

# Safer Recruitment Policy

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## Document Control Table

Document History			
Version	Date	Author	Note of Revisions
V1	Feb 20	R Young	First version
V2	Nov 21	R Young	<ul style="list-style-type: none"> <li>• Addition of Policy Control Table</li> <li>• Formatting according to updated policy template</li> <li>• Safeguarding and child protection assurances from hirers</li> <li>• Safer recruitment requirements strengthened</li> <li>• Specific safeguarding responsibilities of an available post outlined in greater detail</li> <li>• Only shortlisted candidates now asked for self-declaration</li> <li>• Physical signature required</li> <li>• Reference from Principal/Headteacher now explicitly required</li> <li>• Strengthening of safeguarding questioning</li> <li>• Checks on individuals who have lived or worked outside of the UK adapted following the UK's exit from the EU.</li> </ul>
V2.1	Oct 22	R Young	<ul style="list-style-type: none"> <li>• Addition of online checks on shortlisted candidates</li> </ul>
V2.2	Oct 23	R Young	<ul style="list-style-type: none"> <li>• Clarification re: Police Clearance Checks for employees who have spent time abroad</li> <li>• Additional checks for staff working in wraparound care</li> <li>• Safeguarding wording in recruitment advertising expanded</li> <li>• Inclusion of process regarding allegation of incidents during premises hire</li> <li>• Checks for volunteers amended and expanded</li> <li>• Trustee and AQC checks amended to include further checks on those who have lived or worked outside the UK</li> <li>• Changes to the checks for existing staff and requirement for annual disclosure</li> </ul>
V2.3	Oct 24	G Timmins and E Like	<ul style="list-style-type: none"> <li>• Updated references to updated statutory guidance/legislation.</li> <li>• Updated references to job titles of posts which no longer exist in the HR Team.</li> <li>• Created consistency in terms.</li> <li>• Safer recruitment training now to be completed every three years.</li> <li>• Removal of Appendices.</li> <li>• Change of policy in relation to overseas checks.</li> <li>• Removal of unnecessary text.</li> <li>• Change references to "pre-employment" to "pre-appointment" and clarification of procedures.</li> <li>• Clarification of responsibilities within pre-employment checks.</li> </ul>

## Contents

About this Policy .....	4
Key Aims of the Recruitment Process.....	4
Recruitment and Selection Process.....	5
Advertising.....	5
Application Forms .....	5
Job Descriptions .....	6
Shortlisting and Online Searches.....	6
Selection Process .....	6
Offer of Appointment.....	7
Pre Appointment Checks.....	7
New Staff .....	7
Employment History and References .....	8
Disclosure of Convictions .....	9
Managing other Workforce Groups: .....	9
Trust Lettings .....	9
Casual Staff .....	10
Agency Staff.....	10
Trainee Teachers .....	10
Contractors.....	10
Volunteers .....	10
Visitors.....	11
Trustees, Members and the Academy Quality Council (AQC) .....	11
Existing Staff.....	12
Monitoring and Evaluation .....	12

## About this Policy

The safe recruitment of staff is the first step towards protecting and supporting learners within The Prospect Trust's (the "Trust") academies ("Trust Academies") and promoting the welfare of children and young people in education.

The Prospect Trust is committed to safeguarding and promoting the welfare of all children and young people within our care and requires all staff and volunteers to share and demonstrate this commitment.

The Prospect Trust seeks to deter, identify and reject candidates who may cause harm to learners within our Academies, or those who are otherwise unsuited to working in an environment with children and young people. To achieve this the Trust will implement robust initial recruitment procedures, whilst also seeking to retain staff that are highly skilled and fulfilled in their respective roles.

This policy has been prepared in accordance with Part Three of Keeping Children Safe in Education (KCSiE) - a copy of which is available [here](#).

In line with KCSiE, the terms "**must**" and "**should**" are used throughout this policy. The term "must" is used when there is a legal requirement to do something, and "should" is used when the policy should be followed unless there is good reason not to.

## Key Aims of the Recruitment Process

When undertaking recruitment processes, senior HR staff and Senior Leadership Team (SLT) members within Trust Academies will:-

- Comply with all relevant legislation, recommendations and guidance, including statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education (KCSiE) – updated annually, the Prevent Duty Guidance for England and Wales 2023 and any guidance or code of practice published by the Disclosure and Barring Service (DBS);
- Ensure that the Trust meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre appointment checks;
- Recruit the most suitable candidate in accordance with the Equality Act (2010), regardless of any protected characteristic;
- Promote equal and consistent treatment for all candidates, unless there is a justifiable reason for taking alternative positive action steps.

In addition to the core points outlined above, the Trust also expects senior HR staff and SLT within respective Trust Academies to ensure that:-

- Any staff involved in the recruitment process are familiar with and comply with the provisions of this policy;
- Recruitment and selection activities are undertaken in a professional, timely and responsive manner, in compliance with current employment and safeguarding legislation and the statutory guidance outlined above;
- At least one member of the recruitment and selection decision-making panel will have undertaken safer recruitment training in the last three years;
- Due consideration is given to creating a diverse recruitment and selection decision-making panel wherever possible;
- Staff involved in the recruitment process declare any close personal relationship with a candidate as soon as they are aware of an application, thereby allowing the Academy Principal/Head to undertake a risk assessment and agree whether they

are authorised to continue with the recruitment and selection decision-making process.

## **Recruitment and Selection Process**

### **Advertising**

Trust academies should advertise all permanent and fixed term vacancies to ensure equality of opportunity and to encourage a diverse candidate pool.

Any specific safeguarding responsibilities relevant to the respective post will be outlined within advertisements and the following statement will always be included:

The Prospect Trust is committed to safeguarding and promoting the welfare of all children and young people within our care and requires all staff and volunteers to share and demonstrate this commitment. The job description fully sets out the safeguarding responsibilities of the post. Any future offer of employment remains subject to satisfactory pre-employment checks, including enhanced DBS clearance, a health check and references.

This statement should be included in:

- Vacancy pages;
- Advertisements; and
- Candidate information packs;

The advertisement should also include whether the post is exempt from the Rehabilitation of Offenders Act (ROA) 1974.

### **Application Forms**

Candidates are required to complete the relevant Trust application form for all teaching and support roles, as CVs alone are not acceptable. The application form requests written information on full employment history, qualifications and general suitability for the respective post as outlined within the job description. Candidates are also required to account for any gaps or discrepancies in their employment history.

The application process includes the candidate declaration regarding convictions and working with children for all shortlisted candidates and documentation confirms that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974. It is unlawful for the Trust to employ anyone that is barred from working with children and it is a criminal offence for any individual who is barred from working with children to apply for a position.

Candidates are informed within the application process that providing false information is an offence and that this could result in the rejection of their application or summary dismissal if the candidate had already commenced employment. In these circumstances, it may also be appropriate to notify the DBS and the police.

Candidates are also now required to sign a declaration on the application form confirming that the information that they have provided is accurate and true. As the Trust operates an electronic application process, candidates that are invited to interview will be asked to physically sign their application form when they attend the selection process.

The Prospect Trust takes the control and processing of employee data very seriously and is committed to acting in line with the General Data Protection Regulations when processing candidate and employee data. An applicant privacy notice accompanies

the job advertisement to ensure that candidates understand how their data is processed.

## **Job Descriptions**

This is a fundamental component of any recruitment process and the hiring manager should review it before placing an advertisement. It outlines the duties, responsibilities and expectations of the respective role and the skills, previous experience and behaviours required to deliver effective performance.

All job descriptions should include a specific reference to safeguarding responsibilities.

## **Shortlisting and Online Searches**

The respective SLT lead will co-ordinate a selection panel of at least two individuals to shortlist candidate applications. The panel will review all candidates against the skills and experience outlined within the person specification and will complete a shortlisting matrix to justify their decision-making and ensure consistent treatment of all candidates. HR will endeavour to notify all candidates in writing within five working days, with successful candidates often telephoned to ascertain their availability for interview.

In line with the KCSiE revisions in September 2021, only shortlisted candidates are required to complete a self-declaration of their criminal record or any information that would make them unsuitable to work with children.

The short listing process was further revised in September 2022 as KCSiE guidance now recommends an online candidate search must be undertaken as part of the due diligence process. HR staff will be responsible for undertaking this check on behalf of hiring managers and it only applies to candidates that have passed the initial short listing process. This additional check intends to identify any incidents of concern that are publicly available online in respect to any candidate.

HR staff are responsible for recording that appropriate online checks have taken place as part of the safer recruitment process for each recruitment campaign. In circumstances where an online search of a candidate name highlights information of concern, that the hiring manager would not already be aware of via the application form process, the HR team member should share the respective information source with the respective SLT lead & HR Business Partner and they should agree how to manage this within the selection process.

## **Selection Process**

The selection process will be dependent on the requirements and seniority of the respective role. It will ordinarily include a structured interview based on the requirements outlined in the job description and person specification, with a clear safeguarding section for all roles, regardless of whether the post will undertake regulated activity.

In conjunction with Academy Designated Safeguarding Leads, HR have designed a question bank to support hiring managers to focus on respective suitability to work with children and these should be tailored in line with each particular role.

Additionally, the selection process may include role specific exercises, including safeguarding scenarios as required. Candidates will receive specific information in writing before the selection event.

## Offer of Appointment

The offer of appointment is determined by the selection panel and acceptance by the candidate is binding on both parties, subject to the satisfactory pre-appointment employment checks, as outlined below, all of which must be deemed satisfactory by the Trust. Whilst the successful candidate will ordinarily receive a verbal offer in the first instance, a formal offer letter will follow via email within two working days.

## Pre Appointment Checks

The HR Team will record verified information on the relevant Trust HR databases for publication on the Single Central Record (SCR) for the Trust. Additionally, copies of these pre-appointment checks, where appropriate, will be stored on individuals' personnel record.

## New Staff

All offers of appointment will be conditional until satisfactory completion of the necessary pre-appointment checks. When appointing new staff, the HR Team will:

- Verify their identity, using checking guidelines on the gov.uk website. Birth certificates should be checked as best practice and there should be an awareness of the potential for people to change their name;
- Verify their right to work in the UK;
- Obtain an enhanced DBS certificate, including barred list information for those who will be engaging in regulated activity\* as defined below. We will not keep a copy of the certificate but we will keep a record of the fact that vetting took place, the result of the check and recruitment decision taken.
- Obtain a separate barred list check if they commence work in regulated activity before the return of the DBS certificate;
- N.B. – If a hiring manager requests such a start date, a risk assessment must take place and be documented.
- Verify any professional qualifications, including the award of qualified teacher status and the completion of teacher induction;
- Confirm their mental and physical fitness to carry out their work responsibilities and work alongside young people;
- Ensure they are not subject to a teaching prohibition order, including any sanction or restriction imposed that remains current. Whilst this check is primarily intended for those that will be undertaking teaching, the Trust expects this check to be undertaken for all new appointments that will be undertaking regulated activity;
- For those who will be undertaking management positions, ensure that they are not subject to a prohibition from management (section 128) direction made by the Secretary of State;
- Carry out further checks as appropriate, for any candidates who have lived or worked outside of the UK. These should include, **where available**:
  - For all staff (including teaching positions): Obtain a Police Clearance Certificate if they have spent three months or more abroad within the last 10 years, or if they have resided overseas for a significant proportion of their life, even if this was outside of the past 10 years, while aged 18 years or over. The Trust will assess each applicant's situation on its individual facts, taking into account any guidance issued by the Home Office. Where a Police Clearance Certificate is not available or appropriate when assessing the individual facts, an employment or character reference should be obtained from a person living in the relevant country.

- For those who will be working in wraparound care for children up to the age of 8, such as breakfast clubs and after school care, ensure that they are not disqualified under the Childcare Disqualification Regulations 2018 and Childcare Act 2006.

Senior HR staff will ensure that any temporary staff are both included and removed from the SCR in line with the latest statutory guidance (regardless of the tenure of their duties) and that all other leavers are duly removed when their employment with the Trust ceases.

As part of the safer recruitment checking process, senior HR staff will also document and escalate any areas of concern/points to note within a risk assessment form. The respective Academy Principal/Trust Executive Lead and Designated Safeguarding Lead must endorse this risk assessment and the associated control measures before employment commences.

\* **Regulated activity** means a person who will be:

Responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children; or

Carrying out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or

Engaging in intimate or personal care or overnight activity, even if this happens only once and regardless of whether they are supervised or not.

## Employment History and References

All offers of appointment are conditional on the receipt of two satisfactory references, one of which must be from the candidate's current or most recent employer. A reference should be secured from the relevant employer from the last time the candidate worked with children (if not currently working with children). If the applicant has never worked with children then a reference should be obtained from their current employer. The referee should not be a relative and should ideally be the last two employers.

In some circumstances, it may be appropriate to obtain more than two references and to contact a previous employer not listed as a referee by the candidate. In the unlikely event that a candidate had not previously been employed or undertaken any voluntary unpaid work, a character referee could be listed for consideration, i.e. college/university tutor, parent association chair etc.

The purpose of references is to verify the information listed on the application form and to obtain objective and factual information to support the selection decision. The Trust has a standard reference template and asks referees to confirm the following information:-

- Job title and dates of employment;
- Salary information;
- Referee's relationship to candidate and duration of professional working relationship;
- Suitability for the post in relation to the respective job description;
- Any current disciplinary sanctions;
- Any reason why the candidate may not be employed in a post which gives significant access to children and young people;
- Any disciplinary procedures related to the safety and welfare of children and young people, including any in which the sanction has expired;



- Educational institutions are now required to provide references that 'ensure the information confirms whether they are satisfied with the candidate's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding allegations'.
- Reason for leaving.

References on all short-listed candidates (including internal ones) should be obtained prior to interview so that any issues of concern they raise can be explored further with a referee and taken up with the candidate at interview.

When a listed referee works within an educational institution, the Headteacher/Principal must confirm the reference as accurate in respect to disciplinary investigations.

All references will be viewed and authorised by the respective SLT lead and will then be stored on the candidate's personnel file. Any discrepancies or concerns will require further investigation and a plan should be agreed with the respective SLT lead.

The approach taken when obtaining references is to write to the referees listed by the candidate and only make telephone contact if any additional clarity is required or there is no response. If the referee is unable to support the process, it may be appropriate to consider contacting an alternative referee.

## **Disclosure of Convictions**

In the event that candidates disclose any convictions on the employment declaration form or any are returned on the DBS certificate, consideration will be given to the Rehabilitation of Offenders Act 1974 and the following criteria:-

- Date of the offence;
- Details of the offence, seriousness and relevance;
- Isolated incident of history of offences;
- Change in circumstances;

A formal meeting will take place between the candidate and the HR Business Partner to establish further facts, including any relevant mitigation, for discussion with the Academy Principal. After full consideration of all information and a risk assessment surrounding the role for which the candidate is applying, the Academy Principal will make their decision and document this on the candidate file. If a candidate wishes to dispute any information outlined in the disclosure certificate they must contact the DBS directly.

If a candidate challenges a decision to withdraw an offer of employment a paper review will take place by the HR Director within three working days and the candidate will receive confirmation in writing. There will be no further right of appeal.

## **Managing other Workforce Groups:**

The below information sets out other checks that may be necessary for other workforce groups, including the Trust's responsibilities in relation to other settings

### **Trust Lettings**

A revision to the KCSiE statutory guidance in September 2021 outlined that when Trust premises are hired assurances should be sought from the body providing the service or activity that there are appropriate safeguarding and child protection policies and procedures in place and that these are subject to regular scrutiny and inspection. Safeguarding arrangements are now subject to formal review in any transfer

of control agreements as a condition of the use of Trust premises, with failure to comply leading to the agreement being terminated.

In the event an allegation is made relating to an incident that happened at an Academy during a hiring and for the purposes of running activities for children, the Academy will follow their safeguarding policies and procedures, including informing the LADO.

### **Casual Staff**

Any individuals employed under casual contracts remain subject to all of the pre appointment checks outlined above before they are authorised to undertake any work within a Trust Academy.

### **Agency Staff**

When any Trust Academy engages staff via a third-party agency it must obtain written confirmation that all of the necessary pre appointment checks that the Trust would ordinarily complete have taken place, as outlined above. Additional identity verification will take place when the individual attends work for the first time to ensure that the individual presenting themselves for work is the same individual on whom the checks were made. In the event that an enhanced DBS check prior to the person commencing any work for the Trust includes a disclosure, the Trust must obtain a copy of the certificate from the agency.

### **Trainee Teachers**

If individuals are part of a Trust Academy workforce and paid via the payroll then the pre appointment checks should be undertaken, as outlined above.

When another training route has instead been utilised and the individual does not form part of the Academy payroll, written confirmation from the third party provider is required to confirm that all of the necessary pre appointment checks that the Trust would ordinarily complete have taken place, as outlined above. Additional identity verification will take place when the individual attends work for the first time.

### **Contractors**

Trust Academies must ensure that any on site contractors are subject to the appropriate level of DBS check and must obtain written confirmation that all of the necessary safer recruitment checks that the Trust would ordinarily complete have taken place, as outlined above. If a basic DBS check is appropriate, the contractor will remain supervised at all times if they have access to children and young people.

If a self-employed contractor works within a Trust Academy and undertakes regulated activity, i.e. sports coach, music coach, counsellor, as they are unable to make an application directly to the DBS the Trust will make this on their behalf and transfer this charge to the individual at their discretion. A prohibition order check will also take place and two satisfactory references will be required before they can have contact with young people. As with agency staff, additional identity verification will also take place when the individual attends the workplace for the first time.

The Trust will include safeguarding requirements within any future contractual arrangements with third parties.

### **Volunteers**

The types of checks undertaken for volunteers depends on whether the role they perform is considered to be regulated activity (the definition of regulated activity is set out above under "pre appointment checks"). Where volunteers are not considered to be

in regulated activity this is likely to be because their duties are subject to regular, day-to-day supervision by a fully checked member of staff.

- **Volunteers undertaking regulated activity** - An enhanced DBS check including a Children's Barred List check should be undertaken.
- **Volunteers not involved in regulated activity** - An enhanced DBS check without barred list information is required.

In addition the Academy should seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include, but is not limited to the following:

- formal or informal information provided by staff, parents and other volunteers;
- character references from the volunteer's place of work or any other relevant source;
- further checks as appropriate for periods lived or worked outside of the UK;
- an informal safer recruitment interview;
- an online search of publicly available information.

It is acceptable to treat an individual performing ad-hoc voluntary work in the same way as a regular visitor, providing a risk assessment is undertaken and they are constantly supervised and do not undertake any regulated activity with children or young people.

Under no circumstances will the Academy permit an unchecked volunteer to have unsupervised contact with learners.

To enable an appropriate risk assessment, requests for voluntary support are subject to agreement with the respective member of SLT and senior HR staff before an individual attends the workplace.

## Visitors

Reception staff within Trust Academies are responsible for registering visitors, ensuring appropriate identity checks take place and issuing temporary visitor lanyards. In some circumstances, regular visitors may need an appropriate DBS check and/or confirmation from the visitor's employer that their staff have undertaken appropriate checks.

Academy SLT are responsible for ensuring that all staff understand the importance of registering visitors and appropriate supervision at all times.

## Trustees, Members and the Academy Quality Council (AQC)

All trustees, members and AQC members will have an enhanced DBS check without barred list information. They will have an enhanced DBS check with barred list information if working in regulated activity.

The Chair of the Board will have their DBS check countersigned by the secretary of state.

All trustees, members and AQC members will also have a section 128 check (to check prohibition on participation in management under section 128 of the Education and Skills Act 2008).

They will also have all other pre appointment checks, with the exception of a medical check, as outlined above.

## Existing Staff

In certain circumstances we will carry out all the relevant checks on existing staff as if the individual was a new member of staff. These circumstances are when:

- there has been a break in service of 12 weeks or more, or;
- there are concerns about an individual's suitability to work with children.

If any concerns arise in respect to an existing staff member's suitability to work with children, relevant checks will be undertaken as if the individual was a new member of staff. These checks will also take place if an individual moves into a role involving regulated activity.

All Trust staff will be required to complete an annual enhanced DBS declaration to confirm that since their last DBS check, they have not been involved in any incidents that would be disclosed in an Enhanced DBS check, or might affect their suitability to work with children or young people. Where Trust staff are subscribed to the DBS Update Service, an annual Update Service check will be undertaken.

All Trust employees are required to disclose immediately any incident or other relevant information regarding their suitability to work with children, in writing, to HR / Academy Principal / Trust Lead and should not wait until the next annual declaration to disclose such information. Any information or incident disclosed will be subject to a risk assessment to determine whether there are any issues in terms of ongoing employment and undertaking regulated activity with children and young people. It may be necessary to invite the employee to a formal meeting to discuss the disclosure and any points that require clarification. A formal record will be made of all correspondence involved in the decision making process and this will be confidentially stored within HR.

Where there is an allegation of abuse against an adult working with children or young people in a Trust Academy, this will be dealt with in accordance with the relevant Staff Code of Conduct.

## Monitoring and Evaluation

The HR Compliance & Systems Lead is responsible for reviewing this policy at the start of each academic year.

Formal audits will also take place throughout the year to enable trustees to be appropriately reassured of compliance within Trust Academies and robust safer recruitment practices.