Safer Recruitment policy

AGORA LEARNING PARTNERSHIP

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1 INTRODUCTION

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

- attract the best possible applicants to vacancies on the basis of their merit, abilities and suitability
- deter prospective applicants who are unsuitable for work with children or young people
- identify and reject applicants who are unsuitable for work with children and young people

1.2 The objectives of this policy are:

- to ensure that all applicants are considered equally and consistently
- to ensure that no applicant is treated unfairly on any grounds and specifically any protected characteristics as outlined in the Equalities Act 2010
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education (KCSIE), the Prevent Duty Guidance for England and Wales (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Services (DBS)
- to ensure that the school meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

2 ROLES AND RESPONSIBILITIES

2.1 *The Trust Board*

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

2.2 *Academy Governing Board*

- to ensure the school follows the Trust's policies and procedures for the safe recruitment of staff and volunteers
- to monitor compliance with them

2.3 Headteacher/SLT/Recruiting Managers

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

2 IDENTIFICATION OF RECRUITERS

Subject to the availability of training, the Trust expects all academies will maintain a position in which at least one recruiter on every selection panel has successfully received accredited training in safe recruitment procedures and that training remains up-to-date. This expectation also applies to recruitment to the central team.

3 INVITING APPLICANTS

3.1 Advertisements for all posts, whether on-line, in newspapers, journals or elsewhere, will include the statement:

> "The school[1] is committed to safeguarding children and young people. All post holders are subject to a satisfactory Disclosure and Barring Service (DBS) check."

3.2 Prospective applicants will be supplied, as a minimum, with the following:

- job description and person specification
- the relevant child protection policy
- the academy's /Trust's safer recruitment policy (this document)
- the selection procedure for the post
- a copy of the Trust's application form

3.3 All prospective applicants must complete, in full, an application form.

3.4 If shortlisted, candidates will be asked to complete a declaration regarding convictions and working with children as posts in schools are exempt from

[1] For all references to 'school', please read 'school', 'academy' or Trust as appropriate

the provisions of the Rehabilitation of Offenders Act 1974. The relevant declaration form is attached at Appendix 2.

4 SHORTLISTING AND REFERENCES

4.1 Short-listing of candidates will be against the person specification for the post.

4.2 References for shortlisted candidates must be taken up before the selection stage, so that any discrepancies can be probed during the selection stage.

4.3 References will be sought from the candidate's current or most recent employer and will be obtained directly from the referee. Signed copies of references should be obtained. Where references are received by email, the email accompanying the reference must be retained on file. References or testimonials provided by the candidate will never be accepted.

4.4 If a candidate is moving from another school the reference must be from the Headteacher/Principal or another senior colleague (in the absence of a HT) and not from a colleague.

4.5 Where necessary, referees will be contacted by telephone or email in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges. This contract will be recorded on the school's Single Central Record (SCR) for successful candidates.

4.6 Where necessary, previous employers who have not been named as referees will be contacted in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.

4.7 Referees will always be asked specific questions about:
- the candidate's suitability for working with children and young people
- any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children
- the candidate's suitability for this post

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

5 SECRETARY OF STATE PROHIBITION ORDERS (TEACHING AND MANAGEMENT ROLES)

5.1 In all cases where an applicant is to undertake a teaching role of any kind (this may include non-teaching staff if they plan, prepare and deliver lessons and assess and report on pupils without supervision of a qualified teacher), a Prohibition Order check will be made using the Employer Access Online Service. It is anticipated that this will be performed at the shortlisting stage but will in any case be made before any offer of employment is made. The above activities do not amount to "teaching work" if they are supervised by a qualified teacher. If in any doubt or if the candidate has taught previously, or may teach in the future, the check will be undertaken.

5.2 Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.

5.3 Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the National College for Teaching and Leadership (NCTL). Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

5.4 A section 128 direction 39 prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited is unable to participate in any management of an independent school such as:

- a management position in an independent school, academy or free school as an employee
- a trustee of an academy or free school trust; a governor or member of a proprietor body for an independent school
- a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

Checks for all prohibitions, sanctions and restrictions will be carried out by by logging into the Secure Access/DfE Sign in Portal. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

6 THE SELECTION PROCESS

6.1 Selection techniques will be determined by the nature and duties of the vacant post, but all vacancies will require an interview of short-listed candidates.

6.2 Interviews will always be face-to-face. Telephone interviews may be used at the short-listing stage but will not be a substitute for a face-to-face interview (which may be via visual electronic link).

6.3 Candidates will always be required:

- to explain satisfactorily any gaps in employment or unaccounted for periods of time and the explanation must be recorded by the recruiter
- sign the application form to confirm the information is accurate
- to explain satisfactorily any anomalies or discrepancies in the information available to recruiters
- to declare any information that is likely to appear on a DBS check
- to demonstrate their capacity to safeguard and protect the welfare of children and young people
- demonstrate how they meet the job description and person specification

7 EMPLOYMENT CHECKS

7.1 All successful applicants are required:

- to provide proof of identity
- to complete a DBS application using HertsGuard and receive satisfactory clearance for those working in a regulated activity (see appendix 1 for the definition of regulated activity)
- have a satisfactory certificate of good conduct relating to time spent living outside of the UK, where applicable
- to pass a prohibition from teaching check, where applicable
- to pass a prohibition from management roles (section 128) check where applicable (part of barred list check for those in regulated activity)
- to provide actual certificates of professional qualifications (photocopies are not acceptable), as deemed appropriate by the school
- to complete a confidential health questionnaire and be deemed mentally and physically fit to perform the role
- to provide proof of their right to work in the United Kingdom
- to complete a childcare disqualification declaration

7.2 *Proof of identity, Right to Work in the UK Criminal Records declaration and Verification of Qualifications and/or professional status.*

All applicants invited to attend an interview at the school/Trust will be required to complete the Criminal Records Declaration form and bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in UK in accordance with those set out in the Immigration, Asylum and Nationality Act 2006 and DBS Code of Practice Regulations. Identification checking guidelines can be found on the Gov.uk website.

In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification required for the position

and claimed in their application form. The Teachers' Services system should be used to verify any award of qualified teacher status (QTS) and the completion of teacher induction or probation.

Recruiters are required to check and confirm this information as part of the interview process.

7.3 *Fitness to undertake the role*

A confidential pre-employment health questionnaire must be completed to verify the candidate's mental and physical fitness to carry out their work responsibilities. A 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 once an offer of employment has been made. Confidential pre-employment checks are carried out by the school's Occupational Health provider.

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

Candidates who have lived or worked outside the UK must undergo the same checks as all other staff in the school. In addition, the school must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

The Home Office guidance on criminal records checks for overseas applicants can be found here. These further checks should include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed, using the Teaching Regulation Agency Services' system. Restrictions imposed by another EEA regulating authority do not prevent a candidate from taking up teaching positions in England, the school will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

7.5 *Disqualification under the Childcare Act 2006 (Updated 31st August 2018) DfE Statutory Guidance*

The Trust and all its academies adhere to the relevant requirements of the above statutory guidance document for all appointments. Candidates will therefore be required to complete the necessary documentation and checks as indicated in the above guidance.

Where a positive declaration is made a waiver can be applied for from Ofsted, and be satisfactorily granted, before the candidate may commence work.

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

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

The relevant details can be found in the statutory guidance document and in Annexes A and B of its appendices.

8. OFFER OF APPOINTMENT

The appointment of all new employees is subject to the receipt of a satisfactory DBS Certificate, references, medical checks, prohibition checks, childcare disqualification checks and waivers, copies of qualification and proof of identity.

9. SINGLE CENTRAL RECORD

The academy (and Trust for central employees) must keep a single central record, referred to in the regulations as the register. The single central record must cover all staff and Members and Trustees (including supply staff, and teacher trainees on salaried routes) who work at the academy/Trust. Confirmation that these checks have been carried out along with the date the check was undertaken/obtained must be logged on this record for all employees of the school.

10. INDUCTION

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

10.2 All staff who are new to the Trust will receive induction training that will include the Trust safeguarding policies and guidance on safe working practices including Child Protection, PREVENT, FGM awareness and online safety.

10.3 Regular meetings will be held during the first 3 months of employment between the new employee(s) and the appropriate manager(s).

11. CONTRACTORS AND AGENCY WORKERS

11.1 The school will obtain written notification from any agency, or third-party organisation they use that the organisation has carried out the checks (in respect of the enhanced DBS certificate, written notification that confirms the certificate has been obtained by either the employment business or another such business), on an individual who will be working at the school.

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

12. VOLUNTEERS

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

12.2 Volunteers who, on an unsupervised basis teach or look after children regularly, or provide personal care on a one-off basis in the school, will be in regulated activity. The school will obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information). However, the school may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns.

12.3 There are certain circumstances where the school may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity. This is set out in DBS workforce guides, which can be found on GOV.UK. Employers are not legally permitted to request barred list information on a supervised volunteer as they are not considered to be engaged in regulated activity.

12.4 The school will undertake a risk assessment and use their professional judgement and experience when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. In doing so they should consider:

- the nature of the work with children
- what the establishment knows about the volunteer, including formal or informal
- information offered by staff, parents and other volunteers
- whether the volunteer has other employment or undertakes voluntary activities
- where referees can advise on suitability

- whether the role is eligible for an enhanced DBS check.

Details of the risk assessment should be recorded.

12.5 It is for the school to determine whether a volunteer is considered to be supervised. In making this decision, and where an individual is supervised, to help determine the appropriate level of supervision the school must have regard to the statutory guidance issued by the Secretary of State This guidance requires that, for a person to be considered supervised, the supervision must be:

- by a person who is in regulated activity
- regular and day to day; and
- "reasonable in all the circumstances to ensure the protection of children."

12.6 The DBS cannot provide barred list information on any person, including volunteers, who are not in, or seeking to engage in regulated activity.

Appendix 1 – Regulated Activity

The DfE's Keeping Children Safe in Education 2020, summarises regulated activity as follows:

133. In summary, a person will be considered to be engaging in regulated activity if, as a result of their work, they:
• will be responsible, on a regular basis (in a school or college) for teaching, training instructing, caring for or supervising children; or
• will carry out paid, or unsupervised unpaid work regularly in a school or college where that work provides an opportunity for contact with children; or
• engage in intimate or personal care, or overnight activity, even if this happens only once.

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government has produced a *Factual note on regulated activity in relation to children: scope*.

Regulated activity includes:

a) Teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;

b) Work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under (a) or (b) is regulated activity only if done regularly[2]. Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:

- personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness of disability[3]
- health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

[2] The Safeguarding Vulnerable Groups Act 2006 provides that the type of work referred to at (a) or (b) will be regulated activity if "it is carried out frequently by the same person" or if "the period condition is satisfied". Paragraph 10 of Schedule 4 to this Act says the period condition is satisfied if the person carrying out the activity does so at any time on more than three days in any period of 30 days and, for the purposes of the work referred to at (a), apart from driving a vehicle only for children, it is also satisfied if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children.

[3] It is not intended that personal care includes such activities as, for example, parent volunteers helping with costumes for school plays or helping a child lace up football boots.

Appendix 2 – Criminal Record Declaration Form

Criminal Record Declaration
(Roles exempt from the ROA - DBS)

This form must be completed by all shortlisted candidates where a police check (also known as a DBS), is required. The information disclosed on this form will be discussed during the interview process and following receipt of the DBS certificate as appropriate.

Policy statement on recruiting applicants with criminal records

This post is exempt from the Rehabilitation of Offenders Act 1974, therefore all applicants are required to declare any convictions, cautions, reprimands and final warnings that are not protected (i.e. that are not filtered out) as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013).

For further information on filtering please refer to Nacro guidance and the DBS website.

We recognise the contribution that ex-offenders can make as employees and volunteers and welcome applications from them. A person's criminal record will not, in itself, debar that person from being appointed to this post. Any information given will be treated in the strictest confidence. Suitable applicants will not be refused posts because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying.

All cases will be examined on an individual basis, taking the following into consideration:

- Whether the conviction is relevant to the position applied for.
- The seriousness of any offence revealed.
- The age of the applicant at the time of the offence(s).
- The length of time since the offence(s) occurred.
- Whether the applicant has a pattern of offending behaviour.
- The circumstances surrounding the offence(s), and the explanation(s) offered by the person concerned.
- Whether the applicant's circumstances have changed since the offending behaviour.

It is important that applicants understand that failure to disclose all cautions, convictions, reprimands or final warnings that are not protected could result in disciplinary proceedings or dismissal. Further advice and guidance on disclosing a criminal record can be obtained from Nacro.

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

Please bring this form with you to the interview at the school