Safer Recruitment

Together we strive for excellence

POLICY CONTROL

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Author	R Bruce
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Headteacher signature	
Chair of Governors signature	

OUR VISION

All children make the progress expected of them by being an active participant in their learning and developing their well-being.

OUR PUPILS WILL ACHIEVE THIS BY:

Being safe
Being a reflective learner
Being a collaborative learner
Having high aspirations
Being a risk taker
Being inquisitive

Together we strive for excellence

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Introduction

1.1. The Governing Body is committed to safeguarding and promoting the welfare of children and young people and requires all staff and volunteers to demonstrate this commitment in every aspect of their work.

1.2. The appointment of all employees will be made on merit and in accordance with the provision of Employment Law, Keeping Children Safe in Education, and the school's Equality Policy.

1.3. The Governing Body will ensure that people are treated solely on the basis of their abilities and potential, regardless of race, colour, nationality, ethnic origin, religious or political belief or affiliation, trade union membership, age, gender, gender reassignment, marital status, sexual orientation, disability, socio-economic background or any other inappropriate distinction.

1.4. We will comply with the requirements of Keeping Children Safe in Education, Part 3 with regard to DBS and other pre-employment checks.

2. Delegation of Appointments and Constitution of Appointments Panels

2.1. The Governing Body delegates the power to offer employment for all posts below the level of Deputy Head to the Executive Headteacher. The Executive Headteacher may not delegate the offer of employment to any other senior manager or governor.

2.2. The Executive Headteacher is expected to involve at least one Governor in the appointment of all staff. Where it is not possible to involve a governor, the Executive headteacher will ensure that at least one further member of the school's senior leadership team is involved in the recruitment.

2.3. Selection panels will comprise a minimum of two people (normally three). In accordance with the statutory requirement, every selection panel will have at least one member who has undertaken Safer Recruitment Training. In addition, at least one member will have undertaken general recruitment or equalities training.

3. Advertising

3.1. All vacant posts will usually be advertised to ensure equality of opportunity and encourage as wide a field of candidates as possible. This will normally mean placing an advertisement externally. However, where there is a reasonable expectation that there are sufficient, suitably qualified internal candidates (including students on placement or long-term agency staff or staff who are at risk of redundancy) vacancies may be advertised internally. The posts of substantive deputy headteacher and headteacher must always be advertised nationally.

3.2. Job advertisements and application packs state clearly that the appointment will be subject to a satisfactory enhanced DBS check.

4. Information for Applicants

All applicants for all vacant posts will be provided with:

4.1. A job description outlining the duties of the post and an indication of where the post fits into the organizational structure of the school. A person specification may also be provided. These documents will outline the safeguarding responsibilities of the role.

4.2. An Application Form. CVs will not be accepted.

4.3. An information pack containing:

- A description of the school relevant to the vacant post.
- Reference to the school's policy on Equality.
- Reference to the Child Protection/Safeguarding Policy.
- DBS and other pre-employment requirements.
- A statement that canvassing any member of staff or member of the Governing body, directly or indirectly, is prohibited and will be considered a disqualification.
- The closing date for the receipt of applications.
- Outline of terms of employment including salary.

5. Short Listing and Reference Requests

5.1. The selection panel will use an agreed short-listing form. The criteria for selection will be consistently applied to all applicants. The selection panel will agree the candidates to be called for interview.

5.2. The selection panel will take up at least two references on each short-listed candidate. If a candidate for a post working with children is not currently employed in a school or educational setting, a reference will be sought from the most recent employment working with children to confirm details of their employment and their reasons for leaving.

5.3. Reference requests will ask the referee to confirm:

- The referee's relationship with the candidate;
- Details of the applicant's current post and salary;
- Performance history and conduct;
- Any disciplinary action involving the safety and welfare of children, including any in which the sanction has expired;
- Details of any substantiated allegations or concerns relating to the safety and welfare of children;
- Whether the referee has any reservations as to the candidate's suitability to work with children. If so, the school will ask for specific details of the concerns and the reasons why the referee believes the candidate may be unsuitable to work with children.

5.4. References are the property of the selection panel and strict confidentiality will be observed. Employer testimonials or bearer references, i.e. those provided by the candidate and/or marked 'to whom it may concern' will not be accepted. References must be in writing and be specific to the job for which the candidate has applied. The selection panel will not accept references from relatives or people writing solely in the capacity as a friend of the candidate for any post. References will be verified and any discrepancies will be discussed with the candidate at interview.

5.5. If the field of applicants is felt to be weak the post may be re-advertised.

6. Interviews

6.1. The format, style and duration of the interviews are matters for the Executive Headteacher to decide in consultation with any governors or senior leaders involved in the process but the following will be adhered to:

i. Briefing:
All candidates will be given relevant information about the school to enable the candidate to make further enquiries about the suitability of the advertised job.

ii. The formal interview:
Before the interviews the selection panels will agree on the interview format. The questions asked will be aimed at obtaining evidence of how each candidate meets the requirement of the job description and the person specification and each candidate will be assessed against all of the criteria for the post. The same areas of questioning will be covered for each applicant and no questions which would discriminate directly or indirectly on protected characteristics under the Equality Act 2010 will be asked. The selection process for every post will include exploration of the candidate's understanding of child safeguarding issues. The interview will also include a discussion of any convictions, cautions or pending prosecutions other than those protected, that the candidate has declared and are relevant to the prospective employment.

6.2. The recruitment documentation will be retained for six months from the date of interview. Under the Data Protection Act 1998, applicants have the right to request access to notes written about them during the recruitment process. After six months all information about the unsuccessful candidates will be securely destroyed.

7. Offer of Employment by the Selection Panel

7.1. The offer of employment by the selection panel and acceptance by the candidate is binding on both parties subject to verification of right to work in the UK, qualifications requirements, satisfactory DBS Enhanced Disclosure, teacher prohibition and barred list checks, pre-employment medical screening and satisfactory references. The successful candidate will be informed, normally by offer letter, that the appointment is subject to satisfactory completion of these checks.

8. Personnel File and Single Central Record

8.1 Recruitment and selection information for the successful candidate will be retained securely and confidentially for the duration of his/her employment with the school. Safer recruitment checklists are completed, signed as seen & kept in individual staff files including:

- application form – signed by the applicant
- interview notes – including explanation of any gaps in the employment history
- references – minimum of 2
- proof of identity
- proof of right to work in the UK
- proof of relevant academic/professional qualifications
- Certificate of Good Conduct (where applicable)
- evidence of medical clearance from the Occupational Health service
- evidence of DBS clearance, Barred List and Teacher Prohibition checks
- offer of employment letter and signed contract of employment

8.2 The school will maintain a Single Central Record of employment checks in accordance with Keeping Children Safe in Education (DfE, September 2022 and 2023)

9. Start of Employment and Induction

9.1 The pre-employment checks listed in paragraph 7.1 above must be completed before the employee starts work. Exceptions will only be made in circumstances where a risk assessment has been undertaken. Exceptions will never be made in the case of the Barred List and Teacher Prohibition checks.

Schools can use the TRA's Employer Access service to make prohibition, direction, restriction, and children's barred list checks. The service is free to use and is available via the TRA's web page. Users will require a DfE Sign-in account to log onto the service.

9.2 All new employees will be provided with an induction programme which will cover all relevant matters of school policy but in particular safeguarding and promoting the welfare of children.

9.3 Some oversea qualified teachers can apply to the Teaching Regulation Agency (TRA) for the award of Qualified Teacher Status (QTS) in England.

10. Safer Recruitment

10.1 At Cubitt Town, we aim to create and maintain a culture of safer recruitment and, as part of that, to use recruitment procedures that deter, reject or identify people who might abuse children.

10.2 New applicants for roles defined as 'regulated activity' are required to provide an enhanced DBS (Disclosure and Barring Service) certificate including 'barred list' information. Applicants for positions which do not entail regulated activity are required to provide an enhanced DBS certificate. The credentials of all appointees to teaching positions are also checked under the terms of the Teachers' Disciplinary (England) Regulations Act 2012. The school cannot allow any person who is prohibited from teaching under the terms of this act to carry out regulated activity.

10.3 Pre-Appointment Checks

Before appointing a candidate, the school will:

- Verify the candidate's identity. We must make sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. Best practice is checking the name on their birth certificate, where this is available. Further identification checking guidelines can be found on the GOV.UK website.
- Obtain a certificate for an enhanced DBS check which will include barred list information, at least for those who will be engaging in regulated activity;
- Obtain a separate barred list check if the candidate will start work in regulated activity before the DBS certificate is available or where an individual has worked in a post in a school or college that brought them into regular contact with children or young persons which ended not more than three months prior to that person's appointment to St. Luke's;
- Verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role;
- Appropriate checks to ensure that applicants are not disqualified under the Childcare Disqualification (Regulations) 2009 and Childcare Act 2006. Where we take a decision that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment on the individual's personnel file. This will include our evaluation of any risks and control measures put in place, and any advice sought.

- The same checks as for all other staff on applicants who have lived or worked outside of the UK. This includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

  These checks could include, where available:

  1. Criminal records checks for overseas applicants - Home Office guidance can be found on GOV.UK; and for teaching positions
  2. Obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach

  Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database. Applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body.

- Verify the candidate's right to work in the UK; and
- Verify the candidate's professional qualifications, as appropriate.

10.4 References

- The school seeks to ensure that references are sought for all shortlisted candidates, including internal candidates, before interview, so that any issues of concern which they raise can be explored further with the referee, and taken up with the candidate at interview. Where references have not been received, yet once received raise concerns, the applicant may be invited back to the school for a further discussion before any offer of employment can be confirmed.

- References will be requested directly from the referee; open references ('To whom it may concern…') will not be accepted.
- References will be checked for consistency and completeness (for example, comparing the reference to the candidate's application form). Referees will be contacted to provide further clarification if references are imprecise or vague.

- Any information about past disciplinary action or allegations will be considered carefully when assessing the applicant's suitability for the post.

10.5 Agency and Third-Party Staff

- Where appropriate, the school will obtain written notification from agencies or third-party organisations, stating that the agency has carried out the checks that the school would otherwise perform during an application procedure. Where the position requires a barred list check, this is to be obtained by the agency or third-party. The school will also check that the person presenting themselves for work is the same person on whom the checks have been made.

10.6 Existing Staff

- If the school has concern about an existing staff member's suitability to work with children, we will undertake all relevant checks as if the person were a new member of staff. Likewise, if a staff member moves from a post that did not entail regulated activity into one which does entail regulated activity, the relevant checks for the regulated activity will be carried out.

- The school has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm to, a child or vulnerable adult; where the harm test is satisfied in respect of that individual; where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that individual has committed a listed relevant offence; and where that individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

- Where a 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.

10.7 Volunteers, contractors:

- Under no circumstances will a volunteer, contractor or governor in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

- We will check the identity of all contractors and their staff on arrival at school.

- The DBS checks the school makes on volunteers, contractors and governors are proportionate to the checks it makes on contracted members of staff, based on the work the volunteer, contractor or governor performs, and the question of whether this would or would not be regulated work if it were performed unsupervised by a contracted member of staff. To aid our decision making we make use of the risk assessment included in **Appendix 1**.

- Volunteers, contractors and governors who undertake what would be considered regulated activity if it were performed unsupervised by a contracted member of staff should be supervised under these conditions:
  1. There must be supervision by a person who is in regulated activity;
  2. The supervision must be regular and day to day; and
  3. The supervision must be "reasonable in all the circumstances to ensure the protection of children".

- The DBS cannot provide barred list information on any individuals, including volunteers, who are not in, regulated activity.

- We will ensure that appropriate checks are carried out to ensure that volunteers are not disqualified under the Childcare Disqualification (Regulations) 2009 and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought

10.8 Visitors

- The school does not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors. The Executive Headteacher will use her professional judgement about the need to escort or supervise visitors.

10.9 Trainee/Student teachers

- Where applicants for initial teacher training are salaried by us, we will ensure that all necessary checks are carried out.

- Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.
- In both cases, this includes checks to ensure that individuals are not disqualified under the Childcare Disqualification (Regulations) 2009 and Childcare Act 2006.

10.10 Governors

- All governors will have an enhanced DBS check without barred list information and section 128 check.
- Associate members of the governing body do not need to have an enhanced DBS check.
- Governors will have an enhanced DBS check with barred list information if working in regulated activity.

10.11 Adults who supervise pupils on work experience

- When organising work experience, we will ensure that policies and procedures are in place to protect children from harm.
- We will also consider whether it is necessary for barred list checks to be carried out on the individuals who supervise a pupil under 16 on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity.

10.12Further Details

- For further details on all of this, see Keeping Children Safe in Education (DfE, September 2022. There were no changes made in KCSiE regarding safer recruitment in 2023)

Appendix 1: Risk Assessment for Volunteers as noted in KCSiE

This risk assessment should be completed when considering whether a person applying to be a volunteer at the school should be asked to apply for an enhanced DBS certificate.

Name of person applying to be a volunteer: _____

Will the person be in 'Regulated' activity? Y N
If yes, an enhanced DBS with Barred list check is required

Will the person not be in 'Regulated' activity? Y N
If no, you may still obtain an enhanced DBS without Barred List Check is you wish

Considerations to take into account:

Have you verified the volunteer's identity?	
Does the volunteer hold a current enhanced DBS (check if barred list or not)	
Is the volunteer signed up to the DBS Update Service? Has a check been completed? Is it clear?	
How often will the volunteer be in school?	
What are the reasons given by the person for wanting to volunteer at the school?	
Does the person have any connection with the school?	
Which age range/ year group will he/she be working with?	
Is the person currently employed? Is the job linked to working with children?	
Does the person work elsewhere with children as a volunteer? E.g. Sunday school, other schools?	
What does the school already know about the volunteer? E.g. parent, family member	
Can the volunteer provide at least one reference (preferably two) from someone who is not a family member, is their current or past employer (if no longer working) or from any other voluntary sector they are working with Do the references state that the referee believes the person is suitable to work with children?	
Is the volunteer aware of any reason they cannot work with children?	
Is the school aware of any reason why the volunteer should not work with children?	

Decision made following risk assessment (guidance to support this decision is overleaf)

☐ Application for an enhanced DBS application with Barred List Check IS required because the person is in Regulated Activity

☐ Enhanced DBS application (without a Barred List Check) **IS** required (not in regulated activity)

Reasons for this decision: _____

☐ Enhanced DBS application (without a Barred List Check) is **NOT** required (not in regulated activity)

Reasons for this decision:_____

Executive Headteacher: (name)	**Chair of Governors: (name)**
Signed: **Date:**	**Signed:** **Date:**

Guidance to support the decision made

	HIGH RISK
The person has no previous connection to the school AND cannot provide references from anyone other than family. They do not currently work and/or do not work in a voluntary capacity elsewhere. *There is no statutory reason for this person to have an enhanced DBS certificate. However, the school should consider whether the lack of corroborated evidence raises an unacceptable risk.*	
	MEDIUM RISK
The person can provide suitable references for other work with children (paid or voluntary). References state they have no concerns about the person working with children. *There is no statutory reason for this person to apply for an enhanced DBS certificate. However, the school may wish to do so as no enhanced DBS has been seen*	
	LOW RISK
The person is signed up to the DBS Update Service and checks are clear and/or the person has a recent enhanced DBS certificate and references state there are no concerns for his/her suitability to work with children and/or the person is well known by the school *There is no statutory reason for this person to have an enhanced DBS but the school can decide to obtain a new enhanced DBS (unless the person is signed to the update service and so this is no necessary)*	