



# Safer Recruitment Policy

**Revision version: Date reviewed: 18 April 2016**

**Reviewed by: EXPC**

**Date revision approved and adopted: 23 May 2016**

**Approved by: FGB**

**Next revision due by: April 2018**

<b>Headteacher</b>	Sign & Date:	
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## **1. Purpose**

- 1.1. This guidance will help to ensure that schools follow a robust, rigorous and fair process when recruiting staff to work in schools, minimising the risk of appointing people who pose a risk of harm to children.
- 1.2. All schools must take account of the statutory guidance published by the Department for Education, [Keeping children safe in education](#), when appointing staff.

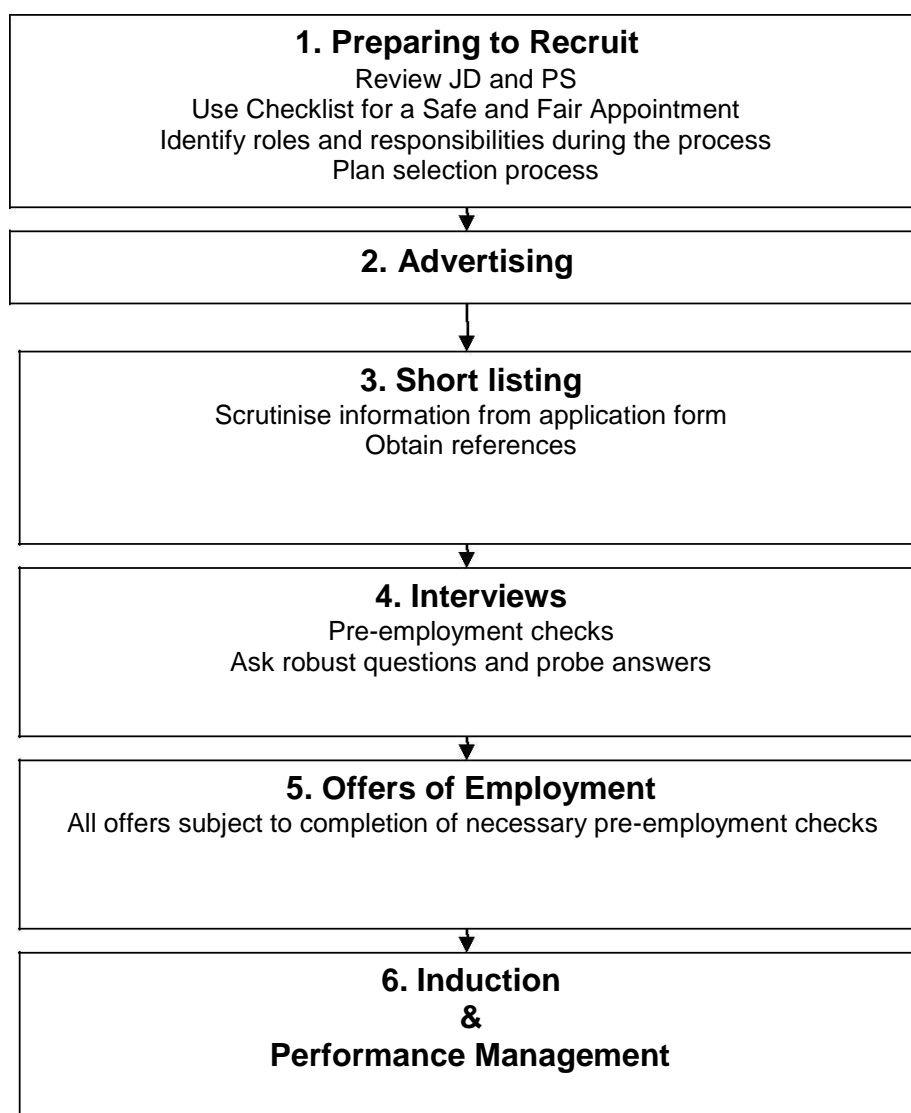
## **2. Applicability**

- 2.1. This guidance applies to all who work in schools, including staff, governors, volunteers, and others engaged by the school to work with pupils.

## **3. Roles and Responsibilities**

- 3.1. The governing body is responsible for ensuring the health, safety and welfare of pupils in the school. It also has responsibility for determining who should work at the school.
- 3.2. The head teacher is responsible for the day-to-day organisation, management and control of the school. In most cases, the head has a significant role in the appointment of staff to work in the school.
- 3.3. All staff and volunteers have a responsibility to ensure that the school environment is safe and secure for children and that appropriate procedures are followed.

#### 4. Stages of the recruitment process



#### 5. Preparing to recruit

5.1. It is vital for successful recruitment to plan the whole process from the outset. This will ensure that sufficient time is left for each stage and that applicants are given essential and focussed information about the school and the post that they are applying for. This is to ensure the right people apply for the role.

5.2. You should;

- Review the person specification and the job description.
- Consider how and where the post will be advertised and the content of the advertisement
- Plan the interview and selection process
- Determine roles and responsibilities during the recruitment process

5.3. Schools should agree an explicit statement about the organisation's commitment to safeguarding and promoting the welfare of children which should be included in all candidate information packs. An example is given below;

“This School is committed to safeguarding children and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. We will ensure that all our recruitment and selection practices reflect this commitment. All successful candidates will be subject to Disclosure and Barring Service (DBS) checks along with other relevant employment checks.”

5.4. Candidate application packs (either on paper or on-line) should include;

- Application form
- Detailed job description and person specification
- Details about grade and type of post
- Statement about employers commitment to safeguarding children and welfare of children (see above)
- School and, where appropriate, local authority information including key policies.
- Details of key terms and conditions of employment
- Equal opportunities statement
- Information about the recruitment and selection process, interview dates, other recruitment activities etc.

5.5. Details about what employment checks will be required (see section 9 below).

## **6. Application Forms**

6.1. Application forms must be completed by all applicants. It is not acceptable practice to rely on a curriculum vitae produced by a potential employee. Word of mouth recruitment or unsolicited applicants should be avoided as a means of filling a vacancy. Applicants making speculative contact should be asked to apply for a specific post and complete the relevant application form.

6.2. A completed application form ensures a common set of core data is gathered from all applicants and provides schools with the information that they require in order to shortlist a person for interview. It also acts as an applicant's signed and dated declaration of the qualifications, skills and experience that they possess.

6.3. Posts involving regulated activity with children or young persons are exempt under The Rehabilitation of Offenders Act 1974, by virtue of The Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 and a DBS check should be obtained for successful applicants. From 29<sup>th</sup> May 2013 certain old and minor convictions, cautions, reprimands and warnings do not have to be disclosed by the applicant and will not appear on the DBS check. The filtering rules can be found on the [GOV.UK website](http://gov.uk). Some offences will never be removed from a DBS certificate; these include the most serious sexual and violent offences. Filtering means that employers will not be able to take certain old and minor cautions and convictions into account when making decisions about any individual.

6.4. Schools should ensure that their application forms reflect the filtering changes so that they request the correct information and applicants give the right (legally

accurate) answer. It is recommended that schools include the following paragraph in their application forms:

‘The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are ‘protected’ and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found on the GOV.UK website.’

- 6.5. Use of CVs is not acceptable. Where a school goes against this guidance and chooses to accept a CV instead of an application form, a signed and dated Rehabilitation of Offenders Act declaration (see pro forma in the checklists and forms section of this document) must be obtained from the candidate.

## **7. Job descriptions and person specifications**

- 7.1. Time spent at the start of the recruitment process on the production of a full, carefully drawn and objective person specification will invariably avoid later difficulties in interpreting and applying vague and imprecise requirements. The job description and person specification are the documents against which the competence of the applicants is measured it is therefore vital that these documents are accurate and reflective of the required competencies, skills and experience at the time they are provided to candidates. If your recruitment decision is challenged it will prove difficult to defend such a challenge without an accurate and comprehensive person specification.
- 7.2. The job description should set out clearly the main purpose or function of the job and the key tasks within it. A job description template is available for schools to use.
- 7.3. For teaching staff, the job description will need to be built around the duties and responsibilities defined in the [Teachers’ Pay and Conditions Document](#). Generic descriptions can be drawn up with specialist areas of responsibility defined as a supplement to the main job description, e.g. curriculum leader, year leader, SENCO etc.
- 7.4. For support staff, schools can use formally evaluated model job descriptions (available from the local authority), adapted as necessary to reflect local needs.
- 7.5. All job descriptions where the post holder is in contact with children should detail the individual’s responsibility for promoting and safeguarding the welfare of children and young persons and should include the following statement:
- “The post holder is responsible for ensuring that the school child protection policy is adhered to and concerns are raised in accordance with this policy”*
- 7.6. The person specification is crucial in that it will shape how the recruitment process is conducted. It should detail the qualities and competencies required based upon information within the job description and the conditions applying to the post. It is advisable to separate these features into essential and desirable categories.
- 7.7. The person specification should specifically contain the criterion “suitability to work with children”.

## 8. Advertising

8.1. When advertising a post it is important to consider the following;

- Is the advertisement clear about the nature, the grade and location of the job?
- Does it provide the right key messages?
- Does it state what experience and qualifications are essential?
- Is it consistent with the job description and person specification?
- Where can the post best be advertised to ensure a suitable pool of applicants?
- Does it contain the school's safeguarding and equal opportunities statements?
- Does it make it clear that the post will be subject to relevant pre-employment checks?

8.2. Advertisements are the first stage of the filtering process. Candidates should be able to make an initial judgment about their own suitability for the post and self select accordingly. Further advice on the content of the advertisement can be obtained from the checklist for a safe and fair appointment within the toolkit or from the HR Operations team.

## 9. Pre - Employment Checks - general

9.1. Head teachers and governing bodies have a responsibility to undertake specific pre-employment checks on every person that they intend to engage or employ to work in their school.

9.2. When appointing new staff or volunteers the school must:

- Verify the candidate's identity
- Obtain at least two references satisfactory to the headteacher
- Obtain a certificate for an enhanced DBS check with barred list check where the person is to work in regulated activity or obtain a separate Barred List check if a full DBS check is not required in circumstances described in note<sup>1</sup>
- Obtain an enhanced DBS without barred list check for governors who will not be working in regulated activity.
- A medical check that is satisfactory to the headteacher; verifying the candidate's mental and physical fitness to carry out their work responsibilities<sup>2</sup>.
- Verify the person's right to work in the UK
- If the person has lived or worked outside the UK, make further appropriate overseas checks
- Verify professional qualifications as appropriate to the role
- Driving licence check where the employee will be required to drive for work
- For teachers, check via Employer Access Online that:
  - The teacher is not subject to a prohibition order issued by the Secretary of State
  - The teacher has qualified teacher status

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<sup>1</sup> If the employee has worked in regulated activity in a school in England within the last 3 months, a new DBS is not required (though the school may choose to do one). However, the school must check that the appointee is not on the Barred List. This may be done via the DBS Update service where the employee is registered, or via TP Online (through HR) if not.

<sup>2</sup> Except in certain very limited circumstances it is unlawful to ask questions about health, disability and/or attendance until a conditional job offer has been made.



- The teacher has completed their statutory induction (unless they are a newly qualified teacher (NQT) in which case any offer of employment should be made subject to satisfactory completion of the statutory induction year).
- 9.3. Schools should be aware that certain documentation provided as evidence in relation to one pre employment check may, in some instances, be acceptable in relation to another. This is particularly relevant to checks relating to identity, right to work in the UK and the DBS disclosure.
- 9.4. Further information on these checks can be found below.
- 9.5. It is essential that **every offer of appointment is made subject to satisfactory completion of all the relevant pre-employment checks**, unless the full range of checks has been undertaken by the time an offer is made. Candidates should be made aware of this.
- 9.6. It is strongly recommended that all efforts are made to obtain all pre-employment checks prior to the commencement of employment or engagement particularly in relation to references and Disclosure and Barring Service (DBS) checks. Where this is not possible, appointment should be delayed until satisfactory checks are received or arrangements should be made for supervision of the employee until such time as they are received. In the case of a delayed DBS check **all other** pre-employment checks and a separate barred list check must have been received and be satisfactory to the Head Teacher prior to the employee being allowed to commence work under supervision. Further information can be sought from HR.
- 9.7. In relation to pre-employment checks head teachers are responsible for:
- Ensuring that an effective selection process is carried out for each vacancy to ascertain that successful candidates are suitable people to work for the school and are appropriately qualified
  - Ensuring that original documentation is correctly checked at interview to verify identity, the right to work in the UK and qualifications
  - Undertaking DBS and Barred List checks where appropriate and ensuring that documentation relating to these is retained securely in a locked container/cabinet and is securely disposed of.
  - Ensuring that every person appointed to the school has been subject to the appropriate pre-employment checks, and that evidence is stored securely on file (electronic or paper based) .
  - Ensuring that consideration is given to reasonable adjustments for disabled employees and that, where appropriate, advice is sought from Occupational Health. Questions about health, attendance and/or disability must NOT be asked before a conditional offer of employment has been made
  - Following up references that have not been received before interview
  - Ensuring that all information gathered during the recruitment and selection process is stored securely and used only for its specified purpose.
  - Ensuring that appropriate checks are made on agency, supply, contractors and employees of contractors.
- 9.8. Local authority Human Resources are responsible for:

- Where the local authority will be the employer, checking to ensure that the school has made the appropriate pre-employment checks and that evidence is stored on file (electronically or paper-based).
- 9.9. A pre-employment checklist is available to schools which outlines the appropriate checks that should, and in some cases must, be undertaken on all school staff and volunteers.
- 9.10. When a new appointment is made, the appropriate checklist should be completed by the appointing officer, head teacher, head of department, or other relevant person and should be retained in the new employee's personnel file along with their application form, Rehabilitation of Offenders Act declaration and copies of all documentation given as evidence in relation to the pre-employment checks.

## **10. Identity checks**

- 10.1. It is vital that head teachers and governing bodies are certain that the person they intend to employ is the person that they claim to be and they must see sufficient evidence to satisfy themselves of this. Photographic identification that includes a date of birth and address (such as a passport, photographic driving licence etc) is the most suitable form of identification.
- 10.2. The school should keep a copy of documents used to verify identity on the successful candidate's personnel file.
- 10.3. Where an individual is provided by a supply agency, or third party organisation, schools must check and verify the identity of the individual on arrival.

## **11. Right to work in the UK**

- 11.1. It is a criminal offence to employ a person who does not have the right to work in the UK or who do not have the right to undertake the type of work that they are being offered.
- 11.2. The Immigration, Asylum and Nationality Act 2006 sets out the law on the prevention of illegal working and requires that employers make basic document checks on every person that they intend to employ. Schools will have a statutory defence against a conviction for employing an illegal worker if they check and retain copies of acceptable documentation in accordance with Act.
- 11.3. The [GOV.UK website](https://www.gov.uk) provides guidance for employers which includes lists of documents that can be accepted as evidence of an applicant's right to work in the UK, and information on how these should be checked and copied.
- 11.4. The school should keep a copy of documents used to verify the right to work in the UK on the successful candidate's personnel file.
- 11.5. It is important that employers do not directly, indirectly or inadvertently discriminate against people on grounds of their race or ethnic origin by refusing to accept any documents from the list, by failing to carry out checks on **every** new employee or by making assumptions about a person's nationality or right to work in the UK.

## **12. Employment History**

- 12.1. Schools must gain as much information as possible on the employment history of any person that they intend to employ.
- 12.2. The application form should be scrutinised to check that information provided about past employment is not contradictory or incomplete.
- 12.3. At interview, reasons for leaving previous posts must be sought and any gaps in employment and other anomalies should be thoroughly explored.

## **13. Academic and Professional Qualifications**

- 13.1. Schools must verify that a potential employee has achieved the qualifications that they claim in their application by viewing each original qualification certificate or diploma or a properly certified copy of those documents. If an employer is in any doubt about the authenticity of a qualification, they can check by contacting the relevant awarding institution.
- 13.2. Copies of documents should be made and kept on the employee's personnel file. Particular care must be taken to ensure that documentary evidence is seen, and copies retained, of professional qualifications that are required to carry out the job role, either by statute or under the Council's or school's policies.

## **14. Qualified Teacher Status**

- 14.1. Anybody appointed or engaged to teach in a maintained school or non-maintained special school in England must be a qualified teacher, as defined by The Education (School Teachers' Qualifications) (England) regulations 2009 (as amended), or satisfy the requirements of persons not qualified under schedule 2 of The Education (Specified Work and Registration) (England) Regulations 2009.
- 14.2. Teachers who are qualified in Australia, Canada, New Zealand and the USA may apply for QTS without needing to take further training via the [GOV.UK website](#). They also still need to satisfy any Border Agency requirements.
- 14.3. Teachers in FE who have Qualified Teacher Learning and Skills (QTLS) and who are members of the Institute for Learning (IfL) are now recognised as qualified teachers in schools.
- 14.4. Candidates for head teacher or deputy head teacher posts in maintained schools in England must, without exception, hold QTS.
- 14.5. Teachers should produce a certificate confirming QTS. Schools should check the teacher's QTS via Employer Access Online (see below).

## **15. Induction Standards**

- 15.1. Anybody appointed or engaged to teach in a maintained school or non-maintained special school in England must have satisfactorily completed their induction year and met the induction standards, in accordance with The Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2012, or be subject to the exceptions in Schedule 2 of those regulations.

15.2. Schools should check whether a teacher has completed their statutory induction using Employer Access Online (see below).

## 16. Secretary of State Prohibition Orders

16.1. Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. Schools must check whether teachers that they intend to employ have a prohibition order. This is done using Employer Access Online (see section 17 below).

16.2. Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the National College for Teaching and Leadership (NCTL). Pending such consideration, the Secretary of State may issue an interim prohibition order if he/she considers that it is in the public interest to do so.

## 17. Employer Access Online

17.1. [Employer access online](#) is a free service that enables schools to check the record of any teacher they employ or are considering employing. The service enables schools to check:

- Qualified teacher status (QTS)
- Completion of induction
- Active teaching restrictions
- Whether the teacher has been the subject of a decision by the Secretary of State **not to impose** a prohibition order for unacceptable professional conduct, conduct that may bring the teaching profession into disrepute or conviction of a relevant offence
- Whether the teacher has been prohibited from teaching
- Whether the teacher has a suspension or conditional order imposed by the General Teaching Council for England (before abolition) that is still current
- Whether the teacher has failed their induction or probation period
- Whether the teacher has a mandatory qualification for teachers of hearing impaired or visually impaired pupils

17.2. Information obtained from Employer Access Online should be considered carefully when assessing a candidate's suitability.

## 18. Childcare Disqualification Regulations Declaration

18.1. In October 2014 the DfE published supplementary advice to Keeping Children Safe in Education 2014. Following feedback and significant consultation it has now published substantially revised statutory guidance in [Disqualification under the Childcare Act 2006](#).

18.2. The impact of this is to disqualify individuals with certain cautions or convictions, or childcare orders against them, from working with children under the age of eight in school settings. They may also be disqualified 'by association' if someone who lives with them has relevant convictions, cautions or orders. **This is a complex**

**issue and it is strongly recommended that headteachers and other school managers read the [DfE guidance](#) in its entirety.**

18.3. Applicants for jobs covered by the regulations must be required to complete a declaration. Schools must not employ anyone who makes a positive declaration (this would be a criminal offence).

18.4. The date that the school receives the signed declaration should be recorded on the Single Central Record.

18.5. More details, including lists of who should complete a declaration and a model declaration form can be found in the [HR advice for schools 'The Childcare Disqualification Regulations'](#).

## **19. Health**

19.1. Anybody appointed to a post that involves regular contact with children should have the appropriate health and physical capacity to undertake the duties of that post, in accordance with The Education (Health Standards) (England) Regulations 2003.

19.2. The Equality Act 2010 prohibits all those involved in the recruitment process (except in specific very limited circumstances) from the following before having made the applicant a conditional offer of employment:

- Asking applicants questions relating to their health, attendance record and/or disability
- Asking referees to comment on an applicant's health, attendance or disability
- Asking an applicant to complete a pre-employment medical questionnaire.

19.3. Once a candidate has been made a conditional offer of employment or placed in a pool of successful candidates to be offered a job, schools must ensure that candidates complete a medical screening questionnaire. Where the school purchases a recruitment service from HR, this will be completed via Fit4jobs. Where the school does not purchase a recruitment service, the school should send out the medical form and it should be returned to the head teacher.

19.4. Where appropriate, the applicant will be referred to Occupational Health to seek advice.

19.5. Where the applicant has a disability the head teacher must consider whether there are any reasonable adjustments that can be made to enable the applicant to perform the role, and should put these in place.

19.6. No employee may start work until medical clearance has been received.

## **20. Driving Licence**

20.1. If an employee will be required to drive on school business or may be required to escort children in their own transport in an emergency, schools should ask for evidence that the employee holds the appropriate and valid driving licence to do so and is insured to undertake business journeys

## 21. Disclosure and Barring Service (DBS) checks

21.1. The DBS is responsible for administering three types of checks:

- Standard: a check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings
- Enhanced: a check of the PNC records as above, plus other information held by the police that is considered relevant by the police; and
- Enhanced with barred list information: this adds checks of the DBS Children's Barred List to the enhanced check.

21.2. Since 29<sup>th</sup> May 2013 certain old and minor convictions, cautions, reprimands and warnings will not be included (for more information see section 6.3 above and [the GOV.UK website](#) .)

21.3. Enhanced DBS checks with barred list checks should be sought for staff who are employed by the school, and for volunteers who undertake 'regulated activity' (i.e. regularly teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children) which is unsupervised. (Note: **Paid** workers in a school are classed as in regulated activity even if supervised as a school is classed as a 'specified place', and so should be DBS checked).

21.4. Online DBS applications should be completed by all successful applicants who require a DBS check.

21.5. There is no requirement to obtain an enhanced DBS check, if in the three months prior to beginning work in their new appointment, the applicant has worked:

- in a school in England in a post which brought them into regular contact with children or in any post in a school since 12<sup>th</sup> May 2006; or
- in a college in England in a position which involved the provision of education and regularly caring for, training, supervising or being in sole charge of children or young people under the age of 18.

However the school must check that the applicant is not on the Barred List. This may be done via the DBS update service where the applicant is registered, or via TP Online (through HR) if not.

21.6. In the circumstances described in 21.5, the school **may** request an enhanced DBS check with barred list check if it has any concerns about the candidate.

21.7. Schools are not required to recheck existing staff in post unless;

- an individual moves to a new position that involves responsibilities not previously checked (e.g. moving from working with adults to working with children).
- there is cause for concern about the person's suitability to work with children arising during employment.

## 22. Applicants who have lived outside the UK

22.1. Newly appointed staff who have lived or worked outside the United Kingdom must undergo the same checks as all other staff in schools, including a DBS Disclosure.



In addition schools must make any further checks they think appropriate so that have occurred outside the UK can be considered.

- 22.2. Applicants who have lived or worked outside the UK will need to provide Criminal Convictions Clearance from the country or countries they were residing in, because the DBS cannot generally trace individuals abroad. If the school recruits an individual from overseas, or an individual who has lived abroad in recent years prior to appointment, and needs to check their overseas criminal record, a DBS check may not provide a complete picture of the criminal record.
- 22.3. Advice on criminal record information that may be obtained from overseas police forces is published by the Home Office and can be found on the [GOV.UK website](#) . For employees working at community (including special) and voluntary controlled schools the school must send the disclosure to the Human Resources team before full clearance to work is issued. In relation to the above schools West Berkshire Council reserves the right to seek verification of the documents provided.
- 22.4. The Department for Education has issued [guidance on the employment of overseas-trained teachers](#). This gives information on the requirements to be followed when employing teachers who have trained abroad.

### **23. Volunteers and Governors**

- 23.1. A similar recruitment process should be used for volunteers, as for employees, including pre employment checks.
- 23.2. Volunteers in school should not automatically be subject to DBS checks. A DBS check can only be requested if the volunteer will have regular unsupervised access to children (see below for a definition). Requirements for governors are different and are specified at 23.11 and 23.12 below.
- 23.3. When determining whether to apply for a DBS check for a volunteer, head teachers should decide whether the individual will regularly be undertaking regulated activity on an unsupervised basis.
- 23.4. The definition of 'regulated activity' is "teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children".
- 23.5. The definition of 'regular' activity is where a regulated activity is undertaken by the same individual as follows:-
- work undertaken once a week or more;
  - work undertaken on four or more days in a 30 day period;
  - work undertaken at least once, overnight and with the opportunity for face-to-face contact with children.
- 23.6. 'Supervision' must be regular (on -going); day-to -day; reasonable in all circumstances for the purpose of protecting the children concerned; and carried out by an individual who is engaging in regulated activity relating to children and has a DBS disclosure with barred list check.

- 23.7. Volunteers who are unsupervised **are** employed in regulated activity **must** have an enhanced DBS with barred list check.
- 23.8. Volunteers who are supervised are not in regulated activity. See the statutory guidance on regulated activity (children) that is contained in annex D of [Keeping Children Safe in Education](#). This provides the statutory guidance on supervision. ). Seek HR advice if you are unclear.
- 23.9. Under no circumstances should a volunteer in respect of whom no DBS checks have been obtained be left unsupervised or allowed to work in regulated activity.
- 23.10. Further information about taking on volunteers can be found in Engaging Volunteers in schools - model policy and procedure.
- 23.11. From 1<sup>st</sup> April 2016 all governors appointed or elected must have an enhanced DBS **without** barred list check. **If the governor will engage in regulated activity** they must have an enhanced DBS **with** barred list check.
- 23.12. Schools must apply by 1<sup>st</sup> September 2016 for an enhanced DBS **without** barred list for governors appointed or elected prior to 1<sup>st</sup> April 2016 who do not already have one. Governors appointed before 1<sup>st</sup> April 2016 who undertake regulated activity must have an enhanced DBS with barred list check.

## 24. Supply Teachers

- 24.1. An enhanced DBS with barred list check is required for all supply teachers who are engaged directly by the school and those working via an agency.
- 24.2. Schools who engage supply teachers directly are responsible for undertaking all of the required pre-employment checks including the DBS check. Where a supply teacher does no supply work for three months or more a new DBS check should be completed.
- 24.3. Before taking on a member of supply staff provided by a supply agency, the school must obtain written confirmation from the agency that all necessary pre employment checks **for the individual** have been carried out and are satisfactory. In relation to DBS Disclosures the written notification from the agency must confirm that a relevant DBS check, including barred list check where appropriate, has been requested, whether the agency has received a notification email from the DBS and whether this email stated that the check was complete with 'no content' (which means that the check is clear), or check is 'complete with content' (which means the check is not clear). Where there is content on the certificate, the school must be shown the DBS Disclosure by the individual before he/she starts work. The school must decide whether or not to accept the agency worker following the points in section 27 below. The individual must not undertake any work until this process has been followed.
- 24.4. Schools must check the identity of the person presenting themselves for work to ensure he/she is the same person on whom the checks have been made.

## 25. Service providers, agencies and contractors

- 25.1. Schools must ensure that contractors, agencies providing temporary staff and all those providing services to the school have clear vetting procedures. Where



possible these procedures should be specifically written into a service level agreement or contract.

- 25.2. The school must obtain written confirmation from the service provider, contractor or agency that all pre-employment checks including the appropriate level of DBS check where required (e.g. where the contractor is carrying out teaching or providing some type of care or supervision of children regularly), have been carried out and are satisfactory **for each individual** that they send to work at the school. Such procedures should include overseas checks for each country that a worker has lived in.
- 25.3. In relation to DBS Disclosures the **written notification** from the contractor or agency must confirm that a relevant DBS check, including barred list check where appropriate has been requested, whether the contractor/agency has received a notification email from the DBS and whether this email stated that the check was complete with 'no content' (which means that the check is clear), or check is 'complete with content' (which means the check is not clear). Where there is content on the certificate, the school must be shown the DBS Disclosure by the individual before he/she starts work. The school must decide whether or not to accept the agency worker following points in section 27 below. The individual must not undertake any work until this process has been followed.
- 25.4. Contractors and contractors' employees, and agency staff for whom a DBS check has not been undertaken should be supervised if they will have contact with children.
- 25.5. If a contractor working at a school is self employed, the school should consider obtaining a DBS check as self-employed people are not able to make an application on to the DBS on their own account.
- 25.6. The school must check the identity of each individual sent to work at the school by a contractor or agency on arrival at the school.
- 25.7. Schools have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm to a child, or where there is reason to believe that he/she has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual.
- 25.8. Where a teacher's employer, including an agency, ceases to use the services of a teacher because of serious misconduct, or would have dismissed them had they not left, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002. The Secretary of State may investigate the case, and if he/she finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person.

## **26. Working when a DBS Disclosure is delayed or outstanding**

- 26.1. Electronic completion of DBS checks mean it is very unlikely that a school will need an employee to start work before it has received the outcome of the check. In rare cases where a DBS check is required and an application has been submitted but is

delayed or outstanding, the individual may be allowed to work in school, subject to the head teacher's discretion and the following requirements:

- The head teacher has conducted a risk assessment and does not have any concerns regarding a person's background
- The risk assessment includes reviewing the individual's employment history and reasons for any broken work history or career changes and checking all references have been received, are satisfactory and have been checked against the work history records.
- All** other pre-employment checks have been completed.
- A separate barred list check has been completed.
- The individual is supervised until full DBS clearance has been received.

26.2. If the head teacher has any doubts regarding a person's background, such as broken service, then the risk must be addressed. For example, arrangements may be made for the member of staff to undertake alternative work or to refrain from starting work. It is recommended that head teachers contact the Human Resources team for clarification and advice. If an individual is asked to refrain from starting work they should be paid as if they had attended work.

26.3. Supervision requires the head teacher to ensure that individuals are not allocated duties that put them in an unsupervised situation with pupils, that they are accompanied when working by a member of staff with DBS clearance, that their whereabouts are known to a senior member of staff when they are not working (e.g. during break times), and that the individual fully understands their personal responsibility not to put themselves in a situation where they are alone with pupils and what to do if this situation arises

26.4. A written record should be made and retained when a head teacher decides it is appropriate to allow an individual to work where a DBS check has been requested but remains outstanding (following a risk assessment by the head teacher).

## **27. DBS certificates**

27.1. Since June 2014 DBS certificates have been sent directly to the individual on whom the check has been carried out. Once the check is complete the school will receive email notification from Capita. This will either state:

- The check is complete with 'no content'; which means the check is clear, or
- The check is 'completed with content, please wait to view applicant certificate'; which mean the check is not clear.

27.2. If the DBS check is clear the school can arrange a start date and ask the applicant to bring the check with them on their first date of employment. The school must see an original copy of the certificate and record the details on its single central record.

## **28. Positive Disclosures (disclosures with content)**

28.1. A positive disclosure (i.e. 'with content') from the Disclosure and Barring Service is a certificate that shows cautions, warnings or convictions. It may show spent

convictions and also unspent convictions, and for enhanced checks, it will also show other information that a police force deems relevant to disclose based on the nature of the job that the individual will be employed to do.

28.2. If the certificate has 'content' the applicant must be asked to bring the certificate into the school as soon as possible so that the head teacher can make a decision and complete a [Positive Disclosure Decision Sheet](#). The school must see an original copy of the DBS disclosure certificate. A start date must not be confirmed until the positive disclosure form has been completed and a copy forwarded to the Head of Children's Services.

28.3. The head teacher will make the overall decision about whether or not to employ the person. All positive disclosures must be discussed with Human Resources. Disclosures which raise child protection issues must be discussed with the Head of Safeguarding and the Head of Education before a decision is taken. Where a decision to appoint is taken after receipt of a positive disclosure the information should be recorded on a Positive Disclosure Decision Sheet and this should be stored on the person's file in a sealed envelope.

28.4. Before a decision is reached on whether to offer or confirm employment to an individual, the individual should be offered the opportunity to discuss the contents of the disclosure with the head teacher. A balanced decision to appoint should be based on:

- whether they are barred from appointment
- whether the conviction is relevant to the position
- the circumstances surrounding the offence, and any explanations provided by the applicant
- the seriousness of the offence
- the length of time since the offence occurred
- whether there is a pattern to the offending behaviour, or whether it was a one-off
- whether the applicant's circumstances have changed

28.5. Further discussion should take place regarding:

- whether the applicant disclosed the conviction(s)/cautions, warnings or reprimands at application or at interview stage
- what level of supervision the will post-holder receive
- whether the post involves responsibility for finance or items of value
- whether the nature of the role allows the applicant to potentially re-offend

28.6. If an applicant has made a false declaration on the application form, or anywhere else, about convictions and cautions (or lack of them), this may render the offer of a contract of employment void. Human Resources must advise on this if the employment offer is at a Community, Voluntary Controlled, Community Special Schools or Maintained School.

## **29. Single Central Record of Recruitment Vetting Checks**

29.1. The Regulations state that the school must keep a single central record of pre-employment checks. As part of an Ofsted inspection, inspectors will want to view

the school's single central record. It is therefore important that such a record is kept and maintained. A school is expected to have a record of:

- All staff employed to work at the school,
- Staff employed as supply whether employed directly or through an agency.
- All others who work in regular contact with children in the school such as volunteers or specialist instructors.

29.2. The record must indicate whether or not the following checks have been completed:

- Identity
- Professional qualifications
- Right to work in the United Kingdom
- Enhanced DBS
- Barred list check
- Prohibition from teaching check
- Overseas checks where appropriate.

29.3. The record should also indicate the date on which each check was completed or the relevant certificate obtained and who carried out the check. (See suggested pro forma Single Central Record Template).

29.4. More details of the records that must be kept for maintained schools can be found in schedule 2 of the School Staffing (England) Regulations 2009 and the School Staffing (England) Amendment Regulations 2013. Further details for Pupil Referral Units can be found in the Education (Pupil Referral Units) (Application of Enactment) (England) Regulations 2007.

29.5. The date of the DBS check should be recorded on the central record of pre-employment checks.

## **30. References**

30.1. References are sought to obtain objective and factual information to support appointment decisions. They should always be obtained, scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed.

30.2. References should be taken up on all short listed candidates, including internal ones, before interviewing so that any concerns or discrepancies between the reference and application form can be explored further with referees and investigated further at interview. At least two references should be taken up for external candidates, and at least one for internal candidates.

30.3. If a candidate for a teaching post is not currently employed as a teacher, it is advisable to seek a reference from the school, college or local authority at which they were most recently employed, to confirm details of the applicant's employment and reasons for leaving.

30.4. Schools should always seek references directly from the referee and should NOT rely on testimonials or open references (i.e. general references often addressed 'to whom it may concern'). On receipt of references the author should be telephoned to ensure authenticity of the reference and this should be logged.

- 30.5. Reference requests should contain details of the post on offer and should be structured to ask a referee to comment on specific areas relating to the post. Schools should always ask a referee to comment on the prospective employee's suitability to undertake the post on offer, to work with children and should specifically request any information on criminal convictions, disciplinary offences and non health related capability issues.
- 30.6. Use of a pro forma, tailored to the specific needs of the school, and enclosing the job description and person specification will help to ensure the required information is obtained.
- 30.7. For further guidance please read Writing and Receiving Job References – Guidance for Schools
- 30.8. Every reference request must ask the following:
- Referee's relationship to the candidate – how they know them, how long they have known them and in what capacity.
  - Whether the referee is satisfied that the person has the ability and is suitable to undertake the job in question, based on the information provided in the job description and person specification.
  - Confirmation of person's current job title and salary
  - Specific verifiable comments about applicant's performance and conduct
  - Details of any disciplinary procedures in which the sanction is current
  - Details of any disciplinary procedures the applicant has been subject to involving issues related to safety and welfare of children or young people, including any in which the sanction has expired
  - Details of any non health related formal capability procedures within the past two years
  - If any concerns or allegations about the candidate's suitability to work with children have arisen, what these were and how they were dealt with
- 30.9. On receipt references should be checked to ensure that specific questions have been answered satisfactorily and to check that there are no anomalies with the application form. The referee should be contacted to provide further clarification as appropriate; for example where the answers are vague. Where necessary, clarification should be sought by telephone and referees asked to confirm in writing any key extra information provided. A written record of any telephone conversation must be kept with the personnel notes.
- 30.10. Any information about past disciplinary action, allegations or concerns (including those with child protection connotations) should be considered in the circumstances of the individual case. Where there is a history of repeated concerns or allegations, it is strongly advised that you contact Human Resources for more advice.

## **31. Scrutinising and short listing**

- 31.1. Where possible all employment checks should be completed between short listing and interview. By doing this, any information about past disciplinary action, allegations or discrepancies etc. can be followed up at interview.

- 31.2. Information from references should be compared with information on the application form to ensure that the information provided is consistent. Any discrepancies should be taken up with the applicant.
- 31.3. All applications should be carefully scrutinised to ensure they are fully and properly completed. Any anomalies or discrepancies or gaps in service employment should be accounted for and checked. Reasons for repeated and regular changes in employment should be explored.
- 31.4. All candidates should be assessed equally against the criteria in the person specification without exception or variation. This should be recorded on a short listing matrix.
- 31.5. A minimum of two people should carry out the short listing process, one of whom should have completed appropriate safer recruitment and selection training.

## **32. Interviews and other selection processes**

- 32.1. It is essential that a face to face interview takes place prior to any appointment. Interviews should assess the merits of each candidate against the requirements in the person specification and the job description. Interviews must also explore each individual's suitability to work with children by assessing attitudes and behaviours.
- 32.2. A robust selection process should not rely solely on the interview. A range of selection activities should be designed in order to help assess who is the most suitable candidate for the job. For teachers and teaching support roles, it is legitimate to involve pupils in the process. Pupils should not take part in assessing candidate suitability but can contribute to the panel's assessment of the ability to interact with children.
- 32.3. Invitations to interview should;
- Detail all the arrangements such as date, time, panel members, length of the selection process, selection activities
  - Remind candidates that the interview is assessing their suitability to work with children
  - Remind them to bring all relevant documents required to complete pre-employment checks, such as proof of qualifications, proof of identity and proof of eligibility to work in the UK
- 32.4. Only originals of the required documentation can be accepted; copies should not be accepted. The school should take a copy of original documents to be kept on the school file.

## **33. Selection and Interview Panel**

- 33.1. It is a legal requirement that least one panel member should be appropriately trained to participate in recruitment and selection activities. See the [NSPCC safer recruitment in education course](#) or contact the CYP Training team for further details.
- 33.2. Panels of at least two people should be involved in interviews. This allows one member to observe and assess the candidate and make notes while the other is

talking and asking questions. Alternatively panels may find it helpful to have someone present who can focus on taking notes.

33.3. Panel members should meet beforehand to agree a relevant set of questions that will enable the candidate's suitability against the selection criteria to be assessed. They will also need to identify any issues they want to explore further from the candidate's application form and employment checks.

33.4. Schools should ensure that sufficient staff and governors are trained in advance of recruitment activities to form interview panels when necessary.

#### **34. Scope of Interview**

34.1. Candidates should be asked questions to assess their skills and experience in the areas listed in the person specification. This will include questions to assess the suitability of the candidate to work with children.

34.2. In examining the candidate's suitability to work with children the interview panel should examine:

- The candidate's attitude toward children. This may be assessed through their personal statement and through interview questions that probe their values, belief and ethics.
- The candidate's motivation to work with children. Questions on their vision for education and learning and development of the child and young person and what their role is in contributing towards achieving this vision can help you assess their motivation.
- Their ability to form relationships and respect professional boundaries. This should be assessed through focused questions and complementary activities, such as group exercises or occupational personality questionnaires.
- Their emotional resilience in working with challenging behaviours and their attitudes in managing discipline and towards authority. Questions asking them to draw on previously difficult situations and how they managed these will help assess this.
- Their ability to support the school's agenda for safeguarding and promoting the welfare of children. Clarify their understanding of the school's approach towards child protection policies and procedures.
- Gaps in the candidate's employment history and explanation of repeated changes in jobs or career. These must be discussed and clarified, as should concerns or discrepancies arising from the information provided by the candidate and or referees
- If for any reasons references have not been provided before the interview the candidate should be given the opportunity to declare/discuss anything that may come to light on the collection of references.

#### **35. Questioning technique**

35.1. The ability to ask questions that probe deeper and get beneath superficial answers is a skill that takes time to develop and practice. Those who wish to deceive are practiced in the art of deception. They may rehearse model answers to questions about safeguarding or areas of their past and it is essential that the questions asked unpick these responses so that there can be confidence in the validity of the answers.

### 35.2. Example questions designed to examine an interviewee's attitudes toward safeguarding children

- What do you feel are the main drivers that led you to want to work with children?
- How do you motivate young people?
- What has working with children, to date, taught you about yourself?
- Tell me about a time when you have been working with children when your authority was seriously challenged. How did you react? What strategies did you employ to bring things back on course? How did you manage the situation?
- Tell me about a person you have had particular difficulty dealing with. What made it difficult? How did you manage the situation?
- What are your attitudes to child protection? How have these developed over time?
- What are your feelings about children who make allegations against teachers or staff?
- How do you feel when someone holds an opinion which differs from your own? Give me an example. How did you behave in this situation?
- Have you ever had concerns about a colleague? How did you deal with this?
- Tell us about what you have done in the last 12 months to actually improve child protection in the workplace. How did this action arise? Who did you talk to? What were the results?
- What is the safeguarding policy in your workplace? How is it monitored? What steps have you taken to improve things?
- Give me an example of when you have had safeguarding concerns about a child. How did it arise? Who did you speak to? What actions did you take?
- Have you ever had to challenge the views of someone more senior than yourself in relation to safeguarding concerns? What were the circumstances? How did you go about it? What was the outcome?

35.3. Some questions will need following up. By asking a follow up question you start to unpick the initial answer and investigate the validity of the answers. By using other tests and assessments activities you can increase the level of confidence you have when making the final selection decision.

### 36. **Ground rules for interviewing**

- Be properly prepared.
- Have all relevant paperwork for all interviews.
- Have an agreed set of questions but ask additional questions to explore a specific and relevant issue relating to individual candidates.
- Avoid telephone interviews.
- Make notes on candidates responses and record judgements and the basis for them
- Use Interview Questions Matrix to record all interviews
- Probe to find out about any issues around capability and employment history
- Ensure all your questions are relevant to the job and justifiable.
- Avoid any question or statement that discriminates unlawfully
- Ask questions that are based on actual experiences and behaviour
- Conduct the interview in a relaxed and non-threatening way
- Base final selection decision on criteria previously defined and evidence collated through the recruitment process.



### **37. Group exercises and other selection activities**

37.1. Here are some examples of the activities that can help provide evidence that will help a panel in assessing an individual's suitability for a particular post.

Classroom observation

- Group activities – discussions on relevant topics
- Written work
- Presentations
- Occupational Personality Questionnaire
- Assembly slots
- Playground duty

37.2. All activities must be aimed at seeking evidence of candidates' suitability for the post as specified in the job description and person specification. The assessment of each candidate should be recorded in a way that captures this.

37.3. The more information you can collect, and in as many different contexts, the sounder your ultimate selection decision will be. Remember, it is not easy to ensure consistency and equality when managing group activities, particularly when classes of children are involved.

37.4. It is important to be mindful of the equality implications when planning and arranging other assessment activities. Ensure that the criteria on which you are assessing each candidate are the same and measures are put in place to make the foundations of the assessment as similar and equal as possible.

37.5. Here are some example topics for group discussion/written work/presentations;

- What does Safeguarding mean to you/ group? Present/ discuss/ write your ideas along with suggestions for monitoring and measuring effectiveness
- Where does the responsibility for safeguarding children lie? Discuss the interrelationships and present your conclusions.
- Present a topical article on child protection and ask them to discuss.
- Present them with the 5 key aims of the Children's Act 2004 and ask them to present how they can contribute towards ensuring that they are achieved.
- Present them with a case study of a child with 'difficult behaviour' / or based on cause for concerns - discuss
- What is abuse? How do you recognise it and how do you manage it? Discuss/ present?

### **38. Offers of Employment**

38.1. A statement of the main terms and condition of employment should be sent to the candidate. Wherever possible, employment checks should be complete and the head teacher satisfied with the information received before the statement is issued.

38.2. Where any checks are outstanding the offer should make it clear that employment is subject to satisfactory outcomes of the remaining checks. All offers should be subject to satisfactory medical clearance and a medical screening form should be enclosed. Note: where an Enhanced DBS with barred list check is outstanding a

separate barred list must be obtained before the individual is allowed to start work, and they must be supervised.

38.3. Offers should be made subject to:

- Support Staff:** Satisfactory completion of a probationary period
- Teaching staff who are NQTs:** Successful completion of the statutory induction year
- Teaching staff who are more experienced:** verification of completion of the statutory induction period

38.4. Where the local authority is the employer, or where the school buys recruitment services from HR, the principal statement of terms and conditions can be issued by the Human Resources team on receipt of a fully completed ED11 (new starter form). It is critical that where one or more pre-employment check is outstanding this is made clear on the ED11 form to ensure that a conditional offer is issued.

## **39. Recording and Retaining Information**

39.1. All paperwork relating to unsuccessful applicants should be retained for an initial one year period and then confidentially destroyed in accordance with data protection regulations.

39.2. All paperwork relating to successful applicants should be retained on the employee's personnel file

39.3. The head teacher should place a copy of the email received from Capita that confirms whether or not the disclosure is clear on the employee's file. If the disclosure was not clear and a positive disclosure decision sheet was completed, a copy of the positive disclosure decision sheet should also be kept on the employee's file in a sealed envelope. These documents should be retained permanently on file.

39.4. Head teachers are advised not to print copies of the actual disclosure form. However if this is done it must be kept securely in a locked container/cabinet for a maximum of 6 months and must then be shredded. It should NOT be left in a waste bin or shredding sack before shredding.

## **40. Induction**

40.1. All new starters, permanent or temporary, should have an induction programme into their new role in the school. Equally, volunteers and contract staff should be appropriately introduced to the school.

40.2. The content and nature of the induction will vary according to the role and the previous experience of the new member of staff or volunteer.

40.3. The purpose of an induction programme is to:

- Help the new employee to settle quickly in the job
- Demonstrate the importance the school attaches to the individual's development
- Provide training and information about policies and procedures

- Support individuals appropriately
- Confirm code of conduct and expectations and provide examples of behaviour that would not be acceptable.
- Familiarise the new employee with the school's safeguarding policies and procedures.
- Provide opportunities for new member of staff to raise concerns
- Enable the person's line manager or mentor to recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately

40.4. Induction programmes should include information about;

- Policies and procedures and systems in place which support safeguarding and promoting welfare of children e.g. the child protection policy, anti bullying, racism, internet safety, health and safety etc.
- Safe practice and standards of conduct and behaviour expected of staff and pupils in their establishment; including the staff Code of Conduct
- How and with whom any concerns about child well-being should be raised
- Other relevant procedures (disciplinary, capability, whistle blowing)
- Appropriate level of child protection training according to the role.
- An introduction to the school's designated safeguarding lead and an overview of their role

40.5. All staff and volunteers must read at least part one of the statutory guidance 'Keeping Children Safe in Education' which is available from the [GOV.UK website](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/544639/Keeping-Children-Safe-in-Education-2016.pdf). Line managers should check to ensure that staff/volunteers understand the contents of this guidance.

40.6. The induction process should support new staff by exploring the issues of child protection so that they do not place themselves or children at risk. It will confirm the individual fully understands what the school expects of them, leaving no room for any claim that they were unsure of the boundaries of acceptable and unacceptable behaviour or were unaware of established procedures.

#### **41. Code of Conduct**

41.1. It is open to a school to develop its own specific code of conduct. It should cover all staff who work in the school on a paid or voluntary basis. A model Code of Conduct for Schools is available.

#### **42. Post induction and performance management**

42.1. Induction should lead into the application of the school's performance management process. Performance objectives should be intrinsically linked with school improvement and school improvement intrinsically linked with safeguarding mechanisms.

42.2. Good performance management processes that are consistently applied throughout the year will ensure clarity about boundaries and desired standards of performance.