

# Safer Recruitment Policy for Schools

<b>1</b>	<b>Summary</b>	Safer Recruitment Policy	
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# Introduction

Section 175 of the Education Act 2002 requires Governing Bodies of maintained schools and FE colleges to decide to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children.

Regulations made under Section 157 of that Act state that Proprietors of Independent schools, which include Academies and Free schools, must decide to safeguard, and promote the welfare of pupils.

It is vital that governing bodies and proprietors create a culture that safeguards and promotes the welfare of children in their school or college. As part of that culture, it is important that they adopt robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying or securing employment or volunteering in your regulated establishment.

The safer recruitment of individuals to work in your regulated establishment not only includes directly employed staff (or volunteers), also includes contractors, self-employed, agency and third-party staff groups. All establishments must set out their safeguarding and safer recruitment requirements in contract clearly between the organization(s) providing staff and your school (refer to Letters of Assurance p23)

Safer Recruitment is a vital factor in keeping children safe within the education environment. Schools when selecting their Safer Recruitment provider, must clarify the accreditation / re accreditation period. Schools should always ensure a re accreditation period for Safeguarding training. Kirklees Council Safer Recruitment training is to be re-accredited every 3 years (other training providers maybe different).

There is also legislation governing those persons in 'regulated activity' (see below) or within 'regulated establishments' and requirements to carry out criminal records and barred list checks. The main legislation in this respect is contained within the:

- Children's Act 2006
- Safeguarding and Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012
- Equality Act 2010
- Police Act 1997, the Police Act 1997 (Criminal Records) Regulations 2002, as amended, the Police Act 1997 (Criminal Records) No 2 Regulations 2009, as amended
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended
- Sexual Offences Act 2003
- Keeping Children Safe in Education 2022
- Working Together to Safeguard Children 2018.

Any subsequent amendments will also apply as relevant.

Requirements relating to the appointment, discipline, capability, suspension and dismissal of staff, use of supply staff/workers, checks and information to be held on the establishment's single central register (SCR), as well as information on teacher capability to be provided in references are specified within the School Staffing (England) Regulations 2009, as amended in 2012, 2013 and 2014.

## Terms used within this Policy

### **Headteacher**

Includes Principals, Chief Executive Officer

### **Governor**

Trustee, Director

### **School**

Academy, MAT, Free School, Independent School

# Purpose of the Policy

Considering the legislation highlighted above, all Schools that employ staff or engage volunteers, contractors, self-employed, agency and third-party staff groups to work with children adopt a consistent and rigorous approach in their recruitment and selection processes with the aim of ensuring that those recruited are suitable.

The purpose of safer recruitment is ultimately to:

- **Deter.** From the beginning of the recruitment process, it is important to send the right message – that the school has a rigorous recruitment process and does not tolerate any form of abuse. Wording in adverts and recruitment information must aim to deter potential abusers.
- **Identify and Reject.** It will not always be possible to deter potential abusers. Therefore, careful planning for the interview and selection stage, in terms of asking the right questions, setting appropriate tasks, and obtaining the right information can assist in finding out who is suitable for the role and who is not.
- **Prevent and Reject.** There are no guarantees that even the most robust safer recruitment process will prevent an inappropriate appointment. However, this does not mean it is too late to act. Ensuring that comprehensive induction processes are in place, together with appropriate policies and procedures, raising awareness through staff training and generally developing and maintaining a safe culture within the school will all help to prevent abuse or identify potential abusers.

The intention of this policy is to ensure that all stages of the recruitment process contain measures to deter, identify, prevent, and reject unsuitable people from gaining access to pupils within the school.

The policy and the practical implementation of recruitment and selection processes also aim to meet all legislative requirements, any statutory or other guidance that may from time to time be issued to keep children safe and safer recruitment in education, as well as principles of general good practice.

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

# Recruitment Panels

The School Staffing (England) Regulations 2009 and the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 require governing bodies of maintained schools and management committees of pupil referral units (PRUs) to ensure that at least one of the persons who conducts an interview has completed safer recruitment training. Governing bodies of maintained schools and management committees of PRUs may choose appropriate training and may take advice from the safeguarding partners in doing so.

Panel members will be appointed or selected in accordance with any requirements set out in the School Staffing, Further Education Providers, Independent School Standards, or other relevant Regulations and/or as otherwise determined by the Governing Body/ Management Committee.

The recruitment and selection process, in particular interviews, will be carried out by two or more people. Wherever possible, Appointments Panels will consist of an odd number of at least three people.

Wherever possible, all Panel members will be involved throughout all stages of the recruitment and selection process but, in any event, a Panel member trained in safer recruitment will be involved throughout.

# Recruitment and selection process

This section focuses on ensuring potential applicants are given the right messages about the school and college's commitment to recruit suitable people.

It is vital that governing bodies and proprietors create a culture that safeguards and promotes the welfare of children in their school or college. As part of this culture, it is important that they adopt robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying for or securing employment, or volunteering opportunities in schools and colleges.

Governing bodies and proprietors should ensure that those involved with the recruitment and employment of staff to work with children have received appropriate safer recruitment training, the substance of which should at a minimum cover the content of this part (Part three) of this guidance.

## 1. Policy Framework and Principles

### 1.1 To fulfil the school's commitment to safeguarding recruitment, the below terms of this policy shall be applied in schools:

- the school's statement of intent is included in appropriate publicity and management materials including websites, advertisements, candidate information packs and person specifications
- ensure all recruitment complies with our duties under the Equality Act (2010) and Public Sector Equality Duty (2011)
- a safer recruitment trained person will conduct safer recruitment checks of applications
- all interview panels will have at least one member of staff present who has safer recruitment training. Senior members of staff including Heads, Deputy Heads, School Governors. Kirklees Council requires reaccreditation of our Safer Recruitment training every three years, unless there is a change in national policy that deems it to be done sooner.
- ensure that, when a positive DBS check is received, a risk assessment is conducted,

and the appointment decision is made by the Head Teacher (Appendix 2) for a copy of the risk assessment)

- ensure that the protection of children and young people is a condition of awards/ grants and service level agreements when planning the commissioning/ contracting of services and that inspection mechanisms are in- built as part of normal contracting arrangements as a means of auditing compliance.
- ensure that prospective employees do not commence working for the school until full clearances of all relevant pre-employment checks have been received and verified; and
- monitoring and reviewing of the Single Central Record will be overseen by the Head teacher / DSL / Business Manager. The link Governor with responsibility for Safeguarding will be updated on a termly basis in relation to the Single Central Record.

## 2. The Applicant/Employee's Duty to Disclose Information

- 2.1 A central feature of safer recruitment and employment is that all applicants and existing employees to disclose any convictions/cautions within their application process.**
- 2.2 Any failure to disclose relevant information will be regarded as a potentially serious breach of trust and confidence and may result in disciplinary action, potentially leading to dismissal of existing staff, or non-confirmation of applicants. (further information can be found in [Appendix 4](#)).**

### 3. Roles and Responsibilities

#### 3.1 The Headteacher is responsible for the school having the following process in place:

- considering positive disclosure information when received from the DBS and determining and recording whether appointment should proceed ([Appendix 2](#))
- ensuring relevant partner agencies and organisations are aware of their responsibilities under safeguarding, through communication and training where appropriate
- ensuring that the protection of children and young people is a condition of awards/grants and service level agreements when planning the commissioning/contracting of services and that inspection mechanisms are in built as part of normal contracting arrangements as a means of auditing compliance. The Headteacher may delegate the responsibilities above to a small number of suitably trained and experienced staff; however, they remain accountable for advice given and decisions made
- monitoring of training delivered to organisations on safer recruitment particularly when legislation/guidelines are updated/changed in conjunction with Designated Safeguarding Leads (DSL) and Safeguarding Governor
- progressing all DBS checks for new starters, in conjunction with the DBS provider
- Undertaking DBS checks for any non-employed groups at school level, e.g. volunteers
- monitoring of safer recruitment systems and procedures in place within their setting and reporting any concerns to the Head Teacher and DSL
- management of the SCR in conjunction with the DSL and Safeguarding Governor
- overseeing the induction of new members of staff and ensuring that relevant training has been completed
- management of requirement for training for staff members in conjunction with DSLs'
- management of employee and recruitment documentation onto appropriate systems to ensure accessible for any audit
- ensuring all DBS checks for new starters have been completed with the Business managers
- ensuring that, when a positive DBS check is received, the appointment decision is referred to the Headteacher
- ensuring the schools statement of intent is included in appropriate recruitment materials including websites, advertisements, candidate information packs and person specifications
- undertaking termly checks of each Schools Single Central Record (SCR)
- monitoring of safer recruitment systems and procedures throughout the school
- providing rolling support and training to School Leaders and Business Managers
- undertaking DBS checks for any non - employed groups at School level, i.e. Governors
- reviewing annual report, detailing annual DBS checks from each school individual
- escalating any known risks to the relevant Head Teacher
- reviewing annually the Safer Recruitment Policy to keep in line with relevant guidance and legislation
- ensuring the Safer Recruitment standards are adhered to
- ensuring the policy is communicated appropriately and made accessible to staff
- ensuring relevant training is completed for members of staff in accordance with the schools training guidance
- ensuring that induction of new starters is complete, and that relevant safeguarding training has been arranged and completed as soon as possible (training to be completed before employee starts).



## 4. Single Central Record (SCR)

**4.1 Maintain a SCR of safeguarding checks that meet the requirements of Keeping Children Safe in Education (2022) on the management system. The SCR will include those who work within the organisation on a paid or voluntary basis, including teacher trainees on salaried routes, agency and third-party supply staff who work in the school, and Governors.**

**4.2 The SCR must indicate whether the following checks have been conducted or a certificate obtained, and the date on which each check was completed/certificate obtained:**

- the correct checks for all staff employed at the school, whether directly or through an agency, and anyone else who is identified by the school as 'working in regular contact with children
- identity: name and confirmation that all relevant identification has been checked and dated
- a Children's Barred List check (previously List 99) (where an individual is engaged in regulated activity)
- the date and number of enhanced DBS disclosure.
- a prohibition from teaching check
- online checks guidance ([Appendix 5](#))
- further checks on people who have lived or worked outside the UK
- qualifications: where the qualification is a requirement of the job, i.e. posts where a person must have qualified teacher status
- evidence of permission to work in the UK.
- a section 128 check (for management positions including Governor and Trustee positions)
- schools must obtain written confirmation from any agency or third-party organization they use that the organization has conducted the checks (in respect of the enhanced DBS certificate, written notification that confirms the certificate has been obtained by either the employment business or other such business) on an individual who will be working at the school.

**4.3 New organisations within the school will receive training on how to develop and maintain the SCR.**

**4.4 The use of the SCR will then be monitored by the school's senior team and the Safeguarding Governor on a termly basis, with feedback and guidance provided following these reviews.**

## 5. Job Descriptions and Person Specifications

**5.1 When a vacancy arises due to an employee leaving or moving to a different role, it cannot be assumed that a 'like for like' replacement is required. A review of the job description may highlight the fact that the existing role no longer meets current needs. Therefore, the requirements for any replacement or new role will be analysed prior to drawing up the Job Description and Person Specification which define the role.**

**5.2 When a post requires a DBS Disclosure, this must be reflected in the job description and person specification relating to that post. It is envisaged that due to the nature of work in all schools, and resultant contact with children, all posts will require an enhanced DBS Disclosure and, in most cases, a check of the children's barred list.**

**5.3 Where the Disqualification under the Childcare Act 2006 requirements also apply to a post, this should also be reflected in the person specification.**

**5.4 Following the schools job description template, all job descriptions must detail:**

- the post title and grade
- main duties and responsibilities of the post including safeguarding requirements and responsibilities of the role
- the scope of the job to indicate its position within the organisation
- general statements relevant to all positions, such as requirements relating to equal opportunities and health and safety
- the extent of the post holder's contact with children and young people and, in line with the establishment's commitment to the health, safety and welfare of children, the general responsibility for safeguarding.

**5.5 Following the school's person specification template, all person specifications must detail:**

- qualifications required to do the job
- professional registrations (if required)

- Enhanced DBS Disclosure required / if Disqualification under the Childcare Act 2006 applies
- whether the post is in regulated activity and therefore requires a check of the children's barred list
- the knowledge, skills and competencies required
- any specific training requirements
- the need for commitment to the promotion of health and safety at work and to the protection and safeguarding of children
- the need for awareness of, and commitment to, equal opportunities issues.

**5.6 The person specification will clearly indicate whether the stated criteria are:**

- **Essential** – relating only to those areas without which the job cannot be performed; or
- **Desirable** – not essential to performing the duties, but which would be valuable. They may assist in the final selection process if several candidates all meet the essential criteria.

**5.7 Person specifications will also include statements to the following effect.**

Applicants called for interview should note that the interview itself (and/or any additional tasks to be performed, if applicable) will, as appropriate to the role:

(i) Focus on the requirements to perform the duties of the job, as described.

(ii) Explore issues relating to the safeguarding and promoting the welfare of children, including:

- motivation to work with children and young people
- ability to form and maintain appropriate relationships and personal boundaries with children and young people
- emotional resilience in working with challenging behaviours
- attitudes to use of authority and maintaining discipline.

## 6. Advertising the Role

### 6.1 The job advertisement provides potential applicants with their first impression of the organisation. An important part of the message of the advert is to inform anyone viewing it that the organisation is fully committed to safeguarding and protecting the welfare of children and young people. In these circumstances, all advertisements will include a statement to the effect that:

“Our school is committed to safeguarding and promoting the welfare of children and young people. Therefore, we expect all workers, volunteers, and employees to share this commitment. All appointments are subject to satisfactory pre-employment checks, including a satisfactory Enhanced criminal records with Barred List check through the Disclosure and Barring Service (DBS). It is an offence to apply for the role if an applicant is barred from engaging in regulated activity relevant to children (where the role involves this type of regulated activity). CVs will not be accepted.”

### 6.2 Prospective applicants for posts will receive the following materials in recruitment packs:

- application form
- job description
- person specification
- interview arrangements and/or selection procedure for the post
- any relevant general information relating to the organisation, area etc.
- any other relevant details or documentation.

## 7. Application Process

### 7.1 The schools standard application form must be used for all recruitment. CVs will not be accepted. The application form will ensure that detailed information, critical to the recruitment process, can be gathered from all applicants in a consistent format. Application forms to be used for all external recruitment will include as a minimum:

- personal details including name, former names, date of birth, current address, NI number and, for teachers, teacher reference number
- qualifications
- present (or last) employment and reason for leaving
- full history since leaving school – education, employment, and any voluntary work, as well as explanation of any gaps
- request for details of appropriate referees (see also [section 9 below – References](#)).
- the requirement for a personal statement addressing the criteria set out in the person specification
- explanation that the post is exempt from the provisions of Section 4 (2) of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offender Act 1974 (Exceptions) Order 1975 and the requirement for a ‘self-disclosure’ – a signed declaration of any unspent and relevant spent criminal offences (further information can be found in [Appendix 2](#))
- The requirement for a signed declaration that all information provided is true.

### 7.2 Internally advertised posts will require, as a minimum, further details to update the above information, as originally provided, and new signed declarations. If for any reason the individual does not have a fully completed application form on their personnel file, then a new full application form must be completed and signed.

### 7.3 Volunteers will be required to complete an application form in order to provide personal details, details of previous employment, voluntary work and other activities, general information about their reasons for applying for voluntary work and a signed declaration about any criminal record, for relevant roles a declaration to meet childcare disqualification requirements under the Childcare Act 2006, and declaration to confirm the accuracy of information provided.

## 8. Longlisting and Shortlisting

**8.1 Recruitment to some positions will involve a two-stage process requiring first longlisting, then shortlisting following a first round of selection. Whether a position requires longlisting and shortlisting processes, or just shortlisting, the principles to be applied will be the same. One or more members of the interview Panel will conduct long/shortlisting. It will always be conducted by at least two people (ideally three) and notes on the application form recorded identifying any queries on the information including any gaps in employment.**

**8.2 The criteria to be used for long/shortlisting will be based on the person specification and job description applicable to the post. This will ensure that the process includes criteria specific to working with children as well as other essential requirements for performing the specific duties of the post. Those conducting the long/shortlisting process will, as appropriate:**

- ensure consistency, assessing each application against the criteria, including criteria specific to working with children – use of a grid is recommended for this purpose
- take time to properly scrutinise the applications and explore any potential concerns
- consider whether each application is fully completed – if not, it may be returned to the applicant or discarded from the process
- highlight any gaps (in employment etc.) to be explored further should the candidate be long/shortlisted
- look for evidence provided against the criteria set out in the person specification and the job description
- apply the long/shortlisting criteria equally
- normally only long/shortlist those applications that meet all the essential criteria set out in the person specification. However, if this is not clear in relation to any applications, it may be decided

to long/shortlist and explore the issues further at interview.

**8.3 Authority to recruit in each individual setting has been delegated by the Headteacher. This authority cannot then be further delegated and therefore each appointment to the school must be agreed by the Head Teacher.**

## 9. References

**9.1 References are an important part of the process of gathering as much information as possible about potential new recruits. Testimonials from applicants or open references will not be accepted. The following standards are required to be applied:**

- references must be requested prior to interview, any exceptions to this must be discussed and agreed with the recruiting chairperson
- a comparison with the reference and information on the application must be made and any discrepancies/ inconsistencies taken up with the candidate
- one referee must be the current employer, not a colleague but an individual with appropriate seniority and authority
- if the candidate is currently unemployed, verification of their most recent period of employment and reasons for leaving should be obtained from their most recent employer
- if the employer is/was a school, then the referee provided must be the Head Teacher or member of SLT
- where the applicant is not currently working with children but has done so in the past, a referee should be the employer by whom s/he was most recently employed in work with children
- where electronic references are provided, a check must be made to ensure the source is legitimate (contacting via phone to verify identity). A note should be kept on the personal file, to clarify your verification should the individual be appointed

- references should always be requested directly from the referee. Open or agreed references must not be relied upon, for example, 'to whom it may concern' testimonials.

**9.2 Reference requests must be issued on the schools Reference Pro-forma which ensures that certain questions are asked about all candidates. This helps to avoid receiving references that do not address all the areas that we would like to know about. The standard Reference Pro-Forma will ask about:**

- capacity in which the applicant is/ was employed, dates, quality of work, relationships with colleagues, parents and pupils, strengths, areas for development, honesty, punctuality, and reliability
- any current disciplinary/capability warnings, or such warnings which were current at the time of leaving
- any disciplinary/capability action that is/ was pending or unresolved
- where the request relates to a teacher, any capability proceedings within the last two years
- the details of all Substantiated LADO outcomes
- the details of any expired warnings that relate to the safety and welfare of children or young people or behaviour towards children or young people
- reason(s) for leaving if no longer in that employment
- whether the referee would re-employ and whether the applicant is recommended for the post.

**9.3 On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. Referees should be contacted to provide further clarification as appropriate, for example if the answers are vague or if insufficient information is provided. They should be compared for consistency with the information provided by the candidate on their application form and any discrepancies should be taken up with the candidate.**

## 10. Assessment Process

**10.1 The interview process should allow time for any discrepancy in a candidate's application or references to be scrutinised and clarified. All candidates must have their:**

- qualifications verified and a photocopy of all the original qualification certificates must be taken. If the candidate is successful, these should be placed on their personal file and recorded on the Single Central Record. If the candidate is unsuccessful, these should be destroyed
- employment gaps explained at interview: if there are gaps in their history, or where the candidate has changed employment or location frequently this should be explored with the candidate. These should be documented and signed by the candidate. Valid reasons for gaps in employment may be the candidate did not need to work, travelling, bringing up a family, caring responsibilities, family bereavement or a period of sickness. As there could be other reasons for an absence, it is important to ensure that the candidate is able to give as much detail as possible, for the panel to make an informed decision and are in receipt of all relevant information
- attendance record disclosed
- criminal record disclosed
- reference issues discussed
- their attitude towards children and safeguarding knowledge challenged at interview.

This means that when a candidate is successful, any issues surrounding their application and references have been fully explored before they are offered the post.

**10.2 Every interview must be conducted on a face-to-face basis; this may include secure video communication.**

**10.3 The Panel will meet prior to the interviews to conduct the necessary preparation for conducting the interview, which will normally include a set of basic questions to ask of all long/shortlisted candidates, prepared in advance. However, additional**

follow-up questions are likely to be needed at the interview itself as a means of probing for additional information. These questions will depend upon initial responses given by individual candidates.

- 10.4** The Panel members will agree on the responses they are seeking to their questions and the type of responses that would cause concern. They will also agree who will ask which questions and take appropriate notes. A grid will be used for the purpose of questions to be asked and notes taken, including a scoring mechanism to rate the response to each question to identify the strongest candidate.
- 10.5** The inclusion of appropriate questions relating to the safeguarding and welfare of children will depend upon the type and level of the post, but all posts have responsibility in this area, and it is important, therefore, to evaluate motives, attitudes, awareness and understanding in this area.
- 10.6** Other assessment and selection methods, in addition to an interview, may also be used. The nature of these additional tools will depend upon the type and level of the post. Other assessment methods may include, for example:
- presentations
  - role plays
  - group exercises
  - observation (of teaching or activity with a class or group of pupils)
  - written tests
  - other data analysis exercises, in-tray exercises etc.
  - pre-interview tasks submitted in advance.

## 11. Safer Recruitment Training

- 11.1** The interview panel must contain at least one senior member of staff and / or Governor who has been through appropriate safer recruitment training. This is essential training for Head Teachers and other senior leaders, for nominated Governors, and for other appropriate and nominated staff members.

## 12. Pre-Employment Checks

No candidate will be offered a post with the school unconditionally. All offers will be subject to satisfactory completion of the appropriate checks and recorded on the New Starter Checklist that is placed at the front of the personnel file. These checks should be made clear to candidates at interview. Any offer of employment should be a conditional offer subject to satisfactory clearances being received and checked. Only when all these checks are completed and returned will an offer of employment be confirmed. You must:

- verify identity
- obtain (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity)
- obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is 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 to establish whether they have the physical and mental capacity for the specific role
- verify the person's right to work in the UK. We will keep copy of this verification for the duration of the employment and for 2 years afterwards. If there is uncertainty about whether an individual needs permission to work in the UK, then prospective employers, or volunteer managers, should follow advice on the GOV.UK website
- if the person has lived or worked outside the UK, make any further checks the school or college considers appropriate
- verify professional qualifications, as appropriate. The Teacher Services' system should be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation.

In addition:

- schools must ensure that a candidate to be employed to conduct teaching work is not subject to a prohibition order issued by the Secretary of State, or any sanction or restriction imposed (that remains current) by the GTCE before its abolition in March 2012
- independent schools, including academies and free schools, must check that a person taking up a management position is not subject to a section 128 direction made by the Secretary of State. There is no exhaustive list of roles that might be regarded as 'management' however, the Trust view is that it includes roles involving, or highly likely to involve, management of a school including (but not limited to) headteachers, principals, deputy/assistant headteachers, Business Manager and Governors.

It is important to note that the individual's job title is not the determining factor and whether other individuals such as teachers with additional responsibilities could be considered to be 'taking part in management' depends on the facts of the case. For clarity, no individual may start employment before the DBS check has been received and reviewed appropriately. An individual who will be in regulated activity must never be allowed to commence work before the DBS barred list has been checked. Anyone appointed to a teaching post must be checked against the TRA prohibited list, and s128 if relevant, before they commence in post. DBS certificates may be viewed via the update service (rather than wait for a paper copy of the certificate to be sent, however, a careful check must be completed to ensure that all checks are completed, and the physical certificate must be viewed as soon as practicable).

## 13. Disclosure and Barring Service (DBS) clearance

- 13.1 All staff in school, i.e. in posts that have access to children or young people or information about them; require the appropriate level of DBS clearance before they can commence employment.**
- 13.2 All staff must have an Enhanced DBS check with Children's Barred List check, unless they are not engaging in 'regulated activity,' where an Enhanced DBS check without the Children's Barred List Check must be undertaken.**
- 13.3 Regulated activity includes:**
  - teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or education well-being, or driving a vehicle only for children
  - working for a limited range of establishments ('specified places') which includes schools, with the opportunity for contact with children, but not including work done by supervised volunteers.
- 13.4 This work must be done 'regularly' to be categorised as regulated. Regularly can be defined as:**
  - a person conducting the activity at any time on more than three days in any period of 30 days and, apart from driving a vehicle for children only which is also satisfied if it is done at any time between 2am and 6am and gives the person the opportunity to have face to face contact with children.
- 13.5 Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:**
  - 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 (it is not intended that personal care includes such activities as, for example, parent volunteer helping with costumes for school plays or helping children lace up football boots)

- health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

**13.6** Once the checks are complete the DBS will send the certificate to the applicant. School should receive an email from your DBS provider, confirm if the disclosure is clear or contains information. If the DBS contains information, the school is required to have sight of the candidate's DBS and to risk assess any information shared, and a clear decision to accept or reject the candidate should be recorded.

**13.7** The term "positive disclosure" refers to a disclosure containing information relating to convictions, cautions, reprimands and so on, plus "soft information" relating to non-convictions but which the police deem as relevant.

**13.8** Positive disclosures will be referred to the Headteacher. The school is responsible for completing a Risk Assessment (Appendix 2) of whether the offence(s) listed is/are sufficiently serious to cause concern. A Senior Leader should meet with the applicant to verify the information received, prior to any judgements being made. This should then be referred to the Headteacher for approval for the individual to commence employment. A copy of Appendix 2 should be kept on the personal file and noted.

**13.9** The assessment of the positive disclosure will be in accordance with the following checklist:

- the impact that the positive disclosure could have on the individual's ability to conduct the job role
- the seriousness and nature of the offence(s)
- the nature of the appointment
- the length of time since the offence(s) occurred

- the number and pattern of offences
- the applicant's age at the time
- any explanation of the circumstances of the offence(s) that may already have been given
- concealment of the offence(s) at the application stage.

**13.10** Applicants must sign the declaration included in the application form at the shortlisting or interview stages.

## 14. Verification of Identity

**14.1** It is vital that the school knows who their employees are and have evidence to prove this. For all employees of the school a copy of the documents used to verify the candidate's identity and right to work in the UK should be placed on their personnel file and logged on the Single Central Record. Evidence of identity should be seen at interview, but if for any reason this did not take place it must be seen, and a verified copy taken before the person commences in post.

## 15. Prohibition from Teaching

**15.1** This check ensures that a teacher is not prohibited from teaching and has been a statutory requirement since April 2014, but there is no requirement to retrospectively check teachers who commenced their current employment prior to that date. Existing staff will have been checked in line with previous guidance for checking QTS status. Any candidate with QTS should be checked, even if they are not being recruited to a teaching post. The prohibited list must be checked before the person commences in post.

**15.2** The individual's teaching record should be printed off and placed in the personnel file and the date of the check must be recorded on the school's Single Central Record. Under no circumstances should anyone in teaching work commence work without the check having been undertaken.

**15.3** Schools should register on the Teacher Regulation Services system. This is a



free service. Further information on how to register and access can be viewed at: <https://www.gov.uk/guidance/teacher-status-checks-information-for-employers>.

**15.4 The following checks must be undertaken for all teaching appointments on the TRA website:**

- qualified teacher status (QTS)
- completed their induction
- a mandatory qualification for teachers of hearing impaired or visually impaired pupils
- an active teaching restriction
- been the subject of a decision by the Secretary of State not to impose a prohibition order for unacceptable professional conduct, conduct that may bring the teaching profession into disrepute or conviction of a relevant offence been prohibited from teaching
- been prohibited under s128 from taking up a senior management position in an independent school (including an Academy or free school). This check should also apply to members of the central team who are in leadership roles
- a suspension or conditional order imposed by the General Teaching Council for England that is still current
- failed their induction or probation period
- TRA checks must be undertaken for non-teaching staff who lead and supervise classes, E.g. HLTA's /Cover Supervisors.

**15.5 It is important that the checker also 'claims' the teacher on the Teachers services website.**

## 16. Barred List Check

**16.1 The prohibition order check is different to the barred list check operated by the DBS. Some new appointments will require an enhanced DBS check, a barred list check and a prohibition order check.**

**16.2 This is a list of people barred from working with children, compiled by the DfE. For posts in regulated activity this check should be done as part of the DBS Application Process.**

If a person is not in, or seeking to enter, regulated activity it is unlawful to check the barred list. If a school knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity. Candidates in regulated activity must never be permitted to commence in post before the barred list check is complete.

**16.3 There are a limited number of circumstances when a stand-alone barred list check must be undertaken, for example:**

- a) where an existing member of staff moves from not regulated activity to a post that is in regulated activity and a new enhanced DBS certificate is not required
- b) where a new employee in regulated activity is to be allowed to commence in post before the enhanced DBS certificate has been received
- c) where a recruit will be transferring from a similar role in another maintained school, with a break in service of three months or less and a new enhanced DBS certificate is not required.

## 17. Disqualification under the Childcare Act 2006 (DfE 2018)

- 17.1 Disqualification under the Childcare Act 2006 sets out the circumstances in which an individual will be disqualified and may not provide relevant early or later years childcare or be directly concerned in the management of such provision. Schools are prohibited from employing a disqualified person in connection with relevant childcare provision in certain settings, and the employer commits an offence if they contravene this unless they can prove that they did not know, and had no reasonable grounds for believing, that the person they employed was disqualified. Full details of these requirements are set out in the DfE's statutory guidance on "Disqualification under the Childcare Act 2006".**
- 17.2 It is expected that Head Teachers will familiarise themselves with the statutory guidance, which apply to people who provide, or are directly concerned with the management of:**
- **Early years' provision** – 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) – childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of eight. 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, hobby clubs or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.
- 17.3 Schools should exercise their judgement about when and whether such staff are within scope, evaluating and recording any risks and control measures put in place, and taking advice when appropriate. If these regulations apply to the post being recruited, applicants should be provided with information about the regulations and the preferred candidate should be asked to complete a declaration form (see Appendix 3). If a declaration is made this will need to be considered and discussed with the candidate. If a post is offered, the offer must be conditional, and the applicant should apply for a waiver. If a waiver is not granted, the conditional offer should be withdrawn.**
- 17.4 Schools must keep a record of those staff who are employed to work in, or manage, relevant childcare and should record the date on which disqualification checks were completed; this may be kept as part of the Single Central Record or as a separate list and forms completed by successful applicants will be placed on their personnel file. Information received from all applicants during the recruitment process should be treated in line with the Data Protection Act (2018) which includes the rules set out in the General Data Protection Regulations.**
- 17.5 It is recommended that all staff / volunteers working in roles to which these regulations apply are reminded about Disqualification under the Childcare Act 2006 on an annual basis and asked to speak to their Head Teacher / Principal if their circumstances have changed. Should this identify any staff/volunteers who are disqualified, advice must be sought from the Headteacher.**
- 17.6 The school expects all staff (not just those working in early or later years childcare) to discuss with their Head Teacher any criminal charges brought or caution / conviction acquired during their employment with us and any relationship or association (in the real world or online) which may have implications for the safeguarding of children in the school so that an appropriate risk assessment can be carried out. Please seek advice from the Headteacher/DSL where appropriate.**
- 17.3 Schools should exercise their judgement about when and whether such staff are within scope, evaluating and recording any**

## 18. Medical Clearance

- 18.1 Only once an offer of employment is made, a potential employee must complete a copy of the health declaration form. Depending on the answers given by the candidate, the Occupational Health provider may be asked to conduct further enquiries to confirm mental and physical fitness for the specific post.**

## 19. Verification of Qualifications

- 19.1 Any essential qualifications required to perform a particular job, such as QTS, as stated in the person specification, need to be evidenced by the potential employee. A copy of original certificates should be taken and placed on their personal file and logged on the Single Central Record. This should ideally be confirmed at the interview stage.**

## 20. Verification of Professional Registration

- 20.1 Some posts require a professional registration with a regulatory body, such as the General Teaching Council etc. This again needs to be evidenced and placed on file if the person specification states it as an essential prerequisite.**

## 21. Right to Work in the UK

- 21.1 It is a legal obligation that every employer in the UK verifies whether a potential employee has the right to work in the UK:**
- **Step 1** – you should ask for and be given an acceptable document, or combination of documents. Only original documents must be accepted.
  - **Step 2** – you must take all reasonable steps to check that the document is genuine and to satisfy yourself that the holder is the person named in the document. You should also check that the document allows them to do the work in question.
  - **Step 3** – make a note of the date on which you verified the documents, and the person who saw the original documents.

If you need help conducting a right to work check, you should call the Employer Enquiry helpline:

Telephone: **0300 790 6268**

Monday to Thursday, 9am to 4:45pm

Friday, 9am to 4:30pm

- 21.2 Failure to meet legal requirements can attract a large fine. If further support is required, please contact the Headteacher.**

## 22. Overseas checks

If the potential employee has lived or worked outside the UK for 6 months or more in the last 5 years (whether they are a British national), then a UK DBS Disclosure will not give a full picture in respect of any criminal record they may have. In addition to the usual pre-employment checks listed elsewhere in this policy, where an individual has lived or worked abroad in recent years, the school will make any further checks they think are appropriate so that any relevant events that occurred outside the UK can be considered.

The school will conduct further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. Where available, these will include:

- for all staff, including teaching positions: criminal records check for overseas applicants
- for teaching positions: obtaining a letter of professional standing from the professional regulating authority in the country where the applicant has worked
- from January 2021, the TRA no longer conduct checks for Teachers that have lived or worked abroad
- schools should ensure that their SCR includes a confirmation of whether an overseas criminal records certificate is required and, if so, the date this was seen / verified.

## 23. Withdrawal of Conditional Offer

- 23.1 In circumstances where any of the pre-employment checks prove to be unsatisfactory, a conditional offer will be withdrawn where the school considers it appropriate to do so. A candidate receiving a conditional offer, whether verbal or written, should not, therefore, assume this to be a guarantee of employment.**
- 23.2 Advice must be sought from Headteacher prior to withdrawing an offer of employment.**

## 24. Other Contact with our School

### 24.1 Temporary / short term teachers employed directly by the school.

Temporary teachers should be recruited and treated in the same way as any other member of staff in the school. This means that they should also have all the appropriate pre-employment checks conducted before their employment is confirmed. Temporary / short term teachers that are not employed by the school on a continuous basis should have their DBS Disclosure and Prohibition status re-checked every 12 months (unless there is a gap in service of 3 months or more in which case a new disclosure must be sought before they work in the school again); and should also be asked to complete a Disqualification under the Childcare Act declaration annually (if applicable).

This is due to the casual and ad-hoc nature of their work, which may mean they do not actively work in our school for a few months at a time. If a teacher is based at one school, it is recommended that the school organises and funds the re-check and should encourage the individual to register with the update service. If the teacher is mobile and only works for us a few days at a time (but is employed direct, rather than via an agency or other body – see 27.3 below), the teacher should organise their re-check through a Local Authority or Umbrella Body and fund it themselves and / or should be encouraged to register with the update service.

### 24.2 Teacher or Teaching Assistant Training Students

The requirements depend on whether the trainee is employed by the school (e.g. salaried School Direct), or on a non-salaried route and therefore not directly employed. For all students not employed by the school and placed within the school from other Schools, Academies, Universities or FE Colleges, evidence should be provided in writing to the school (in the same way as a Supply Agency would do) that the supplying body has carried out all the same checks that the school would have done if they were their own staff (including DBS Disclosure, prohibition check, Childcare Disqualification Regulations declaration if applicable, Identity check, etc.) An ID check should be conducted to establish that the student who has arrived for the placement is who they say they are, but details e.g. DBS number / date should not be requested.

### 24.3 Peripatetic Tutors & Agency Staff

*(Including Agency Supply Teachers and students and staff from other agencies or educational institutions, for example social workers)*

It is important that schools have evidence of the necessary checks in relation to staff providing services such as music tuition, specialist sports coaching, supply teaching or specific courses that requires staff to work on school premises whilst children are present.

It is expected that schools will conduct or have evidence of the same standard of checks for all staff and the extended provision even if the school does not directly employ them. All outside providers should be requested to provide evidence that relevant pre-employment checks have been undertaken. It is for the employer / agency to determine which checks are required. If the school does not believe the employer / agency has completed the necessary checks, they should discuss this with the employer / agency and seek advice from HR. This should be given in writing and in advance of the provider starting work at the school and should be agreed as part of any contract between the school and provider.

If confirmation / evidence is not provided, then the school will not allow the peripatetic tutors or agency staff to have unsupervised access to children. If the individual is in regulated activity, they will not be permitted to work at the school until confirmation is received that the barred list check has been undertaken and the person is not barred. Individual schools are responsible for ensuring that any supply teaching agencies they use can demonstrate robust recruitment and selection procedures e.g. ensuring that their employees are DBS / barred list / Prohibition cleared, completed a Disqualification from Childcare Act declaration if applicable, have a full face-to-face interview and all the appropriate pre-employment checks and child protection / safeguarding inductions are conducted.

As with any external persons coming on to school premises the school will verify their identity, the provider should be asked to show documents such as a passport or driver's license unless they have company ID. The school will be very clear that the named individual is who they say they are.

#### **24.4 Volunteers**

Volunteers in school often have the same unsupervised access to children as employees. A child will not consider a distinction between a volunteer and a member of staff, when seeking help or support. This means that volunteers should have certain checks completed as they are in a position of trust.

As with any new staff member an identity check should be conducted, and it is also important to request and receive two references on behalf of the volunteer. These checks must be conducted for all volunteers and not just for those unknown to the school. An enhanced DBS Disclosure (with barred list check) should be conducted prior to the volunteer starting their duties within the school, unless there are obvious reasons why it is not relevant and proportionate to do so in relation to the post concerned (e.g. nature of the work, what is already known about the volunteer).

- Volunteers who teach or look after children regularly on an unsupervised basis, or who provide personal care on a one-off basis, will be in regulated activity. In this case, an enhanced DBS check including barred list information should be obtained.
- If planning to allow volunteers to work unsupervised with children, the school should confirm with their insurer that adequate cover is in place.
- If no DBS check is completed the reasons for this should be documented and the volunteer must be always supervised \* and must not engage in regulated activity.
- If the volunteer is providing teaching work, checks of the relevant TRA lists should be completed.

If the volunteer is working in an area which is subject to the Disqualification from Childcare Act, they should also be asked to complete a declaration form prior to commencing. If a volunteer becomes a paid employee, then the usual pre-employment checks for new employees should be conducted, e.g. their right to work in the UK should be assessed, a medical questionnaire completed, etc. It is a legal requirement to apply for a new Enhanced DBS Disclosure (including barred list check) as well to reflect their change to an employee.

Under no circumstances would a volunteer in respect for whom no checks have been obtained be left unsupervised or allowed to work in any of our regulated activity in any of our school.

If assisting on a one-off school trip and not conducting a regulated activity, a volunteer does not require a DBS Disclosure, but must be always supervised.

#### **Risk assessing volunteers**

There must be a written risk assessment in place for all volunteers that are not in regulated activity – this risk assessment should determine whether or not the individual needs an enhanced DBS (without barred list check), taking into consideration what is already known about the volunteer,

the needs of the pupils, the nature of the activity, level of supervision and the views / feedback from staff, other volunteers and / or referees.

### **Supervision**

If the volunteer is to be supervised whilst undertaking an activity that would be regulated activity if it were unsupervised, the statutory guidance must be followed. The nature of the supervision planned should be included in the written risk assessment.

### **24.5 Contractors**

School should ensure that any contractor, or any employee of the contractor, working in the school has been subject to the appropriate level of DBS check prior to starting work. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors, who are not engaging in regulated activity but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (without barred list) will be required. In considering whether the contact is regular it is irrelevant if the contractor works on a single site or across a number of sites.

Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity.

Any contractor, maintenance worker or agency staff coming on to school's premises should verify their identity, providing company photographic ID. The school should be very clear that the named individual is who they say they are. These will be supplemented by a Letter of Assurance from the provider.

### **24.6 Governor's requirements are to conduct an enhanced DBS check, to confirm the individual's identity and, if the individual has lived outside the UK, to make any other checks considered appropriate. This requirement therefore applies to all governors.**

The Chair of Governors with the Headteacher is responsible for ensuring that enhanced DBS checks are undertaken, and identity checks completed (with any additional checks taken as appropriate if an individual has lived or worked outside the UK) for the other members of the Governors before, or as soon as practicable after, they accept their position.

In addition, Governors must be checked under a Section 128 direction, which prohibits or restricts a person who has previously been prohibited from teaching from taking part in the management of an independent school, including academies and free schools. A check for a section 128 direction ("prohibition check") can be conducted using the Teacher Services System, and the information should be included in the Single Central Record.

## 25. Existing Staff

**25.1** If the school has concerns about an existing staff member's suitability to work with children, or there has been a break in service of more than 12 weeks they should conduct all relevant checks as if the person were a new member of staff. Similarly, if an employee moves from a post that was not regulated activity in to work which is regulated activity, the relevant checks for that role must be conducted.

### **25.2 Duty to refer to the Disclosure and Barring Service**

There is a legal requirement for schools and colleges to make a referral to the DBS where they remove an individual from regulated activity (or would have removed an individual had they not left), and they believe the individual has:

- engaged in relevant conduct in relation to children and/or adults
- satisfied the harm test in relation to children and/or vulnerable adults; or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

**25.3** The DBS will consider whether to bar the person. Detailed guidance on when to refer to the DBS (including what is the harm test and relevant conduct), and what information must be provided, can be found on GOV.UK.

**25.4** Referrals should be made as soon as possible when an individual is removed from regulated activity. This could include when an individual is suspended, redeployed to work that is not regulated activity, dismissed or when they have resigned.

**25.5** When an allegation is made, an investigation should be conducted to gather enough evidence to establish if it has foundation, and employers should ensure they have sufficient information to meet the referral duty criteria explained in the DBS referral guidance, which can be found on GOV.UK.

**25.6** Duty to consider referral to the Teaching Regulation Agency

**25.7** Where a school or sixth form college teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002.

**25.8** The Secretary of State may investigate the case, and if s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person.

Details about how to make a referral to the TRA can be found on GOV.UK.

## 26. Visitors

We do not have the power to request DBS checks, barred checklists or to see DBS certificates for visitors. Head Teachers and Office Managers should ensure visitors are escorted and always supervised.

## 27. Alternative Provision

Where the school places a pupil with an alternative provision provider, the school continues to be responsible for the safeguarding of that pupil and should be satisfied that the provider meets the needs of the pupil. Heads should obtain written confirmation from the alternative provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e., those checks that the school would otherwise perform in respect of its own staff.

## 28. Adults who supervise children on work experience

When our school is organising work experience placements, we will ensure that the placement provider has policies and procedures in place to protect children from harm.

The Head should consider if a Barred list check by the DBS is required for individuals who supervise children under 16. Consideration must be given to the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations would include whether the person providing the teaching / training / instruction / supervision to the child on work experience will be:

- unsupervised themselves; and
- providing the teaching/training/instruction frequently (more than three days in a 30-day period, or overnight).

Where there is frequent contact with the child, the work is likely to be regulated activity. If so, the school could ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

## 29. Induction

All new staff and regular volunteers will be provided with induction training which will include as a minimum:

- the School's Child Protection Policy and procedures
- the Staff Code of Conduct / Safer Working Practices
- Pupil Behaviour Policy
- Whistleblowing Policy
- the role of the Designated Safeguarding Lead, and their contact details
- Medical Needs policy
- Social Media / Acceptable Use / Online Safety policies
- evacuation / lockdown procedures
- Health and safety policy
- Attendance policy
- Behaviour policy
- Anti-bullying policy.

In addition, all individuals will be provided with a copy of:

- Keeping Children Safe in Education (KCSiE), (DfE 2022) part 1 and, if they will be in direct contact with children, Annex A.

Individuals will be asked to confirm in writing that they have read and understood these documents. If they are unsure of anything, advice should be sought from the designated staff.

Staff will also be required to undertake regular safeguarding training.

## 30. A Safe Culture and On-Going Vigilance

It is never sufficient to assume that a safer recruitment and selection process and robust induction arrangements are enough to ensure that the pupils are safe and that there is no risk to them within the educational environment. Creation of a safe culture, with on-going vigilance is essential. The school will continue to strive to create and maintain a safer culture by:

- having in place, and putting into practice, clear policies and procedures and ensuring that all employees and workers are aware of and understand them
- setting acceptable standards of behaviour
- having in place clear procedures for reporting concerns, ensuring that all employees and workers know what the procedures are and their responsibility for following them
- taking concerns seriously and providing support to individuals raising them
- taking appropriate action in relation to concerns raised
- having in place robust and appropriate induction arrangements
- ensuring that all employees and workers undertake child protection and other relevant training on a regular basis.
- keeping the commitment to safeguarding and child protection on the agenda through regular discussion and/or reminders at staff meetings, training sessions etc.
- learning from experience
- never thinking that enough has been done to ensure a safe culture.



### **31. Letters of Assurance**

An appropriate 'letter of assurance' would be on headed paper, personally addressed, dated, signed, and provided by the relevant authorised person on behalf of the individual concerned, for example by the agency on behalf of an agency worker.

The letter should include a statement of assurance that all the checks you specified in your contract for services have been undertaken, the date on which they were completed, and that they are satisfactory.

### **32. Online Searches**

From September 2022 'online search' will be conducted on all shortlisted candidates, for more information see [Appendix 5](#).

### **33. Monitoring and Review**

The school's policy on safer recruitment will be reviewed annually, or when the Department for Education (DfE) issues revised guidance on this topic.

# Appendix 1 – Letters of Assurance and School Contract Parameters

Our school must set out their safeguarding and safer recruitment requirements in any contract clearly between the organization(s) and school, as part of our school's commitment to providing a safer environment. Our school expects our providers to have in place are the necessary safer recruitment processes and checks that we would otherwise perform as an employer. Our school will ensure that any contractor, or any employee of the contractor, who is to work at the school has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract). All providers will provide a Letter of Assurance (LOA) confirming safer recruitment and checks are in place, this LOA will be held with the school SCR.

**TABLE 1**

Kirklees Council recommend the following information is requested and confirmed in writing by the following parties:

- Agency worker (all staff groups)
- Contractors
- Third Party Organisations (e.g., Kirklees Council/ NHS/ Locala/ KNH etc.).

Item	Checklist
Written confirmation all Pre employment checks (role dependent) have been satisfactorily conducted	
At least one recruiter on the recruitment panel to be Safer Recruitment trained (refreshed every 3 years)	
Applications forms with complete employment history	
2 x verified references inc. questions on behaviours towards children, any ongoing or spent formal disciplinary issues, or substantiated LADO allegations and capability	
DBS (+Barred list) where appropriate	
Prohibition from Teaching	
S128 checks (role dependent)	
Qualifications (role dependant)	
Right to Work in the UK	
Appropriate checks for overseas employees	
Online checks as per Appendix 5 (role dependant)	
Disclosure under Childcare Disqualification Regulations 2018 and Childcare Act 2006	
Medical clearance (role dependant)	
Any disclosed information/Risk assessments shared with School / Academy	
Safeguarding awareness training	

## Appendix 2 – Positive Disclosure Risk Assessment

Item	Comment	
Name of applicant or employee		
Job role		
DBS number		
School		
Question	Applicable	Comment
	<i>delete as appropriate</i>	
Did the applicant or employee disclose the issue(s) to you prior to the DBS disclosure?	Yes / No If 'No' state reason	
Does the applicant agree that the information detailed on the DBS is correct?	Yes / No If 'No', what do they think is correct and why?	
Were any offences or information related to behaviours in relation to children or adults at risk? <i>(Persons whose own children are subject to *CSC plans or any unsuitable behaviour in relation to vulnerable groups)</i>	Yes / No If yes give details	
Were any offences or information work related or in the context of a work setting? <i>(Persons who work paid or unpaid with vulnerable groups)</i>	Yes / No If yes give specify	
Are there any mitigating circumstances?	Yes / No If yes give details	
What is the applicant's attitude to the offence(s) now?	e.g., remorse, regret, denial	
Do the matters disclosed form any pattern which could increase the risk of re-offending?	Yes / No If yes specify	
Can the person demonstrate what positive actions that are taking not to re-offend?		
Is there any other information relevant to this Risk Assessment regarding the applicant, the work itself or the location/environment where the activities will take place?	Yes / No If yes specify	
<b>Level of Risk:</b> Please complete the level of risk posed by appointing / employing the applicant in this job. Give reasons. (High, medium, or Low risk)		
<i>What to consider when assessing risk – Nature, seriousness and relevance / How long ago it occurred / Was it a one off or part of a history / Circumstances of it being committed / Decriminalisation / Remorse / Has the candidate learned lessons or amended their circumstances or behaviours</i>		
Risk level:		
Reasons:		
Can protective measures be put in place to render the risk low? Yes / No		
Outline of the protective measures, e.g., curtailment of access to children/information: additional supervision; temporary changes of work location; temporary diversion of low-risk tasks or training.		
<b>Outcome of Risk Assessment – delete one of the following statements as appropriate</b>		
<b>I am satisfied</b> that based on the above, the criminal background of this person should not prevent them taking up the position.		
<b>I am not satisfied</b> that based on the above, the criminal background of this person should not prevent them taking up the position.		

# Appendix 3 – Policy Statement on the Recruitment of Ex-offenders

It is a legal requirement that all registered bodies and prospective employers must treat DBS applicants who have a criminal record fairly and not discriminate because of a conviction or other information revealed. Registered Bodies and employers who are Regulated Activity Providers (including schools) are obliged to have a written policy on the recruitment of ex-offenders, which is available to DBS applicants at the outset of the recruitment process.

## Policy Statement

1. As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, The Trust complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a DBS check based on a conviction or other information revealed.
2. The Trust is committed to the fair treatment of its staff, potential staff, or users of its services, regardless of gender, pregnancy and maternity, ethnicity, culture, age, disability, sexual orientation, gender identity, religion or belief, marital and civil partnership status, education, learning styles, caring responsibilities, or offending background.
3. A summary of this policy on the recruitment of ex-offenders is available to all DBS applicants on request.
4. We actively promote 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. We select all candidates for interview based on their skills, knowledge, and experience.
5. As a Regulated Activity Provider (RAP) most paid employees of the Trust are in regulated activity with children and therefore subject to checks of the DBS children's barred list in addition to enhanced DBS certificate.
6. In relation to volunteers and contractors, we only request a DBS check after a risk assessment had indicated that one is both proportionate and relevant to the position concerned.
7. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.
8. We expect all applicants to provide details of any criminal record history that is not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) order 1975 (as amended in 2013) at an early stage in the application process.

Applicants should disclose details of any unspent convictions, cautions, reprimands, bind-overs, and final warnings you may have in addition to any criminal proceedings pending against you. You should not disclose any criminal history that would be protected or filtered.

9. We guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
10. We ensure that everyone within the Academy who participates in the recruitment process has been suitably briefed to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance on the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 and its amendments and know how to access advice and support.
11. At interview, or on a separate occasion, we ensure that an open and measured discussion takes place about any relevant offences or other matter that may be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
12. We undertake to discuss any matter revealed in a DBS check with the person seeking the position before considering withdrawing a conditional offer of employment. This discussion and any subsequent risk assessment may be undertaken by our HR team or another trained member of our Senior Leadership Team.

## Appendix 4 – Declaration of Unspent and Relevant Spent Criminal Convictions

The purpose of requiring a self-disclosure as part of the application is to give candidates an opportunity to share relevant information about any convictions or cautions at an early stage. Disclosed information will not be used as a criterion for short-listing. Fair and objective assessment criteria will be applied. Information on self-disclosures will only be used in relation to short-listed candidates and will not automatically rule someone out. A full DBS check will still be conducted on making a conditional offer and the two sets of information compared. Note that applicants will only be asked about 'unspent and relevant spent' convictions, cautions, reprimands, and warnings and these will be the only ones appearing on Disclosure certificates. Other minor, older offences will be filtered out after the relevant time period. Those offences to be declared include:

- **Cautions** relating to an offence from a list (see below\*) agreed by Parliament
- **Cautions** given less than 6 years ago (where the individual was over 18 years old at the time of the caution)
- **Cautions** given less than 2 years ago (where the individual was under 18 years old at the time of the caution)
- **Convictions** relating to an offence from a prescribed list (see below)
- **Convictions** that resulted in a custodial sentence (regardless of whether served) Convictions given less than 11 years ago (where the individual was over 18 years old at the time of the conviction)
- Convictions given less than 5.5 years ago (where the individual was under 18 years old at the time of the conviction)
- Irrespective of the above list, **if individuals have more than one conviction then ALL convictions must be declared.**

\* The list referred to above includes a range of offences which are serious, and which relate to sexual offending, violent offending and/or safeguarding. It is never appropriate to withhold details of offences on this list. A list of offences which must always be declared has been derived from the legislation and can be accessed using the following link: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/756791/List\\_of\\_offences\\_that\\_will\\_never\\_be\\_filtered\\_PDF\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756791/List_of_offences_that_will_never_be_filtered_PDF_.pdf)

# Appendix 5 – Online Checks Framework

## **Rational for the introduction of online searches within Safer Recruitment**

Under the September 2022 amendments to KCSIE, Schools are required to consider conducting an 'online search' as part of your due diligence, this is help identify incidents or issues that have happened and are publicly available online.

### **Why has this change been introduced?**

The case reported in the national media in 2019 where a UK school employed a Spanish national as a teaching assistant, unaware that the individual had been convicted in Spain for killing a child. The school undertook all appropriate vetting checks, but vagaries of the Spanish criminal record disclosure system meant that the conviction was not disclosed to the recruiting school.

### **Must schools introduce this online search of all shortlisted candidates?**

KCSIE Para 221, says schools should consider conducting an online search as part of their due diligence on shortlisted candidates. 'Should consider' is different from 'should undertake' in other words, if you choose not to do the checks as a school, you will require a clearly outlined and defensible decision, as to why you are not undertaking these online searches as part of your due diligence in your safer recruitment process.

### **Are online searches discriminatory?**

The DfES have amended their wording in KCSIE para 221 from the consultation to the definitive version of KCSIE to 'online search' which is different to searching candidates 'social media activity'. The reason DfES amended the wording was because searching 'social media activity' would introduce discrimination/bias into the recruitment process and could also encourage recruiters to seek information covertly (which should not be conducted) rather than overtly.

### **Are 'online searches' compliant under GDPR?**

Your processing condition under GDPR UK / DPA 2018 is that it is a regulatory requirement; you therefore do not need consent. However, the applicant has a right to know beforehand that this search will be conducted if they are shortlisted.

### **What actions should you consider?**

1. Include a statement in your recruitment material explaining that an 'online search' will be completed for shortlisted candidates.
2. Add the 'online search' to your recruitment checklist.
3. Agree a format that will be shared with the recruitment panel. (An example 'online search' pro forma is below.
4. Any information found via an 'online search' is still covered by Ministry of Justice filtering rules.
5. Where the information relates to a serious incident or demonstrates that the candidate has been dishonest in their application / self-disclosure, seek advice from the LADO /Police before discussing with the candidate at interview.
6. Ask your preferred supply agencies to confirm that they are now including 'online checks' in their vetting processes.

### Example

Name of the shortlisted candidate	Record of where you searched, and what searches were used <i>(please note these terms are not exhaustive)</i>
Paul Smith	E.g., Google search for 'Paul Smith' 'Paul Smith Botswana' (or the country they worked in) 'Paul Smith convicted' 'Paul Smith Teacher' (or their previous role) Also, do searches under other or previous names disclosed by the candidate & record your search
<b>What (if anything) was found</b> - Record date of search and what was found or record date of search & 'Nothing found'	
Name of the shortlisted candidate	Record of where you searched, and what searches were used <i>(please note these terms are not exhaustive)</i>
Jane Smith	E.g., Google search for 'Jane Smith' 'Jane Smith Botswana' (or the country they worked in) 'Jane Smith convicted' 'Jane Smith Teacher' (or their previous role) Also, do searches under other or previous names disclosed by the candidate & record your search
<b>What (if anything) was found</b> - Record date of search and what was found or record date of search & 'Nothing found'	

