SAFER RECRUITMENT
POLICY FOR
ACADEMIES, SCHOOLS & FE COLLEGES

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Introduction	3
Purpose of the Policy	3
Recruitment Panels	4
Application forms	5
References	5
New staff (Inc. Disclosure under Childcare Act 2006 Regs 2018)	7
Existing staff	8
Agency, third party and Kirklees Council staff	8
Contractors	8
Trainee/student teachers	9
Volunteers	9
Governors	9
Staff working in alternative provision settings	10
Adults who supervise pupils on work experience	10
Letters of Assurance	10
A safer culture	11
Table 1 – Agency/ Contractor / Third Party Org Checks	11

Introduction

Section 175 of the Education Act 2002 requires Governing Bodies of maintained schools and FE colleges to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children.

Regulations made under Section 157 of that Act state that Proprietors of Independent schools, which include Academies and Free schools, must make arrangements to safeguard and promote the welfare of pupils.

Safer Recruitment is a vital factor in keeping children safe within the education environment.

There is also legislation governing those persons in 'regulated activity' (see below) and requirements to carry out criminal records and barred list checks. The main legislation in this respect is contained within the:

- Children's Act 2006
- Safeguarding and Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012
- Equality Act 2010
- Police Act 1997, the Police Act 1997 (Criminal Records) Regulations 2002, as amended, the Police Act 1997 (Criminal Records) No 2 Regulations 2009, as amended
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended
- Sexual Offences Act 2003
- Keeping Children Safe in Education 2020
- Working Together to Safeguard Children 2018

Any subsequent amendments will also apply as relevant.

Requirements relating to the appointment, discipline, capability, suspension and dismissal of staff, use of supply staff/workers, checks and information to be held on the establishment's single central register (SCR), as well as information on teacher capability to be provided in references are specified within the School Staffing (England) Regulations 2009, as amended in 2012, 2013 and 2014.

Purpose of the Policy

Taking into account the legislation highlighted above, all Schools that employ staff or engage volunteers to work with children adopt a consistent and rigorous approach in their recruitment and selection processes with the aim of ensuring that those recruited are suitable.

The purpose of safer recruitment is ultimately to:

- **Deter.** From the beginning of the recruitment process, it is important to send the right message – that the School has a rigorous recruitment process and does not tolerate any form of abuse. Wording in adverts and recruitment information must aim to deter potential abusers.

- **Identify and Reject.** It will not always be possible to deter potential abusers. Therefore, careful planning for the interview and selection stage, in terms of asking the right questions, setting appropriate tasks and obtaining the right information can assist in finding out who is suitable for the role and who is not.

- **Prevent and Reject.** There are no guarantees that even the most robust safer recruitment process will prevent an inappropriate appointment. However, this does not mean it is too late to act. Ensuring that comprehensive induction processes are in place, together with appropriate policies and procedures, raising awareness through staff training and generally developing and maintaining a safe culture within the School will all help to prevent abuse or identify potential abusers.

The intention of this policy is to ensure that all stages of the recruitment process contain measures to deter, identify, prevent and reject unsuitable people from gaining access to pupils within the School.

The policy and the practical implementation of recruitment and selection processes also aim to meet all legislative requirements, any statutory or other guidance that may from time to time be issued in order to keep children safe and safer recruitment in education, as well as principles of general good practice.

We will record all information on the checks carried out in the school's single central record (SCR). Copies of these checks, where appropriate, will be held in individuals' personnel files. We follow requirements and best practice in retaining copies of these checks.

Recruitment Panels

Panel members will be appointed or selected in accordance with any requirements set out in the School Staffing, Further Education Providers, Independent School Standards or other relevant Regulations and/or as otherwise determined by the *Governing Body/Management Committee.*

The recruitment and selection process, in particular interviews, will be carried out by two or more people. Wherever possible, Appointments Panels will consist of an odd number of at least three people.

Panel members will be appropriately trained or briefed. **In accordance with statutory requirements, at least one member of the Panel will have successfully completed safer recruitment training.** Wherever possible, all Panel members will be involved throughout all stages of the recruitment and selection process but, in any event, a Panel member trained in safer recruitment will be involved throughout.

Application Forms

A suitably-structured, pre-defined application form will be used for recruitment to all posts. CVs will not be accepted. Application forms are employer-led, requiring specific information from all applicants.

The use of application forms will help to ensure that detailed information, critical to the recruitment process, can be gathered from all applicants in a consistent format.

References

References are an important part of the process of gathering as much information as possible about potential new recruits.

References will be obtained following the long/shortlisting process (as applicable) and prior to interview. This will enable comparisons to be made with the information provided on the individual's application form and for any issues to be explored at interview. The application form will ask applicants if they are willing to allow referees to be contacted prior to interview and warned that they may not be shortlisted if not. This decision is at the discretion of the recruitment panel.

School-based references must be provided by the Head teacher, Deputy Head teacher, or school Business Manager. All references must be provided from a professional and verifiable email address; we do not accept references from Gmail, Hotmail and Yahoo (or similar) accounts.

Testimonials/Agreed References from applicants will not be accepted as standalone documents. Two references will always be obtained directly from the referees and given active consideration prior to interview by the recruiting panel members.

Application forms will normally request the following in relation to referees provided:

- One referee must be the current or last employer
- The reference from the current or last employer, will be obtained and given active consideration by the recruitment panel prior to interview
- If the employer is/was a School, then the referee provided is expected to be the Head teacher
- Where the applicant is not currently working with children but has done so in the past, the second referee should be the employer by whom s/he was most recently employed in work with children.

Reference requests will normally be made by requiring the completion of a standard questionnaire. Use of a questionnaire helps to ensure that the prospective employer has the opportunity to obtain information in respect of all areas essential to the role. A letter from a referee may not cover all areas or provide all relevant information that the prospective employer requires.

A standard Reference Questionnaire, or other reference request, will normally ask about:

- Capacity in which the applicant is/was employed, dates, quality of work, relationships with colleagues, parents and pupils, strengths, areas for development, honesty, punctuality and reliability
- Any current disciplinary/capability warnings, or such warnings which were current at the time of leaving
- Any disciplinary/capability action that is/was pending or unresolved
- Where the request relates to a teacher, any capability proceedings within the last two years
- The details of any expired warnings that relate to the safety and welfare of children or young people or behaviour towards children or young people
- Reason(s) for leaving if no longer in that employment
- Whether the referee would re-employ and whether the applicant is recommended for the post.

Referees will be provided with a copy of the job description and person specification for the post.

References requested prior to interview, will NOT ask about attendance or health-related matters. However, health-related questions may be asked of referees when a conditional offer of the post has been made. Therefore, a supplementary request for such further information from referees may be made at that stage.

It should be noted that the **Equality Act 2010** limits the circumstances in which a prospective employer can ask health-related questions of either a referee or the applicant before a conditional job offer is made. Questions may only be asked at an early stage to help to:

- Decide whether any reasonable adjustments need to be made for the applicant to be able to participate in the selection process
- Decide whether an applicant can carry out a function that is essential (intrinsic) to the job
- Monitor diversity among people making applications for jobs
- Take positive action to assist disabled people
- Clarify that a candidate does have a disability where the job genuinely requires the jobholder to have a disability.

Where any of these circumstances apply, information will be provided in the recruitment materials, requested as part of the application form/process and/or requested of referees, only as relevant to the circumstances.

On receipt of references, the Interview Panel and/or those who carried out the long/shortlisting will scrutinise the references to:

- Confirm whether or not all questions have been answered satisfactorily and whether there are any statements or issues that need to be further explored with the referee e.g. if answers provided are vague.
- Compare the information provided by the applicant with that provided by referees.

Any inconsistencies, discrepancies or concerns will be followed up with referees and/or applicants prior to interview, or as part of the interview process, as appropriate.

Sometimes, a referee may not be willing to complete a standard reference questionnaire or may not be willing to provide a reference at all. This may be because a particular organisation has a policy of simply not providing references, only providing basic standard information such as dates of employment or they may be restricted by what can be provided because a standard reference has been agreed as part of a settlement agreement.

Additional Note:
If a candidate short-listed for a teaching post is not currently employed as a teacher, (it is good practice) a check will normally be made with the school, college or local authority at which they were most recently employed, to confirm details of their employment and reasons for leaving. This applies regardless of whether or not the candidate has given that employer as a referee.

New staff (Inc. Disclosure under Childcare Act 2006 Regs 2018)
When appointing new staff, our school will:

- Verify their identity
- Obtain (via the applicant) an enhanced Disclosure and Barring Service (DBS) certificate, including barred list information for those who will be engaging in regulated activity (see definition below). We will not keep a copy of this for longer than 6 months
- Verify their mental and physical fitness to carry out their work responsibilities
- Verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards
- Verify their professional qualifications, as appropriate
- Ensure they are not subject to a prohibition order if they are employed to be a teacher
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK, including (where relevant) any teacher sanctions or restrictions imposed by a European Economic Area professional regulating authority, and criminal records checks or their equivalent
- Check that candidates taking up a management position are not subject to a prohibition from management (section 128) direction made by the secretary of state

Our school will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare Disqualification Regulations 2018 and Childcare Act 2006. Where we take a decision that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment on the individual's personnel file. This will include our evaluation of any risks and control measures put in place, and any advice sought.

Our school will ask for written information about previous employment history and check that information is not contradictory or incomplete.
Our schools will seek references on all short-listed candidates, including internal candidates, before interview. We will scrutinise these and resolve any concerns before confirming appointments. The references requested will ask specific questions about the suitability of the applicant to work with children.

Existing staff

If we have concerns about an existing member of staff's suitability to work with children, we will carry out all the relevant checks as if the individual was a new member of staff. We will also do this if an individual moves from a post that is not regulated activity to one that is.

Our School will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- We believe the individual has engaged in relevant conduct; or
- The individual has received a caution or conviction for a relevant offence, or there is reason to believe the individual has committed a listed relevant offence, under the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009; or
- The 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and
- The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

Agency, third-party and Kirklees Council staff (refer to Table 1 page 11)

Our part of our schools commitment to providing a safer environment we will obtain written notification from any agency or third-party organisation that it has carried out and in place the necessary safer recruitment processes and checks that we would otherwise perform as an employer. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

Contractors (refer to Table 1 page 11)

Our part of our schools commitment to providing a safer environment we will obtain written notification from any contractor that it has carried out and in place the necessary safer recruitment processes and checks that we would otherwise perform as an employer. Our school will ensure that any contractor, or any employee of the contractor, who is to work at the school has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract).

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
- We will not keep copies of such checks for longer than 6 months.
- Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.
- We will check the identity of all contractors and their staff on arrival at the school.

For self-employed contractors such as music teachers or sports coaches, we 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 we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought.

Trainee/student teachers

Where applicants for initial teacher training are directly employed, we will ensure that all necessary checks are carried out

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Where trainee teachers are fee-funded, we 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.

In both cases, this includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

Volunteers

We will:

- Obtain an enhanced DBS check with barred list information for all volunteers who are new to working 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. We will retain a record of this risk assessment
- 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 we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought

Governors

All governors will have an enhanced DBS check without barred list information.

They will have an enhanced DBS check with barred list information if working in regulated activity.

All governors will also have a section 128 check (as a section 128 direction disqualifies an individual from being a maintained school governor).

The chair of the board will have their DBS check countersigned by the secretary of state.

All proprietors, trustees, local governors and members will also have the following checks:

- A section 128 check (to check prohibition on participation in management under section 128 of the Education and Skills Act 2008).

- Identity
- Right to work in the UK
- Other checks deemed necessary if they have lived or worked outside the UK

The chair of the board will have their DBS check countersigned by the secretary of state. All governors will also have the following checks:

- Identity
- Right to work in the UK
- Other checks deemed necessary if they have lived or worked outside the UK

Staff working in alternative provision settings

Where we place a pupil with an alternative provision provider, we obtain written confirmation from the provider that they have carried out the appropriate safeguarding checks on individuals working there that we would otherwise perform.

Adults who supervise pupils on work experience

When organising work experience, we will ensure that policies and procedures are in place to protect children from harm.

Out school will also consider whether it is necessary for barred list checks to be carried out on the individuals who supervise a pupil under 16 on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity.

Letters of Assurance

An appropriate 'letter of assurance' would be on headed paper, personally addressed, dated, signed and provided by the relevant authorised person on behalf of the individual concerned, for example by the agency on behalf of an agency worker.

The letter should include a statement of assurance that all of the checks you specified in your contract for services have been undertaken, the date on which they were completed, and that they are satisfactory.

A safer culture

It is never sufficient to assume that a safer recruitment and selection process and robust induction arrangements are enough to ensure that the pupils are safe and that there is no risk to them within the educational environment. Creation of a safe culture, with on-going vigilance is essential.

Table 1

Kirklees Council recommend the following information is requested and confirmed in writing by the following parties; Agency worker (all staff groups); Contractors; Third Party Organisations (e.g. Kirklees Council/ NHS/ Locala/ KNH etc)
• Written confirmation all Pre employment checks (role dependent) have been satisfactorily carried out
• At least one recruiter on the recruitment panel to be Safer Recruitment trained (refreshed every 3 years)
• DBS (+Barred list) where appropriate
• Prohibition from Teaching
• S128 checks (role dependent)
• Qualifications (role dependant)
• Right to Work in the UK
• EEA Check - Lived or worked outside of UK
• Disclosure under Childcare Act 2006
• References (Safer Recruitment)
• Medical clearance
• Any disclosed information/Risk assessments shared with School / Academy
• Safeguarding awareness training