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Safer Recruitment Policy

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1 Introduction

The safe recruitment of staff in schools is the first step to safeguarding and promoting the welfare of children in education. The School is committed to safeguarding and promoting the welfare of all pupils in its care. As an employer, the School expects all staff and volunteers to share this commitment.

1.1 Scope

This policy will apply to all School employees and also includes Governors and agency/supply teaching staff, volunteers and Contractor Staff.

1.2 Equality Statement

This policy applies equally to all School employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage or civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

1.3 Aims and Objectives

The aim of the Safer Recruitment policy is to help deter, reject or identify people who might abuse pupils or are otherwise unsuited to working with them by having appropriate procedures for appointing staff. By using this policy the Trust aims:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (**DfE**), Keeping Children Safe in Education - 2022 (**KCSIE**), the Prevent Duty Guidance for England and Wales April 2021 (the **Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**); and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

1.4 Commitment to Safer Recruitment

Any applicant choosing to apply for a post at this School, whether this is for paid work or specified volunteer roles can expect the following:

- A clear understanding of the post, grade and what is expected of them.
- Time set aside for planning and structuring our recruitment processes.
- Clear job role and person specifications, setting down the boundaries and expectations of the role including a statement of responsibility and requirements for safeguarding.

- To receive clear messages about safeguarding.
- To see a statement about our commitment to safeguarding incorporated in our job adverts.
- An expectation that we will only accept fully completed application forms, not CVs.
- To have references obtained on them before interview wherever possible which will include specific enquiries about the applicant's background in relation to safeguarding and ensure references are given proper weight and consideration in the selection process.
- As a minimum, to be asked to undertake a face-to-face interview and where possible another tool (role play, presentation, teaching a lesson, participating in activities with children under observation etc).
- To be asked probing questions into their motives, attitudes and behaviours as well as skills and experience. Also questions covering safeguarding issues as well as other role-related areas.
- To be asked about any criminal history (where applicable) and have their information used appropriately.

In keeping with its duty to provide Safer Recruitment, the School is committed to ensure that appointing staff and Governors receive appropriate Safer Recruitment Training. At least one member of each interview panel will have successfully completed Safer Recruitment Training prior to the start of the recruitment process.

2 Advertising

The School will advertise all vacant posts, either on an internal or external basis and adverts placed will be dependent on the level of the post. External adverts will be listed on the school website.

2.1 Job Description and Person Specification

An accurate job description will be provided for all posts along with a person specification, detailing the necessary skills and requirements for the post. The School will ensure that all posts have been appropriately graded in line with the pay and grading structure. If a new role is created then job evaluation may be sought to evaluate the size and grade of the role.

3 Short-listing Process

The School is committed to undertaking a thorough selection process following Safer Recruitment best practice at all times. All applicants to the School should expect to undertake a detailed selection process designed to ensure they are suitable both in terms of their skills and attitudes.

3.1 Application Forms

The School will only accept fully completed Application forms for its vacant posts in order to ensure that a common set of core data is received from all applicants. Applicants for employment will be required to set out their academic and full employment history and their suitability for the role (in addition all applicants are required to account for any gaps or discrepancies in employment history). Incomplete application forms will not be shortlisted. Teaching and support staff application forms are available online with advertised posts.

The application form will also include the applicant's declaration regarding convictions and working with children, and will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974. CV's will not be accepted.

It is unlawful for the School to employ anyone who is barred from working with children. It is also a criminal offence for any person who is barred from working with children to apply for a position at the School, and any applicant who is found to have attempted to apply for a position will be referred to the police and Disclosure and Barring Service.

3.2 Obtaining References for people seeking to work with Children

References will be sought on all short-listed candidates, including internal ones and also volunteers (applying for posts that require a formal recruitment process), **before interview**, so that any issues of concern they raise can be explored further with the referee, and taken up with the candidate at interview. Very careful consideration will need to be given to any request by an applicant to delay seeking references until it is known whether he or she is to be offered the post. Such requests will only be agreed in exceptional circumstances.

References will always be obtained from the applicant's current or most recent employer and where an applicant has worked with children previously, whether on a paid or voluntary basis, at least one reference will be obtained from the person or organisation that employed the applicant in work with children.

Key elements of the reference request will be:

- An enclosed copy of the job description and person specification in order to seek a view as to how the person meets the requirements of the specification and his or her capacity to carry out the duties set out in the job description.
- Asking the referee to state whether they are aware of anything that might give rise for concern about the person's suitability to work with children and, if so, to provide details.
- Where in connection with current or previous work with children will ask not only about concerns in respect of suitability, but also specifically about whether the person has been the subject of allegations specifically relating to their behaviour towards children. If this is the case, there should be a request for a comprehensive summary of any allegations made, details of how the allegation was followed up and resolved and a note of any action taken and decisions reached.
- Asking for details of any disciplinary action the person may have been subject to in relation to behaviour involving children, including any in which any sanctions imposed are expired.

3.3 Scrutinising references

All references will be scrutinised and verified with the referee directly to check that they have been supplied legitimately and directly. As part of this process, those responsible will ensure that:

- The referee has answered all the questions.
- There are no vague or ambiguous statements.
- Information provided by the applicant matches that supplied by the referee.

Where references reveal any discrepancies or inconsistencies, or any doubts or concerns about the person's suitability, the issues will be followed up and explored with the referee (usually via telephone). A written record of the conversation will be taken and if needed, confirmed in writing with the referee. Where information causes

concern, the School will consider whether the issue can be explored at interview or whether it is necessary to reject the applicant.

The School will not accept open references that are brought in by the applicant, nor any reference that looks as though it may be the subject of a settlement agreement.

3.4 Scrutinising applications and short-listing

The School is committed to ensuring that objective information is recorded that demonstrates the extent to which each candidate meets the criteria. The School will ensure that:

- It has at least two people involved in the process of scrutinising applications and short-listing candidates;
- All paperwork is objective and avoids subjective judgements;
- Time is taken to scrutinise applications carefully, returning any forms not fully or properly completed, identifying any gaps in the person's history or any discrepancies or inconsistencies;
- The same criterion from the person specification is applied to each applicant consistently.

Where a large number of applicants apply for a post, the School may undertake a randomised selection process.

4 Selecting the right applicant

4.1 Interviews

The School will ensure that the merits of each candidate are assessed against the job requirements, and will explore their suitability to work with children.

Examples of different selection tools that could be used alongside interviews are:

- Role plays.
- Presentations.
- Group exercises.
- Written exercises.
- Aptitude/ability tests.
- Personality questionnaires.
- Job trials.

All applicants who are invited to an interview will be required to bring evidence of their identity, address and qualifications. Original documents will only be accepted and photocopies will be taken. Unsuccessful applicant documents will be destroyed 6 months after the recruitment programme.

4.2 Interview Panel

The selection process for people who will work with children will always include a face-to-face interview even if there is only one candidate. The School will provide the most appropriate panel for the role, based on the type of position. Wherever possible it will always seek to ensure that interviews are conducted by a minimum of two

interviewers, and in some cases, e.g. for senior or specialist posts, a larger panel. A panel of at least two people allows one member to observe and assess the candidate, and make notes, while the candidate is talking to the other. It also reduces the possibility of any dispute about what was said or asked during the interview. Where a candidate is known personally to a member of the selection panel it should be declared before short listing takes place. It may then be necessary to change the selection panel to ensure that there is no conflict of interest and that equal opportunities principles are adhered to.

The members of the panel will:

- Have the necessary authority to make decisions about appointments.
- Be appropriately trained (at least one member of interview panel will have undertaken Safer Recruitment Training).
- Meet before the interviews to:-
 - reach a consensus about the required standard for the job to which they are appointing;
 - consider the issues to be explored with each candidate and who on the panel will ask about each of those;
 - agree their assessment criteria in accordance with the person specification.

In addition to assessing and evaluating the applicant's suitability for the particular post, the interview panel should also explore:

- the candidate's attitude toward children and young people;
- his/her ability to support the schools agenda for safeguarding and promoting the welfare of children;
- gaps in the candidate's employment history;
- concerns or discrepancies arising from the information provided by the candidate and/or a referee; and,
- Ask the candidate if they wish to declare anything in light of the requirement for a criminal record check.

If, for whatever reason, references are not obtained before the interview, the candidate should also be asked at interview if there is anything s/he wishes to declare/discuss in light of the questions that have been (or will be) put to his/her referees. (And it is vital that the references are obtained and scrutinised before a person's appointment is confirmed and before s/he starts work.)

5 Offers of Appointment & Pre-employment Checks

All offers of appointment to successful candidates will be **conditional** upon a number of checks to which the School must be satisfied. These can include:

Checks	Headteacher	Teaching Staff	Support Staff	Governors	Contractors / Agency	Volunteers (unsupervised)	Volunteers (Supervised)
Proof of Identity	✓	✓	✓	✓	✓	✓	✓
Satisfactory References	✓	✓	✓		✓	✓	✓
DBS Barred List Check	✓	✓	✓		*	✓	
Enhanced DBS Check	✓	✓	✓	✓	✓	✓	✓
Original Qualifications	✓	✓	✓		*	✓	
Professional Registration / Status checks	✓	✓			*		
Prohibition	✓	✓			*		
Childcare Disqualification	✓	✓ if providing childcare to 5-8 yrs	✓ if providing childcare to 5-8 yrs		*		
Medical Fitness	✓	✓	✓		*		
Eligibility to work in the UK	✓	✓	✓		✓		
6 month Probationary Period			✓		*		
Statutory Induction Period	✓	✓			*		

*checks should be completed by the Agency supplying the member of staff and the School can check identity and request copies of relevant checks

5.1 Definitions Explained

- **Proof of Identity:** Candidates invited to interview should be asked to bring with them the necessary documents to verify their identity that will satisfy the requirements of the DBS in respect of the application for a disclosure.
- **Satisfactory References** The receipt of at least two satisfactory references (If those have not already been received).
- **DBS barred list:** under the Protection of Freedoms Act 2012 the School has a legal duty to check that any person being appointed to work in regulated activity is NOT barred from working with children or – in the FE sector – working with vulnerable adults. This check must be done before the person commences in post even if they start pending a DBS certificate
- **Enhanced DBS certificate:** the successful applicant should be asked to complete an application for an enhanced DBS certificate and produce the required supporting documentation straight away. Everybody employed to work in the School is required by law to undertake an enhanced disclosure.
- **Original Qualifications:** the successful applicant should be required to provide original certificates or diplomas for all the academic or vocational qualifications required for the post, plus any that are relevant to the post. The documents should be checked to ensure that they refer to the applicant and it is also important to verify them with the awarding body.
- **Professional Registration / Status:** it is a requirement for some posts that the applicant is licensed or registered with a professional body. For example, in order to be employed as a teacher in a maintained school, a person must usually have been awarded qualified teacher status and be registered with the relevant general teaching council.
- **Prohibition** All teachers will be checked against the prohibition list and interim prohibition list before commencing in post.
- **Disqualification under the Childcare Regulations 2009 :** The Regulations apply to anyone working in childcare a) with under 5s or b) in wrap-around care where there are children under 8. In schools, this means nursery and reception classes and applies to room staff, lunchtime supervisors, etc but NOT office staff, cleaners, or people deployed to the under 5s only occasionally. It will apply to all Head teachers of primary schools. The DfE issued guidance for schools in 2015 which recruiters should ensure they have read and understood. **DFE Guidance for Disqualification under the Childcare Act.** The Regulations apply to anyone working in childcare a) with under 5s or b) in wrap-around care where there are children under 8. In schools, this means nursery and reception classes and applies to room staff, lunchtime supervisors, etc but NOT office staff, cleaners, or people deployed to the under 5s only occasionally. It will apply to all Head teachers of primary schools and others who manage under 5 childcare. If the school has Ofsted-registered breakfast or after-school care, the Regulations apply to this provision. New recruits should be advised of the Regulations and asked to confirm that they are not disqualified from childcare. They should also be informed that they must declare if they know that someone in their household is disqualified (see Childcare Disqualification Policy)
- **Medical Fitness:** Until recently this was normally checked, in part at least, in the request for a reference that is sent to the person's current or most recent employer. However, this became unlawful for most types of employment as a result of the Equality Act 2010. Only once the successful candidate has been identified, should employers verify their fitness to undertake the role.
- **6 month Probationary Period:** (for none teaching posts) satisfactory completion of the probationary period, if applicable.
- **Statutory Induction Period:** (for teaching posts) verification of successful completion of statutory induction period (applies to those who obtained QTS after 7 May 1999); and,

- **Eligibility to work in the UK:** it is an offence to employ someone who is not eligible to work in the UK so proof of eligibility must be checked before the offer of employment is confirmed. Guidance about this is in appendix eight of Safeguarding Children and Safer Recruitment in Education. More detailed information is available on the UK Border Agency website www.ukba.homeoffice.gov.uk

All checks should be:

- Confirmed in writing.
- Documented and retained on the personnel file (subject to certain restrictions on the retention of information imposed by criminal record check regulations); and,
- followed up where they are unsatisfactory or there are discrepancies in the information provided.

5.2 Disclosure and Barring Service Checks (DBS)

The School will undertake DBS checks in line with the adopted DBS Policy which can be found *on the School Website*.

5.3 Applicants from overseas

Where an applicant to the School has lived or currently lives overseas, all elements of the recruitment process and the pre-appointment checks will be applied in the same way as to applicants resident in the UK. The School recognises that extra time will need to be allocated to obtaining references, checking applicants' qualifications and possible criminal records. In addition, as noted above, overseas applicants will need to establish that they have the right to live and work in the UK.

The DBS can only provide information that is held by police forces in the UK. That may include details of offences committed abroad by UK citizens or residents, but almost invariably will not include details of any offences committed abroad by foreign nationals who have never lived or worked in the UK. The DBS barred lists (and their predecessors including List 99 and the PoCA List) are also primarily made up from referrals about people living or working in the UK. Consequently DBS certificates and Barred List checks are unlikely to provide any information on applicants from overseas who have not previously lived in the UK. Nevertheless those checks have to be carried out to meet statutory requirements.

In all cases where an applicant has worked or been resident overseas in recent years, the School will, where possible, obtain a check of the applicant's criminal record from the relevant authority in that country.

NB: Not all countries provide that service, but the DirectGov website now includes a list of those countries that do and details of how information can be obtained from other countries, at www.gov.uk/dbs-check-requests-guidance-for-employers#overseas-applicants. The nature and detail of the information provided varies from country to country. The DBS does not have any involvement in applications by individuals to overseas authorities. Employers should also be aware that they would have to arrange for information returned from overseas authorities to be translated into English and they may need to obtain advice about the precise nature of criminal offences in other countries. Offences in other countries do not necessarily correspond to offences in the UK.

The School follows best practice in relation to when overseas checks will be undertaken and will aim to complete overseas checks on anyone that has lived or worked abroad in the last two years. The School reserves the right to

check applicants up to 10 years previously, but all checks will be proportionate and based on the individual's circumstances.

Where an overseas criminal record check or certificate of good conduct is not possible, the School will take particular care to ensure there is a full and robust set of other checks undertaken, especially those of identity and qualifications, and obtaining satisfactory references.

5.4 European Economic Area (EEA) teacher sanctions

The School will use the NCTL Teacher Services (employer access online) to check for restrictions/sanctions that have been imposed by regulators of the teaching profession in other EEA member states. This information will then be used to make recruitment decisions and will be carried out *in addition* to all other safer recruitment pre-appointment checks.

Whilst the School accepts that EEA regulator restrictions do not prevent an individual from taking up teaching positions in England, it will consider the circumstances leading to the restriction when assessing a candidate's suitability to be employed. **NB:** only EEA restrictions that are determined after 18 January 2016 will be displayed.

6 Post Appointment Induction

There should be an induction programme for all staff, governors and other volunteers newly appointed in an establishment, including teaching staff, regardless of previous experience.

6 Ongoing Culture of Vigilance

The School will ensure that through its day to day procedures such as Safeguarding pupils, Performance Management, Staff Code of Conduct, Dealing with Allegations and Whistleblowing that there remains in place an ongoing culture of vigilance beyond the recruitment and Induction process. All Governors employees, contractors and volunteers have a responsibility to ensure there is a strong culture of vigilance so that no one process is relied on and everyone has a full understanding as to how to raise concerns where necessary.

7 Policy Feedback

Should you have any comments regarding this policy, please address them to the HR Policy mailbox –

HRpolicy@torbay.gov.uk

7.1 History of Policy Changes

Date	Page	Details of Change	Agreed by:
Sep 2017	All	reformat	
Feb 2022	All	Update references to legislation	

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