

Ascend Learning Trust

SAFER RECRUITMENT POLICY

Written by: Esther Newman, adopted in line with KCSIE

Date ratified:27/09/2023.

Committee Reviewed: Standards Board

Policy Type: Level 1 ALT Document

Review date: Bi-Annually September 2025

CONTENTS

1. AIMS.....	2
2. AREAS TO CONSIDER	4
2.1 Advertising Vacant Posts	4
2.2 Those Involved in the Recruitment and Selection Process.....	4
2.3 Following Good Equal Opportunities Practice.....	4
2.4 Positive Action	4
2.5 Positive Measures	5
2.6 Job Descriptions.....	5
2.7 Person Specification.....	6
2.8 Job Advertisement.....	7
2.9 Shortlisting.....	7
2.10 References	7
2.11 Selection Process	9
2.12 Interview Questions.....	10
3. PLANNING THE INTERVIEW ENVIRONMENT	10
3.1 Scoring a Candidate.....	11
3.2 Making a Decision.....	11
3.3 Feedback	12
3.4 Confirming the Decision.....	12
4. PAY AND CONDITIONS OF EMPLOYMENT	13
5. COMPLAINTS PROCEDURE	13
6. APPOINTMENT PROCEDURE FOR SCHOOLS.....	14
6.1 Purpose, Scope and Principles.....	14

6.2 Appointment of Headteacher	14
6.3 Appointment of Deputy Headteacher	14
6.4 Appointment of Support Staff.....	15
7. PRE EMPLOYMENT VETTING CHECKS	16
8. DISCLOSURE AND BARRING SERVICE (DBS) CHECKS	16
8.1 Existing Employees and Volunteers.....	16
8.2 Agency Staff.....	18
8.3 Boarding House (Wellington Schools).....	18
8.4 Positive Disclosure or No DBS.....	18
8.5 Asylum and Immigration Check-Right to Work in UK.....	18
8.6 Overseas Check	19
8.7 Prohibition Order.....	20
8.8 Disqualification from Management.....	20
8.9 Checks to Made	20
8.10 Declaration of Disqualification.....	21
8.11 Job Screen Questionnaire Health Check.....	23
8.12 Induction of New Employees	23
9. RECORD KEEPING AND DATA PROTECTION.....	23

1. AIMS

The recruitment steps outlined in this document are based on part 3 of KCSIE 2023. This guidance aims to make sure we recruit suitable people, ensuring all involved in recruitment and employment of staff receive appropriate training.

The following toolkit provides those involved with the recruitment and selection of staff with a best practice guide in accordance with the academy's equal opportunities policy, safer recruitment guidelines and employment legislation.

The effective recruitment and selection of employees is a key management activity as it assists us to attract, retain and maintain employees. Having the right person, at the right time, is crucial to good performance and making the right recruitment decision is vital to putting these people in place.

The recruitment process is also an important tool in helping us to safeguard the children within our organisation. Used correctly, this process can make it more difficult for those people who wish to abuse children to gain access to a position which allows them to do this.

The recruitment procedure can be split into three areas:

- Preparing for the vacancy
- Identifying the right candidate
- Confirming the decision

The Board has overall responsibilities for all staff appointments. However, all staff appointments outside of the Headteacher and Deputy Headteacher will be delegated to the Headteacher. Members of the board may also need to be involved in any grievance or complaint from applicants.

When thinking about recruiting for any post, the Trust Board must be mindful of their obligations under equal opportunities legislation. Discrimination on the grounds of sex, race, disability, religion or age is unlawful and may result in Employment Tribunal claims against the school. Therefore, robust recruitment and selection processes must be implemented in order to avoid either direct or indirect discrimination.

With effect from 21 November 2016, Part 7 of the Immigration Act 2016 came into force to ensure the safe and high-quality delivery of public services by ensuring they are provided with an appropriate standard of fluency in English. The Code of Practice on the English Language Requirements for Public Sector Workers sets out the considerations public authorities need to take into account to comply with this new legal duty. A copy of the Code of Practice can be found on Schools Online.

2. AREAS TO CONSIDER

2.1 Advertising Vacant Posts

- Advertise across multiple platforms (internal bulletin, local newspaper, MyNewTerm, DfE, School website, TES as appropriate).
- Always show our commitment to safeguarding and the welfare of young people by ensuring that the advertisement clearly states “Ascend Learning Trust is committed to safeguarding and protecting the welfare of children and vulnerable adults and expects all staff and volunteers to share this commitment. We particularly welcome applications from under-represented groups including ethnicity, gender, transgender, age, disability, sexual orientation, or religion.”
- Consider a job-share/part time appointment.
- Role profiles and person specifications should only include tasks/qualifications etc which are required to accomplish the job – unnecessary requirements could lead to discrimination. Role profiles should also outline the safeguarding responsibilities of the role.
- The advert will be clear that whether or not the role is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. If the role is exempt, certain spent convictions and cautions are ‘protected’, so they do not need to be disclosed, and if they are disclosed, we cannot take them into account.

2.2 Those Involved in the Recruitment and Selection Process

- To avoid discrimination, whether intentional or otherwise, ensure that everyone involved in the process is familiar with the school’s Equality, Diversity, and Inclusion policy.
- Ensure at least one person in the panel has up to date safer recruitment training.

2.3 Following Good Equal Opportunities Practice

- Ensure that all employment decisions are based on objective, job related criteria.
- Interview questions clearly relate to the role profile and person specification sent to all applicants.
- Selection tests may need to be adjusted, for example allowing candidates more time to read written questions etc.
- All candidates are asked the same questions.
- When inviting candidates to interview, ask about any special requirements, e.g., parking space near the entrance or dietary requirements.
- There is a complaints procedure for internal and external job applicants who consider that they have not been dealt with fairly by the recruitment and selection process.

2.4 Positive Action

Action can be taken to encourage people from particular groups to take advantage of opportunities for work and training. This can be done when under representation of particular groups has been identified in the previous year.

Under this broad meaning, positive action may include initiatives such as the introduction of non-discriminatory selection procedures, training programmes or policies aimed at preventing sexual harassment.

2.5 Positive Measures

Although they are not legally required, positive measures are allowed by the law to encourage employees and potential employees who are members of particular groups which are under-represented in particular work. Discrimination at the point of selection for work, however, is not permitted in these circumstances.

Such measures are important of the development of equality and diversity practices. It is therefore recommended that, where there is under representation, the following process should be considered wherever appropriate and reasonably realistic:

- Inclusive job advertisements designed to reach members of these groups and to encourage their applications: for example, through the use of the ethnic minority press, as well as other newspapers.
- Use of the employment agencies and careers offices in areas where under-represented groups are concentrated.
- Encouragement to employees from under-represented groups to apply for promotion or transfer opportunities.
- Training for promotion or skill training for employees of under-represented groups who lack particular expertise but show potential.

Positive action is not about giving more favourable treatment to particular groups in the recruitment process. Selection for recruitment or promotion must be based solely on merit.

As part of the schools safeguarding measures, the commitment to the welfare of children should be included in all materials that are available to the candidates.

The publicity materials should also highlight the fact that the job is dependent on a DBS check.

2.6 Job Descriptions

Any vacant post should have an up-to-date role profile, detailing the post title, grade, scale of post, the job purpose, key accountabilities and management relationships. It should be written succinctly highlighting the key components of the job and should set out clearly the extent of the relationship and contact that the post holder will have with children in the school.

2.7 Person Specification

The candidate specification should be drawn up from the job description. The candidate specification is essential to the recruitment procedure as it sets out selection criteria to be considered at the shortlisting and interview stage. These can be divided into essential and desirable attributes. The specification should cover requirements relating to:

- Education /professional qualifications
- Training and development
- Relevant experience (to include paid or unpaid)
- Abilities and skills
- Personal qualities (these should be as quantifiable as possible)
- Special factors (these must be relevant to the job)

There are a number of points to be considered when drawing up the candidate specification:

- Criteria should be job related and reasonable and should be connected to the duties identified in the role profile, it is important not to over specify for a particular job.
- Criteria should be as specific as possible when relating to experience – for example, if the job requires someone to be able to use Excel to a particular level, this should be stated rather than a general 'IT literate'.
- Criteria should be carefully considered for direct or indirect discrimination. For example, stating that a driving licence is essential to a post when there is in fact only limited travelling required could be seen as unlawfully discriminating against an individual who cannot drive due to a physical disability but who could perform the job just as effectively travelling by other means. Similarly, they should not include the number of years' experience required instead you should be more specific about the type of experience that candidates should have in order to apply for the post.

It is also worth considering at this stage how many applicants you are likely to have for the job. If there are likely to be a large number, many of whom may meet the essential requirements, it is important to also have a number of desirable criteria to shortlist against, so that you have a manageable number of candidates to interview.

2.8 Job Advertisement

- The advert should be brief, clear and should state the essential selection criteria so that candidates know what is expected of the post holder. Closing and Interview dates should be highlighted.
- Following the Staffing Regulations 2009, it is no longer mandatory for the post Headteacher to be advertised nationally. The governing body is required to advertise the vacancy in such manner as it considers appropriate, unless it has good reason not to.
- All decisions should be documented fully, as the Trust Board will need to demonstrate that it has acted reasonably if it is challenged.

All teaching and support appointments which will be in excess of 4 months duration should be advertised and internally and externally. However, there may be times when it is more suitable to advertise internally, see HR for advice.

2.9 Shortlisting

The shortlist is intended to identify a manageable number of candidates for interview using the criteria included in the candidate specification.

- We will not consider shortlisting any candidates who have provided a CV rather than filling out an application form.
- Information not relevant to the post such as personal details should not be considered. The personal details sheet should be removed and kept separate to the rest of the application form so that there can be no unlawful discrimination at the shortlisting stage.
- There will be at least two people assessing the application when shortlisting takes place to ensure that no relevant information is missed and that the process is fair. The Chair of the panel will have undertaken safer recruitment training.
- Shortlisting panels should consider each application on its merits and assess each candidate equally against the criteria contained in the person specification. We will do this by anonymising applications prior to shortlisting.
- Any candidate who does not meet the essential criteria on the candidate specification should not be shortlisted.
- If more candidates meet the essential criteria than it would be feasible to interview, then the desirable criteria can be used to narrow the applicants to a manageable number.
- Any gaps in employment or sudden changes in career, which may conceal safeguarding issues, can be highlighted at the shortlisting stage to be followed up through the selection process.
- A record of the shortlisting process should be kept justifying any decisions made at this stage.

2.10 References

Once the shortlisting process has taken place, we will take up references for each of the candidates selected to progress. The purpose of taking references now rather than after selection is to identify at this stage if there are any safeguarding

issues that would need to be considered and addressed during the selection process.

- References can be taken up verbally however these must be followed up with a written confirmation of what has been said.
- Ideally one reference should be from the current or most recent employer. If this is not a reference that has any relevance to the candidate working with children, then it would be advisable that the other referee should be able to provide this information.
- For school references, the Headteacher must be sent the reference.
- The referees should always be approached by the school directly as open references cannot be relied upon to be accurate.
- The HR team will liaise directly with referees to confirm identity and to verify any information.
- Ensure any references are from the candidate's current employer and completed by a senior person. Where the referee is school based, we will ask for the reference to be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations
- Obtain verification of the candidate's most recent relevant period of employment if they are not currently employed
- Secure a reference from the relevant employer from the last time the candidate worked with children if they are not currently working with children
- Compare the information on the application form with that in the reference and take up any inconsistencies with the candidate
- Resolve any concerns before any appointment is confirmed

When seeking a reference this should verify several things:

- Employment history i.e., that the candidate has been with an organisation for as long as they stated in their application form
- The relationship between the referee and the applicant
- The applicant's suitability to do the job applied for
- Any issues in employment, (please contact the schools HR Team for advice if any issues relate to disciplinary proceedings or allegations made)
- Knowledge of the applicant's suitability to work with children

Please use the reference pro-forma (attached).

2.11 Selection Process

Traditionally interviews have been the main tool used in selecting the best candidate. However, it is widely accepted that interviews alone do not always offer a comprehensive overview of the candidate's abilities. It is a good idea to use other selection methods alongside the interview to allow a better understanding of each candidate to be reached. Some of the methods that can be used are listed below:

- Work related tests which simulate a scenario or activity that the candidate may expect to encounter in their day-to-day work
- Role Plays
- Group Exercises
- Job Trials for instance observing class teaching or taking assemblies

Whatever strategy the Selection Panel decides to use; the important factors are that it is:

- Transparent – i.e., it is conducted in a way that would stand up to external scrutiny such as Freedom of Information requests.
- Reliable – i.e., it provides a consistent measurement tool for the assessment of each candidate.
- Valid – i.e., it is appropriate given the genuine requirements of the job; and
- Supports appointment on the basis of merit.

It is essential that detailed records including systematic and objective scoring methods have been agreed before the process begins and that accurate and reliable records are retained.

Our shortlisting process will involve at least 2 people and will:

- Consider any inconsistencies and look for gaps in employment and reasons given for them
- Explore all potential concerns
- Once we have shortlisted candidates, we will ask shortlisted candidates to:
- Complete a self-declaration of their criminal record or any information that would make them unsuitable to work with children, so that they have the opportunity to share relevant information and discuss it at interview stage. The information we will ask for includes:
 - If they have a criminal history
 - Whether they are included on the barred list
 - Whether they are prohibited from teaching
 - Information about any criminal offences committed in any country in line with the law as applicable in England and Wales
 - Any relevant overseas information
 - Sign a declaration confirming the information they have provided is true

We will also carry out an online search on shortlisted candidates to help identify any incidents or issues that are publicly available online. Shortlisted candidates

will be informed that we may carry out these checks as part of our due diligence process.

2.12 Interview Questions

Standard questions should be prepared and asked of all candidates to ensure consistency of approach. However, dependent on the candidate's response the interviewer may probe and gain further information.

Interview questions should be written to elicit the desired responses from candidates and to assess their level of knowledge, skills and abilities. Ideally, they should encourage the candidate to give examples of their experience rather than posing hypothetical scenarios. The questions should be based on the knowledge, experience and skills listed within the job description and Person Specification.

Thought should also be given to including questions that assess the candidates' attitudes and motives towards working with children. Any gaps in employment or concerns raised through the shortlisting and referencing procedure should also be addressed at the interview stage to ensure that the candidate selected is suitable to work with children.

It is envisaged that in the majority of cases there will be no need to specify a qualification level when setting the standard of English required. In most cases, a good standard of English as a criterion would be sufficient, which could be assessed in the interview or by speaking with line managers.

3. PLANNING THE INTERVIEW ENVIRONMENT

It is important that the interview environment is accessible and comfortable for both candidates and the Interview Panel. Think about such points as ensuring that there is:

- accessibility to all candidates and in particular those with a disability
- adequate lighting and heating.
- comfortable seating.
- no noise distractions.
- appropriate reception facilities – i.e., someone not on the Interview Panel to meet and acknowledge candidates.
- appropriate waiting space for candidates – with copies of the role profile and other relevant literature such as annual reports, staff newsletters.

The Chair's role is to introduce the panel, explain the interview format and maintain continuity throughout the interview. Interviewers should not ask questions which could be regarded as discriminatory such as those relating to family commitments, race, gender, marital status, sexual orientation, occupation of spouse, trade union activities, political or religious beliefs.

At the end of each interview, time should be allowed for each interviewer to mark the scoring section on the candidate specification taking account of the information gained during the interview.

3.1 Scoring a Candidate

It is important that the candidates are marked consistently against the criteria in the candidate specification. It is suggested that a scoring system such as the one below is used to ensure that the scoring is accurate.

RATING	DESCRIPTION
0	No Evidence - the candidate's response was unsatisfactory in meeting the minimum requirements of the job and the candidate was deemed by the Interview Panel to have none, or a very low level of skill in this area.
1	Some Evidence - The candidate shows some level of competence, however, did not meet the required level of skill, knowledge or ability for the position.
2	Satisfactory Evidence - the candidate's response indicated that they were able to meet the minimum requirements of the criteria.
3	Good Evidence - the candidate's response was assessed as demonstrating full competence in respect to the criteria and was able to support this with examples that demonstrate ability.
4	Excellent Evidence - the candidate's response was assessed as demonstrating excellent competence in respect to the criteria and was able to support this with examples that demonstrate sustained and substantial ability.

3.2 Making a Decision

The selection decision should then be made based on the outcome of all selection tools. It is important that your decision-making process is clearly documented and that all documents relating to the selection process are kept as recruitment and selection procedures are subject to the provisions of the Freedom of Information Act 2000. Also, an unsuccessful candidate may take an employer to an Employment Tribunal if they consider that they have been unfairly discriminated against in an interview. This record should form the basis of the defence against such a claim. These records should be kept for a minimum of 6 months.

3.3 Feedback

All candidates are entitled to request post-selection feedback on their application for the position and their performance as measured against the selection criteria. Feedback is normally given by the Chairperson of the Interview Panel but may be undertaken by other members of the interview panel with their consent. Feedback should only be given verbally.

The purpose of feedback is to provide the candidate with factual and accurate information on:

- the process used by the Interview Panel.
- the reasons why they were unsuccessful in being appointed to the position, relevant to the selection criteria.
- areas for future development.

3.4 Confirming the Decision

- Once a decision has been made a conditional offer should be made to the successful candidate subject to DBS check, medical, identity, professional status, qualifications, prohibition check (teachers only) and right to work in the UK.
- If the clearance process raises questions about the suitability of the candidate, then the panel will need to reconvene to reconsider the appointment.
- A legally binding contract exists once an offer has been made and accepted. It is therefore important to ensure the details, hours of employment and contract details should be clearly stated. Further guidance on fixed term and job share contracts will be provided at a later stage in the employment process.
- New head appointments should be ratified by the board prior to confirming an offer with the candidate.
- An employee should not commence work until clearances have been obtained as the offer cannot then be withdrawn and a dismissal will be required in the event of unsatisfactory clearances.

4. PAY AND CONDITIONS OF EMPLOYMENT

All staff employed within schools should be paid in line with the schools pay policy that should be reviewed on an annual basis. Both teaching and support staff are employed on terms and conditions that are agreed nationally and must be adhered to.

Teaching staff will be paid in accordance with the School Teachers Terms and Conditions of Employment which clearly specifies at what level the teacher should be paid in relation to years of experience and job responsibilities.

Support staff should be paid in accordance with National Joint Council (NJC) Terms and Conditions of Employment. The salary scale that they should be appointed should be on a level that is commensurate with the responsibilities of the job.

5. COMPLAINTS PROCEDURE

Candidates who feel that they have not been treated fairly should be able to complain to the Chair of Trust within 14 working days of being advised of the outcome of the selection process. When such a complaint is received the Chair of the Trust is advised to discuss the issue with the Headteacher and consult the Trust HR Team before responding. They should also provide the candidate with a copy of the Trust's complaints procedure.

6. APPOINTMENT PROCEDURE FOR SCHOOLS

6.1 Purpose, Scope and Principles

- The Trust Board has the overall responsibility for all staff appointments. With the exception of the appointment of Headteachers where different arrangements apply, it has delegated these responsibilities to the Headteacher.
- Headteachers will normally be expected to lead in determining staff appointments outside the leadership group.
- The time limits referred to in the document may be varied provided that all parties agree.
- Care should be taken at meeting of the Trust Board (or its committee or selection panel) where the dismissal, promotion, retirement, suspension or transfer from one post to another of an employee at the school requires consideration. If a person present at such a meeting has a direct interest in the matter in question, she/he should take no part in its consideration or discussion and should not vote on any question about it.
- All persons selected for appointment should satisfy basic employment checks on identity, academic qualifications, professional and character references, DBS clearances and appropriate medical fitness. In the case of teachers, you should ensure registration with the NCTL, and confirm QTS and other relevant checks.

6.2 Appointment of Headteacher

- Review the school's requirements and vision and appoint selection panel (minimum 3 Trustees).
- Agree schedule for filling vacancy (when/where to advertise, when to shortlist/interview, when to report back to Trust Board).
- Advertise vacancy and prepare supplementary information including role profile and person specification.
- Shortlist after closing date, send for references and invite short listed candidates for interview.
- Interview and arrange for selected candidates to complete relevant documentation regarding pre-employment clearances.
- Request that the Trust Board endorses the recommendation of the selection panel and confirm recommendation in order that a contract of employment may be issued (subject to satisfactory pre- employment checks).
- Where the post will not be filled before the date on which it falls vacant the Trust Board may appoint an acting Headteacher.

6.3 Appointment of Deputy Headteacher

As for above, except that the Trust Board must also consider the advice of the Headteacher.

6.4 Appointment of Support Staff

- When recruiting support staff, the Headteacher will need to review the school requirements and prepare or revise the role profile. If this is a new or amended role and the post needs to be evaluated, a copy should be forwarded to your HR team for evaluation before the post is advertised.
- Appoint selection panel.
- Advertise the vacancy to ensure that it is brought to the attention of persons qualified to fill the post giving due attention to good employment practice and the requirements of equal opportunities.
- In making recommendations on pay and grading the Governing body should have regard to the responsibilities of the post and the schools' pay scales and grades.

7. PRE EMPLOYMENT VETTING CHECKS

We will record all information on the checks carried out in the school's single central record (SCR). Copies of these checks, where appropriate, will be held in individuals' personnel files. We follow requirements and best practice in retaining copies of these checks, as set out below.

New staff

All offers of appointment will be conditional until satisfactory completion of the necessary pre-employment checks. When appointing new staff, we will:

- Verify their identity
- Obtain (via the applicant) an enhanced DBS certificate, including barred list information for those who will be engaging in regulated activity (see definition below). We will obtain the certificate before, or as soon as practicable after, appointment, including when using the DBS update service. We will not keep a copy of the certificate for longer than 6 months, but when the copy is destroyed we may still keep a record of the fact that vetting took place, the result of the check and recruitment decision taken
- Obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available
- Verify their mental and physical fitness to carry out their work responsibilities
- Verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards
- Verify their professional qualifications, as appropriate
- Ensure they are not subject to a prohibition order if they are employed to be a teacher
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. These could include, where available:
 - For all staff, including teaching positions: criminal records checks for overseas applicants
 - For teaching positions: obtaining a letter from the professional regulating authority in the country where the applicant has worked, confirming that they have not imposed any sanctions or restrictions on that person, and/or are aware of any reason why that person may be unsuitable to teach

8. DISCLOSURE AND BARRING SERVICE (DBS) CHECKS

8.1 Existing Employees and Volunteers

An enhanced DBS check and a Children's Barred List check will be carried out for all existing staff and volunteers where their contact with children or young people has increased since first being appointed.

All Governors and Trustees will complete an Enhanced DBS check and references, Right to Work, Identity checks, checks on those who have lived abroad, and social media checks will be sought.

An enhanced DBS and Children's Barred List check may be carried out on any employee or unsupervised volunteer where the Trust has concerns about an individual's suitability to work with children and young people. An enhanced DBS (no barred list check) may be carried out on any supervised volunteer where the Trust has concerns about their suitability to work with children and young people.

DBS certificates are sent directly to the applicant; all applicants must produce the disclosure certificate to their HR representative. The disclosure will be scrutinised to ensure it is authentic and to detect any fraud. The DBS disclosure number and date of the check must be recorded in the Single Central Record (SCR). We are not required to take a copy of your DBS Certificate; however, we may choose to do so for decision making purposes. Copies will be held for no longer than necessary, up to a maximum period of six months and be processed in line with Data Protection Legislation.

All existing employees are required to inform the Trust of any change in their criminal record. This includes convictions, cautions, arrests and police investigations. Disciplinary action may be taken as a result of any change or failure to inform the Trust of any change.

Existing staff will refresh their DBS at least every 5 years.

Information relating to an individual's criminal record will only be shared with the relevant people to enable the Trust to make a decision about their suitability to work with children and young people.

ALT as an organization assessing applicant's suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) order using criminal record checks processed through the Disclosure and Barring Service (DBS),

- ALT complies fully with the code of practice (<https://www.gov.uk/government/publications/dbs-code-of-practice>) and undertakes to treat all applicants for positions fairly.
- ALT undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.
- ALT can only ask an individual to provide details of convictions and cautions that ALT are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can be legally requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended)
- ALT is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- ALT actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.

- ALT ensures that all those in the Trust who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.
- ALT undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment. Any discussion is recorded on a positive DBS form.

We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- We believe the individual has engaged in relevant conduct; or
- We believe the individual has received a caution or conviction for a relevant (automatic barring either with or without the right to make representations) offence, under the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009; or
- We believe the 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and
- The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

8.2 Agency Staff

In the case of agency staff, the Trust must ensure that the arrangement with the agency imposes an obligation on the agency to carry out all recruitment checks as set out in page 11. Disclosure and Barring service, including DBS and Children's Barred List checks that the Trust would otherwise complete for its staff. The Trust must obtain written confirmation from the agency that these checks have been carried out and are satisfactory. This must be recorded in the Single Central Record (SCR).

8.3 Boarding House (Wellington Schools)

Employees recruited within the Boarding House at Tidworth, will not be able to start without a DBS certificate being in place. Other staff may be allowed to start work at the Trust's decision pending a DBS Disclosure, providing a Barred List Check is completed and confirmed to be clear. Additionally, three satisfactory references and a weekly risk assessment must be completed by the Headteacher, Designated Safeguarding Lead and HR until the DBS process is complete.

Visitors who stay overnight within staff accommodation must complete an application form and complete a DBS check also.

8.4 Positive Disclosure or No DBS

If there is a positive disclosure or employees need to start prior to completion of DBS a Risk Assessment Form must be completed. See HR for guidance.

8.5 Asylum and Immigration Check-Right to Work in UK

One of the following documents must be seen and a copy retained:

- Passport showing the holder to be a British citizen or having right of abode in the UK

- European Economic Area passport or identity document describing the individual as an EEA* or Swiss national (Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, The Netherlands, Norway, Poland, Portugal, Slovakia, Spain, Sweden)
- Residence permit issued by the Home Office to an EEA or Swiss National
- Passport or other document issued by the Home Office which has an endorsement stating that the holder has a current right of residence in the United Kingdom as a family member of a national from an EEA country or Switzerland who is a resident in the United Kingdom.
- Passport or other travel document endorsed to show that the holder can stay indefinitely in the United Kingdom or has no time limit on their stay.
- Passport or other travel document endorsed to show that the holder can stay in the United Kingdom; and that this endorsement allows the holder to do the type of work you are offering if they do not have a work permit
- An Application Registration Card issued to an asylum seeker stating that the holder is permitted to take up employment.

Where no secure document can be produced, HR must check and take a photocopy of TWO original documents from a list available from the Home Office.

Evidence of an employee's right to work within the UK is a condition of employment at the Trust.

8.6 Overseas Check

Additional checks must be undertaken where the appointee has lived outside the UK. Overseas checks should be undertaken for individuals who have lived/worked overseas for 3 months or more in the last 10 years. It is the appointee's responsibility to obtain a Certificate of Good Conduct from every overseas country that they have lived or worked. The current DFE guidance regarding additional overseas checks is as follows:

- Newly appointed individuals who have lived or worked outside the UK must undergo the same pre-employment checks as all other staff in schools. In addition, schools must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. (Keeping Children Safe in Education)
- For all new appointments, schools must make further checks they think appropriate for individuals who have ever lived or worked abroad, and not limit overseas checks to the last 5 years. In order to gather the information needed to ascertain whether additional checks are needed, the 'Overseas Residence Confirmation Form' within the application form must be completed.
- As a minimum, where new appointments have lived/worked abroad in the last 5 years, additional checks must be carried out. If a new appointment has lived/worked abroad in the last 5 years, additional checks must be carried out. If a new appointment has lived or worked abroad more than 5 years ago the school will need to consider the information provided by the individual on the 'Overseas Residence Confirmation Form' seek additional information from the individual if necessary and decide whether it is appropriate and necessary to undertake additional overseas pre-

employment checks. A written record should be kept detailing all decisions and their basis. The box at the end of the 'Overseas Residence Confirmation Form' can be used to record the rationale for any decisions or any detail any additional enquires made/information requested.

- Additional checks include obtaining certificates of good conduct from relevant embassies or overseas police forces and must wherever possible be obtained and funded by the individual prior to their starting work. For certain countries the DBS provide information on who the individual should contact to obtain a certificate of good conduct. Where an applicant is from, or has lived in, a country where criminal record checks cannot be made or is a refugee with leave to remain in the UK and has no means of obtaining relevant information, you must take extra care in taking up references and carrying out background checks e.g., additional references should be sought and followed up by phone as well as letter.
- The SCR must record whether or not any additional check(s) were required, if so, what additional check(s) has been carried out, the date the check(s) was undertaken, and completed/evidence obtained and who carried out the check(s).

8.7 Prohibition Order

It is a statutory requirement on the SCR that prohibition order checks are recorded for all newly appointment teachers and retrospective checks completed for those who have started employment since 1st April 2012. Proof of the prohibition order check should be kept on the individual's personnel file.

8.8 Disqualification from Management

Revised standards for independent schools require that checks be made for the existence of directions by the Secretary of State under s128 of the Education Skills Act 2008 barring individuals from taking part in the management of an independent school. A check for s128 direction is required for all new appointments, to any of the positions detailed below. For the purpose of this legislation, Academies and Free Schools are also defined within the definition of an independent school and are therefore required to undertake the same checks as any other independent school. The scope of the barring directions at school level covers:

- Executive Head/Head Teacher
- Any teaching positions on the Senior Leadership Team
- Any non-teaching posts on the Senior Leadership Team
- Any teaching positions which carry a departmental headship/TLR Responsibility.
- Trustees and Governors

8.9 Checks to Made

Checks are to be made on the following basis.

- If the individual is in a teaching post, including the head teacher, both the enhanced DBS barred list check and TRA prohibition check can be used to indicate whether a section 128 direction exists.
- If the individual is in a non-teaching post an enhanced DBS barred list check should be used to confirm whether a section 128 exists.

- If you are using the DBS route, then the Job Title must include 'Independent School' to denote to Atlantic Data this check is required.
- When conducting the TRA prohibition check any s128 direction would be identified on the list of teachers or others who have been prohibited from teaching.

The check should be recorded on the SCR. There is no requirement for retrospective checks to be completed on staff already in a management post within scope of the requirement or if staff already employed within a school subsequently move into a post which would now require such a check.

8.10 Declaration of Disqualification

The Trust cannot employ anyone who is on the Children's Barred List; individuals who are disqualified under the Childcare (Disqualification) Regulations are not permitted to continue to work for the Trust. During our recruitment and selection process this is adhered to, via the DBS checks. The Trust follows the Ofsted guidelines and guidance issued by the Department for Education. These obligations are in addition to our safeguarding responsibilities, staff should also refer to relevant Trust safeguarding and other relevant policies for each site.

The Department for Education revised the statutory guidance 'Disqualification under the Childcare Act in 2006' in August 2018.

One of the requirements of the previous guidance, referred to as "disqualification, including by association", led to staff having to also disclose they were sharing a household with someone whose convictions would prevent them working with children and apply for a waiver with Ofsted before being allowed to return to work.

From 31st August 2018, disqualification by association is only relevant where childcare is provided in domestic settings (e.g., Where childminding is provided in the home.) therefore schools and non-domestic settings (i.e., nurseries and pre-schools) no longer have to ask staff questions about offences committed by someone living or working in their household. The other criterion for disqualification remains unchanged and therefore schools/settings must continue to comply with the guidance and ensure they are not knowingly employing a person who is disqualified under the 2018 regulations in connection with the relevant childcare provision.

This check is necessary for applicants as well as existing staff. DBS checks do not screen for all the disqualification criteria and therefore schools must take additional action.

A person is disqualified if they are found to have committed an offence which is included in the 2018 regulations, i.e., being convicted, given a caution or a youth caution for a relevant offence.

A list of the relevant offences and orders is set out in the appendices of the Childcare Act.

This act applies to those who work in nursery, primary or secondary school settings who provide:

- *Early years childcare (up to and including Reception year) or.*

- *Later Years childcare (this covers children above Reception age but who have not attained the age of 8) outside of the normal school day. This includes before-school settings, such as breakfast clubs, and after school provisions but not extended school hours for co-curricular learning activities, such as the school's choir or sports teams.*
- *Or if they are directly concerned with the management of such childcare.*

The following roles will be generally concerned:

- The Headteacher/Manager, other members of the school's/setting's leadership team and any supervisor, leader or volunteer responsible for the day-to-day management of the provision.
- Staff, if they are employed and/or provide childcare in either the early years or later years (See above)
- MDSA staff who undertake lunchtime supervision for early year's pupils.
- Volunteers and casual workers (including individuals on work experience) are concerned if they are directly involved with the management of childcare provision, or who volunteer or work on a regular basis, whether supervised or not in relevant childcare.
- Trainee staff who are salaried, e.g., on employment-based teacher training programmes, it's the responsibility of the school/setting to ensure that they comply with the legislation.
- Staff in secondary schools are concerned if they host after-school childcare for children under 8

The Act does not apply to staff who have no involvement in the management of relevant provision and only provide:

- Education, childcare or supervised activity during school hours to children above reception age.
- Childcare or supervised activities out of school hours for children who are aged 8 or over.
- Staff involved in any form of health care provision for a child including:
 - School Nurses
 - Speech and language therapists
 - Education psychologists
- Staff who are only occasionally engaged and are not regularly required to work in relevant childcare will not automatically come with the scope of the legislation.

In general, individuals undertaking the following roles would normally be excluded:

- Caretakers
- Cleaners
- Drivers
- Transport escorts
- Catering staff
- Office staff
- Governors/proprietors/owners/committee members; the legislation does not apply to those, unless they volunteer to work in relevant childcare on a regular basis, or they are directly concerned with the day-to-day management of such provision.

8.11 Job Screen Questionnaire Health Check

An online medical Job Screen Questionnaire will be sent to all successful job candidates at the offer stage of the recruitment process. The Trust's occupational health provider will confirm that the appointee is fit to undertake the role that they have been appointed into.

8.12 Induction of New Employees

An induction checklist will be prepared and completed by every new member of staff (template available). All staff who are new to the Trust will receive induction training that will include the Trust's safeguarding policies and guidance on safe working practices. Regular meetings are part of the probation process will be held within the first 6 months of employment between the new employee(s) and the appropriate manager(s).

9. RECORD KEEPING AND DATA PROTECTION

All written records of interviews, application forms and reasons for appointment or non- appointment will be kept by the Trust in line with our Privacy Notice, for appointed candidates, our Retention and Erasure Policy in line with the requirements of Data Protection Legislation.