

# INCLUSIVE | MULTI ACADEMY TRUST

## SAFER RECRUITMENT POLICY

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Section Title	Page No.
Introduction	3
Scope and Objectives	3
Roles and responsibilities	3
Recruitment Panel	4
Advertising Posts	4
Job descriptions and Person specifications	4
Application Forms and Shortlisting	4
References	5
Interviews	5
English fluency	6
Pre-Employment Checks	6
Secretary of State Prohibition Orders and Section 128 Direction (teaching and management roles)	7
Fitness to undertake the role	7
Individuals who have lived or worked outside the UK	7
Childcare Disqualification Declaration	8
Single Central Record	8
Induction	8
Contractors and Agency Staff	9
Volunteers	9
Trustees and Governors	10
Retention and security of Disclosure Information	10
Retention of records	10
Appendix 1 Regulated Activity	11
Appendix 2 Criminal Record Declaration Form	12

## Introduction

The safe recruitment of staff is the first step to safeguarding and promoting the welfare of children and young people in education. The 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.

In line with the Trust's statutory duties under the Safeguarding Vulnerable Groups Act 2006, the DfE [Keeping Children Safe in Education](#) guidance and the Protection of Freedoms Act 2012 to safeguard children, the Trust is required to carry out a number of checks on all staff, whether they are permanent, temporary, casual, voluntary, or agency-based supply.

This policy does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the Trust who are required to familiarise themselves and comply with its contents. The Trust reserves the right to amend its content at any time.

## Scope and Objectives

The scope of this policy is to set out the minimum requirements of a recruitment process that aims to:

- ensure safeguarding and promoting the welfare of children and young people is an integral factor at each stage of the recruitment and selection process;
- 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](#) (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Services (DBS)
- attract the best possible applicants to vacancies on the basis of their merit, abilities and suitability
- deter prospective applicants who are unsuitable for work with children or young people
- identify and reject applicants who are unsuitable for work with children and young people
- ensure that those that are responsible for each stage of the recruitment process demonstrate a professional approach by dealing honestly, efficiently and fairly with all applicants.
- ensure that all applicants are considered equally and consistently
- ensure that no applicant is treated unfairly on any grounds and specifically any protected characteristics as outlined in the Equalities Act 2010

## Roles and Responsibilities

### Trust Board

- to ensure the Trust has effective policies and procedures in place for the recruitment of staff and volunteers in accordance with the DfE guidance and legal requirements
- to monitor compliance with them

### Headteacher/SLT/Recruiting Managers

- to ensure the school operates safe recruitment practices and makes sure appropriate checks are carried out on all staff and volunteers
- to monitor contractors and agencies compliance with this document
- to promote the safeguarding of children and young people at every stage of the recruitment process.

### School Business Officer/HR administrator

- to ensure that they understand and comply with the provisions of this policy.

## Recruitment Panel

Subject to the availability of training and in accordance with KCSIE, the school/Trust will maintain a position in which at least one recruiter has successfully undertaken training or refresher training in safe recruitment procedures.

## Advertising Posts

Adverts for vacancies will demonstrate the Trust's commitment to safeguarding in recruitment and vetting procedures, protecting every potential applicant from unfair practice and ultimately safeguarding children as much as possible. Promoting commitment to safeguarding and child protection can act as a deterrent to would-be abusers. Thought will be given to wording, pictures and images used to ensure that they could not be considered discriminatory.

Advertisements for posts, whether in newspapers, journals or online, will include the statement:

"The Trust is committed to safeguarding children and young people. All post holders are subject to a satisfactory enhanced Disclosure and Barring Service (DBS) check."

Prospective applicants will be supplied with the following:

- job description and person specification.
- the Trust's Child Protection policy.
- the Trust's Safer Recruitment policy (this document).
- the selection procedure for the post.
- an application form:
- Childcare Disqualification self-declaration form (where applicable).
- hours of work
- grade or scale
- salary (actual salary for part time)
- permanent or fixed term
- contact details
- closing date

## Job Descriptions and Person Specifications

Job descriptions will define the purpose, duties and responsibilities of the post, as well as the qualifications and experience needed to perform the job, with particular attention to working with vulnerable groups. The Job Description and Person Specification will make reference to the Trust's commitment to the safeguarding of pupils.

All posts at the Trust will require an Enhanced DBS Disclosure where an individual is likely to come into direct contact with pupils.

## Application Forms and Shortlisting

All prospective applicants must fully complete an application form. CV's will not be accepted.

If 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 2.

## References

The purpose of obtaining a reference is to ensure that the Trust has objective and factual information to support appointment decisions. References will normally be taken up on shortlisted candidates prior to interview including staff who may already be employed by the Trust.

References will be obtained from the candidate's current or most recent employer and will be sought directly from the referee.

If a candidate is moving from another school/Trust the reference must be from the Headteacher/CEO or another senior colleague and not from a colleague.

Open references or testimonials provided by the candidate will not be accepted.

Where necessary, referees will be contacted by telephone or email in order to clarify any anomalies or discrepancies and verify the source of the reference. This contact will then be recorded on the school's Single Central Record for successful candidates.

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.

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.

Employees are entitled to see and receive, if requested, copies of their employment references.

## Interviews

Selection techniques will be determined by the nature and duties of the vacant post and may include a variety of methods, however a face to face interview is essential as part of the process.

Telephone/video conferencing interviews may be used at the short-listing stage but will not be a substitute for a face-to-face interview.

Candidates will be required to:

- explain satisfactorily any gaps in employment
- explain satisfactorily any anomalies or discrepancies in the information available to recruiters
- declare any information that is likely to appear on a DBS check;
- demonstrate their capacity to safeguard and protect the welfare of children and young people
- demonstrate how they meet the job description and person specification.

At least one member of the interview panel will have undertaken safer recruitment training or refresher training as applicable.

All applicants who are invited to interview will be asked to bring the following original evidence of their identity, address and qualification:

- current driving licence (including photograph) or passport or full birth certificate;
- two utility bills or statements (from different sources) **less than twelve months** old showing their name and home address;
- documentation confirming their National Insurance number (P45, P60 or National Insurance card); and
- documents confirming any educational and professional qualifications referred to in their Application Form.

Photocopies will then be taken and destroyed for unsuccessful applicants no later than 6 months after the recruitment process has been concluded.

These identification documents will also be sufficient to enable a Disclosure and Barring Service (DBS) check to be carried out (see below).

Where an applicant claims to have changed their name by deed poll or any other mechanism (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change. In all cases original documents (not photocopies) must be provided.

Original documentation in respect of any specific qualifications relevant to the post (e.g. academic qualifications, vocational qualification such as the QTS or in relation to a specific subject field, First Aid or Food Hygiene) that has been entered on the application will also be required.

Trust appointments are always subject to receipt of satisfactory references and satisfactory screening and vetting.

## English Fluency

Employees working in any role that requires them to communicate with pupils, parents, guardians, staff and / or members of the community, must be able to speak fluent English to enable the effective performance of the role and to ensure that they are able to abide by their safeguarding responsibilities.

The fluency duty does not create a higher standard than already required for Teachers at the Trust who are already annually appraised against the Teachers Standards.

## Pre-Employment checks

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

- Verify the candidate's identity
- Obtain (via the applicant) an enhanced DBS certificate (including barred list information for those who will be working in regulated activity (see Appendix 1)
- Obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available. The school will also carry out a risk assessment if candidates will be starting work prior to a DBS certificate being available.
- Verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish that they have the physical and mental capacity for the specific role
- Verify the candidate's right to work in the UK. Advice on this can be found on the Gov.uk website.
- For candidates from an EEA Country, they will be required to provide evidence of having obtained settled status under the Settlement Scheme by 30 June 2021. After this date those without settled status will be required to apply for a VISA which allows them to work in the UK. Where they are already in possession of this candidates must provide original evidence at the earliest opportunity.
- If the candidate has lived or worked outside the UK, make any further checks the school feel appropriate.
- Verify professional qualifications as appropriate by viewing original certificates. The Teachers' Services system should be used to verify any award of qualified teacher status (QTS) and the completion of teacher induction or probation.
- Ensure the candidate is checked against the prohibition from teaching orders
- Ensure the candidate is checked against the prohibition from management roles (section 128) check where applicable (part of barred list check for those in regulated activity)
- Ensure the candidate completes a childcare disqualification declaration (where appropriate)
- Ensure the candidate has completed a declaration about convictions and working with children (see appendix 2).

## Secretary of State Prohibition Orders and Section 128 Direction (teaching and management roles)

In all cases, where an applicant is to undertake a teaching role of any kind (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. 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.

The above activities do not amount to “teaching work” if they are supervised by a qualified teacher. If in any doubt or if the candidate has taught previously, or may teach in the future, the check will be undertaken.

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.

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.

A section 128 direction prohibits or restricts a person from taking part in the management of an academy such as:

- a management position in an academy as an employee
- a trustee of an academy
- or a governor on any governing body in an academy that retains or has been delegated any management responsibilities.

Checks for all prohibitions, sanctions and restrictions will be carried out by logging into the Secure Access/DfE Sign in Portal via the Teacher Services' web page. This is a free service available to all schools and colleges.

Where the candidate person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

## Fitness to undertake the role

A confidential pre-employment health questionnaire must be completed to verify the candidate's mental and physical fitness to carry out their work responsibilities. A successful candidate 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**. Confidential pre-employment checks are usually carried out by the school's Occupational Health provider.

## Individuals who have lived or worked outside the UK

Candidates who have lived or worked outside the UK must undergo the same checks as all other staff in the Trust. In addition, the Trust 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 professional regulating authority has imposed, using the Teaching Regulation Agency Services' system. Restrictions imposed by another EEA regulating authority do not prevent a candidate from taking up teaching positions in England, the Trust will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

## Childcare Disqualification Declaration

Where relevant, applicants must complete a self-declaration form provided by the Trust in relation to the Childcare Disqualification Regulations 2018. This is to cover circumstances where the individual has a conviction that may result in them being barred from working with children. Where a positive declaration is made a waiver can be applied for from Ofsted, and be satisfactorily granted, before the candidate may commence work.

This **only** applies to staff working in the following settings:

- Early Years Provision - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range; and
- Later years provision (for children under 8) - staff who are employed to work in childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.

## Single Central Record

The school will keep a single central record (SCR) of pre-employment, referred to in the Keeping Children Safe in Education Regulations as the register. The single central record will cover the following people:

- all staff (including teacher trainees on salaried routes, agency and third-party supply staff who work at the school)
- this also covers the Members and Trustees of the Trust
- local governors
- Confirmation that these checks have been carried out along with the date the check was undertaken/obtained must be logged on this record for all employees of the school.

The SCR is available to the Chairs of the Local Governing Committee and the Governor responsible for safeguarding. The responsibility for the maintenance of this record is with the Headteacher and will be reviewed termly by the Chief Executive Officer. The SCR is also reviewed annually by the Safe Staffing team at Herts County Council.

## Induction

The Trust recognises that safer recruitment and selection is not just about the start of employment but must be part of a larger policy framework for all staff. The Trust will therefore provide ongoing training and support for all staff.

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.

Regular meetings will be held during the first 6 months of employment between the new employee(s) and the appropriate manager(s).

## Contractors and Agency Workers

The Trust will obtain written notification from any agency, or third-party organisation 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 Trust.

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

## Volunteers

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.

Volunteers who, on an unsupervised basis teach or look after children regularly or provide personal care on a one-off basis in the Trust, will be in regulated activity. The Trust 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 have already had a DBS check (which includes barred list information). However, the Trust may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns.

There are certain circumstances where the Trust 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 guides, which can be found on 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.

The Trust 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 and 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.

It is for the school to determine whether a volunteer is considered to be supervised. In making this decision, and where an 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.

## Trustees and Governors

Trustees and Governors are required to have an enhanced criminal records certificate from the DBS. It is the responsibility of the Trust Board to apply for the certificate for any of their Trustees and Governors

who do not already have one. Governance is not a regulated activity and so trustees/governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

## Retention and security of Disclosure Information

The Trust's policy is to observe the guidance issued or supported by the DBS on the use of Disclosure information.

In particular, the Trust will:

- store Disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the Trust's senior leadership team and the HR administrator.
- not retain Disclosure information or any associated correspondence for longer than is necessary. In most cases, the Trust will not retain such information for longer than 6 months although the Trust will keep a record of the date of a Disclosure, the name of the subject, the type of Disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any Disclosure information is destroyed by suitably secure means such as shredding; and
- prohibit the photocopying or scanning of any Disclosure information.

The Trust complies with the provisions of the [DBS Code of Practice](#).

## Retention of Records

If an applicant is appointed, the Trust will retain any relevant information provided on their application form (together with any attachments) on their personnel file. This file will be stored by the Trust for up to 6 years following termination of employment.

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after 6 months, unless the applicant specifically requests the Trust to keep their details on file.

## Appendix 1 Regulated Activity

Regulated activity includes:

- a) Teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;
- b) Work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

- c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:
  - personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability
  - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

## Appendix 2 Criminal Record Declaration Form

<p style="text-align: center;"><b>Criminal Record Declaration</b> (Roles exempt from the ROA - DBS)</p>
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This form must be completed by all shortlisted candidates where a police check (also known as a DBS), is required. The information disclosed on this form will be discussed during the interview process and following receipt of the DBS certificate as appropriate.

### **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.

It is important that applicants understand that 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>School Name:</b>			
<b>Surname:</b>		<b>Forename:</b>	
<b>Vacancy Job Title:</b>			
Do you have any convictions, cautions, reprimands or final warnings which are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)?	<b>YES</b>		<b>NO</b>
If you have answered yes, you now have <b>two</b> options on how to disclose your criminal record.			
<b>Option 1:</b> Please provide details of your criminal record in the space below.			
<b>Option 2:</b> You can disclose your record under a separate cover provided that you mark a cross on the line below and email your disclosure to your recruiter. The email should be marked <b>CONFIDENTIAL</b> and state your name and the details of the post.			
I have attached details of my conviction separately (Please mark the box with an <b>X</b> if appropriate).			
<p><b>DECLARATION</b></p> <p>I declare that the information provided on this form is correct. I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role at the School.</p> <p>Signed: _____ Date: _____</p>			