



# SAFER RECRUITMENT POLICY

Reviewed: September 2022

Review Frequency: Annually

**Changes since previous version:**

Additional paragraph to section 3.6 – Shortlisting in relation to recommendation in KCSIE Sept 22 to consider undertaking online searches for shortlisted candidates.

## **1. Introduction**

The safe recruitment of staff is the first step to safeguarding and promoting the welfare of children and young people in education. Aspire Academies Trust is committed to safeguarding and promoting the welfare of the pupils in its care and expects all staff and volunteers to share this commitment.

## **2. Scope and Objectives**

The scope of this policy is to set out the Aspire Academies Trust minimum requirements of a recruitment process that aims to:

- attract the best possible applicants to vacancies on the basis of their merit, abilities and suitability
- deter prospective applicants who are unsuitable for work with children or young people
- Identify and reject applicants who are unsuitable for work with children and young people

The objectives of this policy are as follows:

- to ensure that all applicants are considered equally and consistently
- to ensure that no applicant is treated unfairly on any grounds and specifically any protected characteristics as outlined in the Equality Act 2010
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department of Education (DFE) Keeping Children Safe in Education (KCSIE), The Prevent Duty Guidance for England and Wales (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Services (DBS)
- to ensure that the Trust meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks

## **3. Roles and Responsibilities**

### **3.1 Trustees**

- to ensure the schools have effective policies and procedures in place for the recruitment of staff and volunteers in accordance with the DFE guidance and legal requirements
- to monitor compliance with them

### **3.2 CEO/COO/Executive Principal/Senior HR Officer/Principals**

- to ensure the schools operate safe recruitment practices and makes sure appropriate checks are carried out on all staff and volunteers
- to monitor contractors and agencies compliance with this document
- to promote the safeguarding of children and young people at every stage of the recruitment process
- recruitment and selection process

### **3.3 Recruitment Panels**

In accordance with KCSIE, the schools and Trust must ensure that at least one member of any interview panel has undertaken 'Safer Recruitment' training and has kept this training up to date.

### **3.4 Adverts and Recruitment Packs**

Advertisements for posts, whether in newspapers, journals or online, will include the statement:

“The school is committed to safeguarding children and young people. All post holders are subject to a satisfactory enhanced Disclosure and Barring Service (DBS) check”.

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

- job description and person specification
- the school’s child protection policy
- the school’s safer recruitment policy (this document)
- the selection procedure for the post.

### **3.5 Application Forms**

All prospective applicants must fully complete an Aspire Academies Trust application form via the My New Term portal. CVs will not be accepted in isolation.

The Trust promotes the practice of using anonymised application forms to manage unconscious bias.

### **3.6 Shortlisting**

If shortlisted, candidates will be asked to complete a criminal record self-declaration form where they will be required to declare all unspent cautions and convictions, and also, any adult cautions (simple or conditional), and spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2020). The relevant declaration form is part of the My New Term application process and will be issued to shortlisted candidates automatically.

Shortlisted candidates will also be sent:

- childcare disqualification declaration form (where applicable)
- full details of the selection process

In addition, as part of the shortlisting process schools and colleges should consider carrying out an online search as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school or college might want to explore with the applicant at interview.

### **3.7 Employment History and References**

A minimum of two references will be taken up and at least one of the references will be obtained from the candidate’s current or most recent employer and will be sought directly from the referee.

The school will explore any discrepancy or gaps in employment identified through references during the interview where possible or, at least, before any offer of employment. This includes references for internal candidates.

If a candidate is moving from another school the reference must be from the Headteacher/Principal or another senior colleague (in the absence of a HT) and not from a colleague.

Open references or testimonials provided by the candidate will not be accepted.

Where necessary, referees will be contacted by telephone or email in order to clarify any anomalies or discrepancies and verify the source of the reference. This contact will then be recorded on the school’s Single Central Record for successful candidates.

Where necessary, previous employers who have not been named as referees will be contacted in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.

Referees will always be asked specific questions about:

- the candidate's suitability for working with children and young people
- any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children;
- The candidate's suitability for this post.

Applicants are not automatically entitled to see their employment references.

### **3.8 Selection**

Selection techniques will be determined by the nature and duties of the vacant post and may include a variety of methods. The school will conduct interviews in a face to face manner (which could be via remote methods using video conferencing software, such as Microsoft Teams or similar, if face to face is not practical). Telephone interviews may be used at the short-listing stage.

During the interview process candidates will be required to:

- give a satisfactory explanation of any gaps in employment
- provide a satisfactory explanation of any anomalies or discrepancies in the information available to recruiters
- declare any information that is likely to appear on a DBS check (via the criminal self-declaration form)
- provide a childcare disqualification form if and when required
- demonstrate their capacity to safeguard and protect the welfare of children and young people
- demonstrate how they meet the job description and person specification

All applicants who are invited to interview will be asked to bring original evidence of their identity, address, right to work in the UK, relevant qualifications. They will also be expected to have completed the Criminal Convictions Self-Declaration form on the My New Term portal.

### **4. Pre-Employment Checks**

Any offer of employment made to a successful candidate, including anyone who has lived or worked abroad, **must** be conditional on the satisfactory completion of the necessary pre-employment checks and the school will:

- verify a candidate's identity, it is important to be sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. Best practice is checking the name on their birth certificate, where this is available.
- obtain (via the applicant) an enhanced Children's Workforce DBS certificate including barred list information for those who will be working in regulated activity and an Enhanced Children's Workforce DBS (without the barred list check) for anyone who is working in the school but is not working in regulated activity **(see Appendix 1)**

- obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available. The school will also carry out a risk assessment if candidates will be starting work prior to a DBS certificate being available
- separate barred list checks must only be carried out in the following circumstances:
  - for newly appointed staff who are engaging in regulated activity, pending the receipt of an Enhanced Certificate with Barred List information from the Disclosure and Barring Service (DBS) (and where all other relevant checks have been carried out), or,
  - where an individual has worked in a school or college that brought them into regular contact with children or young persons which ended not more than three months prior to that person's appointment to the organisation (and where all other relevant checks have been carried out)
- ensure all shortlisted candidates have completed a Criminal Record self-declaration form
- verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish that they have the physical and mental capacity for the specific role

- verify the candidate's right to work in the UK. Advice on this can be found on the [Gov.uk website](https://www.gov.uk).

Since 1 July 2021 candidates from an EEA Country, will be required to provide evidence of having obtained settled status under the EU Settlement Scheme

Since January 2021, any overseas external candidates must apply for a VISA via the [New Points Based Immigration Scheme](#).

- if the candidate has lived or worked outside the UK, make any further checks the school feel appropriate which would include an overseas police check
- verify professional qualifications as appropriate by viewing original certificates. The Teacher Services system should be used to verify any award of qualified teacher status (QTS) and the completion of teacher induction or probation
- ensure the candidate is checked against the prohibition from teaching orders
- ensure the candidate is checked against the prohibition from management roles (section 128) check where applicable (part of barred list check for those in regulated activity).
- ensure the candidate completes a childcare disqualification declaration (where appropriate).

#### **4.1 Secretary of State Prohibition Orders and Section 128 direction (teaching and management roles)**

In all cases, where an applicant is to undertake a teaching role of any kind (this may include non-teaching staff if they plan, prepare and deliver lessons and assess and report on pupils without supervision of a qualified teacher) a Prohibition Order check will be made. It is anticipated that this will be performed at the shortlisting stage but will in any case be carried out before any offer of employment is made.

The above activities do not amount to “teaching work” if they are supervised by a qualified teacher. If in any doubt or if the candidate has taught previously, or may teach in the future, the check will be undertaken.

Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.

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

A section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. An individual who is subject to a section 128 direction is unable to:

- take up a management position in an independent school, academy or free school as an employee
- be a trustee of an academy or free school trust; a governor or member of a proprietor body for an independent school
- be a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a school as stated in Keeping Children Safe in Education and the DfE Governance Handbook.

Checks for all prohibitions, sanctions and restrictions will be carried out by logging into the Secure Access/DfE Sign in Portal via the Teacher Regulation Agency web page. This is a free service available to all schools and colleges.

Where the candidate will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

With effect from 1 January 2021, TRA checks will be for UK Citizens only and schools will therefore need to arrange for these checks to be carried out in the relevant country for overseas applicants (including those from the EEA).

#### **4.2 Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status and Criminal Records Self Declaration Form**

All shortlisted candidates invited to attend an interview at the school will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in the UK, in accordance with the Immigration, Asylum and Nationality Act 2006 and DBS Code of Practice Regulations (including evidence of settled status as required) and to complete the Criminal Records Self Declaration form.

Good quality photocopies of all documents will be taken. These will then be signed and dated by the person who has evidenced the originals and the copy should state this;

*“Originals seen and identity confirmed”*

- Successful Candidates: all documents will be stored securely on the employee file for audit and inspection purposes, including DBS certificates and any subsequent risk assessments.
- Unsuccessful Candidates: all documents will be kept securely for no later than 6 months after the recruitment process has been concluded. After which they will be destroyed securely.

Please note that the legislation surrounding what information is disclosed in an Enhanced and Standard DBS certificate changed on 28 November 2020 and as a result, an employer may not receive full details of a candidate’s criminal history due to the changes to filtering.

However, in accordance with safeguarding, an employer is still legally entitled to ask shortlisted candidates to disclose their criminal history, however this no longer includes final warnings, cautions and reprimands. Further guidance on this can be found in the NACRO guidance [here](#).

In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification required for the position and claimed in their application form.

#### **4.3 Fitness to undertake the role**

A confidential pre-employment health questionnaire must be completed to verify the candidate’s mental and physical fitness to carry out their work responsibilities. A successful candidate can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role **once an offer of employment has been made**. Confidential pre-employment checks will be carried out by the Trust’s Occupational Health provider.

#### **4.4 Individuals who have lived or worked outside the UK**

Candidates who have lived or worked outside the UK must undergo the same checks as all other staff in the school. In addition, the school must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

The Home Office guidance on criminal records checks for overseas applicants can be found [here](#).

Further guidance on checks for overseas workers can be found on the gov.uk website.

Following the UK’s exit from the EU, schools 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 record checks for overseas applicants – Home Office guidance can be found on Gov.uk; and for teaching positions
- Obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant 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

Where available, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability.

Where this information is not available schools should seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, schools should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment. Further information can be found in DfE Guidance.

Not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from country to country. Schools should also be aware that the criteria for disclosing offences in other countries often have a different threshold than those in the UK. The Home Office provides guidance on criminal records checks for overseas applicants which can be found [here](#).

Some overseas qualified teachers can apply to the TRA for the award of qualified teacher status (QTS) in England. More information about this is available at the following link [Qualified teacher status \(QTS\): qualify to teach in England - GOV.UK \(www.gov.uk\)](#)here. Please note that holding a teaching qualification (wherever it was obtained) does not provide suitable assurances for safeguarding purposes that an individual has not been found guilty of any wrongdoing or misconduct, and or is suitable to work with children.

#### **4.5 Childcare Disqualification Declaration**

Where relevant (as detailed below) applicants must complete a Childcare Disqualification form provided by the school in relation to the Childcare Disqualification Regulations 2018. This is to cover circumstances where the individual has a conviction that may result in them being barred from working with children. Where a positive declaration is made a waiver can be applied for from Ofsted, and must be satisfactorily granted, before the applicant may commence work.

This **only** applies to staff working in the following settings:

- Early Years Provision - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range; and
- Later years provision (for children under 8) - staff who are employed to work in childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.

#### **5. Single Central Record**

Each school in the Trust will keep a single central record (SCR) of pre-employment checks, referred to in the Keeping Children Safe in Education Regulations as the "register". The single central record will cover the following people:



- All staff (including teacher trainees on salaried routes, agency and third party supply staff who work at the school)
- For independent schools, all members of the proprietor body
- For Academy Trusts, the members and Trustees
- Confirmation that these checks have been carried out along with the date the check was undertaken/obtained must be logged on this record for all employees of the Trust

## **6. Induction**

The Trust recognises that safer recruitment and selection is not just about the start of employment, but must be part of a larger policy framework for all staff. The Trust will therefore provide ongoing training and support for all staff.

All staff who are new to the Trust will receive induction training that will include the Trust's safeguarding policies and guidance on safe working practices including Child Protection, PREVENT, FGM awareness and online safety.

Regular meetings will be held during the first 6 months of employment between the new employee(s) and the appropriate manager(s).

## **7. Contractors and Agency Workers**

The school will obtain written notification from any agency, or third-party organisation they use that the organisation has carried out the checks (in respect of the enhanced DBS certificate, written notification that confirms the certificate has been obtained by either the employment business or another such business), on an individual who will be working at the school.

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

## **8. Volunteers**

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

Volunteers who, on an unsupervised basis, teach or look after children regularly, or provide personal care on a one-off basis in the school, will be in regulated activity. The school will obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information). However, the Trust may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns.

There are certain circumstances where the school may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity. This is set out in DBS workforce guides, which can be found on [GOV.UK](https://www.gov.uk). Employers are not legally permitted to request barred list information on a supervised volunteer as they are not considered to be engaged in regulated activity.

The school will undertake a risk assessment and use their professional judgement and experience when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. In doing so they should consider:

- the nature of the work with children
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability
- whether the role is eligible for an enhanced DBS check.

Details of the risk assessment should be recorded.

It is for the school to determine whether a volunteer is considered to be supervised. In making this decision, and where an individual is supervised, to help determine the appropriate level of supervision the school must have regard to the statutory guidance issued by the Secretary of State. This guidance requires that, for a person to be considered supervised, the supervision must be:

- by a person who is in regulated activity
- regular and day to day; and
- “Reasonable in all the circumstances to ensure the protection of children.”

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

#### **9. Local Advisory Body Members (Governors)**

School Local Advisory Body members are required to have an enhanced criminal records certificate from the DBS. It is the responsibility of the school to apply for the certificate for any of their LAB members that do not already have one. Governance is not a regulated activity and so LAB members do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

## **Appendix 1 – Regulated Activity**

Regulated activity includes:

- a) Teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;
- b) Work for a limited range of establishments (known as ‘specified places’, which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

- c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:
  - personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability
  - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional