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Legally Required Report

Birchwood High School Safer Recruitment Policy

Summary of key changes from previous policy:

This policy has been substantially restructured to align with KCSIE Part 3.

New sections: Objectives, Roles and Responsibilities: Application forms, Decisions, Online searches, Contractors, Agency/supply staff, volunteers, long term absences

Revised sections to provide further guidance: Recruitment & selection Process, References, Decisions, Pre-employment checks

1. Introduction

The safe recruitment of staff is the first step to safeguarding and promoting the welfare of children and young people in education. This school is committed to safeguarding and promoting the welfare of the pupils in its care and expects all staff, governors, volunteers and anyone else who undertakes work of any kind on the school premises to share this commitment.

2. Objectives

The purpose of this policy is to set out the 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 to ensure:

- that all applicants are considered equally and consistently
- that no applicant is treated unfairly on any grounds and specifically any protected characteristics as outlined in the Equality Act 2010
- compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for 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)
- 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.

3. Roles and Responsibilities

3.1 Governing Body

- to ensure the school has robust and 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 the above policies.

3.2 Principal / Senior Leadership Team / Recruiting Managers

- to ensure the school operates safer recruitment practices and makes sure appropriate checks are carried out on all staff and volunteers;
- to ensure that those involved with the recruitment and employment of staff to work with children receive appropriate safer recruitment training, including refresher training, and achieve the relevant accreditation;

- to monitor contractor and agency compliance with this document;
- to promote the safeguarding of children and young people at every stage of the recruitment process.

4. Recruitment and Selection Process

4.1 Recruitment Panel

The school will ensure that at least one member of the recruitment panel has undertaken Safer Recruitment training and has kept this training up to date.

4.2 Adverts and Recruitment Packs

Advertisements for posts, whether in newspapers, journals or on-line, will include the statement:

“The school is committed to safeguarding children and young people and expects all staff, governors and volunteers to share in this commitment. All post holders are subject to a satisfactory 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);
- information about the selection procedure for the post.

The school will, in most cases, advertise their vacant posts externally to encourage as wide a field of candidates as possible. If, however, there is a reasonable expectation that there are sufficient, suitable qualified internal candidates, or where members of staff are at risk of redundancy, we reserve the right to advertise the vacancy internally before considering an external advertisement.

4.3 Application Forms

All prospective applicants must fully complete an application form. CVs will not be accepted in place of an application form as they do not contain the required information to support safer recruitment.

We will expect and require candidates for all posts, whether paid or voluntary, to provide a full employment history and to account for any gaps or discrepancies either on the application form or, subsequently, at interview.

Applicants should be aware that providing false information is an offence and could result in their application being rejected or, if already appointed, in summary dismissal. This may also result in the matter being referred to the police and/or a professional regulatory body eg the Disclosure and Barring Service.

4.4 Shortlisting

Shortlisting of candidates will always be carried out by a minimum of two people and be against the person specification for the post. The shortlisting panel will agree the candidates to be called for interview and the notes of their decision will be signed and retained on the appointment file.

All shortlisted applicants who are invited to interview will be asked to bring original evidence of their identity, address, right to work in the UK and relevant qualifications.

They will also be required to declare all unspent cautions and convictions and 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). They will be asked to bring with them a completed Criminal Convictions Self Declaration form and Interview Checklist.

4.5 References

Where possible, references will be taken up for all shortlisted candidates before the interview so that any discrepancies or concerns raised can be explored further with the referee and taken up with the candidate at interview.

We will always expect to take a reference from the candidate's current or most recent employer, particularly if that reference relates to a role where the candidate was working with children. The only exception to this will be where the candidate has indicated that they do not wish their current employer to be contacted prior to interview. Where this applies, a reference will be sought from the second referee prior to the interview and the reference from the current employer will be taken up immediately after the interview and before the offer of appointment is confirmed. The reference should be completed by a senior person with appropriate authority.

References will be sought directly from the referee. Where necessary, referees will be contacted by telephone or email in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.

If felt 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.

We **will not accept** references or testimonials or 'open references' eg 'to whom it may concern' provided by the candidate. We will not accept references from relatives or people writing in the capacity as a friend or colleague of the candidate for any post. Electronic references will be checked to ensure that they originate from a legitimate source.

Referees will always be asked to confirm:

- the referee's relationship with the candidate;
- details of the applicant's current post and salary;
- performance history and conduct;
- 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;
- details of any substantiated allegations or concerns relating to the safety and welfare of children;
- whether the referee has any reservations as to the candidate's suitability to work with children.

References will be checked upon receipt to ensure that all questions have been answered satisfactorily and that information provided is not contradictory or incomplete. If some answers are vague or insufficient, or contradictory information has been provided, the referee will be contacted to provide further clarification where appropriate. References will be compared for consistency with the information on the candidate's application.

We reserve the absolute right to not make an appointment if there are significant concerns as our first priority is the safety and welfare of the students.

School employees are entitled to see and receive, if requested, copies of their employment references.

4.6 Digital footprints

As part of our due diligence the school may decide to carry out an online search on the shortlisted candidates prior to interview. This would be to help identify any incidents or issues that have happened, and are publicly available online, which the school might want to explore with the applicant at interview.

Should the school decide to carry out an online search we will ensure that:

- The search is carried out after the shortlisting has been carried out
- Candidates are made aware at point of interview invite that this search will be carried out
- The search is based upon an agreed set of criteria (eg 'Candidate name'; 'candidate name' + 'job title'; 'candidate name' + 'current school'; 'candidate name' + 'previous school')
- The parameters are agreed in advance (which platforms, between which dates, how many pages will be looked at)
- It concentrates on professional information which sits within the public domain
- The searches are applied consistently for all candidates that are being interviewed for that vacancy
- The search is carried out by the same person, ideally by someone who will not be involved in the subsequent interviews / decision making

- The results of the search be shared with the interviewing panel in order for any concerns raised can be incorporated into the interview questions so as enabling the candidate an opportunity to respond

4.7 Selection

Selection techniques will be determined by the nature and duties of the vacant post and may include a variety of methods. For some posts, including for members of the leadership team or teaching posts, the selection process will normally include a supervised appropriate activity involving students eg meeting the school council, teaching a lesson, etc.

Before the interview day the selection panel will agree the format of the day, including any other assessment methods. The interview questions will be aimed at obtaining evidence of how each candidate meets the requirement of the job description and person specification and each candidate will be assessed against all of the criteria of the post. The same areas of questioning will be covered for each applicant and no questions which would discriminate directly or indirectly on protected characteristics under the Equality Act 2010 will be asked.

The school will always conduct interviews in a face-to-face manner (which could be via remote methods using video conferencing software, such as MS Teams or similar, if face-to-face is not practical). Telephone interviews may be used at the short-listing stage.

Candidates will always be required to explain satisfactorily any gaps in employment and any anomalies or discrepancies in the information available to recruiters. The interview will also include a discussion of any convictions, cautions or pending prosecution the candidate has declared.** If the candidate has not made any declaration, the interview panel will give them a further opportunity to share any information regarding their background that may influence the decision of their appointment. Candidates will always be given an opportunity to demonstrate their capacity to safeguard and protect the welfare of children and young people.

The responses given by all the candidates to all the questions will be noted and retained after the interview. The interviewer will sign and date the copies of all interview notes which will be retained for six months from the date of interview. The interview notes for the successful candidate will be retained on their file for the duration of their employment.

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 and a completed Criminal Convictions Self Declaration form and Interview Checklist.

4.8 Decision

After all the candidates have been interviewed the selection panel will consider all the information available to them and will assess each candidate against the criteria for the post. The selection panel will record the reasons for its decision and the candidates will be contacted.

Interview notes and any assessment material will be held securely for an appropriate amount of time after the interviews, in line with the Records Management Policy, in case any aspect of the recruitment proves is challenged.

5. Pre-employment Checks

All offers of appointment are made conditionally until the satisfactory completion of the necessary pre-employment checks.

The school will:

- verify a candidate's identity as 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. The candidate will verify their identity, including DOB.
- obtain a satisfactory enhanced DBS certificate including barred list information if relevant;
- 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 post 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 that a Criminal Record self-declaration form disclosing any relevant convictions has been completed
- verify the candidate's mental and physical fitness to carry out their work responsibilities. The successful candidate will be asked to complete an on-line confidential medical questionnaire which will be assessed by our external Occupational Health provider who will confirm whether the candidate is deemed mentally and physically fit to perform the role
- verify the candidate's right to work in the UK. Advice on this can be found on the [Gov.uk website](#).
 - Since 1 July 2021 candidates from an EEA Country are 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, further appropriate checks will be made including the individual providing an original overseas police check / Certificate of Good Conduct. This must happen where the applicant has lived or worked (including studying) in a foreign country for a total period of six months since the age of 16 years. If an applicant is unable to provide a Certificate of Good Conduct, evidence must be presented to show that an attempt to obtain a copy has been made.

Any costs incurred for obtaining a Certificate of Good Conduct must be met by the individual and will not be reimbursed. If an applicant is unable to obtain a Certificate of Good Conduct then a Risk Assessment Form must be completed and signed off. All other pre-employment checks must be completed.

- verify professional / vocational qualifications required for the position and claimed in their application form by viewing original certificates including successful completion of teacher induction (for those who obtained QTS after 7th May 1999)
- ensure the candidate is checked against the prohibition from teaching orders
- ensure the candidate is checked against the prohibition from management roles (s128) check (management positions only)

6. Single Central Record

The school will keep a single central record of pre-employment checks, referred to in the KCSIE regulations as "the register".

The single central record will cover all staff including casual workers, supply staff, teacher trainees on salaried routes, volunteers, governors, and those individuals who provide additional teaching or instruction for students but are not directly employed by the school eg sports coaches, peripatetic, etc.

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 school.

7. Induction

- a. The school recognises that safer recruitment and selection is not just about the start of employment but should be part of a larger policy framework for all staff. The school will therefore provide ongoing training and support for all staff.
- b. All staff who are new to the school will receive induction training that will include the school's safeguarding policies and guidance on safe working practices including Child Protection, PREVENT, FGM awareness and online safety.

- c. Regular meetings will be held during the first 3 months of employment between the new employee(s) and the appropriate manager(s).

8. Contractors

All contractors supplying staff to work in the school are expected and required to undertake safer recruitment pre-employment checks.

Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). 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.

The school will obtain written confirmation from the organisation that they have carried out the necessary pre-employment checks on the contractors working in the school.

Under no circumstances should a contractor work unsupervised or engage in regulated activity if the checks have not been confirmed.

The school will also check the identity of contractors and their staff on arrival to ensure that it is the same person on whom the checks have been made.

9. Agency / Supply or partner organisations

The school does not have the power to request sight of DBS certificates for visiting staff employed by supply or partner agencies eg local authority.

The school will request written confirmation that the person presenting themselves for work has undergone appropriate checks including DBS checks and on arrival check the identity of the individual to ensure that it is the same person on whom the checks have been made.

10. 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 school 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 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.

11. School Governors

The Governors at Birchwood are required to have an enhanced criminal records certificate from the DBS. It is the responsibility of the Governing Board to apply for the certificate for any of their governors who do not already have one. Governance is not a regulated activity and so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

12. Staff Returning to work following a period of absence of more than three months

Staff returning from maternity leave, parental leave, long-term sickness or other similar types of leave where continuity of service is maintained do not need to be checked as new employees.

Other staff re-employed or returning to school in another work capacity following a period of more than three months will complete all pre-employment checks as per a new employee unless regular (at least every 12 weeks) keeping in touch days have taken place.

13. 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 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.

***note*

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](#).