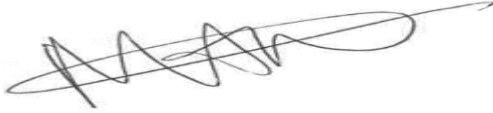


# Safer Recruitment Policy



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<b>Signed by Chair of Trustees:</b>	

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Registered England and Wales Company Number 10650092

# **Safer Recruitment and Selection Policy**

## **1. INTRODUCTION**

*It is vital that as part of their whole school or college approach to safeguarding, governing bodies and proprietors create a culture that safeguards and promotes the welfare of children in their school or college. As part of this culture, it is important that they adopt robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying for or securing employment, or volunteering opportunities in schools and colleges.*

Keeping Children Safe in Education 2023 para 207

The purpose of this policy is to set out the minimum requirements of a recruitment process that Orwell Multi Academy Trust will follow in order to:

- Attract the best possible applicants to vacancies;
- Deter prospective applicants who are unsuitable to for work with children or young people;
- Identify and reject applicants who are unsuitable for work with children and young people
- Appoint and grow from within the trust first, where possible.

## **STATUTORY REQUIREMENTS**

There are statutory requirements for the appointment of staff in schools; these requirements change from time-to-time and must be met.

## **2. ROLES AND RESPONSIBILITIES**

### **2.1 The Trust Board**

- Will usually delegate the recruitment of all staff and volunteers to the local governing committee of the school, with the exception of leadership appointments.
- However, a representative of the Trust Board may attend proceedings relating to the selection of any teacher. The local governing committee must consider any advice offered by the representative.
- Must ensure the Trust has effective policies, procedures and resources in place for the safe recruitment of staff and volunteers in accordance with the DfE guidance and legal requirements.
- Must monitor compliance with DfE guidance and legal requirements.

See Scheme of Delegation September 2023.

## 2.2 Local Governing Committees

Must ensure that Trust policies in relation to the safer recruitment of staff and volunteers is followed.

## 2.3 Headteachers

- Must ensure the school operates safer recruitment practices and makes sure appropriate checks are carried out on all staff and volunteers.
- Must ensure that all contractors and agencies used by the school comply with this document.
- Must promote the safeguarding of children and young people at every stage of the recruitment process.

## 2.4 Selection Panel

At least one person on any selection panel must have completed accredited safer recruitment training within the last three years.

## 3. INVITING APPLICATIONS

### 3.1 All permanent vacancies must, as a minimum, be advertised across all Trust schools.

Vacancies for posts will be advertised internally within the Trust with a "Statement of Interest" to be completed by any Staff, alongside an External advertisement with an Application Form. All advertisements, whether in newspapers, journals or on-line must include:

- Reference to the Trust and clearly show that the school or service is part of Orwell Multi Academy Trust;
- The Trust Logo alongside the School logo;
- A safeguarding statement-

*"All schools within the Orwell Multi Academy Trust are committed to safeguarding and promoting the welfare of children and young people and expect all staff and volunteers to share this commitment. This post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. It is also subject to a satisfactory Enhanced Disclosure and Barring Service (DBS) check and children's barred list check. Orwell Multi Academy Trust - welcoming diversity".*

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

- Job description and person specification;
- The Trust's Safeguarding and Child Protection policy;

- The Trust's Safer Recruitment policy (this document);
- The selection procedure for the post;
- A Trust application form and DBS self-disclosure form.
- Notification that the Trust will carry out a review of social media and online activity as part of the recruitment process.

All prospective applicants must complete, in full, the application form or Statement of Interest for internal applicants.

All applicants will be made aware that providing false information is an offence and could result in the application being rejected, offer of employment withdrawn if the applicant has been selected or summary dismissal if the applicant has commenced employment and referral to the police and / or DBS and Teaching Regulation Agency (TRA).

### **3.2 Criminal background and self-disclosures**

As an addition to DBS certificates, self-disclosure can play a vital role in the selection process as it gives candidates an opportunity to share relevant information at an early stage, which can then be discussed at interview and/or considered before the DBS certificate comes back. OMAT schools should include a self-disclosure form in application packs; this may also deter unsuitable people from applying for the post.

It is important to be aware that it is discriminatory to use any self-disclosed information for short-listing. Schools should not use the information disclosed to rule someone out of the running for a post. Fair assessment criteria should always be applied. Once short-listing has taken place, the disclosed information can then be considered.

A DBS certificate should still be sought. The two disclosures can then be compared against each other to highlight any issues.

Under the Rehabilitation of Offenders Act and its amendments, criminal convictions normally become spent after a period of time. The length of the period is related to the sentence imposed for the offence and the age of the offender.

There are exceptions to this. Until recently, a person was required to declare certain criminal convictions and cautions when asked to do so even if the conviction / caution would be regarded as spent in other circumstances. One of those situations was when applying for work with children, whether paid or voluntary. However, since November 2020 individuals do not have to disclose certain old or minor offences and employers must no longer request applicants to do so. These are known as 'protected offences'.

Home Office and DfE policy requires employers to explain the effect of the exceptions to the Rehabilitation of Offenders Act and 'protected offences' to applicants, to give them an opportunity to declare any relevant criminal record they have and to provide a signed statement that their declaration is accurate and

complete (see 'Example completed application' form). OMAT therefore include the following statement on application forms:

*"The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be taken into account."*

Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring Service website.

Rather than a disclosure section on application forms (where they can be seen by short-listers or others), applicants should be asked to provide any information about unprotected criminal records on a section that can be detached from the application form OR in a separate sealed envelope marked 'Confidential – Disclosure' attached to their application form or addressed to the Head teacher / chair of recruitment panel.

The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account, additional guidance can be found **here**.

Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring Service website.

Note: Even if someone makes a self-disclosure, this does not remove the need to get a DBS certificate if one is required.

#### **4. APPLICATION FORMS AND SHORTLISTING**

Where a role involves engaging in regulated activity relevant to children the school should include a statement in the application form or elsewhere in the information provided to applicants that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

All applicants must complete an application in full. CVs will not be accepted. On their application form applicants must provide:

- personal details, current and former names, current address;
- details of their present (or last) employment and reason for leaving;
- full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment (a gap is a period of four weeks or more);
- qualifications, the awarding body and date of award;
- details of referees/references (see below for further information); and
- 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.

Completed application forms should be reviewed by at least 2 people, one of whom will be safer recruitment trained. The person specification will provide the shortlisting criteria for the post.

In order to confirm all the information is true the application form should be signed by the applicant. If signed electronically the candidate should be asked to physically sign the form during the interview if shortlisted.

#### **4.1 References**

Prior to interview references will be obtained directly from the referees stated where possible. At least two references must be obtained and they should cover a period of five years prior to the date of application. Obtaining references prior to the interview will allow any discrepancies to be probed during the selection stage. References or testimonials provided by the candidate will never be accepted, nor will references address 'to whom it may concern'.

References should always be from a verifiable source and when requested from an education setting will always be requested from the current headteacher or principal, even if they were not in post when the applicant worked at that setting.

Where necessary referees will be contacted in order to clarify any anomalies or discrepancies.

A standard reference pro-forma will be used which will include asking about:

- The candidate's suitability to work with children and young people.
- Any disciplinary warnings (including expired warnings), that related to the safeguarding of children.
- The candidate's suitability for the post as outlined in the job description.
- Whether the candidate has been subject to any formal capability procedures.

Where electronic references are received, checks to ensure they originate from a legitimate source must be carried out. Oral references will not be accepted, all references must be in writing.

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.

References will be scrutinised, and any concerns resolved, before the appointment is confirmed, for both internal and external applicants.

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

Where necessary, referees and previous employers who have not been named as referees, will be contacted by telephone or email in order to clarify any anomalies or discrepancies. Written records of these exchanges will be kept with all recruitment records in accordance with GDPR and retention guidelines.

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

#### **4.2. Shortlisted candidates**

Shortlisted candidate will be invited to attend a selection event. The panel will determine what exercises are appropriate to include to identify the most suitable person/ people for the post(s), but this will always include an interview.

When inviting candidates to the selection event they will be asked to complete the criminal records disclosure form and return it to the school prior to the interview. This information should only be requested from short-listed candidates. It should be made clear to candidates that the school reserves the right to withdraw any invitation to a selection event if the candidate fails to return this form as required. In order to confirm all the information is true the form should be signed. If signed electronically the candidate should be asked to physically sign the form at interview.

Candidates will be expected to bring with them to the selection event evidence of their:

- Right to work in the UK
- Proof of identity
- Professional qualifications

#### **5. THE SELECTION EVENT**

Prior to the interview taking place the panel will determine the selection exercises which will be undertaken which will best demonstrate skills needed and duties required of the post. In addition to the interview, if any preparation is required in advance of the selection event the candidate will be advised of this when invited to the selection event.

Interviews will always be face to face, either in person or remotely. A minimum of two people will be on an interview panel, of which at least one will be safer recruitment in education trained.

During the interview the panel will explore with each candidate:

- Any gaps identified in the application since leaving school or where the candidate has changed employment or location frequently, asking reasons reason for this;
- Any discrepancies between information supplied on the applicant and other information available such as references already received;
- Any information which is likely to show on a DBS check;

- Their reasons for applying for the role and their motives for working with children;
- Their ability to safeguard and protect the welfare of children and young people.

The selection panel should probe the candidate for supplementary information in order to clarify information they have received including responses to questions asked.

The panel should keep objectives notes for each candidate. The notes should contain the name of the candidate along with the name of the member of the selection panel making the notes, and the date of the selection event.

At the end of the selection event the panel will determine the which candidate(s) to appoint to the role(s). Any offer of employment will be subject to pre-employment checks. If the panel are not able to reach a unanimous decision as to who to offer the post(s) to then if there is an odd number on the panel it will be a majority decision; if there is an even number of people on the panel then the chair of the selection panel will have the casting vote.

## **6. PRE- EMPLOYMENT CHECKS**

As outlined above any offer of employment will be subject to pre-employment checks. These include:

- Proof of identity (see 8.1)
- Proof of eligibility to work in the UK (see 8.2)
- Satisfactory DBS clearance to be received before they commence employment. (see section 8.3)
- Providing original certificates of relevant professional qualifications as required by the school (see 8.4).
- Satisfactory medical clearance (see 8.5)
- A childcare disqualification check where necessary (see 8.6)
- A clear prohibition from teaching check (for roles involving teaching work only) (see 8.7)
- Overseas police checks if they have lived and worked abroad (see 8.8)
- Letter(s) of professional standing if they have taught abroad and are being appointed to a role involving teaching work (also see 8.8).

### **6.1 Proof of identity**

All applicants will be required to bring in documentation which established the proof of their identity as outlined [here](#). It is best practise that this includes seeing a copy of the original birth certificate.



## **6.2 Proof of eligibility to work in the UK.**

The successful applicant will have to demonstrate they are eligible to work in the UK as outlined [here](#).

## **6.3 DBS Certificates**

Prior to commencing work satisfactory DBS clearance should be obtained. The successful applicant will be required to complete a DBS application, or provide the necessary information to enable their details to be checked using the DBS portable service. All appointees are required to bring in their original DBS certificate to the school or college so the information on this can be verified against the information already on file. If the post involves working in regulated activity a separate check of the Children's Barred List will also be made.

If any information is disclosed on the DBS certificate then a risk assessment must be completed to determine whether it is still appropriate to continue with the appointment process. This risk assessment will usually be completed by two people, one of whom will be the headteacher. The named safeguarding governor or another member of the leadership team may also assist with the completion of this risk assessment. A copy of the risk assessment must be retained on file.

To help schools and colleges comply with the requirements of the Data Protection Act 2018, when the school chooses to retain a copy of the DBS certificate, there should be a valid reason for doing so and it should not be kept for longer than six months. When the information is destroyed the school may keep a record of the fact that vetting was carried out, the result and the recruitment decision taken if they choose to.

## **6.4 Professional Qualifications**

The selection panel will determine what qualifications are deemed relevant for each post and the appointee is required to provide copies of proof of their qualifications prior to commencing employment.

## **6.5 Satisfactory medical clearance**

All candidates will be asked to complete a pre-employment health questionnaire which will be reviewed by the occupational health providers used by the school. It may be necessary for the appointee to attend a consultation with an occupational health advisor or consultant and / or a medical report may also be required. It will be for occupational health providers to determine what additional information may be needed. The cost of any occupational health checks will be borne by the school.

## **6.6 Childcare Disqualification Checks**

In accordance with the 2018 Childcare Disqualification Regulations and Childcare Act 2006 a childcare disqualification check will be required if the post:

- Involves working with children up to and including the school year in which they will have their fifth birthday. This typically includes those working with nursery and reception aged children, along with those working in breakfast and afterschool clubs and providing lunch time supervision for children in this age group.
- Involves providing later years provision to children up to and including the year school year in which they will reach their eighth birthday, for example breakfast clubs and afterschool clubs.
- Anyone involved in the management of the above two groups of staff.

If a positive disclosure is made the appointee will be required to apply and obtain a waiver from Ofsted before they will be able to commence employment.

### **6.7 Prohibition Order checks.**

A prohibition order check is required for anyone appointed to a teaching position or support staff role which involves planning and preparing lessons and courses for pupils; delivering lessons to pupils; assessing the development, progress and attainment of pupils; and reporting on the development, progress and attainment of when not being supervised by a qualified teacher. A person who is prohibited from teaching must not be appointed to undertake teaching work or work as a teacher.

Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the Teacher Regulation Agency (TRA). An interim prohibition order may be issued if it is considered in the public interest to do so.

### **6.8 Overseas Police Checks and Letters of Professional Standing**

If the appointee has lived and / or worked outside of the UK they must undergo the same checks as all other staff. This includes obtaining (via the appointee) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition the school may make any further checks thought appropriate so that any relevant events that occurred outside the UK can be considered. Following the UK's exit from the EU, schools and colleges should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world.

These checks could include, where available:

- criminal records checks for overseas applicants - Home Office guidance can be found on [GOV.UK](https://www.gov.uk); and for teaching positions
- obtaining a letter (via the appointee) from the professional regulating authority in the country (or countries) in which the appointee has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach. Applicants can find contact details of regulatory bodies in the

EU/EEA and Switzerland on the [Regulated Professions database](#).  
Appointees can also contact [the UK Centre for Professional Qualifications](#) who will signpost them to the appropriate EEA regulatory body.

Where available, such evidence will be considered together with information obtained through other pre-appointment checks to help assess their suitability. Any costs incurred in obtaining additional checks will be met by the appointee and will not be reimbursed.

If this information is not available schools should seek alternative methods of checking suitability and or undertake a risk assessment that evidences they tried to obtain this information and supports informed decision making on whether to proceed with the appointment, such as through the completion of a risk assessment. The school will refer to statutory guidance to ensure they fulfil all their obligations in this area.

## **7. CHECKS ON OTHER TRUSTED ADULTS**

### **7.1 Agency and third-party staff**

The school must obtain written notification from any agency, or third-party organisations that it has carried out necessary safer recruitment checks, as required by the statutory regulations, that would otherwise have been undertaken by the school. The school will also check that the person presenting themselves for work is the same person on whom the checks have been made. The person will be expected to provide photo ID.

In the event that before a person is due to start work at a school and a DBS certificate obtained by the agency or third-party organisation has disclosed any matter or information, the school must obtain a copy of the certificate from the agency and the agency must be forthcoming with this.

### **7.2 Contractors**

The school should ensure that any contractor or employee of the contractor who is to work at the school has had the appropriate level of DBS check. This will be:

- An enhanced DBS check with barred list information for contractors engaging in regulated activity
- An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children
- The school must obtain written notification from any agency, or third-party organisations that it has carried out necessary safer recruitment checks, as required by the statutory regulations, that would otherwise have been undertaken by the school. The school will also check that the person presenting themselves for work is the same person on whom the checks have been made. The person will be expected to provide photo ID.

The school will obtain the DBS check for self-employed contractors and the contractor will be expected to reimburse the school for any cost incurred when doing this.

Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.

The school will check the identity of all contractors and their staff each time they arrive at the school.

For self-employed contractors such as music teachers or sports coaches, working with children as covered in paragraph 8.6 the school will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where the school decides that an individual falls outside of the scope of these regulations and does not carry out such checks, they will retain a record of their assessment. This will include the school's evaluation of any risks and control measures put in place, and any advice sought.

### **7.3 Trainee/student teachers**

Where applicants for initial teacher training are salaried by the school the school will ensure that all necessary checks are carried out.

Where trainee teachers are fee-funded, the school will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

If the role involves working with pupils as described in paragraph 8.6, whether the trainee is salaried by the school or fee-funded checks will include ensuring that the individual is not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

### **7.4 Volunteers**

The school will:

- Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity
- Carry out a risk assessment when deciding whether to seek an enhanced DBS check without barred list information for any volunteers not engaging in regulated activity. This risk assessment will consider
  - the nature of the work with children
  - what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers,
  - whether the volunteer has other employment or undertaken voluntary activities where referees can advise on their suitability and
  - whether the role is eligible for a DBS check and if so at what level.
- Retain a record of this risk assessment on file

- Determine whether to ask the volunteer to complete an application form, attend an interview (which will include exploring their motives for volunteering to work with children and their ability to safeguard and protect the welfare of children and young people) and whether to take up references.
- Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in regulated activity.
- Ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006 if undertaking work as outlined in paragraph 8.6. Where the school decides that an individual falls outside of the scope of these regulations and they do not carry out such checks, they will retain a record of their assessment on the risk assessment they complete. The risk assessment will include the evaluation of any risks and control measures put in place, and any advice sought.

### **7.5 Additional check for Trustees and local governors**

- In addition to the checks above outlined for volunteers all Trustees and governors will also have a section 128 check (as a section 128 direction disqualifies an individual from being a trustee).

### **7.6 Staff working in alternative provision settings**

- Where the school places a pupil with an alternative provision provider, the school will obtain a letter of assurance from the provider that they have carried out the appropriate safeguarding checks on individuals working there that the school would otherwise perform.

## **8. SINGLE CENTRAL RECORD**

All schools must maintain a record of pre-employment checks referred to in the School Staffing Regulations as the register and more commonly known as the single central record or SCR.

As a minimum all staff including trainees, agency and third-party staff must be included on the single central record– even if they work for one day

The single central record must show whether the following checks have been undertaken

- an identity check, (identification checking guidelines can be found on the GOV.UK website);
- a barred list check;
- an enhanced DBS check requested/certificate provided; a prohibition from teaching check;
- further checks on people who have lived or worked outside the UK
- a check of professional qualifications, where required; and
- a check to establish the person's right to work in the United Kingdom

It is usual that checks undertaken on volunteers, including governors and regular visitors are also recorded on the single central record.

## **9. INDUCTION, PROBATION & SETTLING IN**

### **9.1 New Employees**

New employees without any continuous service will be subject to a probationary period as outlined in the school's probationary procedure. There will also be an effective local induction which includes ensuring that the individual is fully aware of the school's safeguarding policies and procedures and that they are able to apply these. The induction and the probation procedure should allow for reassurance that the new employee is demonstrating safe behaviour, appropriate boundaries are being maintained and they can spot causes of concern, know when to report these and to whom. If there are any concerns about their ability to follow safeguarding policies and procedures the school must ensure the probationary policy is correctly applied and / or contact the Local Authority Designated Officer (LADO) if necessary.

### **9.2 Staff with continuous service**

For staff with continuous service the school will ensure there is an effective local induction which includes ensuring that the individual is fully aware of the school's safeguarding policies and procedures and that they are able to apply these.

### **9.3 Volunteers**

There will also be a settling in period for volunteers, this again will include a local safeguarding induction. If the settling-in period reveals that the volunteer is not suited to a particular role, or there are any emerging safeguarding concerns, the volunteer can be asked to leave and stand down at any point.

### **9.4 Governors**

If the volunteer is a governor then advice must be sought from the CEO if there are any emerging safeguarding concerns.

## **10. EXTERNAL REFERRALS**

### **10.1 Referral to the DBS**

The school is legally obliged to make a referral to the DBS where they remove an individual from regulated activity (or would have removed an individual had they not left), and they believe the individual has:

- engaged in relevant conduct in relation to children and/or adults,
- satisfied the harm test in relation to children and/or vulnerable adults; or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

## **10.2 Referral to the Teaching Regulation Agency (TRA)**

If there is a substantiated safeguarding allegation against someone undertaking teaching work or a volunteer who is a qualified teacher, then the school must refer the individual to the TRA in accordance with statutory guidance.