



Safer Recruitment Policy

Date Approved by The Board of Trustees	28.02.22
Effective period	1.01.22-31.08.22
Reviewer	Mrs McColl
Date of Review	September 2021
Next Review Due	September 2022

HMFA Safer Recruitment Policy

INTRODUCTION

The safe recruitment of staff in schools is the first step to safeguarding and promoting the welfare of children in Education.

This policy focuses on ensuring potential applicants are given the right messages about the schools' commitment to recruit suitable people.

- It is vital that governing bodies and proprietors create a culture that safeguards and promotes the welfare of children in their school or college. As part of this culture, it is important that they adopt robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying for or securing employment, or volunteering opportunities in schools and colleges.
- Governing bodies and proprietors should ensure that those involved with the recruitment and employment of staff to work with children have received appropriate safer recruitment training,
- The School Staffing (England) Regulations 2009 and the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 require governing bodies of maintained schools and management committees of pupil referral units (PRUs) to ensure that at least one of the persons who conducts an interview has completed safer recruitment training. Governing bodies of maintained schools and management committees of PRUs may choose appropriate training and may take advice from the safeguarding partners in doing so.

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;
- 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 contents of this policy have been adapted from a model policy that reflects the guidance from DfE on Safer Recruitment. (Keeping Children Safe in Education 2021) It also reflects the training in safer recruitment.

STATUTORY REQUIREMENTS

There are some statutory requirements for the appointment of some staff in schools – notably Head Teachers and Deputy Head Teachers. These requirements change from time-to-time and must be met.

This policy is based on guidance given in the document “Keeping Children Safe in Education” Sept 2021

IDENTIFICATION OF RECRUITERS

Subject to the availability of training, the school will move towards a position in which at least one member of the governing body has successfully received accredited training in Safer Recruitment procedures. Currently training is held by:-

Mrs C Hayes (Chair of the Board of Directors)
Mrs J McColl (Safeguarding Director)
Mrs L Orton (Executive Head and Headteacher)
Mrs L Rone (HR Officer)
Mrs A Taylor (CEO, Executive Head and Headteacher)
Mrs Chris Watkins (HR Director)

Lord Scudamore Academy

Mrs Z Beecham (SEN Director)
Mr L Conod (Chair of Governors and Safeguarding Governor)
Mrs J McColl (Safeguarding Director)
Mrs L Rone (HR Assistant)
Mrs A Taylor (Headteacher)
Mrs R Wargen (Head of School)
Mrs A White (Head of School)

Sutton Primary Academy

Mrs L Orton (Head Teacher)
Mrs Chris Watkins (HR Manager)

Kings Caple Primary Academy

Mr J Gittins (Head of School)
Miss K Miller (Acting Head of School)
Mrs C Phipps (School Office Manager)

Llangrove CE Academy

Mrs S Dean (Head of School)
Mrs J Deloyde (School Business Manager)

St Weonards Primary Academy

Mrs A Clarke (Deputy Head)
Mrs A Taylor (Executive Head)
Mrs R Williams (Chair of Governors)

Marden Primary Academy

Mrs L Beecham (Administrator)
Mrs Z Evans (Head of School)
Mrs L Orton (Executive Head)
Mrs J Sockett (Safeguarding Governor)

Pencombe Primary School

Mrs V Goodman (Head of School)
Mrs C Hayes (Chair of Governors)
Mrs Mimi Harban (Administrator)
Mrs L Orton (Executive Head)

Clehonger CE School

Mrs A Taylor (Executive Head)
Mrs G Sage (Head of School)
Mrs L Honey (School Business Manager)

ADVERTS/INVITING APPLICATIONS

Advertisements for posts – whether in newspapers, journals or on-line – will include

- the skills, abilities, experience, attitude, and behaviours required for the post
- the safeguarding requirements, i.e. to what extent will the role involve contact with children and will they be engaging in regulated activity relevant to children.

The advert should include:

- the school's or college's commitment to safeguarding and promoting the welfare of children and make clear that safeguarding checks will be undertaken;
 - the safeguarding responsibilities of the post as per the job description and personal specification; and
 - whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. Which means that when applying for certain jobs and activities certain spent convictions and cautions are 'protected', so they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Further information about filtering offences can be found in the DBS filtering guide.
- Prospective applicants will be supplied, as a minimum, with the following:
 - job description and person specification;
 - the school's safeguarding and child protection policy;
 - the school's recruitment policy (this document);
 - the selection procedure for the post;
 - an application form.

All prospective applicants must complete, in full, an application form. CVs alone must never be accepted as part of the application process.

Application forms

Schools and colleges should require applicants to provide:

- personal details, current and former names, current address and national insurance number;
- details of their present (or last) employment and reason for leaving;
- full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment;
- qualifications, the awarding body and date of award;
- details of referees/references (see below for further information); and
- a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.

SHORT-LISTING AND REFERENCES

Shortlisted candidates should be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records, further information can be found on GOV.UK

For example:

- if they have a criminal history;
- whether they are included on the barred list;
- whether they are prohibited from teaching;
- whether they are prohibited from taking part in the management of an independent school;
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted;
- if they are known to the police and children's social care;
- have they been disqualified from providing childcare (see paras 245-249); and,
- any relevant overseas information.

This information should only be requested from applicants who have been shortlisted. The information should not be requested in the application form.

Applicants should be asked to sign a declaration confirming the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at point of interview.

The purpose of a self-declaration is so that candidates will have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.

Schools and colleges should:

- ensure that at least two people carry out the shortlisting exercise (it is recommended that those who shortlist carry out the interview for a consistent approach);
- consider any inconsistencies and look for gaps in employment and reasons given for them; and,
- explore all potential concerns.

The purpose of seeking references is to allow employers to obtain factual information to support appointment decisions. Schools and colleges should obtain references before interview, this allows any concerns raised to be explored further with the referee and taken up with the candidate at interview.

Schools and colleges should:

- not accept open references e.g. to whom it may concern;
- not rely on applicants to obtain their reference;
- ensure any references are from the candidate's current employer and have been

completed by a senior person with appropriate authority (if the referee is school or college based, the reference should be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations);

- obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed;
- secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has never worked with children, then ensure a reference from their current employer;
- always verify any information with the person who provided the reference;
- ensure electronic references originate from a legitimate source;
- contact referees to clarify content where information is vague or insufficient information is provided;
- compare the information on the application form with that in the reference and take up any discrepancies with the candidate;
- establish the reason for the candidate leaving their current or most recent post; and,
- ensure any concerns are resolved satisfactorily before appointment is confirmed.

When asked to provide references schools and colleges should ensure the information confirms whether they are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding allegations but should not include information about allegations which are unsubstantiated, unfounded, false, or malicious. References are an important part of the recruitment process and should be provided in a timely manner and not hold up proceedings.

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

THE SELECTION PROCESS

Schools and colleges should use a range of selection techniques to identify the most suitable person for the post. Those interviewing should agree structured questions.

These should include:

- finding out what attracted the candidate to the post being applied for and their motivation for working with children;
- exploring their skills and asking for examples of experience of working with children which are relevant to the role; and
- probing any gaps in employment or where the candidate has changed employment or location frequently, asking about the reasons for this.

The interviews should be used to explore potential areas of concern to determine the applicant's suitability to work with children. Areas that may be concerning and lead to further probing include:

- implication that adults and children are equal;
- lack of recognition and/or understanding of the vulnerability of children;
- inappropriate idealisation of children;
- inadequate understanding of appropriate boundaries between adults and children;

and,

- indicators of negative safeguarding behaviours.

Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case.

Pupils/students should be involved in the recruitment process in a meaningful way. Observing short listed candidates and appropriately supervised interaction with pupils/students is common and recognised as good practice.

All information considered in decision making should be clearly recorded along with decisions made.

PRE-EMPLOYMENT CHECKS

Schools **must:-**

- verify a candidate's identity. Identity checking guidelines can be found on the GOV.UK website
- obtain a certificate for an enhanced DBS check which will include barred list information, for those who will be engaging in regulated activity
- obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available. (In HMFA we will always wait for the full enhanced DBS with barred list check to be completed before allowing an individual to start work.)
- verify the candidates 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 whether they have the physical and mental capacity for the specific role
- verify a person's right to work in the UK, including EU nationals. If there is uncertainty about whether an individual needs permission to work in the UK, then schools and colleges should follow advice on the GOV.UK website;
- If the person has lived or worked outside the UK, make any further checks the school considers appropriate
- verify professional qualifications. The Teacher Regulation Agency should be used to verify any award of Qualified Teacher Status (QTS), and the completion of teacher induction or probation.

In addition:

- independent schools, including academies and free schools, must check that a person taking up a management position as described at paragraph 237 is not subject to a section 128 direction made by the Secretary of State;
- all schools must ensure that an applicant to be employed to carry out teaching work
- is not subject to a prohibition order issued by the Secretary of State (see paragraph KCSIE 2022 for prohibition checks or any sanction or restriction imposed (that remains current) by the GTCE (paragraph 236), before its abolition in March

2012;

- before employing a person to carry out teaching work in relation to children, colleges must take reasonable steps to establish whether that person is subject to a prohibition order issued by the Secretary of State.
- all schools and colleges providing childcare must ensure that appropriate checks are carried out to ensure that individuals employed to work in reception classes, or in wraparound care for children up to the age of 8, are not disqualified from working in these settings under the 2018 Childcare Disqualification Regulations.

N.B. If a school has concerns about an existing staff member's suitability to work with children, the school should carry out all relevant checks as if the person were a new member of staff.

IF A SCHOOL OR COLLEGE KNOWS OR HAS REASON TO BELIEVE THAT AN INDIVIDUAL IS BARRED, IT COMMITS AN OFFENCE IF IT ALLOWS THE INDIVIDUAL TO CARRY OUT ANY FORM OF REGULATED ACTIVITY.

SINGLE CENTRAL RECORD and DBS CHECKS

Schools and colleges must keep a single central record, referred to in the regulations (described in the following paragraph) as the register. The single central record must cover the following people:

- all staff (including supply staff, and teacher trainees on salaried routes) who work at the school: in colleges, this means those providing education to children; and
- for independent schools, including academies and free schools, all members of the proprietor body.

The information that must be recorded in respect of staff members (including teacher trainees on salaried routes) is 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/certificate if in regulated activity
- a prohibition from teaching check;
- further checks on people living or working outside the UK;
- Section 128 check for persons in position of management;
- a check of professional qualifications; and
- a check to establish the person's right to work in the United Kingdom.

Disclosure and Barring Service (DBS) checks.

There are three types of DBS checks:- (See KCSIE 2020 for more guidance if needed)

- **Standard:** this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the

Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out;

- **Enhanced:** this provides the same information as a standard check, plus any approved information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed;

- **Enhanced with barred list check:** where people are working or seeking to work in regulated activity with children, this allows an additional check to be made as to whether the person appears on the children's barred list.

As the majority of staff will be engaging in regulated activity, an enhanced DBS certificate which includes barred list information will be required for most appointments. In summary, a person will be considered to be engaging in regulated activity if, as a result of their work, they:

- will be responsible, on a regular basis (in a school or college) for teaching, training instructing, caring for or supervising children; or
- will carry out paid, or unsupervised unpaid work regularly in a school or college where that work provides an opportunity for contact with children; or
- engage in intimate or personal care, or overnight activity, even if this happens only once.

Retention of documents

Schools and colleges do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record. To help schools and colleges comply with the requirements of the Data Protection Act 2018, when a school or college chooses to retain a copy, there should be a valid reason for doing so and it should not be kept for longer than six months. When the information is destroyed a school or college may keep a record of the fact that vetting was carried out, the result and the recruitment decision taken if they choose to.

Copies of DBS certificates and records of criminal information disclosed by the candidate are covered by UK GDPR/DPA 2018 Article 10.84 A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications should be kept on their personnel file.

Further information on handling DBS information can be found on GOV.UK

Positive DBS Disclosures

In accordance with the Rehabilitation of Offenders Act a criminal conviction does not automatically prevent an individual from working for the school. When assessing whether a positive Disclosure is acceptable, the following must be considered:

- whether they will be working in regulated activity and they are on the barred list
- whether they will be working with children under 8 and have committed offences that disqualify them from doing so
- the requirements of the role and level of supervision the worker will receive;
- how relevant the offence is to the role to be undertaken;
- how much time has elapsed since the offence was committed and whether it was a one-off incident or part of a history of offending;
- whether the individual's circumstances have changed since the offence was committed, making re-offending less likely;

- whether the individual was open and transparent about their past and declared relevant information where required.
- Consider the need for a disclosure discussion

The school may seek advice from the Local Authority HR department.

SUPPLY STAFF

Schools and colleges must⁸⁸ obtain written notification from any agency, or third party organisation, that they have carried out the checks on an individual who will be working at the school or college that the school or college would otherwise perform. In respect of the enhanced DBS check, schools and colleges must ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the school or college, which has disclosed any matter or information, or any information was provided to the employment business, the school or college must⁹¹ obtain a copy of the certificate from the agency.

CONTRACTORS

- Where schools and colleges use contractors to provide services, they should set out their safeguarding requirements in the contract between the organisation and the school or college.
- Schools and colleges should ensure that any contractor, or any employee of the contractor, who is to work at the school or college, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity relating to children will require an enhanced DBS check (including children's barred list information).
- For all other contractors who are not engaging in regulated activity relating to children, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including children's barred list information) will be required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across several sites. In cases where the contractor does not have opportunity for regular contact with children, schools and colleges should decide on whether a basic DBS disclosure would be appropriate.
- Under no circumstances should a contractor on whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity relating to children. Schools and colleges are responsible for determining the appropriate level of supervision depending on the circumstances.
- If an individual working at a school or college is self-employed, the school or college should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.
- Schools and colleges should always check the identity of contractors on arrival at the school or college.

TRAINEE/STUDENT TEACHERS

- Where applicants for initial teacher training are salaried by the school or college, the school or college must⁹⁴ ensure that all necessary checks are carried out. If these trainee teachers are engaging in regulated activity relating to children (which in most cases by the nature of the work, they will be), an enhanced DBS check (including

children's barred list information) must be obtained.

- Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. Schools and colleges should obtain written confirmation from the provider that it has carried out all pre-appointment checks that the school or college would otherwise be required to perform, and that the trainee has been judged by the provider to be suitable to work with children.
- There is no requirement for the school or college to record details of fee-funded trainees on the single central record. However, schools and colleges may wish to record this information under non statutory information, see paragraph 255 KCSIE.

VISITORS

Schools and colleges have different types of visitors, those with a professional role i.e. educational psychologists, social workers etc. those connected with the building, grounds maintenance, children's relatives or other visitors attending an activity in school such as a sports day.

- Schools and colleges should not request DBS checks or barred list checks, or ask to see existing DBS certificates, for visitors such as children's relatives or other visitors attending a sports day.
- Headteachers and principals should use their professional judgment about the need to escort or supervise such visitors.
- For visitors who are there in a professional capacity check ID and be assured that the visitor has had the appropriate DBS check (or the visitor's employers have confirmed that their staff have appropriate checks).
- Whilst external organisations can provide a varied and useful range of information, resources and speakers that can help schools and colleges enrich children's education, careful consideration should be given to the suitability of any external organisations. School and college safeguarding policies should set out the arrangements for
- individuals coming onto their premises, which may include an assessment of the education value, the age appropriateness of what is going to be delivered and whether relevant checks will be required.

VOLUNTEERS

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

Whilst volunteers play an important role and are often seen by children as being safe and trustworthy adults, the nature of voluntary roles varies, so schools and colleges should undertake a written risk assessment and use their professional judgement and experience when deciding what checks, if any, are required.

The risk assessment should consider:

- the nature of the work with children, especially if it will constitute regulated activity, including the level of supervision (see paragraphs 292-293 about supervision);
- 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 their suitability; and
- whether the role is eligible for a DBS check and, if it is, what level is appropriate.

Details of the risk assessment should be recorded.

When should a DBS with barred list be obtained for volunteers?

Schools or colleges should obtain an enhanced DBS check (which should include children's barred list information) for all volunteers who are new to working in regulated activity with children, i.e. where

they are unsupervised and teach or look after children regularly, or provide personal care on a one-off basis in schools and colleges.

Employers are not legally permitted to request barred list information on a supervised volunteer, as they are not considered to be engaging in regulated activity. It is unlikely that a volunteer would be supervised the whole time that they are in school. Therefore, in HMFA all volunteers have an enhanced DBS with barred list.

GOVERNORS OF OUR MAINTAINED SCHOOLS

Governors in maintained schools are required to have an enhanced DBS check. It is the responsibility of the governing body to apply for the certificate for any governors who do not already have one. Governance is not a regulated activity relating to children, so governors do not need a children's barred list check unless, in addition to their governance duties, they also engage in regulated activity. Schools should also carry out a section 128 check for school governors, because a person prevented from participating in the management of an independent school by a section 128 direction, is also disqualified from being a governor of a maintained school. Using the free Employer Secure Access sign-in portal via the Teaching Regulation Authority (TRA) Teacher Services web page, schools can check if a person they propose to recruit as a governor is barred as a result of being subject to a section 128 direction. There is no requirement for schools to record this information on the single central record.

PROPRIETORS OF INDEPENDENT SCHOOLS, INCLUDING ACADEMIES

Before an individual becomes either the proprietor of an independent school or the chair of a body of people which is the proprietor of an independent school, the Secretary of State will:

- carry out an enhanced DBS check; and where such a check is made, obtain an enhanced DBS certificate (either including or not including children's barred list information as appropriate);
- confirm the individual's identity; and
- if the individual lives or has lived outside of the UK, where applying for an enhanced check is insufficient, such other checks as the Secretary of State considers appropriate.
- The Secretary of State also undertakes these checks in respect of the chair of governing bodies of non-maintained special schools.
- The requirement for an enhanced DBS check and certificate is disapplied for the chair of an academy trust if the academy is converting from a maintained school and the person has already been subject to a check carried out by the local authority.
- Where the proprietor is a body of people (including a governing body in an academy or free school), the chair must ensure that enhanced DBS checks are undertaken, for the other members of the body, and that where such a check has been undertaken, an enhanced DBS certificate is obtained, and the chair must ensure that identity checks are completed before, or as soon as practicable after, any individual takes up their position.
- The chair must also ensure that other members are not subject to a section 128 direction that would prevent them from taking part in the management of an independent school (including academies and free schools).
- Further checks, as the chair considers appropriate, should be undertaken where, by reason of the individual's living or having lived overseas, obtaining an enhanced DBS check is not sufficient to establish an individual's suitability to work in a school.
- In the case of an academy trust, including those established to operate a free school, the trust must require enhanced DBS checks on all members of the academy trust, individual charity trustees, and the chair of the board of charity trustees. Academy trusts, including those established to run a free school, have the same responsibilities as all independent schools in relation to requesting enhanced DBS checks for permanent and supply staff.
- Where an academy trust delegates responsibilities to any delegate or committee (including a local governing body), the trust must require DBS checks on all delegates and all members

of such committees. Academy trusts must also check that members are not disqualified from taking part in the management of the school as a result of a section 128 direction (see paragraph 237).

N.B. As part of HMFA's commitment to ensure that there is a culture of safeguarding which promotes the welfare of children in our schools, Governors will be asked for written permission to include a barred list check as part of their DBS.

INDUCTION

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.

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