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## Safer Recruitment Policy

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### 1. Introduction

It is vital that schools create a culture of safe recruitment and, as part of that, adopt recruitment procedures that help deter, reject or identify people who might abuse children. This policy describes in detail those checks that are, or may be, required for any individual working in any capacity at, or visiting, the school. Governing bodies and proprietors must act reasonably in making decisions about the suitability of the prospective employee based on checks and evidence, including criminal record checks (Disclosure and Barring Service (DBS) checks), barred list checks and prohibition checks, together with references and interview information.

As the majority of Staff will be engaging in regulated activity, an enhanced DBS certificate which includes barred list information, will be required for most appointments. 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.

For all other Staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate. This would include contractors who would have the opportunity for contact with children and who work under a temporary or occasional contract.

In a school, a **supervised** volunteer who regularly teaches or looks after children is not in regulated activity. When we are considering which

checks should be undertaken on volunteers, they should have regard to that guidance in Annex F in KCSIE 2018. However, the school may choose to carry out an enhanced DBS check, without barred list information, in certain circumstances.

In addition to obtaining any DBS certificate as described above, any member of Staff who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching. For those engaged in management roles an additional check is required to ensure they are not prohibited under section 128 provisions.

## 2. Regulated Activity

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 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), 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. 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 or disability;

health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

## 3. Disclosure and Barring Service (DBS) checks

**All Staff have an Enhanced with barred list check:** where people are working or seeking to work in regulated activity with children, this allows an additional check to be made as to whether the person appears on the children's barred list.

The DBS maintains 'barred lists' of individuals who are unsuitable to work with children and vulnerable adults. Where barred list information is requested, and 'children's workforce independent schools' is specified in the parameters for that check, the certificate will also detail whether the applicant is subject to a direction made under section 128 of the Education and Skills Act 2008 or section 167A of the Education Act 2002. Such a direction prohibits an individual from taking part in the management (including governors if the governing body is the proprietor body for the school) of independent educational institutions in England and/or Wales respectively. A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a maintained school.

Once the checks are complete, the DBS will send a certificate (the DBS certificate) to the applicant. The applicant must show the original DBS certificate to the Support Services Manager before they take up post or as soon as practicable afterwards.

Where an individual starts work in regulated activity before the DBS certificate is available, they should ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed.

## 4. Pre-appointment Checks

Any offer of appointment made to a successful candidate, including one who has lived or worked abroad, must be conditional on satisfactory completion of the necessary pre-employment checks.

When appointing new Staff we will:

- verify a candidate's identity. Identification checking guidelines can be found on the GOV.UK website;
- obtain (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity);
- obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;
- 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;
- verify the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then prospective employers, or volunteer managers, should follow advice on the GOV.UK website;
- if the person has lived or worked outside the UK, make any further checks - see individuals who have lived or worked outside the UK.

- verify professional qualifications, as appropriate. The Teacher Employer Access Service should be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation.

In addition:

- schools must ensure that a candidate to be employed to carry out teaching work is not subject to a prohibition order issued by the Secretary of State, or any sanction or restriction imposed (that remains current) by the GTCE before its abolition in March 2012.

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 young persons; 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 an 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.

**All other pre-appointment checks must still be completed, including where the individual is engaging in regulated activity, a barred list check. HVH choose to request an enhanced DBS certificate.**

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

## 5. Employment History and References

Employers should always ask for written information about previous employment history and check that information is not contradictory or incomplete. The purpose of seeking references is to allow the school or college to obtain objective and factual information to support appointment decisions. References should always be obtained from the candidate's current employer. Where a candidate is not currently employed, verification of their most recent period of employment and reasons for leaving should be obtained from the school, college, local authority or organisation at which they were employed.

References should be scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed, including for any internal candidate.

Obtaining references before interview, would allow any concerns they raise to be explored further with the referee and taken up with the candidate at interview. They should always be requested directly from the referee and preferably from a senior person with appropriate authority, not just a colleague. Employers will not accept open references, for example in the form of 'to whom it may concern' testimonials, nor should they only rely on information provided by the candidate as part of the application process without verifying that the information is correct. Where electronic references are received, employers should ensure they originate from a legitimate source.

On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate, for example if the answers are vague or if insufficient information is provided. They should also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies should be taken up with the candidate.

Any information about past disciplinary action or allegations that are disclosed should be considered carefully when assessing the applicant's suitability for the post (including information obtained from the Teacher Services' checks referred to previously). Further help and advice can be found on the Advisory, Conciliation and Arbitration Service (ACAS) website.

## 6. Single Central Record

The Support Services Manage maintains a single central record of pre-appointment checks, referred to in the Regulations as the register and more commonly known as the single central record. The single central record must cover the following people:

- all Staff, including teacher trainees on salaried routes, agency and third party supply Staff who work at the school.

The bullet points below set out the minimum information that must be recorded in respect of Staff members (including teacher trainees on salaried routes). The single central record must indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- an identity check. Identification checking guidelines can be found on the GOV.UK website;
- a barred list check;
- an enhanced DBS check/certificate;
- a prohibition from teaching check;

- further checks on people who have lived or worked outside the UK; this would include recording checks for those European Economic Area (EEA) teacher sanctions and restrictions
- a check of professional qualifications, where required; and
- a check to establish the person's right to work in the United Kingdom.

For agency and third party supply Staff and schools must also include whether written confirmation has been received that the employment business supplying the member of supply Staff has carried out the relevant checks and obtained the appropriate certificates, and the date that confirmation was received and whether any enhanced DBS certificate check has been provided in respect of the member of Staff.

HVH records the name of the person who carried out each check.

The single central record is kept on an electronic form in a secure password protected area on the school server.

MATs must maintain the single central record detailing checks carried out in each academy within the MAT. Whilst there is no requirement for the MAT to maintain an individual record for each academy, the information should be recorded in such a way that allows for details for each individual academy to be provided separately, and without delay, to those entitled to inspect that information, including by inspectors.

Details of the records that must be kept are set out in the following Regulations:

- for maintained schools - Regulations 12(7) and 24(7) and Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) (Amendment) Regulations 2013 (applied to pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007)

Schools do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record. To help schools comply with the requirements of the Data Protection Act 2018, when a school chooses to retain a copy, it should not be retained for longer than six months. A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications should be kept for the personnel file. Further information on handling DBS certificate information can be found on [GOV.UK](https://www.gov.uk).



## 7. Individuals who have lived or worked outside the UK

Individuals who have lived or worked outside the UK must undergo the same checks as all other Staff in schools. In addition, schools 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 on GOV.UK. 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 TRA Teacher Services' system. Although restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, schools should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

The department has issued guidance on the employment of overseas - trained teachers. This gives information on the requirements for overseas-trained teachers from the EEA to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the United States of America.

## 8. Agency and Third-party Staff (Supply Staff)

Schools must 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 that the school would otherwise perform.

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

## 9. Trainee/Student Teachers

Where applicants for initial teacher training are salaried by the school, the school must ensure that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including barred list information) must be obtained.

Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. Schools should

obtain written confirmation from the provider that it has carried out all pre-appointment checks that the school or college would otherwise be required to perform, and that the trainee has been judged by the provider to be suitable to work with children.<sup>68</sup> There is no requirement for the school to record details of fee-funded trainees on the single central record.

## 10. Existing Staff

If a school has concerns about an existing Staff member's suitability to work with children, the school should carry out all relevant checks as if the person were a new member of Staff. Similarly, if a person working at the school moves from a post that was not regulated activity into work which is considered to be regulated activity, the relevant checks for that regulated activity must be carried out. Apart from these circumstances, the school is not required to request a DBS check or barred list check.

**Schools have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:**

- **the harm test is satisfied in respect of that individual;**
- **the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and**
- **the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.**

The DBS will consider whether to bar the person. Detailed guidance on when to refer to the DBS, and what information must be provided, can be found on [GOV.UK](https://www.gov.uk).

Referrals should be made as soon as possible, and ordinarily on conclusion of an investigation, when an individual is removed from working in regulated activity, which could include being suspended, or is redeployed to work that is not regulated activity (see paragraphs 234-235 for referral in dismissal or resignation situations).

Where a teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002. The Secretary of State may investigate the case, and if s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person see paragraphs 122-123.<sup>71</sup> How to refer can be found on [GOV.UK](https://www.gov.uk).



## 11. Volunteers

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

Volunteers who, on an unsupervised basis teach or look after children regularly, or provide personal care on a one-off basis in schools, will be in regulated activity. The school should 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, schools may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns.

There are certain circumstances where schools 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.

The school or college should 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/Carers 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; and

Details of the risk assessment should be recorded.

It is for schools 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 schools must have regard to the statutory guidance issued by the Secretary of State (replicated at Annex F). 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."

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

## 12. Maintained School Governors

Governors in maintained schools are required to have an enhanced criminal records certificate from the DBS.<sup>74</sup> It is the responsibility of the governing body to apply for the certificate for any of their governors who do not already have one. Governance is not a regulated activity and so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

## 13. Contractors

Schools should ensure that any contractor, or any employee of the contractor, who is to work at the school or college, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required.<sup>84</sup> In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity. Schools are responsible for determining the appropriate level of supervision depending on the circumstances.

If an individual working at a school or college is self-employed, the school should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

Schools should always check the identity of contractors and their Staff on arrival at the school.

## 14. Visitors

Schools do not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children's relatives or other visitors attending a sports day). Headteachers and principals should use their professional judgment about the need to escort or supervise visitors.

## 15. Alternative Provision

Where a school places a Student with an alternative provision provider, the school continues to be responsible for the safeguarding of that Student, and

should be satisfied that the provider meets the needs of the Student. Schools should obtain written confirmation from the alternative provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that the school would otherwise perform in respect of its own Staff.

## **16. Adults who Supervise Children on Work Experience**

Schools organising work experience placements should ensure that the placement provider has policies and procedures are in place to protect children from harm.

Barred list checks by the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement. The school should consider the specific circumstances of the work experience. Consideration must be given in particular to the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations would include whether the person providing the teaching/training/instruction/supervision to the child on work experience will be:

- unsupervised themselves; and
- providing the teaching/training/instruction frequently (more than three days in a 30 day period, or overnight).

If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity. If so, the school could ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

Schools are not able to request an enhanced DBS check with barred list information for Staff supervising children aged 16 to 17 on work experience.

If the activity undertaken by the child on work experience takes place in a 'specified place', such as a school, and gives the opportunity for contact with children, this may itself be considered to be regulated activity. In these cases and where the child is 16 years of age or over, the work experience provider should consider whether a DBS enhanced check should be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.

## 17. Children staying with Host Families (Homestay)

Schools quite often make arrangements for their children to have learning experiences where, for short periods, the children may be provided with care and accommodation by a host family to whom they are not related. This might happen, for example, as part of a foreign exchange visit or sports tour, often described as 'homestay' arrangements (see Annex E for further details). In some circumstances the arrangement where children stay with UK families could amount to "private fostering" under the Children Act 1989 see paragraphs 185-186 for further information about action that should be taken to alert the local authority in those circumstances.

## 18. Private Fostering-LA Notification when Identified

Private fostering occurs when a child under the age of 16 (under 18, if disabled) is provided with care and accommodation by a person who is not a Parent/Carer, person with parental responsibility for them or a relative in their own home. A child is not privately fostered if the person caring for and accommodating them has done so for less than 28 days and does not intend to do so for longer. Such arrangements may come to the attention of school Staff through the normal course of their interaction, and promotion of learning activities, with children.

The school should then notify the local authority to allow the local authority to check the arrangement is suitable and safe for the child.

A link to comprehensive guidance on private fostering can be found at Annex A of the KCSIE 2020.

## 19. Dissemination and Review

The policy will be disseminated widely both to Students, Parents/Carers, Staff and Governors through appropriate meetings, the website and information sent home.

The policy will be reviewed October 2022.

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