li> </ul> <p><b>Websites</b><br/>The candidate's name was typed into the search function of the following websites:</p> <ul style="list-style-type: none"> <li>● Google</li> <li>● LinkedIn2</li> <li>● Facebook</li> <li>● x (formerly Twitter)</li> <li>● Their current/ most recent school's website</li> </ul> | <p><b>FINDINGS TO NOTE:</b></p> <p><b>Only record</b> information that suggests the candidate:</p> <ul style="list-style-type: none"> <li>● Is unqualified for the role</li> <li>● Poses a potential safeguarding risk</li> <li>● Risks damaging the reputation of the school/trust e.g. offensive or inappropriate behaviour</li> </ul> <p><b>Do not</b> include any irrelevant personal information</p> |

