



# Safer Recruitment Policy

**Trust Lead:** HR Director

**Review Cycle:** Every 2 years

**Nominated Lead Members of Staff:** Headteachers; Administration and Support Mgr.

**Last Review Date:** Spring 2021

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## Statement of intent

**The Hamblin Education Trust** has implemented this policy to assist with recruitment and employee selection. It outlines the Trust's recruitment procedure and how the Trust ensures safer recruitment is considered at all levels of the recruitment process.

The safety and protection of the Trust's pupils is always at the forefront of the Trust's concerns, which is why this policy aims to embed a robust safeguarding culture into the recruitment practices of the Trust.

Signed by:

_____	Headteacher	Date: _____
_____	Chair of governors	Date: _____

## 1. Legal framework

1.1. This policy has due regard to all relevant legislation including, but not limited to, the following:

- Children Act 1989
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- The Education (School Teachers' Appraisal) (England) Regulations 2012 (as amended)
- Sexual Offences Act 2003
- The School Staffing (England) Regulations 2009
- Rehabilitation of Offenders Act 1974
- Education and Skills Act 2008
- Data Protection Act 2018
- Education Act 2002
- Equality Act 2010

1.2. This policy has due regard to guidance including, but not limited to, the following:

- DfE 2020 'Keeping children safe in education' and subsequent updates
- DfE (2021) 'Staffing and employment advice for schools'

1.3. This policy operates in conjunction with the following school policies:

- **Child Protection and Safeguarding Policy**
- **Single Central Record Policy**
- **Data Protection Policy**
- **Equal Opportunities Policy**

## 2. Definitions

2.1. **Regulated activity** – includes:

- Teaching, training instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children;
- Working for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.
- The above definitions are classified as regulated activity if they are carried out regularly. Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

- 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 or 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.
- A supervised volunteer who regularly teaches or looks after children is **not** in regulated activity.

2.2. **Teaching role** – refers to a role involving 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 pupils. These activities are **not teaching work** for the purposes of Keeping Children Safe in Education (KCSIE) if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher or other person nominated by the headteacher to provide such direction and supervision.

2.3. **Standard DBS** – this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer, regardless of not of whether they are spent under the Rehabilitations of Offenders Act 1974.

2.4. **Enhanced DBS** – this provides the same information as the standard check, plus any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed.

2.5. **Enhanced with barred list check** – this check is required for when people are working or seeking to work in regulated activity with children. This check allows for additional checks to be made as to whether the person appears on the children’s barred list.

2.6. **Children’s barred list** – the DBS maintains a ‘barred list’ of individuals who are unsuitable to work with children and vulnerable adults. In addition, where an enhanced certificate is obtained, and this includes a barred list check, the certificate will also detail whether the applicant is subject to a direction under section 128 of the Education and Skills Act 2008 or section 167A of the Education Act 2002 prohibiting that individual from taking part in the management of independent educational institutions.

2.7. **Section 128 check** – this provides for the Secretary of State to direct that a person may be prohibited or restricted from participating in the management of an independent school (which includes academies and free schools).

2.8. **Safer recruitment** – this is the safeguarding and protection of pupils during the recruitment and selection process – its overall purpose is to help identify and deter or reject individuals who are deemed to be at risk of abusing children

### 3. Roles and responsibilities

3.1. The Trustees and local governing bodies are responsible for:

- Implementing effective policies to ensure recruitment at the school is in accordance with the legislation outlined in section 1
- Ensuring that staff recruitment is as safe as possible, as well as fair and compliant with the relevant legislation.
- Ensuring appropriate checks have been carried out on staff, volunteers, contractors and agency workers working within the school.
- Appointing an appropriate recruitment panel.
- Ensuring that at least one member of the recruitment panel has undergone safer recruitment training.
- Ensuring that all members of the recruitment panel understand their role, i.e. advisory or decision making.
- Monitoring the advertising of vacancies, assessing how they are being advertised and whether the adverts are maximising all of the opportunities to attract the appropriate candidates.
- Benchmarking the success of any advertising methods used, as well as the overall success of the recruitment process.
- Ensuring a member of the Trust Board is on appointment panel for Headteachers and other senior posts.
- Ensuring that all members of the recruitment panel are familiar with their obligations with regards to safer recruitment, as set out in the current KCSIE and updates.
- Monitoring the school's single central record (SCR), to ensure that the necessary vetting checks for potential employees are carried out.
- Ensuring that equal opportunities are established and implemented throughout the recruitment process.
- Ensuring that the salary of the successful candidate is determined.
- Accommodating the needs of new employees and making reasonable adjustments when necessary.
- Ensuring that the school's virtual data protection officer (DPO) reviews this policy and that any recruitment data that is kept in accordance with the Records Management Policy.

3.2. The Headteacher, liaising with the recruitment panel as necessary is responsible for:

- Shortlisting the potential candidates with the aim of reducing the application field and identifying those with the potential to effectively undertake the role.
- Ensuring that the interview addresses, as appropriate to the post, leadership ability, team working skills, reasons for interest in joining the school, integrity, understanding of the school's ethos and vision and why the candidate believes they would be a good fit for the school.
- Ensuring that the interview addresses safeguarding practices.

3.3. The Headteacher and/or, as appropriate, the Chief Finance Operating Officer is responsible for:

- Ensuring appropriate checks have been carried out on prospective staff, volunteers, contractors and agency workers working within the school.
- Ensuring that appropriate supervision of employees/volunteers is organised and for promoting the safety and wellbeing of pupils generally and throughout the recruitment process.
- Actively and appropriately advertising any vacancies.
- Leading the interview when the candidate is at a lower level than headteacher.

## **4. Equal opportunities**

4.1. When recruiting, the Trust will adhere to its Equal Opportunities Policy.

4.2. The Trust will not discriminate against any protected characteristics, such as disability or gender, and will always promote difference and inclusion throughout the school.

4.3. The Trust will, where necessary, make reasonable adjustments to ensure the interview is accessible to all candidates. Candidates should inform the school of any reasonable adjustments that they need when they receive the invitation for an interview.

4.4. The local governing body will review recruitment procedures periodically to ensure they are accessible and do not directly or indirectly discriminate against candidates.

4.5. Candidates will not be asked about their health or any disabilities before a job offer is made, unless one of the following exemptions applies:

- Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments)
- Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment
- Positive action to recruit disabled persons
- Equal opportunities monitoring (which will not form part of the decision-making process)

## **5. Planning, advertising and shortlisting**

5.1. Once a vacancy has been identified, the school within the Trust will allow an appropriate amount of time for planning and structuring the recruitment process.

5.2. The Headteacher will, in consultation with the Chair of the appropriate GB committee:

- Decide on the recruitment timeframe.
- Decide who will be involved in the process and what their roles will be, e.g. recruitment panel and who will lead interviewing.

- Prepare the documents that will be provided to applicants, including the job description, person specification and application form – ensuring that these documents contain a clear message about safeguarding, the checks that will be carried out and that references will be sought.
  - Ensure that application packs, where relevant, state that applications must be willing to sign the staff disqualification declaration.
- 5.3. The recruitment panel will comprise of a Governor and at least two other members of staff, with the headteacher or CFOO usually being one of these and a specialist senior member of staff.
- 5.4. At least one member of the recruitment panel will have successfully completed up-to-date safer recruitment training.
- 5.5. The Headteacher will create the advertisement.
- 5.6. Vacancies will be advertised through external media, such as the TES, newspapers considering the school's Equal Opportunities ensuring that the advertisement reaches a wide range of groups.
- 5.7. Advertisements will have a statement of commitment to ensuring equal rights within them.
- 5.8. Advertisements will include a job description, person specification and detail the closing date.
- 5.9. The contact numbers of the school within the Trust and details of the application process will be clearly outlined.
- 5.10. Application forms will be accessible on the school's website.
- 5.11. Trust schools may utilise social media for recruitment, and if doing so, will create a social media recruitment strategy to ensure that the advertisement is reaching the right people and is communicating the ethos of the school effectively.
- 5.12. The Trust will never accept a CV alone, only completed application forms.
- 5.13. During the recruitment process, and especially during the initial stages, the recruitment panel and the headteacher will be watchful of candidates displaying the following characteristics:
- No understanding or appreciation of children's needs
  - Expressing that they want the role to meet their needs at the expense of children
  - Using inappropriate language in relation to children
  - Expressing extreme views or views that don't support safeguarding practices
  - Displaying unclear boundaries with children
  - Providing vague answers when asked about their experience and being unable to explain gaps in their employment



- 5.14. When shortlisting candidates for an interview, all application forms will be considered.
- 5.15. Candidates who are shortlisted will meet all the essential aspects of the person specification requirements.
- 5.16. The Headteacher will ensure that the shortlisting process is as systematic as possible, and that the recruitment panel will read through all applications prior to the interviews taking place.

## **6. Invitation to interview**

Once a shortlist has been confirmed, the applicants to be invited for interviews will be contacted by the school and a suitable interview time will be decided.

- 6.1. The recruitment panel will ensure that all shortlisted candidates receive information about the interview arrangements, how it will be conducted, the areas that will be explored and what documents they should bring.
- 6.2. The recruitment panel will send shortlisted candidates the self-declaration of criminal record form, alongside a copy of the school's disqualification form, where appropriate.
- 6.3. Upon inviting candidates to interview, the recruitment panel will state that the successful candidate's identity will be checked and, where appropriate, the necessary pre-appointment checks will be carried out.
- 6.4. Where possible, the recruitment panel will obtain two references before interviews to allow for any concerns to be explored with the referee and discussed with the candidate.
- 6.5. One of the references will be from the candidate's most recent employer.
- 6.6. Where a candidate is not currently employed, verification of their most recent period of employment and reasons for leaving will be obtained from the employer.
- 6.7. References will be from a senior member of staff and not a colleague.
- 6.8. Open testimonials will not be relied upon, nor will information that has been provided by the candidate without verifying the information.
- 6.9. Electronic references will be vetted to ensure they originate from a credible source.
- 6.10. References from internal candidates will also always be scrutinised before interview.
- 6.11. Permission will be sought from the candidates before the recruitment panel contacts referees.
- 6.12. Structured questionnaires will be used to question referees and the recruitment panel will determine the questions on a case-by-case basis.

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

## **7. Pre-interview checks**

- 7.1. The recruitment panel will complete the necessary pre-interview checks.
- 7.2. Pre-interview checks will include the following:
- Requesting two references from each shortlisted candidate directly from the referees – where possible, one reference relating to the role in which the candidate worked with children will be obtained
  - Verifying that the candidate has qualifications or experience relevant to the post
  - Checking references against application forms and noting down discrepancies or concerns and following these concerns up with referees
  - Checking and, where necessary, following up candidates' self-declaration forms.

## **8. Digital footprints**

- 8.1. The Trust is committed to ensuring that safeguarding is a top priority; therefore, where appropriate, the school may check candidates' social media or other online activity prior to an interview.
- 8.2. This process may include a search for the candidate via:
- Google
  - Facebook
  - LinkedIn
  - Other appropriate social media

Any concerns will be addressed during the interview process.

## **9. The interview**

- 9.1. During the interview process all candidates will be asked similar questions and their responses will be recorded for ease of comparison.
- 9.2. Any concerns raised through contact with referees will be discussed with the candidate at this stage. Any concerns about gaps in employment will be discussed at this stage.
- 9.3. The recruitment panel will ask open questions to assess the candidate's experience and suitability for the post, and to explore the candidate's motivation towards safeguarding and suitability to work with children.
- 9.4. The recruitment panel will give the candidate the opportunity to declare anything in light of the requirement for a DBS check.

- 9.5. Where applicable, and where this has not been done prior to the interview, the recruitment panel will follow up concerns regarding the content of a self-declaration form.
- 9.6. The candidate will be given the opportunity to discuss any concerns or ask any questions.
- 9.7. The interview will always comprise of a face-to-face interview; however, the recruitment panel may also request that candidates complete one or more of the following exercises:
- Role play exercises
  - Presentations
  - Group exercises
  - Written exercises
  - Aptitude/ability tests
  - Getting the candidate to work in supervised activity with pupils

## **10. After the interview**

- 10.1. After the interview has been completed, the recruitment panel will:
- Assess all candidates' performance using the same agreed criteria.
  - Ask the successful candidate to provide proof of identification and qualifications, and to complete the DBS check as soon as possible.
  - Contact and provide feedback to the unsuccessful candidates.
- 10.2. Interview notes and assessment materials will be held securely for an appropriate amount of time, in line with the Records Management Policy, after the interviews, in case any aspect of the recruitment process is challenged.
- 10.3. After choosing a successful candidate, the school will:
- Make a conditional offer of employment to the candidate.
  - Ask the successful candidate to provide identification and proof of qualifications, if this has not already been done.
  - Complete the relevant pre-appointment checks.

## **11. Pre-appointment checks**

- 11.1. All appointments will be conditional on satisfactory completion of the necessary pre-appointment checks.
- 11.2. When appointing new staff, the school will complete the following checks:
- Verify the candidate's identity
  - Obtain an enhanced DBS certificate (via the applicant) and, for candidates engaging in regulated activity, barred list information

- Obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available
- Verify a candidate's mental and physical fitness to carry out their role
- Verify the person's right to work in the UK
- Make further checks on any individual who has lived or worked outside the UK
- Verify professional qualifications, as appropriate
- Complete a section 128 check for individuals taking up a management position

11.3. The recruitment panel will ensure any candidate employed to carry out teaching work is not subject to a prohibition order or any sanction, or restriction imposed (that remains current) by the GTCE before its abolition in March 2012.

11.4. If the school has reason to believe that an individual is barred, it is an offence, under section 9 of Safeguarding Vulnerable Groups Act 2006, for the school to allow the individual to carry out any form of regulated activity. .

### **Volunteers**

11.5. For volunteers, if they are not engaging in regulated activity, an enhanced DBS check will be obtained – a barred list check will not be required.

11.6. If volunteers are engaging in regulated activity, and are new to the Trust/school, an enhanced DBS check with a barred list check will be required.

11.7. Existing volunteers in regulated activity do not need to be re-checked if they have already had a DBS check (including barred list information); however, the Trust may decide to conduct a repeat DBS check.

11.8. If a volunteer is not in regulated activity, the designated person will use hi/her professional judgement, after conducting a risk assessment, to determine whether to seek an enhanced DBS check, but no barred list check will be required.

### **Candidates who have lived outside the UK**

11.9. No exceptions will be made for candidates who have lived outside of the UK, all mandatory checks outlined in this policy will be carried out, along with additional checks where necessary.

11.10. The DfE's [guidance on the employment of overseas-trained teachers](#) (updated January 2021) will be consulted should an overseas candidate apply for a teaching position.

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

11.11. In the case of any employee working within the Trust who is sourced from an agency or third-party organisation, confirmation must be obtained from the organisation, in writing, that all necessary checks have been completed.

11.12. Confirmation will also be obtained that the individual who presents for work is the same person on whom all checks have been completed. A copy of photographic identification will generally be kept, as appropriate.

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

11.13. The Trust will ensure that enhanced DBS certificates and barred list checks are obtained on all salaried applicants for initial teacher training who are in regulated activity.

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

11.15. The school will obtain written confirmation from the agency that the checks have been carried out.

#### **Existing staff**

11.16. If a member of staff moves from a post that was not regulated activity to one that is, the relevant checks will be carried out.

11.17. The Trust will 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 harm;
- 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;
- The individual has been removed from working in regulated activity, or would have been removed had they not left.

#### **Contractors**

11.18. The Trust will ensure that any contractor, or any employee of the contractor who is to work at a trust school, 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).

11.19. 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.

11.20. Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity

11.21. Schools within the Trust will always check the identity of contractors and their staff on arrival.

#### **Adults who supervise children on work experience**

11.22. If a school is organising work experience placements, the school will ensure that the placement provider has policies and procedures in place to protect children from harm.

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

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

11.24. If the person working with the pupil is unsupervised and the same person is in frequent contact with the pupil, the work is likely to be regulated activity; in this case, the school will ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

11.25. If the activity undertaken by the pupil on work experience takes place in a 'specified place', such as a school or college, 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 will consider whether a DBS enhanced check should be requested for the young person in question. DBS checks cannot be requested for children/young people under the age of 16.

#### **Children staying with host families**

11.26. The school may make arrangements for a pupil to have learning experiences where, for short periods, the children may be provided with care and accommodation by a host family abroad to whom they are not related; in these circumstances, the school will work closely with the host school to ensure appropriate safety checks have been made.

#### **Governors**

The Trust and LGB may request an enhanced DBS certificate without a barred list check on an individual as part of the appointment process for governors. An enhanced DBS certificate (which will include a barred list check) will only be requested if the governor will be engaging in regulated activity; this also applies to volunteer governors.

## **12. After the pre-appointment checks**

- 12.1. Once the pre-employment checks have been completed, the Headteacher will:
- Agree a start date with the candidate.
  - Destroy the completed self-declaration forms.
  - Submit contractual paperwork, including the completed DBS check, copies of identification, references, proof of qualifications, pre-employment medical enquiry form, P45, application/equal opportunities and emergency contacts.
  - Add the required details of the checks carried out to the school's SCR.

## **13. Single central record (SCR)**

- 13.1. Each school will maintain and regularly update its SCR and will report regularly to the Trust CFOO and the Director on the Trust Board with safeguarding responsibility.
- 13.2. All new employees will be added to the record, which will include:
- All staff (including supply staff) who work at the school.
  - All others who work in regular contact with children in the school or college, including volunteers.
- 13.3. 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 record will 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
  - A barred list check
  - An enhanced DBS check
  - A prohibition from teaching check
  - Further checks on people living or working outside the UK
  - A check of professional qualifications
  - A section 128 check, if appropriate
  - A check to establish the person's right to work in the UK
- 13.4. For supply staff, the school will 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 check certificate has been provided in respect of the member of staff.
- 13.5. If checks are carried out on volunteers, this will be recorded in the SCR.

- 13.6. The Trust will not keep separate SCRs; however, it will ensure that all those who need to see it can easily do so.

#### **14.Safer recruitment training**

- 14.1. At least one member of the recruitment panel will have completed formal safer recruitment training.
- 14.2. As a measure of good practice, the school will ensure that this training is renewed every five years.

#### **15.Monitoring and review**

- 15.1. This policy is reviewed periodically by the LGB, and Trust Board.
- 15.2. Any changes made to this policy will be communicated to all members of staff.
- 15.3. All members of staff are required to familiarise themselves with all processes and procedures outlined in this policy as part of their induction programme.



**FLOWCHART OF DISCLOSURE AND BARRING SERVICE CRIMINAL RECORD CHECKS AND BARRED LIST CHECKS**

