

**SAFER RECRUITMENT POLICY  
FOR SCHOOLS, PRUs AND SERVICES  
with Appendix - The Recruitment  
of Ex-Offenders**



**ENFIELD**  
LEARNING TRUST  
BE INCLUDED

**MODEL SAFER RECRUITMENT POLICY FOR SCHOOLS, PRUs AND SERVICES  
FOR USE BY GOVERNORS, PRU MANAGEMENT COMMITTEES AND HEAD TEACHERS**

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**MODEL SAFER RECRUITMENT POLICY FOR SCHOOLS, PRUs AND SERVICES**  
**FOR USE BY GOVERNORS, PRU MANAGEMENT COMMITTEES AND HEAD TEACHERS**

**1. INTRODUCTION AND STATUTORY REQUIREMENTS**

Section 175 of the Education Act 2002 requires Governing Bodies of maintained schools and FE colleges to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children.

Regulations made under Section 157 of that Act state that Proprietors of Independent schools, which include Academies and Free schools, must make arrangements to safeguard and promote the welfare of pupils.

The Department for Education (DfE), has issued statutory guidance '**Keeping Children Safe in Education**' (KCSIE) under Section 175, Education Act 2002, the Education (Independent School Standards) (England) Regulations 2014 and the Education (Non-Maintained Special Schools) (England) Regulations 2015. Schools and Colleges must have regard to the guidance when carrying out their duties to safeguard and promote the welfare of children. This means that they should comply with it unless exceptional circumstances arise.

'School' means all schools whether maintained, non-maintained or independent schools, including academies and free schools, alternative provision academies, maintained nursery schools and pupil referral units. 'College' means further education colleges and sixth-form colleges, as established under the Further and Higher Education Act 1992, and relates to their responsibilities towards children under the age of 18, but excludes 16-19 academies and free schools (which are required to comply with relevant safeguarding legislation by virtue of their funding agreement).

KCSIE contains information on what schools and colleges **should** do and sets out the legal duties with which schools and colleges **must** comply. It includes safeguarding information for all staff, the management of safeguarding and responsibilities of governing bodies and proprietors, safer recruitment and dealing with allegations of abuse made against teachers and other staff.

KCSIE should be read and followed by governing bodies of maintained schools (including maintained nursery schools) and colleges, proprietors of independent schools (including academies, free schools), alternative provision academies, non-maintained special schools and management committees of pupil referral units (PRUs).

The above persons should ensure that **all staff** in their school or College **read at least Part One of KCSIE, 'Safeguarding information for all staff'**. They should also ensure that mechanisms are in place to assist staff to **understand and discharge their role and responsibilities** as set out in Part One. In addition, **Annex A 'Further Information'** contains additional information about specific forms of abuse and **should be read by School Leaders and staff working directly with children**.

KCSIE should be read alongside the DfE's statutory guidance '**Working Together to Safeguard Children**' which applies to all the schools referred to above, including maintained nursery schools. 'Working Together to Safeguard Children' covers action by all organisations, including schools, to protect children from risks of harm in the home or in the community. However, statutory guidance on 'Keeping Children Safe in Education', 'Working Together to Safeguard Children' and Child Protection Policies and Procedures in place within individual establishments are inextricably linked. Safer Recruitment is a vital factor in keeping children safe within the education environment.

There is also legislation governing those persons in 'regulated activity' (see below) and requirements to carry out criminal records and barred list checks. The main legislation in this respect is contained within the:

- Safeguarding and Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012
- Equality Act 2010
- Police Act 1997, the Police Act 1997 (Criminal Records) Regulations 2002, as amended, the Police Act 1997 (Criminal Records) No 2 Regulations 2009, as amended
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended
- Sexual Offences Act 2003

Any subsequent amendments will also apply as relevant.

**For Maintained Schools**, requirements relating to the appointment, discipline, capability, suspension and dismissal of staff, use of supply staff/workers, checks and information to be held on the establishment's single, central register (SCR), as well as information on teacher capability to be provided in references are specified within the School Staffing (England) Regulations 2009, as amended in 2012, 2013, 2014 and 2015 (applied to Pupil Referral Units through the Education (Pupil Referral Units) (Application of Enactment) (England) Regulations 2007), the Education (Pupil Referral Units) (Management Committees etc) (England) Regulations 2007, as amended by the Pupil Referral Units (Miscellaneous Amendments) (England), and any subsequent Regulations and/or amendments applicable to maintained schools and PRUs.

Separate Regulations apply to FE providers, Independent schools and non-maintained special schools. These include for example:

- **Independent schools, (including academies and free schools and alternative provision academies and free schools)** further details are within the Education (Independent School Standards) Regulations 2014
- **Colleges** - within the Further Education (Providers of Education) (England) Regulations 2006; any subsequent amendments and other relevant regulations
- **Non -Maintained Special Schools** - within the Non-Maintained Special Schools (England) Regulations 2015.

## **2. PURPOSE OF THE SAFER RECRUITMENT POLICY**

It is essential that, as part of the responsibilities highlighted above, all organisations that employ staff or engage volunteers to work with children adopt a consistent and rigorous approach in their recruitment and selection processes with the aim of ensuring that those recruited are suitable for such an important and responsible role.

The purpose of safer recruitment is ultimately to:

- **Deter.** From the beginning of the recruitment process, it is important to send the right message – that the organisation has a rigorous recruitment process and does not tolerate any form of abuse. Wording in adverts and recruitment information must aim to deter potential abusers.
- **Identify and Reject.** It will not always be possible to deter potential abusers. Therefore, careful planning for the interview and selection stage, in terms of asking the right questions, setting appropriate tasks and obtaining the right information can assist in finding out who is suitable for the role and who is not.

- **Prevent, Detect and Reject.** There are no guarantees that even the most robust safer recruitment process will prevent an inappropriate appointment. However, this does not mean it is too late to act. Ensuring that comprehensive induction processes are in place, together with appropriate policies and procedures, raising awareness through staff training and generally developing and maintaining a safe culture within the organisation will all help to prevent abuse or identify potential abusers.

The intention of this policy is to ensure that all stages of the recruitment process contain measures to deter, identify, prevent, detect and reject unsuitable people from gaining access to pupils within the organisation. The policy and the practical implementation of recruitment and selection processes also aim to meet all legislative requirements as highlighted in 1. above, any statutory or other guidance that may from time to time be issued in order to keep children safe through safer recruitment in education, as well as principles of general good practice.

### **3. 'REGULATED ACTIVITY' AND DISCLOSURE AND BARRING SERVICE CHECKS**

'Regulated Activity' is work which involves close and unsupervised contact with vulnerable groups including children, and which cannot be undertaken by a person who is on the Disclosure and Barring Service's Barred List.

Organisations providing 'Regulated Activity' in relation to children and young people have specific responsibilities for carrying out appropriate pre-employment checks, including Enhanced Disclosure and Barring Service (DBS) with Barred List check, when recruiting paid employees and workers. They must also ensure that they receive written confirmation that similar checks have been carried out by Agencies and other employers who may deploy or hire workers to them where such individuals will be in Regulated Activity.

Other people coming into such an organisation (e.g. volunteers, including Governors) with access to children may not be in regulated activity - if they are 'adequately supervised' when carrying out an activity with children which would be regulated activity when unsupervised. The specific checks to be carried out will depend upon the nature of the role.

The organisation is responsible for continuing vigilance in relation to staff, workers and any others coming onto the premises, and/or with access or opportunity for contact with the pupils, at all times.

This *school/PRU/service* will act in accordance with the statutory requirements relating to **'Regulated Activity' relating to children which can be defined as follows:**

- (i) **Unsupervised activities in any setting – including teaching, training, instructing, caring for (see iii) below), supervising, providing advice/guidance on well-being, driving a vehicle only for children**
- (ii) **Work for a limited range of establishments ('specified places') with the opportunity for contact, e.g. schools, colleges, children's homes, children's centres, childcare premises (but not work by supervised volunteers)**

Work/activities in (i) and (ii) above must be carried out 'regularly' to be included within regulated activity. 'Regular' means carried out by the same person frequently (once a week or more often) or intensively (on 4 or more days in a 30-day period) or overnight (if carried out – even once - at any time between 2am and 6am and with an opportunity for face-to-face contact with children). Day to day management or supervision on a regular basis of a person providing the above

regulated activity for children is also within the definition of regulated activity for children. However, some activities are always regulated activities, regardless of their frequency or whether they are supervised or not, such as those below.

- (iii) **Relevant personal care, or health care by or supervised by a professional, even if done only once.** ('Personal care' means helping a child, due to age, illness or disability, with eating, drinking, toileting, washing, bathing or dressing; 'Health care' means care for children provided by, or under the direction or supervision of, a regulated health care professional).
- (iv) **Registered child-minding and foster carers.**

(Regulated Activity excludes family and personal, non-commercial arrangements).

**All employees and paid workers (e.g. supply workers engaged directly) in schools, colleges, PRUs and similar educational establishments providing education are in regulated activity** and the employer must ensure that an Enhanced DBS with Barred List check is carried out. This includes all categories of staff and workers, as all, even if not directly involved in teaching or supervising children, have the opportunity for contact. **For visiting staff/workers**, such as Agency supply workers in RA, it is for the providing organisation to carry out checks - the 'hirer' then obtains written confirmation for their Single Central Register (SCR).

**Supervised volunteers, inc. Governors, trustees, etc.** are not normally in RA. However, it is for the organisation to decide and will depend upon whether they are being 'adequately supervised' in accordance with statutory supervision guidance published by the DfE\*\*. If such persons are adequately supervised when carrying out an activity that would fall within RA if not so supervised, then they will not be in RA. Otherwise, if not adequately supervised, they are in RA. With regard to **Governors**, under the School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016, it is a statutory requirement that all Governors not in RA have an Enhanced DBS WITHOUT Barred List Check. For **other regular volunteers** who are not in RA, although not a statutory requirement, an Enhanced DBS WITHOUT a Barred List check should also be obtained as best practice. (There is no entitlement to ask for a Barred List check for volunteers not in RA).

Schools and Colleges should ensure that any contractor, or employee of a **Contractor**, who is to work at the school or college has been subject to the appropriate level of DBS check. Contractors carrying out work of a temporary or occasional nature, e.g. maintenance (but not teaching, training etc.) are not normally in RA. However, where contractors are engaging in RA, an Enhanced DBS certificate, including Barred List information will be required. For others who are not engaging in RA, but whose work provides them with an opportunity for regular contact with children, an Enhanced DBS check (WITHOUT Barred List information) will be required. For longer term, regular contracted work, a decision needs to be made about whether individuals have the opportunity for contact in a similar way to school site staff and can be deemed to be in RA. Decisions must be made on a case-by-case basis, taking into account the relevant and prevailing circumstances at the time.

Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity. Schools and colleges are responsible for determining the appropriate level of supervision depending upon the circumstances. If a contractor is self-employed, the school/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. The identity of contractors and their staff should always be checked on arrival.

As **trainee teachers** are likely to be engaging in regulated activity an enhanced DBS certificate with barred list check must be obtained. Where trainees are salaried (employed) this is the responsibility of the employer. Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks and schools should obtain written confirmation from the training provider that checks have been carried out and suitability to work with children assessed.

Schools and Colleges organising work experience placements should ensure that policies and procedures are in place to protect the children from harm. Barred List checks by the DBS may be required on some **adults who supervise a child under the age of 16 on a work experience placement.** Consideration would need to be given to the specific circumstances of the work experience, in particular the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations would include whether the person providing the teaching, training, instruction and/or supervision to the child will be unsupervised and providing the teaching, training and/or instruction frequently (at least once a week or on more than three days in a 30 day period, or overnight). If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity. If so, the employer providing the work experience should be asked to ensure that the person providing the instruction or training is not a barred person. Schools and colleges are not able to request an enhanced DBS check with Barred List information for staff supervising children aged 16 to 17 on work experience.

If an **activity undertaken by a child 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 such cases, where the child is 16 or over, the work experience provider should consider whether an Enhanced DBS check should be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.

There is no entitlement to request DBS or Barred List checks on **Visitors** (e.g. children's relatives or other visitors attending a sports day). A professional judgement must be made at the relevant time about the need to escort or supervise them.

Arrangements are often made by schools for their children to have learning experiences where, for short periods, the **children may be provided with care and accommodation by a host family to which they are not related.** Such arrangements may amount to 'private fostering'. Further guidance about these arrangements and the responsibilities arising from the link with regulated activity are set out in Keeping Children Safe in Education, (KCSIE) 'Annex E: Children Staying with Host Families'.

**\*\* The DfE's factual notes on 'Regulated Activity in relation to Children: Scope' and 'Statutory Guidance: Regulated Activity (Children) – Supervision of Activity with Children which is Regulated Activity when Unsupervised' are included at Annex F in KCSIE.**

In accordance with the above requirements and guidance, this *school/PRU/service* will take appropriate steps to ensure that all those employees, paid workers and any others deemed to be in regulated activity, are subject to the highest level of checks including, for new recruits, a full Enhanced DBS with Barred List Check, or as required at the time of recruitment. Others not in regulated activity will normally be required to undergo an Enhanced DBS without Barred List check if they have regular involvement with pupils but are adequately supervised. However, if they are carrying out ad-hoc or one off volunteering activities etc., they will not normally be

subject to an Enhanced DBS check. (See also 11. below 'Use of Agency Workers' and 12. 'Use of Volunteers').

For any persons deemed not to be in regulated activity, steps will be taken to ensure that adequate supervision and/or protocols to ensure the safety of pupils at all times, are in place, in accordance with statutory guidance and general good practice. An appropriate level of checks, in addition to the requirements set out above, will be carried out in relation to all new recruits.

Notwithstanding the above, the *school/PRU/Service* will ensure that all Governors have an Enhanced DBS check (with Barred List check if in RA, otherwise without Barred List check), in accordance with legislative requirements.

#### **4. RECRUITMENT PANEL MEMBERS**

Panel members will be appointed or selected in accordance with any requirements set out in the School Staffing, Further Education Providers, Independent School Standards or other relevant Regulations and/or as otherwise determined by the *Governing Body/PRU Management Committee*.

The recruitment and selection process, in particular interviews, will be carried out by two or more people. Wherever possible, Appointments Panels will consist of an odd number of at least three people.

Panel members will be appropriately trained or briefed. **In accordance with statutory requirements, at least one member of the Panel will have successfully completed safer recruitment training.** Wherever possible, all Panel members will be involved throughout all stages of the recruitment and selection process but, in any event, a Panel member trained in safer recruitment will be involved throughout.

#### **5. JOB DESCRIPTIONS AND PERSON SPECIFICATIONS**

##### **Job Analysis**

When a vacancy arises due to an employee leaving or moving to a different role, it cannot be assumed that a 'like for like' replacement is required. A review of the job description may highlight the fact that the existing role no longer meets current needs. Therefore, the requirements for any replacement or new role will be analysed prior to drawing up the Job Description and Person Specification which define the role.

##### **Job Description**

The general layout of job descriptions for all posts including support staff and teachers will be very similar but may also need to reflect any local or national requirements. For example, the statutory School Teachers' Pay and Conditions Document sets out the contractual framework for all teachers in terms of their professional responsibilities and duties. However, additions may be made, for example, in terms of any generic requirements such as equal opportunities and responsibilities for safeguarding, and specific requirements relating to TLR payments or other job requirements where applicable.

However, in general, all Job descriptions will normally contain:

- The post title and grade
- The main purpose of the job



- The main tasks or duties to be carried out
- The scope of the job to indicate its position within the organisation
- General statements relevant to all positions, such as requirements relating to equal opportunities and health and safety

As all work in a school or similar setting involves responsibility for the safeguarding of children, the job description will also make clear –

- The extent of the post holder's contact with children and young people and, in line with the establishment's commitment to the health, safety and welfare of children, the general responsibility for safeguarding.

### **Person Specification**

The person specification describes the profile of the ideal person to fill the job requirements. It is essential to the recruitment and selection process as it is used for the drawing up the advertisement, long/shortlisting and the interviewing and selection process. It sets out the criteria against which candidates will be assessed and includes the core areas for the focus of interview questions.

Person specifications drawn up will outline:

- Any qualifications required for the post
- Knowledge, skills and abilities required to carry out the duties of the post
- Any specific training requirements
- The need for awareness of, and commitment to, equal opportunities issues
- The need for commitment to the promotion of health and safety at work and to the protection and safeguarding of children.

The person specification will clearly indicate whether the stated criteria are:

- **Essential** – relating only to those areas without which the job cannot be performed; or
- **Desirable** – not essential to carrying out the duties, but which would be valuable. They may assist in the final selection process if several candidates all meet the essential criteria.

It will also indicate how the criteria will be tested, i.e. on the application form, at interview and/or through a task set as part of the selection process.

Person specifications will also include statements to the following effect:

*“Applicants called for interview should note that the interview itself (and/or any additional tasks to be performed, if applicable) will, as appropriate to the role:*

- (i) *Focus on the requirements to carry out the duties of the job, as described*
- (ii) *Explore issues relating to the safeguarding and promoting the welfare of children, including:*
  - *Motivation to work with children and young people*
  - *Ability to form and maintain appropriate relationships and personal boundaries with children and young people*

- *Emotional resilience in working with challenging behaviours*
- *Attitudes to use of authority and maintaining discipline.*

*(iii) Be used to explore any relevant issues arising from references received.”*

Profiles for **Volunteer roles** will also be drawn up according to the principles set out above.

## **6. APPLICATION FORMS**

A suitably-structured, pre-defined application form will be used for recruitment to all posts. CVs will not be accepted. Application forms are employer-led, requiring specific information from all applicants. CVs are left to the discretion of individual applicants and contain only information that they choose to provide.

The use of application forms will help to ensure that detailed information, critical to the recruitment process, can be gathered from all applicants in a consistent format.

Application forms to be used for all **external recruitment** will include as a minimum:

- Personal details including name, former names, date of birth, current address, NI number and, for teachers, teacher reference number
- Qualifications
- Present (or last) employment and reason for leaving
- Full history since leaving school - education, employment and any voluntary work, as well as explanation of any gaps
- Request for details of appropriate referees (see also '9. References' below)
- The requirement for a personal statement addressing the criteria set out in the person specification
- Explanation that the post is exempt from the provisions of Section 4 (2) of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and the requirement for a 'self-disclosure' – a signed declaration of any unspent and relevant spent criminal offences (See below \*\*\*\*)
- The requirement for a signed declaration that all information provided is true

Separate application forms may be used for **internally advertised posts** which will require, as a minimum, further details to update the above information, as originally provided, and new signed declarations.

**Volunteers** will be required to complete an application form in order to provide personal details, details of previous employment, voluntary work and other activities, general information about their reasons for applying for voluntary work and a signed declaration about any criminal record, for relevant roles a declaration to meet childcare disqualification requirements under the Childcare Act 2006, and declaration to confirm the accuracy of information provided.

#### **\*\*\*\*DECLARATION OF UNSPENT AND RELEVANT SPENT CRIMINAL OFFENCES**

The purpose of requiring a self-disclosure as part of the application is to give candidates an opportunity to share relevant information about any convictions or cautions at an early stage. Disclosed information will not be used as a criterion for short-listing. Fair and objective assessment criteria will be applied. Information on self-disclosures will only be used in relation to short-listed candidates and will not automatically rule someone out. A full DBS check will still be carried out on making a conditional offer and the two sets of information compared. Note that applicants will only be asked about 'unspent and relevant spent' convictions, cautions, reprimands and warnings and these will be the only ones appearing on Disclosure certificates. Other minor, older offences will be filtered out after the relevant time period. Those offences to be declared include:

**Cautions** relating to an offence from a list (see below) agreed by Parliament

**Cautions** given less than 6 years ago (where the individual was over 18 years old at the time of the caution)

**Cautions** given less than 2 years ago (where the individual was under 18 years old at the time of the caution)

**Convictions** relating to an offence from a prescribed list (see below)

**Convictions** that resulted in a custodial sentence (regardless of whether served)

**Convictions** given less than 11 years ago (where the individual was over 18 years old at the time of the conviction)

**Convictions** given less than 5.5 years ago (where the individual was under 18 years old at the time of the conviction)

Irrespective of the above list, **if individuals have more than one conviction then ALL convictions must be declared.**

The list referred to above includes a range of offences which are serious and which relate to sexual offending, violent offending and/or safeguarding. It is never appropriate to withhold details of offences on this list. A list of offences which **must always** be declared has been derived from the legislation and can be accessed using the following link:

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

#### **7. ADVERTISING AND RECRUITMENT MATERIALS**

The **job advertisement** provides potential applicants with their first impression of the organisation. An important part of the message of the advert is to inform anyone viewing it that the organisation is fully committed to safeguarding and protecting the welfare of children and young people.

In these circumstances, all advertisements will include a statement to the effect that:

*"All schools and services in Enfield are committed to safeguarding and promoting the welfare of children and young people. Therefore, all workers and employees within Enfield are expected to share this commitment."*

## OR

*“XXX school is committed to safeguarding and promoting the welfare of children and young people. Therefore, we expect all workers and employees to share this commitment”.*

Other general statements applicable to all posts may also be included in the wording of advertisements, e.g.

*“All appointments are subject to satisfactory pre-employment checks, including a satisfactory Enhanced criminal records with Barred List check through the Disclosure and Barring Service (DBS).”*

## AND/OR

*“CVs will not be accepted.”*

The above are examples only. Alternative wording may also be used.

Prospective applicants for posts will receive the following **materials in recruitment packs**:

- Application form
- Job description
- Person specification
- Safer Recruitment Policy (this document) or relevant information from it – for example, completion of application forms, references, interviews/tasks and pre-employment checks etc., as relevant and appropriate
- Child Protection Policy
- Code of Conduct
- Interview arrangements and/or selection procedure for the post
- Any relevant general information relating to the organisation, area etc.
- Any other relevant details or documentation.

## **8. LONGLISTING/SHORTLISTING**

Recruitment to some positions will involve a two-stage process requiring first longlisting, then shortlisting following a first round of selection. Whether a position requires longlisting and shortlisting processes, or just shortlisting, the principles to be applied will be the same.

Long/shortlisting will be conducted by the interview Panel, or one or more members of the Panel. It will always be carried out by at least two people.

The criteria to be used for long/shortlisting will be based on the person specification and job description applicable to the post. This will ensure that the process includes criteria specific to working with children as well as other essential requirements for carrying out the specific duties of the post.

Those carrying out the long/shortlisting process will, as appropriate:

- To ensure consistency, assess each application against the criteria, including criteria specific to working with children – use of a grid is recommended for this purpose
- Take time to properly scrutinise the applications

- Consider whether each application is fully completed – if not, it may be returned to the applicant or discarded from the process
- Highlight any gaps (in employment etc) to be explored further should the candidate be long/shortlisted
- Look for evidence provided against the criteria set out in the person specification and the job description
- Apply the long/shortlisting criteria equally
- Normally only long/shortlist those applications that meet all the essential criteria set out in the person specification. However, if this is not clear in relation to any applications, it may be decided to long/shortlist and explore the issues further at interview.

If a greater than anticipated number of applicants all meet the essential criteria for the post, it may be decided to use any specified desirable criteria to make a selection for the long/shortlist.

## **9. REFERENCES**

References are an important part of the process of gathering as much information as possible about potential new recruits.

Testimonials from applicants will not be accepted. Two references will always be obtained directly from the referees. Application forms will normally request the following in relation to referees provided:

- One referee must be the current or last employer
- If the employer is/was a School, then the referee provided must be the Headteacher
- Where the applicant is not currently working with children but has done so in the past, the second referee should be the employer by whom s/he was most recently employed in work with children.

References will normally be obtained following the long/shortlisting process (as applicable) and prior to interview. This will enable comparisons to be made with the information provided on the individual's application form and for any issues to be explored at interview. The application form will ask applicants if they are willing to allow referees to be contacted prior to interview and warned that they may not be shortlisted if not. This decision is at the discretion of the *school/PRU/service*.

Reference requests will normally be made by requiring the completion of a standard questionnaire. Use of a questionnaire helps to ensure that the prospective employer has the opportunity to obtain information in respect of all areas essential to the role. A letter from a referee may not cover all areas or provide all relevant information that the prospective employer requires.

A standard Reference Questionnaire, or other reference request, will normally ask about:

- Capacity in which the applicant is/was employed, dates, quality of work, relationships with colleagues, parents and pupils, strengths, areas for development, honesty, punctuality and reliability
- Any current disciplinary/capability warnings, or such warnings which were current at the time of leaving
- Any disciplinary/capability action that is/was pending or unresolved
- Where the request relates to a teacher, any capability proceedings within the last two years
- The details of any expired warnings that relate to the safety and welfare of children or young people or behaviour towards children or young people

- Reason(s) for leaving if no longer in that employment
- Whether the referee would re-employ and whether the applicant is recommended for the post.

Referees will be provided with a copy of the job description and person specification for the post.

(The questionnaire will normally also include appropriate alternative questions for circumstances where an applicant is not known to a referee as an employee/worker or trainee).

Subject to the exceptional circumstances set out below, references requested prior to interview, or prior to a conditional job offer being made, will NOT ask about attendance or health-related matters. However, health-related questions may be asked of referees when a conditional offer of the post has been made. Therefore, a supplementary request for such further information from referees may be made at that stage, with an applicant's express permission.

It should be noted that the **Equality Act 2010** limits the circumstances in which a prospective employer can ask health-related questions of either a referee or the applicant before a conditional job offer is made. Questions may only be asked at an early stage to help to:

- Decide whether any reasonable adjustments need to be made for the applicant to be able to participate in the selection process
- Decide whether an applicant can carry out a function that is essential (intrinsic) to the job
- Monitor diversity among people making applications for jobs
- Take positive action to assist disabled people
- Clarify that a candidate does have a disability where the job genuinely requires the jobholder to have a disability.

Where any of these exceptional circumstances apply, information will be provided in the recruitment materials, requested as part of the application form/process and/or requested of referees, only as relevant to the circumstances.

References will be obtained prior to interview wherever possible and, on receipt, the Interview Panel and/or those who carried out the long/shortlisting will scrutinise the references to:

- Confirm whether or not all questions have been answered satisfactorily and whether there are any statements or issues that need to be further explored with the referee e.g. if answers provided are vague.
- Compare the information provided by the applicant with that provided by referees.

Any inconsistencies, discrepancies or concerns will be followed up with referees and/or applicants prior to interview, or as part of the interview process, as appropriate.

Sometimes, a referee may not be willing to complete a standard reference questionnaire or may not be willing to provide a reference at all. This may be because a particular organisation has a policy of simply not providing references, only providing basic standard information such as dates of employment or they may be restricted by what can be provided because a standard reference has been agreed as part of a settlement agreement. In these circumstances, it is at the discretion of the *school/PRU/service* to decide whether to accept this situation or to not proceed any further with the application. This may depend upon other information received and/or other checks that can be carried out.

Additional Note:

If a candidate short-listed for a teaching post is not currently employed as a teacher, a check will normally be made with the school, college or local authority at which they were most recently employed, to confirm details of their employment and reasons for leaving. This applies regardless of whether or not the candidate has given that employer as a referee.

## **10. INTERVIEWS AND OTHER ASSESSMENT TOOLS**

Recruitment to all posts will involve an **interview** due to the essential requirement to question applicants about the job requirements and understanding/awareness of safeguarding issues, to explore any gaps, issues or inconsistencies with the application and to assess interaction and responsiveness.

The Panel will meet prior to the interviews in order to carry out the necessary preparation for conducting the interview, which will normally include the following:

- A set of basic questions to ask of all long/shortlisted candidates, prepared in advance. However, additional follow-up questions are likely to be needed at the interview itself as a means of probing for additional information. These questions will depend upon initial responses given by individual candidates
- Inclusion of appropriate questions relating to the safeguarding and welfare of children. This will depend upon the type and level of the post but all posts have responsibility in this area and it is important, therefore, to test motives, attitudes, awareness and understanding in this area.
- Preparation of any additional questions that the Panel will need to ask of individual applicants about their applications, for example, gaps in employment history or any other concerns.
- Agreement by Panel members on the responses they are seeking to their questions and the type of responses that would cause concern.
- Agreement by panel members of who is to ask questions, take notes etc. Questions may be asked by one or all Panel members, with notes being taken of responses.

A grid will normally be used for the purpose of questions to be asked, expected and actual responses.

**Other assessment and selection methods**, in addition to an interview, may also be used. The nature of these additional tools will depend upon the type and level of the post. Other assessment methods may include, for example:

- Presentations
- Role plays
- Group exercises
- Observation (of teaching or activity with a class or group of pupils)
- Written tests
- Other data analysis exercises, In-tray exercises etc.

Assessment and Selection methods in addition to an interview are useful in obtaining a range of information about individuals, including assessing their interaction with others, both adults and pupils, team work, skills and abilities to carry out particular tasks etc. Appropriate selection methods will be discussed and considered by the Panel, as relevant. Panel members will be well-briefed and/or trained in their use.

Interview invitations to long/shortlisted candidates will normally include the following:

- Details of date, time, venue
- Direction and/or map, together with details of parking arrangements
- Where to report on arrival
- Likely length of the interview and information about any tests or exercise to be included in the process
- Details of the scope of the interview (to be based on the person specification and to include exploration of each candidate's suitability to work with children, together with any issues arising from the application form or references)

- Details of documents that candidates will need to bring with them, e.g. proof of identity, documents for the Immigration, Asylum and Nationality check, qualification certificates.
- A request that candidates let the *school/PRU/service* know should they have any special requirements, or need any adaptations, to enable them to participate in the interview and selection process.
- A request that candidates inform the *school/PRU/service* of their intention to attend, or otherwise, together with the necessary contact details.

## **11. CONDITIONAL OFFERS OF EMPLOYMENT**

Any job offer made must be conditional as it will be subject to a variety of pre-employment checks and other conditions, as set out below. Some of these checks will apply to all potential new employees, others will apply only to certain categories of employee:

- **Two satisfactory references**, one of which should be the current or most recent employer (*If the candidate is not currently working with children but has done so in the past, the second referee should be the employer by whom s/he was most recently employed in work with children. This applies in circumstances where it has not been possible to obtain references prior to interview and also where supplementary reference requests are made at this stage in relation to obtaining further information about health and absences*);
- **A satisfactory medical assessment** (*the relevant forms will be enclosed, to be completed and returned as quickly as possible*);
- **The prospective employee not at any time being barred**, either totally or to a limited extent, from employment or work involving regular contact with children, young persons or other vulnerable people, nor to any other relevant prohibitions, sanctions, restrictions or disqualifications being applied to him/her or his/her employment;
- **Proof of identity** (normally from current photographic ID and proof of address except where, in exceptional circumstances, none is available);
- Receipt of **evidence to meet the requirements of the Immigration, Asylum and Nationality Act 2006**. (*The relevant lists of acceptable documents will be enclosed*);
- A satisfactory **Enhanced with Barred List check** through the Disclosure and Barring Service (DBS) for the existence and content of any criminal record. (*It will be emphasised that the Enhanced check includes a check on Barred Lists of those considered to be unsuitable to work with children or other vulnerable people, as relevant, in regulated activity. The candidate may be asked if s/he subscribes to the DBS Update Service, in which case, following sight of the certificate and with his/her express permission, the school/PRU may decide to carry out a real-time check online to ascertain whether or not his/her status has changed. However, as the candidate may not subscribe to this service, and/or the school/PRU may require a full new check to be carried out, details of the application process will also be stated, together with a request that the candidate makes the certificate available for viewing by the school/service as soon as it is received by him/her. If in exceptional circumstances, an individual is required to start work before the full DBS check is completed, a separate Barred List check will be obtained prior to commencement. It should be noted that the school/PRU WILL normally require that a full, new satisfactory DBS check has been received prior to commencing work*);



- For relevant posts, **completion of a declaration to ensure that the person is not disqualified under childcare disqualification requirements** set out in the Childcare Act 2006 and the Childcare (Disqualification) Regulations 2009 from:
  - **working in early years provision**, inc. education, childcare and/or any supervised activity, both during and outside of school hours, with children up to and including reception age (i.e. from birth to the 1<sup>st</sup> September following a child's 5<sup>th</sup> birthday);
  - **working in later years childcare settings** outside of school hours for children above reception age but who have not attained the age of eight; or
  - being **directly concerned in the management of such early or later years provision**;
- **Valid Home Office (UK Visas and Immigration) permission to work** in the post;
- **For teachers only – the prospective employee (1) not being subject to a prohibition order or interim prohibition order** by the Secretary of State, pre-existing General Teaching Council for England or any other Authorised Body; (2) **not being subject to a sanction(s) in another EEA member state.**
- **For teachers only (*other than where appointed specifically as an unqualified teacher*) - initial and continued recognition as a qualified teacher** (*original copies of all relevant certificates will be required, including confirmation of the award of Qualified Teacher Status (QTS), as issued by the Department for Education (DfE) or other Authorised Body; OR confirmation of the award of Qualified Teacher Learning and Skills (QTLS) status and membership of the Education and Training Foundation, as appropriate*);
- **Verification of other professional qualifications, where appropriate;**
- **For relevant posts, the prospective employee not being subject to a section 128 Barring Direction** which prohibits or restricts him/her from taking part in the management of an Independent school;
- **Where applicable, any additional overseas checks** that may be carried out by the *school/PRU/service\**;
- **Successful completion of the Statutory Induction period** for Newly Qualified Teachers (*teachers*) or **completion of a successful probation and assessment period** (*support staff*).

\*Prospective employees who have lived or worked overseas will first undergo the same checks as all others. In addition, further additional check(s) considered necessary will normally include (for example) the requirement for a certificate or letter of good conduct and extra care will be exercised in taking up references.

Any verbal offer that may be made prior to a written conditional offer will also clearly state that the offer is conditional.

#### **Additional note relating to Head teacher and Deputy Head Teacher Appointments**

The School Staffing (England) Regulations 2009 applicable to maintained schools require that any candidate selected by a Panel for a Headteacher or Deputy Headteacher position must be recommended to the full Governing Body for appointment. In these circumstances, no conditional offer, verbal or otherwise, will be made to the preferred candidate until the full Governing Body has formally approved the appointment.

**The majority of checks must be satisfactorily completed before a prospective new employee starts work.** Apart from the requirement to satisfactorily complete an induction or probationary period during the initial stages of employment in relevant cases, the only other check that may still be pending on starting work is the full Enhanced DBS with Barred List check. In exceptional circumstances, where the full check has not been received, the employee will be supervised until it has been received and deemed satisfactory. However, the Barred List part of the check must have been obtained prior to an individual starting work. *The school/PRU/service is under a specific duty not to allow a barred person to work in regulated activity.*

All employees and workers engaged by the *school/PRU/service* are deemed to be in 'Regulated Activity' whatever their role and are, therefore, subject to a full Enhanced with Barred List Check through the DBS.

**In any event, it should be noted that new employees will not be able to commence work and will not be placed on the Payroll until the following have been received:**

- A satisfactory medical assessment
- Two satisfactory references (*unless it has not been possible to obtain one or more references and the school/PRU has, exceptionally, decided to proceed with the appointment on the basis of other checks carried out*)
- Relevant qualification certificates
- Evidence to meet the requirements of the Immigration, Asylum and Nationality Act 2006
- A satisfactory Barred List Check and submission of a full Enhanced DBS application. (*It should be noted that the school's/PRU's normal requirement is that a full, new satisfactory DBS check has been received prior to commencement and placement on the payroll*)
- For relevant posts, a declaration completed by the individual to ensure that s/he is not disqualified under childcare disqualification requirements set out in the Childcare Act 2006 and the Childcare (Disqualification) Regulations 2009
- Valid Home Office (UK Visas and Immigration) permission to work in the post, and
- Teachers only – confirmation that s/he is not subject to (1) a prohibition order or interim prohibition order and (2) sanction(s) by another EEA member state
- For relevant posts – confirmation that s/he is not subject to a section 128 Barring Direction
- Where applicable, any additional overseas checks that may be carried out by the *school/PRU/service*.

**Conditional offer letters** will include the following:

- Job title/role and start date
- Relevant details relating to the position, e.g. type of contract and hours, if fixed term details of expiry date and/or circumstances/conditions
- Pay and conditions of service applicable
- Payment arrangements and a request for account details, P45 and National Insurance number
- Pre-employment checks that need to be satisfactorily carried out before the offer can be finally confirmed (see above)
- Any other relevant action to be taken or information to be provided.

**In circumstances where any of the pre-employment checks prove to be unsatisfactory, a conditional offer will be withdrawn** where the *school/PRU/service* considers it appropriate to do so.

A candidate receiving a conditional offer, whether verbal or written, should not, therefore, assume this to be a guarantee of employment.

## **12. USE OF AGENCY WORKERS**

On occasion it may be necessary to utilise workers provided by an external Agency, for example to cover short to medium-term absences or vacancies.

In order to ensure the safety and welfare of children and young persons, it is essential that Agencies supplying workers to the education sector also adopt robust recruitment and vetting procedures that minimise the risk of employing people who may abuse them, or who are otherwise unsuited to such work.

In these circumstances, Agencies will be required to provide written assurances about their recruitment and selection practices and, in particular, that workers supplied by them have been subject to similar checks and safeguards in place for new employees and workers taken on directly by the *school/PRU/service*. For this purpose, Agencies will normally be required to complete a standard questionnaire to the satisfaction of the Head teacher before workers will be accepted from a particular organisation.

The standard questionnaire issued to Agencies for written confirmation that all necessary checks are carried out before their workers are deployed will include all essential areas of the checking process, i.e. relating to Enhanced DBS and Barred List checks, checks to meet the childcare disqualification requirements under the Childcare Act 2006 and Childcare (Disqualification) Regulations 2009, Prohibition Order checks, other EEA member state sanctions checks, section 128 Barring Direction checks, identity and Immigration, Asylum and Nationality Act checks, as well as checks of medical fitness, qualifications, references, reasons for leaving previous positions, pay and conditions, Employer's Liability, equal opportunities and compliance with Agency Worker Regulations.

The *school/PRU/service* will check the identity of the person presenting themselves for work on arrival.

## **13. USE OF VOLUNTEERS**

Children and young people will see volunteers within a school or other educational service in the same way as its other employees. They will not know that they are unpaid and will assume they are safe and trustworthy adults, just like anyone else within their educational environment. Therefore, volunteers should also be subject to a checking process to ensure that they are indeed safe to be in contact with pupils. The principles of safer recruitment should be applied whether an individual is paid or unpaid.

Volunteers may be used in a variety of different roles. Safer recruitment principles will be adapted and/or applied with common sense depending upon an individual's involvement and interaction with pupils, whether it is regular contact or 'one-off', whether they are being supervised etc.

For example, if a parent volunteers as part of a group helping out on a one-off basis such as a fete, school disco or a day trip, there is no need for a formal recruitment or checking process.

However, if a volunteer is likely to have an on-going role that includes regular contact with children, then a similar recruitment and selection process will be applied as would be used to

recruit an employee. The process will be presented in a less formal manner but the principles of safer recruitment are the same. In these cases, the recruitment process will include:

- Provision of information about the *school's/PRU's/service's* commitment to the safeguarding of children
- The requirement to complete an application form specially designed for volunteers
- Obtaining references
- A face-to-face interview
- Where the individual is deemed to be in 'regulated activity', an Enhanced DBS with Barred List check OR where the individual will be adequately supervised and, therefore, not in regulated activity, an Enhanced Disclosure without Barred List check (see also 3. above, 'Regulated Activity')
- Where the individual will be working in a relevant role, a check to ensure that s/he is not disqualified under childcare disqualification requirements set out in the Childcare Act 2006 and the Childcare (Disqualification) Regulations 2009
- Any other checks considered to be relevant to the role.

Where volunteers are recruited from another Institution or Organisation, assurances will be obtained from the establishment concerned that the individual has been subject to a proper recruitment process that includes the necessary safeguards.

Volunteers will be provided with an appropriate induction as referred to in 16. below.

#### **14. SINGLE CENTRAL REGISTER (SCR) OF CHECKS**

The *school/PRU/service* will ensure that it complies with statutory requirements for information to be recorded and retained on its SCR of pre-employment checks carried out in relation to employees and workers employed or engaged directly (including casual supply workers and teacher trainees on salaried routes), as well as others who work in regular contact with children, including volunteers.

Generally, the information that will be recorded on these persons is whether or not the following checks have been carried out or certificates obtained, and the date on which the checks were completed:

- an identity check;
- a check to establish the person's right to work in the United Kingdom;
- a Barred List check;
- an Enhanced DBS check;
- a check of professional qualifications;
- additional checks on people living or working outside the UK;
- for teaching posts, a prohibition from teaching check; also for teaching posts, a check of the list of Teachers Sanctioned in Other EEA Member States;
- for relevant posts, a section 128 Barring Direction check (prohibits or restricts a person from taking part in the management of an Independent school, inc. Academies and Free schools);

Although not currently a statutory requirement, the school/PRU/service will also record on the SCR –

- for relevant posts, a check to meet childcare disqualification requirements set out in the Childcare Act 2006 and the Childcare (Disqualification) Regulations 2009;

Agencies and other third party organisations supplying staff/workers to the *school/PRU/service* will be asked to provide written confirmation that all the necessary checks are carried out. This confirmation will then be attached to the SCR.

Full details of records that must be kept are contained within the relevant Regulations as applicable to maintained schools, PRUs, Independent schools and Colleges. (See 1. above 'Introduction and Statutory Requirements').

There is no requirement to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record. However, where the *school/PRU/service*, with an individual's express permission, chooses to retain a copy this will not be retained for longer than six months. A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications will be kept for the personnel file.

## **15. OTHER RECORD KEEPING AND RETENTION OF PERSONAL DATA**

Data relating to all recruitment and selection processes will be retained for a specified period of time.

### **Retention of Data relating to Unsuccessful Applicants**

All application forms, long/shortlisting grids, interview notes and any other documentation used will be securely retained on a recruitment file for a period of one year from the end date of the selection process (i.e. from the date when a conditional offer has been made and other candidates informed that they have been unsuccessful).

The information will be destroyed in a confidential manner after this period of time.

### **Retention of Data for Successful Applicants**

All application forms, long/shortlisting grids, interview notes and any other documentation used will be securely retained on a personnel file. This information forms part of the individual's personal record and on-going employment history.

The personnel file will normally contain the following information:

- Application form
- Other paperwork related to the recruitment process, i.e. Interview and other notes, letters forming part of the process etc
- Offer letter
- Pre-employment vetting documents, i.e. photographic identification, documentation to meet the requirements of the Immigration, Asylum and Nationality Act, Disclosure details (not the full certificate – but see 14. above in relation to short-term retention), documentation to meet the requirements of childcare disqualification legislation

(personal and/or personal sensitive data will not be stored about an employee/worker's other household members without their consent), evidence of right to work and remain in the UK, as relevant and applicable

- Copies of original vocational or academic qualification certificates, as applicable
- Two satisfactory references
- Confirmation of satisfactory medical assessment
- Copy of contract
- Other relevant employment documentation throughout the individual's period of service.
- Details of any allegation(s) against an employee found to be malicious will be removed from the personnel record. However, information relating to any other allegation(s) will be retained in accordance with statutory guidance issued by the DfE (*see below*).

**The personnel records of all employees will be retained for a minimum of 7 years** after they have left the employment. However, **where an employee has been the subject of an allegation(s)** the record will be retained at least until the accused has reached **normal retirement age or for a period of 10 years if that is longer**.

*\*DfE statutory guidance 'Keeping Children Safe in Education' in Part 4 on dealing with 'Allegations of Abuse made against Teachers and Other Staff' states that "details of allegations that are found to have been malicious should be removed from personnel records. However, **for all other allegations**, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time." The guidance also requires that **"the record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer"**.*

*Note also that the DfE guidance referred to above states **in relation to references** "Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference".*

All personal data will be handled in a confidential manner at all times and retained and disposed of securely. Any information that is provided to the school/PRU that is not relevant will be destroyed.

Similar principles will be applied in relation to the retention and handling of records relating to volunteers.

## **16. INDUCTION**

Induction is an extension of the recruitment process. Good recruitment and selection procedures help to ensure that the best person is appointed to the role, but it is equally important to induct him or her properly on commencement.

A general Induction Programme is required for all new recruits, including those already within the organisation but appointed to new roles. This should be seen as additional to the more formal

induction or probationary periods also required in relation to certain new appointments, as summarised below:

- **Newly Qualified Teachers (NQTs)** are required to satisfactorily complete a statutory Induction period. Where applicable, the induction period will be applied in accordance with the relevant Regulations and statutory guidance issued by the DfE.
- **Support Staff** who are 'new employees' will be subject to a 'Probation and Assessment Period' of 21 weeks. 'New Employees' for this purpose include:
  - **'new entrants'** who are staff newly appointed by Enfield Council or the Governing Body of a Voluntary Aided or Foundation School (this includes those who have previous Local Authority/School experience); and
  - **'new starters'** who are existing staff transferring to a new or different role (but not including those who have been matched to a job, or obtained a position under the redeployment procedure).

Where applicable, the probation and assessment period will be applied in accordance with local procedures adopted for the purpose.

A more general induction applicable to all will include a variety of arrangements and areas. The specific arrangements put in place will reflect the differing needs of individuals and job roles, e.g. whether already employed in a different role, whether full time, part time, fixed term, employee or volunteer, type and seniority of the post and level of contact or involvement with pupils.

The general induction programme will also include, **for all**, information on professional standards and boundaries in respect of child protection and safeguarding and promoting the health, safety and welfare of pupils. Reference will be made to relevant statutory requirements and/or local guidance in these areas. Statutory guidance includes, in particular, the DfE documents:

- **'Keeping Children Safe in Education'** - all staff will be required to read at least 'Part One – Safeguarding Information for All Staff'. Strategies will be put in place to ensure that staff understand and are able to discharge their role and responsibilities in respect of Part One; In addition, Annex A to the document contains important additional information about specific forms of abuse and safeguarding issues and, in these circumstances, school leaders and those staff working directly with children will be required to read it. Copies will be provided to staff, as appropriate; and
- **'Working Together to Safeguard Children'** - which should be read and followed by all staff.

**The importance of adhering to school policies and procedures in these and all other areas will also be emphasised.** Care will be taken to ensure that all new employees, including those in new roles, are aware of and understand school policies, procedures and practices and are clear about their responsibilities in following them at all times. In particular, staff induction will include explanation of the Child Protection Policy, Code of Conduct/Staff Behaviour Policy and the role of the Designated Safeguarding Lead. Copies of policies will be provided as appropriate.

Supply teachers and other supply workers, including agency workers, as well as volunteers, will also receive all necessary information and guidance to enable them to carry out their temporary role effectively and in accordance with statutory requirements, as well as the establishment's policies, procedures and practices. This will include in relation to child protection and safeguarding arrangements, the Code of Conduct and any other relevant protocols which they will be required to adhere to as an essential part of their role.

## **17. A SAFE CULTURE AND ON-GOING VIGILANCE**

It is never sufficient to assume that a safer recruitment and selection process and robust induction arrangements are enough to ensure that the pupils are safe and that there is no risk to them within the educational environment. Creation of a safe culture, with on-going vigilance is essential.

The *school/PRU/service* will continue to strive to create and maintain a safer culture by:

- Having in place, and putting into practice, clear policies and procedures and ensuring that all employees and workers are aware of and understand them
- Setting acceptable standards of behaviour
- Having in place clear procedures for reporting concerns, ensuring that all employees and workers know what the procedures are and their responsibility for following them
- Taking concerns seriously and providing support to individuals raising them
- Taking appropriate action in relation to concerns raised
- Having in place robust and appropriate induction arrangements
- Ensuring that all employees and workers undertake child protection and other relevant training on a regular basis
- Keeping the commitment to safeguarding and child protection on the agenda through regular reminders and updates, for example, via email, bulletins, staff meetings, training sessions etc., as appropriate.
- Learning from experience
- Never thinking that enough has been done to ensure a safe culture.



# **Appendix The Recruitment of Ex-Offenders**

## **INTRODUCTION**

All school-based roles are exempt from the Rehabilitation of Offenders Act (ROA) 1974 as the work brings employees/workers into contact with a vulnerable group (which includes children, as well as adults deemed to be vulnerable).

All potential employees/workers in a school setting are subject to an Enhanced Disclosure and Barring Service (DBS) check to confirm details of any criminal record that they individual may have. Where this is paid work, or unsupervised unpaid work, they will be deemed to be in Regulated Activity and this check will also include an additional check to determine if s/he is barred from working with children (and/or vulnerable adults, as relevant). As the role is exempt from the ROA, potential employees/workers will be asked about 'unspent' and 'relevant spent' convictions, cautions, reprimands and warnings. These will be the only ones appearing on Disclosure certificates. Other minor, older offences will be 'filtered out' after the relevant time period set out in legislation. An Enhanced DBS check may also contain non-conviction information from Police records where the Chief Police Officer reasonably believes it to be relevant to the role.

Unless barred by statute from doing so, having a criminal record does not automatically mean that an individual cannot work in a school. It is for employers to consider the factors involved and assess the risk in terms of their own workplace. All applicants must be treated fairly and given equal opportunities in terms of their status and background. This document sets out the Trust's policy in relation to criminal records and the recruitment of ex-offenders.

## **POLICY STATEMENT**

In relation to the above, it should be noted that:

- For all positions and roles, the Trust's recruitment and selection process and materials will highlight the requirement for DBS and Barred List checks to be carried out, as appropriate.
- As part of the application process, applicants will be required to complete a 'Declaration of Unspent and Relevant Spent Criminal Offences' (also known as a self-disclosure). Certain old, minor offences are protected and applicants will not be asked to declare them. The purpose of the self-disclosure is to give applicants an opportunity to share relevant information at an early stage - in advance of a formal DBS check if they are subsequently made a conditional offer of employment/work - allowing information to be discussed and fully considered. Self-disclosure information will not be used for short-listing, which is based purely on fair and objective assessment criteria. Self-disclosure information will be considered only for shortlisted candidates and only in relation to its relevance to the role.
- Following a conditional offer of employment, potential employees/workers will be subject to a DBS check in accordance with the requirements described in the 'Introduction' above and as set out in legislation and statutory guidance for schools.

- Information revealed on DBS Disclosure certificates will be compared with self-disclosure information provided by applicants. Failure by an applicant to reveal relevant information could lead to the withdrawal of a conditional offer of employment.
- The Trust is committed to the fair treatment of its staff, workers, potential staff/workers and users of its services regardless of race, colour, nationality, ethnic or national origins, religion or belief, age, disability, gender, gender reassignment, sexual orientation, social, marital or civil status, pregnancy or maternity reasons, having responsibility for dependants, Trade Union involvement or any other grounds irrelevant to the role or service in question. Similarly, the Trust will not treat unfairly, or discriminate against, anyone with a criminal record.
- Having a criminal record does not mean that an individual will automatically be prevented from obtaining employment or working in this Trust. This will depend on the offence(s) and relevance to the post or work to be undertaken. An individual's criminal record will be considered in terms of:
  - The nature and seriousness of the offence(s) and relevance to the role
  - How long ago it occurred
  - If it was a 'one-off' or part of a history
  - The circumstances of it being committed
  - Changes in the individual's personal circumstances
  - Country of conviction
  - Decriminalisation, e.g. legalising cannabis
  - Explanation offered by the individual and remorse.
- Notwithstanding the above, there are certain offences that will, or are likely to, automatically prevent an individual receiving a confirmed offer of a role within the Trust. These include serious offences relating to sexual and other violent crimes and safeguarding/child protection matters.
- Where it is considered appropriate, applicants will be invited to discuss Disclosure, or criminal record, information before a conditional offer is withdrawn or a final recruitment decision is made.
- Other than in exceptional circumstances, no potential employee/worker will be permitted to commence work until a satisfactory DBS check has been received. If, in exceptional circumstances, an individual does commence work prior to the full check being received, s/he will be supervised at all times. However, in no circumstances will any individual in Regulated Activity be permitted to start until a satisfactory check of the Barred List part of the check has been undertaken.
- In circumstances where an existing employee/worker commits an offence, his/her continuation in the role will be considered fairly and objectively on its merits, including relevance of the offence and by undertaking an assessment of the risk involved.
- The Trust adheres to the principles of the Disclosure and Barring Service Code of Practice. Applicants are made aware of the Code, which can be located at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/474742/Code\\_of\\_Practice\\_for\\_Disclosure\\_and\\_Barring\\_Service\\_Nov\\_15.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/474742/Code_of_Practice_for_Disclosure_and_Barring_Service_Nov_15.pdf)