

Manchester City Council (MCC)
Model Policy
Cheetham CE Community Academy
Safer Recruitment

Date: September 2024

This policy will be reviewed annually unless an incident or new legislation or guidance suggests the need for an interim review

Ratification by Governing Body Sept 24

SAFER RECRUITMENT POLICY

Cheetham Church of England Community Academy

The Principal who has ultimate responsibility for safeguarding is

Rachel Bruno

In their absence, the authorised member of staff is **Jenny Wildgoose**

KEY SCHOOL STAFF & ROLES

Include any additional Deputy DSLs and any others with responsibility for safer recruitment e.g. Administrator of the single central record as applicable

| Name | Role | Location and/or Contact Phone Number |
|---------------|----------------------|--------------------------------------|
| Gaynor Tighe | Assistant DSL | 01617405996 |
| Sajida Zaman | Assistant DSL | 01617405996 |
| Zoe Gallagher | Assistant DSL | 01617405996 |
| Farhana Belim | Administrator of SCR | 01617405996 |

KEY SCHOOL GOVERNORS

| Name | Role | Contact Phone Number/Email |
|---------------------|----------------------------|---|
| Gareth Redston | Chair of Governors | Gareth Redston |
| Rev. Sarah Fletcher | Safeguarding Lead Governor | Sarah Fletcher |

CHILD PROTECTION AND SAFEGUARDING PROCEDURE

Our procedure if there is a concern about child welfare or safeguarding is:

If a child is thought to be at risk of immediate harm, then immediate action should be taken to ensure the child's safety.

The details of the concern should be noted down at the earliest opportunity, using the **pink forms** (available in every classroom and the school office).

The concern should be discussed with a member of the safeguarding team immediately to allow swift action to be taken if necessary.

The DSL will review the information provided and then decide the best course of action. This could be a referral to children's services or it could be pastoral support or early help.

Practitioners must not interrogate the child, but can ask the following questions to gather relevant information; **what** happened, **when** the incident occurred, **where** they were when it happened and **who** was involved. Practitioners must not ask why or use any leading or closed questions.

Should the member of staff not be satisfied with the action taken, they have a duty to follow this up. Any member of the public can make a referral to Children's Services using the phone number below.

Early Help Hubs: North 0161 234 1973, Central 0161 234 1975, South 0161 234 1977

ASSOCIATED POLICIES AND PROCEDURES

MANAGING LOW LEVEL & ALLEGATIONS PROCEDURE

ALLEGATIONS THAT MAY MEET THE HARM THRESHOLD

Our procedure if there is an allegation that an adult has harmed a child, or that a child is a risk from a named adult is;

All concerns including low-level should be reported to the Principal unless concerning the Principal, in which case it should be reported to the chair of governors (Gareth Redston: g.redston@cheetham.manchester.sch.uk).

The Principal should take immediate advice from the Manchester LADO: 0161 234 1214

~~NSPCC Whistleblowing Helpline: 08000 280 285~~

KEEPING CHILDREN SAFE IN EDUCATION, PART 3 SAFER RECRUITMENT

We will adhere to the advice regarding all aspects of safer recruitment, including pre-employment checks and DBS checks as detailed in KCSiE Part 3 and the DFE

MCC DBS Framework

We will use this document and its updates to be in line with local arrangements for DBS

definitions of regulated activity.

Contents

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5. Appendix 1+2 Declaration and Reference Request

Appendices

1. [Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/guidance-on-the-rehabilitation-of-offenders-act-1974-and-the-exceptions-order-1975)
2. [DBS filtering guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/db-filtering-guide)
3. [Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/guidance-on-the-rehabilitation-of-offenders-act-1974-and-the-exceptions-order-1975)
Self-disclosure example at end of document
4. Keeping Children Safe in Education 2024, para 226
5. Reference request example at end of document
6. [How to prove and verify someone's identity - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/how-to-prove-and-verify-someone-s-identity)
7. DBS checks – see KCSiE 2024 67-71
[Keeping children safe in education 2024 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/consultations/keeping-children-safe-in-education-2024)
8. [Checking a job applicant's right to work - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/checking-a-job-applicant-s-right-to-work)
9. [Criminal records checks for overseas applicants - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/criminal-records-checks-for-overseas-applicants)
10. [Regulated professions database - European Commission \(europa.eu\)](https://european-commission.eu/regulation/2018/05/24/regulation-2018-544)
11. [Regulated Professions Register | Find a regulated profession \(regulated-professions.service.gov.uk\)](https://regulated-professions.service.gov.uk/)
12. [Recruit teachers from overseas - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/recruit-teachers-from-overseas)
13. [Qualified teacher status \(QTS\): qualify to teach in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/qualified-teacher-status-qts)
14. [The Childcare \(Disqualification\) and Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) \(Amendment\) Regulations 2018 \(legislation.gov.uk\)](https://legislation.gov.uk/uksi/2018/1000/contents/matter)
15. [Disqualification under the Childcare Act 2006 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/disqualification-under-the-childcare-act-2006)
16. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf
17. [Keeping children safe in education 2024 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/consultations/keeping-children-safe-in-education-2024)
18. [Children Act 1989: private fostering - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/children-act-1989-private-fostering)
19. [DBS barring referral guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/db-barring-referral-guidance)
20. [Making barring referrals to the DBS - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/making-barring-referrals-to-the-dbs)
21. [Teacher misconduct: referring a case - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/teacher-misconduct-referring-a-case)

1 Recruitment and Selection Process

Cheetham CE Community Academy will ensure that potential applicants are given the right messages about the school's/college's commitment to recruit suitable people.

Our safeguarding culture permeates all that we do and we actively promote the welfare of children in our school/college. As part of this culture, we employ robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying or securing employment, or volunteering within our school/college.

Our governing body/proprietors ensure that those involved with recruiting and employing staff to work with children have received appropriate safer recruitment training, refreshed every 3 years.

Our governing body/management committee ensure that at least one person who conducts an interview has completed safer recruitment training and the same person should be involved in the entire recruitment process.

1.1 Advert

Before commencing with an advert for a post, we will have considered the skills, abilities, experience, attitude and behaviours required and develop an appropriate job description and person specification.

We will also be clear about the safeguarding requirements for the post such as to what extent there will be contact with children and whether the postholder will be engaging in regulated activity relevant to children (see 2.2)

The advert will include

- i) The academy's commitment to safeguarding and promoting the welfare of children and make it clear that safeguarding checks will be undertaken
- ii) The safeguarding responsibilities of the post as per the job description and person specification, and
- iii) Information about whether the post is exempt from the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions Order 1975, amended 2013 and 2020) , and provide protected and filtered offences awareness and how to find information about this. (Appx 1 and 2)

1.2 Application forms

Where a role involves engaging in regulated activity relevant to children, we will include a statement in the application form (or elsewhere in the application package) that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relating to children.

We will also provide a copy of, or link to, our child protection policy or safeguarding policy and other practices or policies regarding the employment of ex-offenders, in the application package.

It will be stated in our application package that **shortlisted candidates** will be required to submit a criminal disclosure form before interview and that an online search of publicly available material will also be completed by school/setting before interview.

The application form will require provision of

- i) Personal details, current and former names, current address and national insurance number
- ii) Details of their present (or last) employer and reason for leaving
- iii) Full employment history since leaving school, including education, employment and voluntary work and also include reasons for gaps in any employment
- iv) Qualifications, the awarding body and date of award
- v) Details of referee/references
- vi) A statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification
- vii) A signature to declare that the information given is true and complete, and dated. Where there is an electronic signature, shortlisted candidate will be required to physically sign a hard copy of the application at point of interview)

(Copies of a cv will only be accepted alongside an application form as on its own, it will not provide adequate information)

1.3 Shortlisting

We will have at least two people involved in the process of scrutinising applications and shortlisting candidates, and these people will also be involved in the interviews.

We will take time to scrutinise the applications carefully (returning any forms not fully or properly completed) and identify gaps in history or discrepancies or inconsistencies.

We will apply the same criteria from the person specification to each applicant consistently.

We will record objective evidence about the extent to which each candidate meets the criteria.

We will explore any potential concerns, including those raised by the criminal disclosure form or an online search.

Shortlisted candidates will be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children (Appx 3) and this must be received prior to interview.

The self-declaration will be used to discuss any significant concerns before the DBS is received.

We will carry out an online search of publicly available material as part of due diligence on shortlisted candidates (Appx 4)

1.4 Employment history and references

We will obtain references before interview from the referees supplied in the application form.

We will not accept open references, e.g. to whom it may concern.

We will not rely on applicants to obtain their references.

Our reference requests will ask for factual details, not opinions, about the applicant's suitability to work with children and details of substantiated concerns/allegations that meet the harm threshold. (Appx 5)

We will ensure we receive a reference from the candidate's current employer that has been completed by a senior person with appropriate authority. If the referee is school or college based, the reference will be confirmed with the headteacher/principal as accurate in respect of any disciplinary investigations.

We will obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed.

We will secure a reference from a relevant employer from the last time the applicant worked with children if they are not currently working with children or from a current employer if the applicant has never worked with children.

We will always verify any information with the person who provided the reference.

We will ensure electronic references originate from a legitimate source.

We will contact referees to clarify content where information is vague or insufficient information is provided.

We will compare the information on the application form with that in the reference and take up any discrepancies with the candidate.

We will establish the reason for the candidate leaving their current or most recent post.

We will ensure any concerns raised in the references are resolved satisfactorily before appointment is confirmed.

1.5 Selection

We use a range of selection techniques to identify the most suitable person for the post including finding out what attracted the candidate to the post and their motivation for working with children, exploring skills and asking for examples of their experience working with children, and probing any gaps in employment or where the candidate has moved or changed employment/location frequently.

We will use the interview to explore any areas of concern and to determine the applicant's suitability to work with our children. This includes any past disciplinary action or substantiated allegations.

Our training will keep us alert to any implication that adults and children are equal (in feelings and friendships), a lack of understanding about the vulnerability of children, inappropriate idealisation of children, inadequate understanding of appropriate boundaries between adults and children and indicators of negative safeguarding behaviours.

Pupils/students will be involved in the recruitment process in a meaningful way through feedback on lesson observations, collective worship, pupil questionnaires and discussions and pupil interviews where appropriate. All information considered in decision-making will be clearly recorded along with the decisions made.

When convening a panel for shortlisting and interviewing for a position at the academy, panel members should declare where there is a known relationship/conflict of interest with a prospective candidate, i.e. a relative or parent of child at the school. It may be necessary to change the selection panel to ensure there is no conflict of interest and that equal opportunities principles are adhered to.

2. Pre-appointment and vetting checks, regulated activity and recording of information

We adhere to the legal requirements which must be carried out when appointing individuals to engage in regulated activity relating to children.

The Education and Training (Welfare of Children) Act 2021 extended safeguarding provisions to providers of post 16 education – 16-19 Academies, Special post-16 institutions and Independent Training Providers. For guidance on checks for these institutions, please consult the footnotes on p58 of KCSiE 2023 and insert those applicable.

All offers of appointment will be conditional until satisfactory completion of mandatory pre-employment checks. These are

- i) Identity – birth certificate (Appx 6)
- ii) Enhanced DBS, including children’s barred list information, for those engaging in regulated activity with children (Appx 7)
- iii) Separate children’s barred list check if individual will start work before DBS is available
- iv) Verify candidate’s mental and physical fitness to carry out the role
- v) Verify the person’s right to work in the UK, including EU nationals (Appx 8)
- vi) Further checks on individuals who have lived or worked outside the UK (Appx 9-13). Where these are not available after making attempts to obtain them, we will seek any alternative methods of checking suitability and/or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment
- vii) Verify professional qualifications, using TRA Employer Access Service to verify QTS, and the completion of teacher induction/probation.

In addition,

- i) Independent schools, including academies and free schools will check that a person taking up a management position is not subject to a s128 direction made by the Secretary of State
- ii) We will check/take reasonable steps (schools/colleges) that an applicant employed to carry out teaching work is not subject to a prohibition order issued by the Secretary of State

- iii) As we provide childcare, we will ensure individuals employed to work in reception classes or in wraparound care for children up to the age of 8 are not disqualified from working in these settings (Appx 14 and 15)

2.1 Moving from a post

Whilst KCSIE 2024 does not require schools and colleges to complete a new DBS check for every new appointment, in every eventuality, we will follow the Manchester local policy to request an enhanced DBS to ensure that we have full and up to date information about new staff or staff working in a new capacity at the school.

KCSIE 2024 239. There is no requirement for a school to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the person's appointment, the applicant has worked, in a school in England, in a post:

- *which brought the person regularly into contact with children, or*
- *to which the person was appointed on or after 12th May 2006 and which did not bring the person regularly into contact with children or young persons, or*
- *in another institution within the further education sector in England, or in a 16- 19 academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.*

241. Whilst there is no requirement to carry out an enhanced DBS check in the circumstances described above, schools or colleges should carefully consider if it would be appropriate to request one, to ensure they have up to date information

2.2 Regulated Activity

We consider a person to be engaged in regulated activity with children if they

- i) Will be responsible on a regular basis in school or college, for teaching, training, instructing, caring for or supervising children
- ii) Will be working on a regular basis in a specified establishment, such as school or in connection with the purposes of the establishment, where the work gives opportunity for contact with children
- iii) Engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.
- iv) See Appx 16 for further regulated activity detail

2.3 Single central record

We maintain a single central record of pre-appointment checks which covers the following people (delete as appropriate)

- i) Schools – all staff including teacher trainees on salaried routes, agency and third party supply staff, even if they work for one day

We must record, in terms of staff members, that checks have been made on the following information including the date on which each check was completed or certificate obtained

- i) Identity check
- ii) A standalone children's barred list check
- iii) An enhanced DBS check (with children's barred list check) with date of request and date certificate provided
- iv) A prohibition from teaching check
- v) Further checks on people who have lived or worked outside the UK
- vi) A check of professional qualifications, where required
- vii) A check to establish the person's right to work in the UK

We will remove an individual's details from the single central record once they no longer work at the school or college.

We are free to record any other information we deem relevant and this may include

- i) Whether staff have been informed of their duty to disclose relevant information under childcare disqualification arrangements
- ii) Checks made on volunteers
- iii) Checks made on governors
- iv) Dates on which safeguarding and safer recruitment training was undertaken
- v) The name of the person who carried out each check
- vi) We keep our single central record in an electronic form.

We do not routinely keep copies of DBS certificates but if we choose to retain a copy, with good reason, this will not be for longer than six months. When information is destroyed, we may keep a record that the vetting was carried out, the result and the recruitment decision taken.

We will keep a copy of other documents used to verify the candidate's identity, right to work and required qualifications in their personnel file.

3. Other checks that may be necessary for staff, volunteers and others, including the responsibilities on schools and colleges for children in other settings

3.1 Agency and third party supply staff

We will undertake written notification from any agency, or third party organisation, that they have carried out the same checks as the school or college would otherwise perform on any individual who will be working at the academy. In respect of the enhanced DBS check, we will ensure that written notification confirms the certificate has been obtained by either the employment business or another such business. If an agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at our school, which has disclosed any matter or information, or any information was provided to the employment business, we will obtain a copy of the certificate from the agency.

Where the position requires a children's barred list check, this will be obtained by the agency or third party by obtaining an enhanced DBS certificate with children's barred list information prior to appointing the individual.

We will check that the person presenting themselves for work at school is the same person on whom the checks have been made.

3.2 Contractors (including those in lettings arrangements where there is contact with children)

Where we use contractors to provide services, we will set out our safeguarding requirements in the contract between the school and the organisation.

We will ensure any contractor, or employee of the contractor, working at the school or college, has been subject to the appropriate level of DBS check. Those contractors engaged in regulated activity with children will require an enhanced DBS check, including children's barred list information. Those not engaged in regular activity relating to children, but whose work provides them with an opportunity for regular contact with children, will require an enhanced DBS check not including children's barred list information. In cases where the contractor does not have opportunity for regular contact with children, we will decide whether a basic DBS will be appropriate.

We will not allow a contractor, on whom no checks have been made, to work unsupervised or engage in regulated activity. We will determine the appropriate level of supervision required, depending on circumstances.

If a contractor is self-employed, we will consider obtaining the DBS check.

We will always check the identity of a contractor on arrival at school/college.

3.3 Trainee/student teachers

Where applicants for initial teacher training are salaried by school/college, we will ensure all necessary checks are carried out and obtain an enhanced DBS check with children's barred list information.

Where trainee teachers are fee funded, the training provider will carry out the necessary checks and we will obtain written confirmation from the provider that it has carried out all pre-appointment checks that the school/college would otherwise be required to perform, and that the trainee has been judged by the provider to be suitable to work with children. We may choose to record this information under non-statutory information.

3.4 Visitors

Visitors provided by a third party will need to comply with agency and third-party requirements.

We will not ask for DBS checks or barred list checks for visitors such as children's relatives or those, for example, visiting a sport's day. However, our headteacher/principal will decide on the level of escort or supervision required by such.

Visitors in a professional capacity such as social workers and educational psychologists will have their identity checked and give assurances that they have the appropriate DBS check or their employers will give this reassurance. We will not ask to see certificates in these circumstances.

External organisations will be given careful consideration as to the suitability of their presentation and resources for our children and we will assess as appropriate the educational value and age appropriateness of their content and decide if relevant checks will be required.

3.5 Volunteers

We will not allow a volunteer, on whom no checks have been made, to be left unsupervised or allowed to work in regulated activity.

We will undertake a written assessment and use our professional judgement and experience to decide what checks, if any, are required for the volunteer to carry out their specific tasks. These will include

- i) The nature of the work with children, especially if it will constitute regulated activity, including the level of supervision required
- ii) What we know about the volunteer, including formal and informal information from staff, parents and other volunteers
- iii) Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability
- iv) Whether the role is eligible for a DBS check, and if it is, the level of the check, for volunteer roles that are not in regulated activity
- v) The details of the risk assessment will be recorded.

We will obtain an enhanced DBS check, including children's barred list information, for all volunteers who are new to working in regulated activity with children i.e., where they are unsupervised and teach or look after children regularly or provide personal care on a one-off basis in schools and colleges. We are not permitted to request barred list information on a supervised volunteer, as they are not considered to be engaging in regulated activity.

To determine the level of supervision required, we will have regard for the statutory guidance in Annex E in KCSiE 2024 (Appx 17)

Volunteers do not have to be re-checked if they have already had a DBS check. However, we will consider obtaining a new check at the appropriate level if we have any concerns about the person.

3.6 Maintained school governors

Our governors are required to have an enhanced DBS check and the governing body will apply for this.

Governance is not a regulated activity relating to children so governors do not need a children's barred list check unless they also engage in regulated activity in addition to governance duties.

We will also carry out a s128 check for governors because a person prevented from participating in the management of an independent school by a s128 direction is also disqualified from being a

governor of a maintained school. We can store this check in our single central record as non-statutory information.

Associate members, appointed to serve on one or more governing body committees, are not required to undergo DBS checks, unless they also engage in regulated activity at the school.

3.8 Alternative Provision

If we place a pupil with an alternative provision provider, we remain responsible for the safeguarding of that pupil and will ensure the provider meets the needs of the pupil, including obtaining written information that appropriate safeguarding checks have been carried out on individuals working at the establishment.

3.7 Adults who supervise children on work experience

Where we organise work experience placements for our children, we will ensure the placement provider has policies and procedures in place to protect our children from harm.

Children's barred list checks via the DBS may be required on some people who supervise a child under 16 on a work placement experience and we will give specific consideration to nature of supervision and the frequency of the activity being supervised to determine what, if any, checks are necessary.

If the pupil's supervisor is engaging in regulated activity by virtue of performing that role, we will seek assurance that this person is not a barred person.

We are not able to request an enhanced DBS with children's barred list information for staff supervising children aged 16-17 on work experience.

If our pupils are engaged in work experience in a school or college with the opportunity for contact with other children, this may be considered as regulated activity and we will consider if an enhanced DBS check should be requested if they are 16 or over.

We are not able to request DBS checks for children under 16.

3.8 Children staying with host families/private fostering

Depending on circumstances, such as foreign exchange visits or a sports tour, some children may be provided with care from a host family in the UK. If this amounts to 'private fostering', when a child under 16, or 18 if the child has a disability, is provided with care and accommodation by a person who is not a parent, person with parental responsibility or relative in their own home which last for more than 28 days, we will notify the local authority to check the arrangement is suitable and safe (if we are not involved in the arrangements). (Appx 18)

3.9 Individuals who have lived or worked outside the UK

We will carry out the same checks on individuals who have lived or worked outside the UK as those for all other school/college staff. This includes obtaining an enhanced DBS certificate, including children's barred list information for those in regulated activity, even if the individual has never been to the UK. Further checks we consider appropriate will also be made to explore any relevant events that have taken place outside the UK. These checks could include

- i) Criminal records checks for overseas applicants
- ii) Obtaining a letter from the professional regulating authority in the country (or countries) the applicant has worked confirming no sanctions or restrictions have been imposed or that they are aware of any reason why the applicant may be unsuitable to teach.

4. How we ensure the ongoing safeguarding of children and our legal reporting duties as employers

Our governing body, proprietors and all staff demonstrate a continuing commitment to the safety and welfare of our children beyond the recruitment process and this is embedded in all of our processes and procedures therefore ensuring safety and welfare are enshrined in our ethos.

We have processes in place for continuous vigilance which deters and prevents abuse and challenges inappropriate behaviour.

We have created a culture and environment where staff feel comfortable to discuss matters which may have implications for the safeguarding of our children.

All our staff understand the process and procedures to follow if they have a safeguarding concern about another staff member

We will carry out new checks on existing staff in certain circumstances

- i) Where an individual moves from an activity that was not regulated into a post which is considered to be regulated activity with children. In colleges this is where an individual moves from a post that did not involve the provision of education to one that does.
- ii) Where there has been a break in service of 12 weeks or more.
- iii) Where there are concerns about an individual's suitability to work with children.
- iv) We will ensure that new checks are carried on existing staff, as a matter of good practice, as determined by our Governing Body. Where staff have given consent, checks will be made using the Update service.
- v) We will carry out an annual self-declaration relating to criminal convictions incurred since previous criminal record check/ Disclosure and Barring Service (DBS) check
- vi) It is the expectation of the Academy trust that DBS for existing staff will be renewed every five years.

3.10 Duty to report to the Disclosure and Barring Service

If an allegation is made and investigated, and has foundation, we will ensure we have consulted the referral duty criteria in the DBS referral guidance. (Appx 19)

We have a legal duty to make a referral to the DBS where we remove an individual from regulated activity and believe the individual has

- i) Engaged in relevant conduct in relation to children and/or adults, and/or
- ii) Satisfied the harm test in relation to children and/or vulnerable adults, and/or
- iii) Been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence. (Appx 20)
- iv) The DBS will consider whether to bar the individual.

3.11 Duty to consider referral to the TRA

If a teacher is dismissed or we cease to use their services, because of serious misconduct, or might have dismissed them had they not left first, we will consider whether to refer the case to the Secretary of State as required by sections 141D and 141E of the Education Act 2002. (Appx 21)

The Secretary of State will investigate and make the decision.

Appx 1

Congratulations on being shortlisted. Please return this disclosure to the school **at least one day prior to interview**. If we have not received this, we reserve the right to withdraw the offer of interview.

| | | |
|------------------------|----------------------------------|--|
| POST APPLIED FOR: | | Date: |
| Surname: | | Previous name(s) (if any): |
| Forename(s): | | Preferred title: Date of birth |
| National Insurance No: | Teacher Ref. No (if applicable): | Date of recognition as qualified teacher, QTS (if applicable): |

(Insert name of school/college) is committed to safeguarding and promoting the welfare of children and we expect all staff to share this commitment. This post is exempt from the Rehabilitation of Offenders Act 1974; pre-employment checks will be carried out, references will be sought and successful candidates will be subject to an enhanced DBS check and other relevant checks with statutory bodies.

We comply with the Disclosure & Barring Service (DBS) code of practice and have a written policy on the recruitment of ex-offenders, both of which are available on request. As you have been shortlisted, you are required to declare any relevant convictions, adult cautions or other matters which may affect your suitability to work with children. As a result of amendments to the Rehabilitation of Offenders Act 1974 (exceptions order 1975) in 2013 and 2020, some minor offences are now protected (filtered) and should not be disclosed to potential employers, and employers cannot take these offences into account.

Please note the following before answering the questions.

If you are unsure whether you need to disclose criminal information, you should seek legal advice or you may wish to contact Nacro or Unlock for impartial advice. There is more information on filtering and protected offences on the Ministry of Justice website.

Nacro - <https://www.nacro.org.uk/criminal-record-support-service/> or email helpline@nacro.org.uk or phone 0300 123 1999

Unlock – <http://hub.unlock.org.uk/contact/> phone 01634 247350 text 07824 113848

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|--|
| 1. Do you have any convictions or adult cautions that are unspent? Yes / No |
| If yes, please provide details here |
| 2. Do you have any other cautions or convictions that would not be filtered? Yes / No |
| If yes, please provide details here |
| 3. Do you have any cautions or convictions for offences committed in another country which would be relevant to your suitability for this post in line with the law in England / Wales? Yes / No |
| If yes, please provide details here |

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| 4. Are you currently being investigated by the police or have you been charged with an offence which has not yet reached court? Yes / No |
| If yes, please provide details here |
| 5. Are you known to the police or children's social care for any other reason that could affect your suitability for this post? Yes / No |
| If yes, please provide details here |
| 6. <i>*Only ask if you are recruiting for a post working in regulated activity with children</i> Are you included on the DBS children's barred list? Yes / No |
| If yes, please provide details here |
| 7. <i>*Only ask if you are recruiting for a post working in regulated activity with adults over the age of 18 years</i> Are you included on the DBS adult barred list? Yes / No |
| If yes, please provide details here |
| 8. <i>(Teaching posts only)</i> Are you, or have you ever been, prohibited from teaching by the TRA or NCTL or sanctioned by the GTCE? Yes / No / Not applicable |
| If yes, please provide details here |
| 9. <i>*Management posts in independent schools / academies only</i> Have you been prohibited from management of an independent school (s128)? Yes / No / Not applicable |
| If yes, please provide details here |
| 10. Have you lived or worked outside the UK for more than 3 months in the last 5 years? Yes / No <i>*This may need to be amended to reflect your school policy</i> |
| If yes, please provide details here |
| 11. Are you subject to any sanctions relating to work with children in any country outside the UK? Yes / No |
| If yes, please provide details here |
| Please complete the declaration below: I declare that all the information I have provided in this disclosure is full and correct at the time of application and that I have not omitted anything that could be relevant to the appointment of someone who will work with children. I understand that the recruitment panel may be made aware of any relevant information that I have disclosed in order to discuss the matter(s) with me as part of the recruitment process and that, if my application is successful, a risk assessment of the disclosed information will be held securely on my personnel file. I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role. Signed: _____ Date: _____ |

Please return this form to: [insert name] (e.g. HR, HT, bursar)

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| To: (referee's name and organisation) |
| Request for a reference in respect of: (name of applicant) |
| In regard to application for: (title of post applied for) |
| Please confirm the following details The applicant's period of employment with you: From _____ To _____ |
| The applicant's current or most recent job title with you |
| The main duties and responsibilities of that post: |
| The applicant's reason for leaving your employment: |
| How long have you known the applicant? |
| In what capacity do you know him/her? |
| Did the applicant perform his/her duties satisfactorily? Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| If No please provide details of any areas needing improvement and any remedial action taken: |
| Please see the job description and person specification attached and comment on the applicant's suitability for this appointment. It would also be helpful if you could describe any strengths and weaknesses you consider the applicant has demonstrated in relation to the requirements of this job and give examples (please continue on a separate sheet if necessary). |
| Please comment on the effectiveness of the applicant's interactions with: a) Other adults b) Children and young people |
| To the best of your knowledge has the applicant ever had an allegation made against them, which was founded, in regard to his/her behaviour towards children? Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| If Yes please give full details of the nature and date(s) of the allegation(s), by whom they were investigated, what conclusion was reached as a result of the investigation, whether any action was taken and if so what that was? |
| Has the applicant been the subject of a disciplinary action in respect of which penalties or sanctions remain in force? Yes [<input type="checkbox"/>] No [<input type="checkbox"/>] |
| If Yes please give full details of the nature and date(s) of the misconduct and of the penalty or sanctions still in force. |
| Printed name: |
| Signature: |
| Position: |
| Organisation: |
| Date: |