



# KENSWORTH PRIMARY SCHOOL

## SAFER RECRUITMENT POLICY

**KPS-001**

This Policy covers the following areas of interest

- The preliminary checks our school must use before recruiting employees
- The procedure the school must comply to when recruiting employees
- The DBS checks and procedures the school must follow for all people who may have contact with our children

Agreed by	The Full Governing Body
Signed	x  Anthony Todd (Chair of Governors)
Date	17 <sup>th</sup> March 2017
Next Review Date	April 2018



## School Context

The safe recruitment of staff at Kensworth Church of England Primary School is the first step to safeguarding and promoting the welfare of our children.

The school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. This school recognises the value of, and seeks to achieve, a diverse workforce which includes people from different backgrounds with different skills and abilities.

The school is committed to ensuring that the recruitment and selection of all who work within the school is conducted in a manner that is systematic, efficient, effective and promotes equality and opportunity.

The school will uphold its obligations under law and national collective agreements to not discriminate against applicants for employment on the grounds of age, sex, sexual orientation, marital status, disability, race, colour, nationality, ethnic origin, religion or creed.

All posts within school are exempt from the Rehabilitation of Offenders Act 1974 and therefore all applicants will be required to declare spent and unspent convictions, cautions and bind-overs, including those regarded as spent and have an Enhanced Criminal Records Disclosure.

The school is committed to ensuring people who have been convicted are treated fairly and given every opportunity to establish their suitability for position.

## Policy Aims

This policy aims to ensure the school will:

1. Ensure that appropriate staff who undertake recruitment have received accredited safer recruitment training
2. Ensure that every appointment panel includes one member who has received safe recruitment training.
3. Implement robust recruitment procedures and checks for appointing staff and volunteers to ensure that reasonable steps are taken not to appoint a person who is unsuitable to work with children, or who is disqualified from working with children, or does not have the suitable skills and experience for the intended role.
4. Keep and maintain a single central record of recruitment and vetting checks in line with DFE (Statutory guidance Keeping Children Safe in Education) requirements.
5. Ensure that the terms of any contract with a contractor or agency requires them to adopt and implement measures described in this procedure. The school will monitor the compliance with these measures.



6. Require staff who are convicted or cautioned for any offence during their employment with the school to notify the school, in writing of the offence and the penalty
7. Ensure the following Pre-employment checks are undertaken
  - a. Receipt of at least two satisfactory references, one of which will be from the former or most recent employer
  - b. Verification of the candidate's identity in line with the requirements of The Immigration, Asylum and Nationality Act 2006 (see guidance on GOV.UK website)
  - c. Verification of right to work in the UK (GOV.UK website)
  - d. A satisfactory enhanced DBS clearance with a barred list information check where the person will be engaging in regulated activity (and/or Certificate of Good Conduct Embassy checks for those who have resided outside of the UK)
  - e. Verification of the candidate's (mental and physical fitness) medical fitness
  - f. Verification of (professional) qualifications as appropriate
  - g. Verification that the candidate is not subject to a Prohibition order issued by the Secretary of State, for teaching staff (See Keeping Children Safe in Education March 2016)
  - h. Verification of professional registration as required by law for teachers
  - i. Verification of successful completion of induction period (for those who obtained QTS after 7 May 1999)

## Roles and Responsibilities

It is the responsibility of the governing body to:

- Ensure the school has effective policies and procedures in place for the recruitment of all staff and volunteers in accordance with DFE guidance and legal requirements.
- Monitor the school's compliance with them

It is the responsibility of the Headteacher and other managers involved in recruitment to:

- Ensure that the school operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the school
- To monitor contractors' and agencies' compliance with this document
- Promote safeguarding of children and young people at every stage of the procedure

It is the responsibility of all potential and existing workers, including volunteers to comply with this document.

It is the responsibility of all contractors and agencies to comply with safe recruitment pre-employment checks.



The school utilises the DBS checking and administration services of their HR provider.

In accordance with the School Staffing Regulations, the governing body has delegated responsibility to the Headteacher to lead in all appointments outside of the leadership group.

School governors may be involved in staff appointments, but the final decision will rest with the Headteacher.

## The Procedure

### Advertising

To ensure equality of opportunity, the school will advertise all vacant posts to encourage as wide a field of candidates as possible, normally this will entail an external advertisement.

However, where there is a reasonable expectation that there are sufficient qualified internal candidates or where staff are at risk of redundancy, an internal advertisement may be considered appropriate.

### Applications

The form – The school uses a standard application form. CVs will not be accepted. The school requires candidates to account for any gaps or discrepancies in employment history on this application form. Where an applicant is shortlisted, these gaps will be discussed at interview.

Applicants should be aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and possible referral to the police and other professional regulatory bodies (eg: General Teaching Council for England).

### References

References for shortlisted candidates will be sent for immediately after shortlisting. The only exception to this is where candidates have indicated on their application forms that they do not wish their current employer to be contacted. In such cases, this reference will be taken up immediately after interview and prior to any offer of employment being made. One reference will be sought prior to interview wherever possible.

References must be in writing and be specific to the job for which the candidate has applied – open references or testimonials are not acceptable. The school will not accept references from relatives or people writing solely in the capacity as a friend. Wherever possible, only reference from a trusted authoritative source will be acceptable. Reference requests will specifically ask:

- About the referee's relationship with the candidate



- Whether the referee is completely satisfied that the candidate is suitable to work with children and, if not, for specific details of the concerns and the reasons why the referee believes that the person might be unsuitable.

Referees will also be asked to confirm details of:

- The applicant's current post, salary and attendance record
- Performance history and conduct
- Any disciplinary procedures in which the sanction is current
- Any disciplinary procedures involving issues related to the safety and welfare of children, including any in which the sanction has expired and the outcome of those
- Details of any allegations or concerns that have been raised that relate to the safeguarding of children and the outcome of these concerns.

References will be compared to the application form to ensure that the information provided is consistent. Any discrepancies will be taken up with the applicant at interview.

Any information about past disciplinary action or allegations will be considered in the circumstances of the individual case. Cases in which an issue was satisfactorily resolved some time ago, or an allegation was determined to be unfounded or did not require formal disciplinary sanctions, and which no further issues have been raised, are not likely to cause concern. More serious or recent concerns or issues are more likely to cause concern. A history of repeated concerns or allegations over time is also likely to give cause for concern

### **Self-declaration of convictions by job applicants**

The school's policy requires shortlisted applicants for all posts (including volunteers) to declare all criminal convictions whether "spent" or "unspent" and include any cautions and pending prosecution.

Such declarations will be made on the appropriate section of the application form, which the school administrator will remove prior to the selection panel shortlisting process. The chair of the panel/Headteacher will discuss relevant, positive declarations confidentially with the applicant at interview.

The disclosure of convictions, cautions or pending cases will not necessarily prevent employment but will be considered in the same way as positive DBS disclosures.

### **Interviews**

The selection process will always include the following:

- Face to face professional interview including questions related to safeguarding children (in line with Safer Recruitment Training)



- Young people panel/activity with children

### **Proof of Identity and Right to Work in the UK & Verification of Qualifications and/or Professional Status**

Shortlisted applicants for all posts will be required to provide proof of identity by producing documents on the day of interview in line with those set out in The Immigration, Asylum and Nationality Act 2006. Similar information is also required to undertake a Criminal Records Bureau check on the preferred candidate.

Short-listed candidates will also be required to provide original proof of their qualifications and professional status by producing documentation on the day of interview. The school will verify that candidates have actually obtained any qualifications legally required or deemed essential for the job and claimed in their application by asking to see the relevant certificate, or a letter of confirmation from the awarding body/institution. If the original documents are not available, the school will require sight of a properly certified copy. Where candidates have obtained qualifications abroad, a certified comparability check by NARIC will also be required.

Proof of identity and other documentation will be verified by the chair of the panel/Headteacher.

### **Commencement of Employment prior to DBS check being received**

Where our school allows an individual to start work in regulated activity before the DBS certificate is available, they should ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed.

A risk assessment must also be completed by the Head teacher.

### **Employment Offer**

It may be possible to negotiate a provisional start date with the preferred candidate, however, with the exception of DBS disclosures, the checks detailed above must all be completed BEFORE a person's appointment is confirmed. In the case of DBS disclosures, the certificate, or valid update check, must be obtained before or as soon as practicable after appointment. All employees and volunteers are required to complete a Childcare Disqualification Declaration in accordance with the DfE advice in 'Keeping Children Safe in Education.'

Once all pre-employment checks have been satisfactorily completed/received, an offer of employment will be made and the contract of employment issued within a reasonable timescale in accordance with employment legislation.



## **Record Retention/Data Protection**

The school will retain all interview notes on all applicants for a 6-month period, after which time the notes will be destroyed (i.e. shredded). The 6-month retention period will allow the school to deal with any data access requests, recruitment complaints, or to respond to any complaints made to the Employment tribunal.

Under the Data Protection Act 1998, applicants have a right to request access to notes written about them during the recruitment process. Applicants who wish to access their interview notes must make a subject access request in writing to the chair of the panel/Headteacher within 6 months of the interview date.

## **Personal file record**

The school will retain the following information which will make up part of the personal file, for the successful candidate:

- Application form
- References
- Disclosure of convictions form
- Proof of identification
- Proof of academic qualifications
- Proof of registration with General Teaching Council (for teaching staff)
- Certificate of Good Conduct (where applicable)
- Evidence of medical clearance from Occupational Health (where applicable)
- Evidence of the DBS clearance including Self Declaration Forms covering disqualified by association

## **Single Central Record of Barring and Recruitment Vetting Checks**

In line with DFE requirements, the school will keep and maintain a single central record of recruitment and vetting checks. The central list will record all staff who are employed at the school, including casual staff, supply agency staff whether employed directly or through an agency, volunteers, governors who also work as volunteers, and those who provide additional teaching or instruction for pupils but who are not staff members, eg: specialist sports coach or artist.

The central record will indicate whether or not the following have been completed:

- Identity checks
- Qualification checks for any qualifications legally required for the job
- Additionally for those applying for teaching posts, registration check with the GTC where appropriate
- Prohibition from teaching check
- Checks of right to work in the United Kingdom



- Barred List checks
- DBS Enhanced Disclosure and/or Certificate of Good Conduct Embassy checks for those who have resided outside of the UK
- Further overseas records where appropriate
- Keeping Children Safe in Education

It shall also indicate who undertook the check and the date on which the check was completed or the relevant certificate obtained.

In order to record supply staff provided through an agency (or training school) on the record, the school will require written confirmation from the supply agency / training school that it has satisfactorily completed the checks described above. The school does not need to carry out checks itself except where there is information contained within the disclosure. However, identity checks must be carried out by the school to check the person arriving is the person the agency intends to refer to them (the school prefers to use only primary trusted identity credentials in the form of passport or driving licence).

School staff will be given a copy of the DFE guidance on Safe Working Practice and asked to sign a declaration that they have read and understood the document and will follow the guidelines required to maintain professional boundaries at all time.

The school has a specific safeguarding related whistle blowing policy which has been disseminated to all staff and volunteers.

The school adopts a culture of vigilance where all concerns are listened to and taken seriously.

### **Monitoring and Review**

It is expected that this policy will be reviewed annually as part of the Governing Bodies policy review process.



## Appendix 1 : Disclosure and Barring Service (DBS) checks

The level of DBS certificate required, and whether a prohibition check is required, will depend on the role and duties of an applicant.

For most appointments, an enhanced DBS certificate, which includes barred list information, will be required as the majority of staff will be engaging in regulated activity.

In summary, a person will be considered to be engaging in regulated activity if, as a result of their work, they:

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

For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate.

This would include contractors who would have the opportunity for contact with children and who work under a temporary or occasional contract.

Note, as per the DfE guidance a supervised volunteer who regularly teaches or looks after children is not in regulated activity. The DfE has published separate statutory guidance on supervision and regulated activity which schools and colleges should have regard to when considering which checks should be undertaken on volunteers.

In addition to obtaining the DBS certificate described, anyone who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching.

### Regulated Activity

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government has produced a Factual note on regulated activity in relation to children: scope

Regulated activity includes:

a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children.



b) work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers;

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

c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:

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

## Types of Check

Three types of DBS checks are referred to in this guidance (see Keeping Children Safe in Education Annex G for more information):

- Standard: this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out;
- Enhanced: This provides the same information as a standard check, plus any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed; and
- Enhanced with barred list check: where people are working or seeking to work in regulated activity with children, this allows for an additional check to be made as to whether the person appears on the children's barred list.

More information is available on the DBS website.

Once the checks are complete, the DBS will send a certificate (the DBS certificate) to the applicant. The applicant must show the original DBS certificate to their potential employer before they take up post or as soon as practicable afterwards.

For staff who work in childcare provision or who are directly concerned with the management of such provision, the school needs to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009. Further



information on the staff to whom these regulations apply, the checks that should be carried out, and the recording of those checks can be found in Disqualification under the Childcare Act 2006 statutory guidance.

***If a school or college knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.***

## Sourcing Information

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

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

These further checks should include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed, using the NCTL Teacher Services' system. Although restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, we should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment

The Home Office has published guidance on criminal record checks for overseas applicants. The department has also issued guidance on the employment of overseas trained teachers. This gives information on the requirements for overseas-trained teachers from the EEA to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the United States of America.

### Agency and third-party staff

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

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



## **Trainee/student teachers**

Where applicants for initial teacher training are salaried by our school, the school must ensure that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including barred list information) must be obtained.

Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. The school should obtain written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children. There is no requirement for the school to record details of fee-funded trainees on the single central record.

## **Existing staff**

If we have concerns about an existing staff member's suitability to work with children, then our school **MUST** carry out all relevant checks as if the person were a new member of staff.

Similarly, if a person working at our school moves from a post that was not regulated activity into work which is regulated activity, the relevant checks for the regulated activity must be carried out.

Apart from these circumstances, the school is not required to request a DBS check or barred list check.

***Our school has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult; where the harm test is satisfied in respect of that individual; where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and that the individual 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. Guidance on referrals can be found on GOV.UK.

Where a teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, 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 s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person

## **Volunteers**

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

Volunteers who, on an unsupervised basis, teach or look after children regularly, or provide personal care on a one-off basis in schools and colleges, will be in regulated activity. The school



should obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity.

Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information).

However, schools and colleges may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns.

The school may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity but have the opportunity to come into contact with children on a regular basis, e.g. supervised volunteers (see below for supervision).

Employers are not legally permitted to request barred list information on a volunteer who, because they are supervised, is not in regulated activity.

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

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

The guidance the school will use for supervision is as follows:

- there must be supervision by a person who is in regulated activity;
- the supervision must be regular and day to day; and
- the supervision must be "reasonable in all the circumstances to ensure the protection of children"

## **School governors**

Our Governors are required to have an enhanced criminal records certificate from the DBS.

It is the responsibility of the governing body to apply for the certificate for any of their governors who do not already have one.

Governance is not a regulated activity and so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.



## **Contractors**

The school should ensure that any contractor, or any employee of the contractor, who is to work at our school, has been subject to the appropriate level of DBS check.

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

For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required.

In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

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 on the circumstances.

If a contractor working at a our school is self-employed, then we 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.

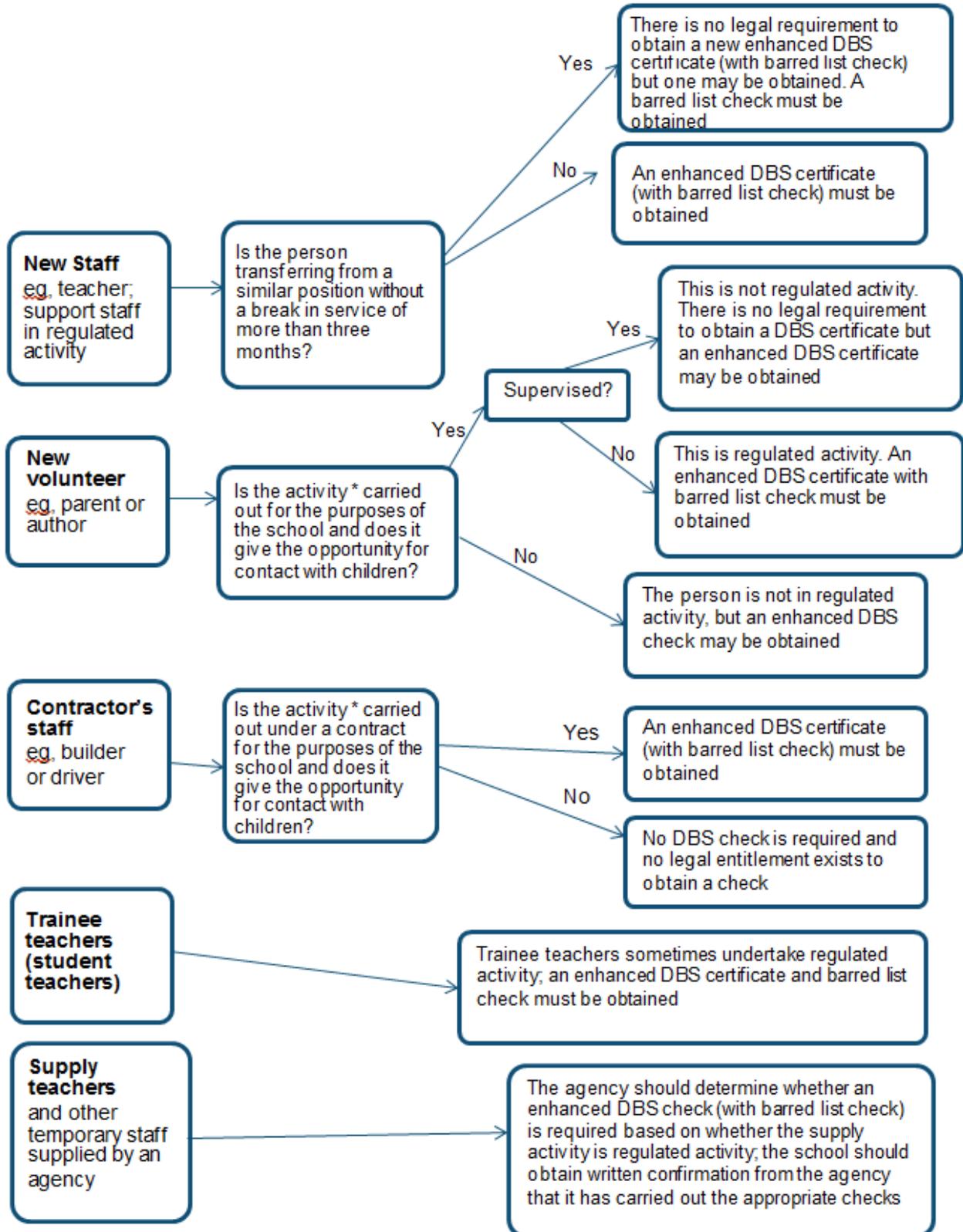
We should always check the identity of contractors and their staff on arrival at the school or college.

## **Visitors**

We do not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children's relatives or other visitors attending a sports day).

Our Headteacher should use their professional judgment about the need to escort or supervise visitors.

## DBS Check Flow Chart



\* Activities listed under the guidance's definition of regulated activity and which are carried out 'frequently'