



# SAFER RECRUITMENT POLICY

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## **1 Introduction**

- 1.1 This policy has been devised in line with the 2018 Department for Education statutory guidance Keeping Children Safe in Education.
- 1.2 It is vital that the trust creates a culture of safe recruitment and as part of that adopt recruitment and selection procedures that help deter, reject or identify people who might abuse children.
- 1.3 This policy describes in detail those checks that are, or maybe required for any individual working in any capacity in within the trust. Directors must act reasonably in making decisions about the suitability of prospective employees based on checks and evidence including DBS checks, barred list checks and prohibition checks together with references and interview information.

## **2 Job Descriptions and Person Specifications**

- 2.1 At the start of the recruitment process, it is important to define what the postholder's responsibilities towards children will be, as well as the qualifications and experience needed to perform the job, with particular attention to their work with such vulnerable groups. To confirm the trust's commitment to safer recruitment, it is advisable to ensure that this statement of intent is included on all job descriptions and person specifications.
- 2.2 When a post requires a DBS disclosure, this must be reflected in the advert and the job description.

## **3 The Advert**

- 3.1 The advert for a vacancy will also demonstrate the trust's commitment to safer recruitment and vetting procedures, as promoting commitment to safeguarding and child protection can act as a deterrent to would-be abusers.
- 3.2 When placing an advert the following statements should be included:
  - Trust and individual academy name
  - Post title
  - Hours (this should indicate if full or part time)
  - Grade or scale
  - Salary
  - Permanent, temporary or fixed term (if fixed term or temporary the duration of the contract should be stated)
  - Advert text (which should include a reference to the post holder's responsibilities towards safeguarding children)
  - The successful applicant will be required to apply for a DBS check (include the level of check)
  - Closing date.

## **4 Application Packs**

- 4.1 The importance of safeguarding and protecting children in schools should be promoted as much as possible throughout the recruitment process in order to deter unsuitable candidates. The following information will therefore be included in application packs:
  - Application form (advise no CV's will be accepted, as CV's only show you what the candidate wants you to see and will not provide consistent data between candidates)

- Job description
- Person specification
- Academy information
- Child protection policy
- Recruitment of ex-offenders policy (Appendix 1)

## **5 References**

- 5.1 These will be requested prior to interview for all shortlisted candidates where we have their consent to do so, so that any issues of concern they raise can be explored further with the referee, and taken up with the candidate at interview. One of the referees must be the candidate's current or most recent employer.
- 5.2 The trust will always ask for written information about previous employment and check that information is not contradictory or incomplete. Where a candidate is not currently employed, verification of their most recent period of employment and reasons for leaving will be obtained from the school, college, local authority or organisation at which they were most recently employed.
- 5.3 The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References will always be obtained, scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed.
- 5.4 The trust will not rely on open references or only rely on information provided by the candidate as part of the application process without verifying the information is correct. Where electronic references are received, the Trust will ensure they originate from a legitimate source.
- 5.4 On receipt, references will be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate. They should also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies will be taken up with the candidate.
- 5.5 A reference pro-forma should ask about the candidate's relationship with children in their current or previous role and if they have ever been involved in any disciplinary action concerning children. The Trust's agreed reference pro-forma must always be used. Any information about past disciplinary action or allegations received must be considered carefully when assessing the candidate's suitability for the post.

## **6 Interview Process**

- 6.1 The interview process should allow time for any discrepancy in a candidate's application or references to be scrutinised and clarified. With this in mind all candidates will have their qualifications verified, employment gaps explained, criminal record disclosed, reference issues and their attitude towards children discussed at interview. This means that when a candidate is successful, any issues surrounding their application and references have been fully explored before they are given a conditional offer of the post. Every interview will be carried out on a face to face basis.
- 6.2 There should ideally be at least three interview panel members and at least one member of the panel must have completed safer recruitment training.

- 6.3 At interview, gaps in employment history must be discussed with the candidate. Valid reasons include the candidate did not need to work, raising a family, travelling, caring responsibilities etc. As there may be more sinister reasons for absence it is important to ensure that the candidate is able to give as much detail as possible to allow the panel to make an informed decision. The panel must also discuss patterns or repeated change in career or employers at interview, ensuring that the reasons for this are fully explored and satisfy the interview panel.
- 6.4 Essential qualifications required for the post will also be verified as a minimum, other qualifications stated on the application form may also need to be verified. A photocopy of the original certificates will be taken and if the candidate is successful they will be placed on their personal file and recorded on the Single Central Record.
- 6.5 Person specifications allow the trust to explore a candidate's views and expectations in relation to working with children. The interview panel should seek to identify the candidate's views and experience on their motivation to work with children, their ability to form and maintain appropriate relationships and personal boundaries with children, their emotional resilience in working with challenging behaviours and their attitudes to the use of authority and maintaining discipline.

## **7 Pre-employment Checks**

- 7.1 Following an interview a conditional offer will be made to the successful candidate. An unconditional offer will never be made. The offer will be subject to the checks detailed below.

### **References**

- 7.2 The trust will request and have returned two references for every short listed candidate; one of these must be from their current or most recent employer. As the post requires working in an environment with children, it is important to have a reference if available from an employer or voluntary agency demonstrating the candidate's previous work experience, paid or unpaid, of working with children wherever this is possible.

### **Verification of Identity**

- 7.3 The candidate's identity will be verified, preferably from current photographic id and proof of address. This will then be recorded on the single central record.

### **Qualifications**

- 7.4 Any essential qualifications legally required to perform a particular job eg QTS need to be evidenced by the candidate. As with other checks a copy of the original certificate will be taken and a copy kept on the employee's personal file. This will then be recorded on the single central record.

### **Prohibition from Teaching Check**

- 7.5 Teacher Prohibition Orders prevent a person from carrying out teaching work in schools. A check of prohibition is carried out using the Employer Access Online Service. Prohibition orders are described in the Teacher Regulation Agency (TRA) publication Teacher Misconduct: the prohibition of teachers.
- 7.6 Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the TRA. Pending such consideration, the Secretary of State may issue an interim prohibition order if he considers that it is in the public interest to do so.
- 7.7 A record that a check has been carried out will be kept on the single central record.

### **Right to Work in the UK**

- 7.8 It is a legal obligation that every employer in the UK verifies whether a potential employee has the right to work in the UK and that evidence to support their right to work in the UK is placed in their personal file. It will be recorded on the single central record that this check has been carried out.

### **Medical Clearance**

- 7.10 A potential employee must complete a medical questionnaire which will then be assessed by the trust's Occupational Health provider. Depending on the answers given by the candidate Occupational Health may request an appointment to confirm fitness. A potential employee is confirmed as medically cleared once the trust has received notification from Occupational Health that the potential employee is fit for their proposed post. It should be recorded on the single central record that the person has been passed fit.

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

- 7.11 If the potential employee has lived abroad for a period of time or comes from another country prior to working in the UK they must undergo the same checks as all other staff. In addition the trust will make any further checks appropriate so that any relevant events that occurred outside the UK can be considered. These further checks should include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed. This check will be carried out using the TRA Teacher Services system.

- 7.12 A record that this has been carried out will be recorded on the single central record.

### **Disclosure and Barring Service Checks**

- 7.13 The trust will obtain a relevant level DBS check (including barred list information where the person will be engaging in regulated activity). Further guidance on the level of DBS check that is required is detailed later in this policy.

- 7.14 There is no requirement to obtain an enhanced DBS check if, in the three months prior to beginning work in their new appointment the applicant has worked in a school in England in a post which brought them into regular contact with children or the applicant worked in a post in a school to which they were appointed on or after 12 May 2006 and which did not bring the applicant regularly into contact with children or young people or the applicant has worked in an institution within the further education sector in England or in a 16-19 academy in a position which involved the provision of education which brought the applicant regularly into contact with children or young people. However, the trust may decide to request an enhanced DBS check with barred list information should there be concerns bearing in mind the duty the trust is under not to allow a barred person to work in regulated activity.

- 7.15 The trust will not request an enhanced DBS check with barred list check for anyone working in the trust who is not in regulated activity but we will request an enhanced DBS check without a barred list check.

- 7.16 If an applicant is registered with the DBS Update Service the trust will obtain consent from the applicant to carry out a check using this service. The trust will confirm that the certificate matches the applicant's identity and examine the original certificate to ensure that it is for the appropriate workforce and level of check. The Trust will subsequently carry out a free online check which will identify if there has been any change to the information recorded since the initial certificate was issued and advise whether the applicant should apply for a new certificate.

7.17 A record that a DBS check has carried out will be recorded on the single central record.

#### **Childcare Disqualification Regulations**

7.17 The Childcare Disqualification Regulations set out the circumstances in which an individual will be disqualified and may not provide relevant childcare provision 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.

7.18 The Regulations 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 8. This does not include education or supervised activity for children above reception age during school hours but does include some school settings such as breakfast clubs and after school provision.

7.19 The Trust will exercise judgement about when and whether such staff are within scope, evaluating and recording any risks and control measures put in place.

7.20 If these regulations apply to the post being recruited, the successful applicant will be provided with information about the regulations and asked to complete the Trust's declaration form. If a declaration is made this will need to be considered and discussed with the applicant and the applicant should apply for a waiver from Ofsted. If a waiver is not granted then the offer of employment will be withdrawn.

7.20 A record that a declaration form has been completed and the date will be recorded on the Single Central Record.

#### **8 Section 128 Direction**

8.1 A section 128 direction prohibits or restricts a person from taking part in the management of an academy. A person who is prohibited is unable to participate in any management such as a management position in an academy, a governor or trustee of an academy.

8.2 A check of Section 128 Direction is carried out using the Employer Access Online Service. A record that a check has been carried out will be kept on the single central record.

#### **9 Single Central Record**

9.1 The trust will keep a single central record for each individual academy and this record will cover all staff (including supply staff) who work at the academy, all others who work in regular contact with children in the academy including volunteers and as this is an academy trust all directors and members of the local governing body.

9.2 The information to be recorded on these individuals is whether or not the following checks have been carried out or certificates obtained and the date on which the checks were completed:

- an identity check;
- a barred list check;
- an enhanced DBS check;
- a prohibition from teaching check;
- a childcare disqualification regulations disclosure if appropriate;
- further checks on people living or working outside the UK including EEA Checks;
- section 128 direction check (where appropriate);
- a check of professional qualifications; and
- a check to establish the person's right to work in the UK.

## **10 Disclosure and Barring Service (DBS)**

**10.1** The DBS is responsible for administering three types of checks:

**Standard:** a check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings;

**Enhanced:** a check of the PNC records as above, plus other information held by the police that is considered relevant by the police; and

**Enhanced with barred list information:** for people working in regulated activity with children. This adds checks of the DBS Children's Barred List to the enhanced check.

**10.2** The level of DBS check required will depend on the role and duties to be carried out. For an Enhanced check with barred list information the potential employee must be working in regulated activity. Regulated activity includes a) teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on well-being or driving a vehicle only for children, or b) work for a school 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 (at least once a week or on more than three days in a 30 day period or overnight). Some activities are always regulated activities regardless of whether they are supervised or not including relevant personal care ie helping a child with eating or drinking or in connection with toileting, washing, bathing or dressing.

**10.3** When the DBS has completed its check of an applicant's PNC record and if appropriate whether or not they are on the barred list, the relevant information will be recorded on a certificate that is sent to the applicant. The applicant must show the DBS certificate to their potential employer before they take up post.

**10.4** The trust carries out DBS checks via an on-line system. Once the DBS has completed the checks the applicant will receive their certificate and the trust will receive an on-line notification as soon as the disclosure is completed. If the result is clear the trust will receive confirmation of this by email and can access the on-line system to confirm the date of the clearance, confirmation of whether the barred list has been checked and the reference number.

**10.5** Where there is information disclosed on a DBS certificate the Executive Headteacher (Monkwearmouth) or Headteacher (Redby) and the HR & Business Manager will meet with the person (who must bring a copy of their DBS certificate) to discuss the information contained on the certificate to enable a decision to be made on whether to continue with the appointment.

## **11 Volunteers**

**11.1** Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

- 11.2 For new volunteers in regulated activity who **will** regularly teach or look after children on an unsupervised basis or provide personal care on a one-off basis the trust will obtain an enhanced DBS certificate with barred list check. If a volunteer is to be supervised whilst carrying out activity that would be regulated activity if it was unsupervised then the trust is not legally allowed to request a barred list check.
- 11.3 For new volunteers not in regulated activity the trust will undertake a risk assessment and use professional judgement and experience to determine whether or not to obtain an enhanced DBS certificate. In doing so the trust will consider the nature of work with children; what the trust knows about the volunteer, including formal or information offered by staff, parents and other volunteers; whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability and whether the role is eligible for an enhanced DBS check. Details of the risk assessment will be recorded in writing.
- 11.4 For existing volunteers who provide personal care, the trust will obtain an enhanced DBS certificate with barred list check.
- 11.5 For other existing volunteers who are unsupervised and continuing with their current duties, unless there is cause for concern the trust will not request a DBS with barred list check unless the volunteer has not already been checked.
- 11.6 For existing volunteers not in regulated activity there is no requirement to request an enhanced DBS check, however the trust may choose to request one if judged to be necessary but we will not request a check of the barred list.
- 12 Directors and Governors**
- 12.1 All Directors will undergo an enhanced DBS with barred list check as they are the proprietors of the academies.
- 12.2 Governors who are volunteers will be treated on the same basis as other volunteers, that is, an enhanced DBS with barred list check will only be carried out if the Governor will be engaging in regulated activity. The trust will request an enhanced DBS check without a barred list check on an individual as part of the appointment process for Governors.
- 13 Contractors**
- 13.1 The Trust has arrangements in place with contractors to make sure that the contractor, or any employee of the contractor working at an academy within the trust has the appropriate level of check if required (eg supply teachers).
- 13.2 Contractors and their employees for whom an appropriate DBS check has not been undertaken will be supervised if they will have contact with children.
- 13.3 The trust will always check the identity of contractors and their staff on arrival at the school.
- 14 Visitors**
- 14.1 The trust does not have the power to request DBS checks for visitors, however, visitors will always be escorted and supervised.
- 15 Adults who Supervise Children on Work Experience**
- 15.1 When organising work experience placements the trust will ensure that policies are in place to protect children from harm.



15.2 **Barred list checks by the DBS may be required on some people who supervise a child under 16 on a work experience placement. The trust will consider the specific circumstances of the work experience in particular the nature of the supervision and the frequency of the activity being supervised, to determine the level of check required including whether they will be unsupervised and providing the teaching or training frequently.**

15.3 **The trust is not able to request an enhanced DBS check with barred list information for staff supervising children aged 16-17 on work experience.**

15.4 **If a child on work experience aged 16 years or over undertakes activities that gives the opportunity for contact with children, this may be considered to be regulated activity and consideration will be given as to whether an enhanced DBS check is required.**

#### **16 Children Staying With Host Families (Homestay)**

16.1 **Where one of the trust's academies is hosting children it is responsible for making the arrangement and has the power to terminate the arrangement, this is counted as regulated activity and an enhanced DBS check with barred list check should be carried out.**


16.2 **Where the Trust arranges for our children to stay with families overseas the DBS cannot access criminal records held overseas. The trust will therefore work with partner schools abroad to ensure that similar assurances are undertaken prior to a visit.**

#### **17 Alternative Provision**

17.1 **Where the trust places a student with an alternative provision provider the trust continues to be responsible for the safeguarding of that student and should be satisfied that the provider meets the needs of the student.**

17.2 **The trust will obtain written confirmation from the alternative provision provider that appropriate safeguarding checks have been carried out on individuals working at the establishment (ie the same checks that the trust would perform on its own staff).**

**This policy was agreed by Directors in September 2018 and will be reviewed every two years or earlier in accordance with statutory guidance.**

Signed:  (Executive Headteacher) Date: 1/10/18

Signed:  (Director) Date: 2.10.18

## Recruitment and Selection Checklist (Appendix 1)

Pre-Interview	Initial when complete	Date
<p><b>Planning</b></p> <p><b>Job Description</b> The schools statement on safeguarding must be included on the job description.</p> <p><b>Person Specification</b> Should detail qualities and competencies required to undertake the job. The criteria should be based upon information from the job description.</p> <p>Application form seeks all relevant information and includes relevant standards about references, DBS checks etc.</p> <p><b>Agree interview panel</b> Who? Is there at least one safer recruitment trained person on the panel?</p>		
<p><b>Vacancy Advertised</b> Advertisement includes reference to safeguarding policy, i.e. statement of commitment to safeguarding and promoting welfare of children.</p> <p>When advertised it is important to consider the following:</p> <p>Is the advert clear that all appointments are subject to satisfactory pre-employment checks, including DBS check?</p> <p>Is the advert consistent with the role profile and, in particular the job description and person specification?</p>		
<p><b>Short listing and Scrutinising</b></p> <p>Panel to complete short listing pro-forma (please refer to Recruitment and Selection policy)</p> <p>Scrutinise the applications forms looking for:</p> <ul style="list-style-type: none"> <li>• Gaps in service</li> <li>• Repeat and/regular changes in employment</li> <li>• Inconsistencies</li> </ul>		

<ul style="list-style-type: none"> <li>• <b>Anomalies/discrepancies</b></li> </ul>		
<p><b>References – seeking</b></p> <p>Sought directly form referees’ on all short listed candidates References must be collected using the pro-forma</p>		
<p><b>References – receipt</b></p> <p>Checked against information on application; scrutinised; any discrepancy/issue of concern noted to take up with the applicant at interview.</p>		
<p><b>Invitation to interview</b></p> <p>Includes all relevant information and instructions.</p> <p>Develop questions that elicit the behaviours as required by the job description and described in the person specification.</p> <p>Ensure questions/assessment activities explore:</p> <ul style="list-style-type: none"> <li>• Suitability to work with children</li> <li>• Awareness of child protection and safeguarding measures</li> <li>• Ability to maintain appropriate relationships and personal boundaries with children</li> </ul>		
<p><b>Interview</b></p> <p>Explore applicant’s suitability for work with children as well as for the post.</p> <p><b>Note:</b> Identity and qualifications of successful applicant verified on day of interview by scrutiny of appropriate original documents: copies of documents taken and placed on file.</p>		
<p><b>Conditional offer of appointment: pre-appointment checks</b></p> <p>Offer of appointment is only conditional on satisfactory completion of the pre-appointment checks listed below.</p>		
<p><b>References</b> (If not obtained and scrutinised previously)</p>		

<p><b>Identity</b> (If that could not be verified straight after the interview)</p> <p><b>Qualifications</b> (If not verified on the day of interview)</p>		
<p><b>Permission to work in UK and relevant overseas checks if necessary</b></p>		
<p><b>Section 128 Direction Check (if appropriate)</b></p>		
<p><b>Relevant level of DBS check</b></p>		
<p><b>Childcare Disqualifications Regulations Disclosure (if appropriate)</b></p>		
<p><b>Medical Fitness</b></p>		
<p><b>For teaching posts a check of the Prohibition Order List</b></p>		
<p><b>QTS</b> (For teaching posts) the teacher has obtained QTS or is exempt from the requirement to hold QTS (for teaching posts in FE colleges) the teacher has obtained a Post graduate Certificate in Education (PGCE) or Certificate of Education (Cert. Ed) awarded by a Higher Education Institution or the FE teaching certificate conferred by an Awarding Body.</p>		
<p><b>Statutory Induction</b> Signed declarations that they have read, understood and will carry out their responsibilities in line with 'Guidance for Safer Working Practise for Adults who Work with Children and Young People', the Trust Staff Behaviour Policy, Child Protection Policy, Confidential Reporting Policy and that they have read at least part one and Annex A of the DfE's Keeping Children Safe in Education document.</p>		

## **Policy on the Recruitment of Ex-Offenders – Appendix 2**

- As an organisation using the Disclosure and Barring Service (DBS) to assess applicants suitability for posts which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) order, we comply fully with the DBS code of practice and undertake to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a DBS check on the basis of conviction or other information revealed.
- We can only ask an individual to provide details of convictions and cautions that we are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and where appropriate Police Act Regulations we can only ask an individual about convictions and cautions that are not protected.
- We are committed to the fair treatment of our staff, potential staff, or users of our services, regardless of race, age, gender, religion, sexual orientation, responsibility for dependents, physical/mental disability or offending background.
- We have a written policy on the recruitment of ex-offenders, which is made available to all applicants who will be subject to a DBS check.
- We actively promote equality of opportunity for all with the right mix of talents, 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, qualifications and experience.
- An application for a criminal record check is only submitted to the DBS after a thorough risk assessment of the post has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal records check is required, all adverts, job descriptions and recruitment briefs will contain a statement that an application for a DBS certificate will be required in the event of the individual being offered the position.
- Where a DBS check is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at the application stage of the process.
- We ensure that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders eg. The Rehabilitation of Offenders Act 1974.
- We will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might 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.
- We make every subject of a DBS check aware of the existence of the DBS Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the position and the circumstances and background of your offences.

