



# Safer Recruitment Policy

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## Contents

### Statement of intent

1. Legal framework
2. Safer Recruitment Policy
3. Pre-Appointment Checks
4. Employment History and References
5. Single Central Record
6. Individuals who have lived or worked outside the UK
7. Trainee/student Teachers
8. Existing Staff
9. Volunteers
10. Contractors
11. Visitors
12. Visiting Speakers
13. Staff Leaving the School
14. Childcare Disqualification Requirements

## Statement of intent

The Shrubbery School has implemented this policy to assist with recruitment and employee selection. It outlines the school's recruitment procedure and how the school ensures safer recruitment is considered at all levels of the recruitment process.

The safety and protection of the school's pupils is always at the forefront of the school's concerns, which is why this policy aims to embed a robust safeguarding culture into the recruitment practices of the school.

## 1. Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Rehabilitation of Offenders Act 1974
- Children Act 1989
- Education Act 2002
- Sexual Offences Act 2003
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010
- Data Protection Act 2018

This policy has due regard to guidance including, but not limited to, the following:

- DfE (2021) 'Staffing and employment advice for schools'
- DfE (2022) 'ID checking guidelines for standard/enhanced DBS check applications from 1 July 2021'
- DfE (2021) 'Right to work checks: employing EU, EEA and Swiss citizens'
- DfE (2024) 'Keeping children safe in education'
- DfE (2023) 'Recruit teachers from overseas'
- Disclosure & Barring Service (2018) 'Regulated activity with children in England'
- Home Office (2022) 'Employer's guide to right to work checks'
- Safer Recruitment Consortium (2022) 'Guidance for safer working practice for those working with children and young people in education settings'

This policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy
- Complaints Procedures Policy
- Disciplinary Policy and Procedure
- Data Protection Policy

## 1. Safer Recruitment Policy

The Head teacher must act reasonably in making decisions about the suitability of each prospective employee based on checks and evidence including criminal record checks (DBS checks), barred list checks and prohibition checks together with references and interview information. It is vital that the school creates a culture of safe recruitment and, as part of that, adopts recruitment procedures that help deter, reject or identify people who might abuse children.

In order to safeguard children within our schools, we carry out a number of checks on all staff, whether permanent, temporary, voluntary, school-based supply or agency-based supply, and maintain a single central register documenting that checks have been carried out.

### At the Point of Interview

All applicants will be required to bring in a minimum of 3 proofs of Identification which verify their name, date of birth and current address. Ideally:

- valid passport, Birth Certificate or driving licence
- marriage Certificate, Birth Certificate, NHS Card, NI Card
- additional proof of address (recent utility bill, bank statement, etc.)

These ID documents will also be sufficient if a new DBS Disclosure Application needs to be completed.

If the applicant is required to hold a specific qualification relevant to the post that has been entered on their application, we need to see the original documentation to verify this.

In the case of teaching staff and many support staff roles, references will have been sought prior to interview. Appointments are always subject to receipt of satisfactory references.

### **Procedure with DBSs if Appointed**

A new enhanced DBS with Barred List Information Disclosure Application will be completed if a current valid one is not already held. The level of DBS certificate required, and whether a prohibition check is required, will depend on the role and duties of the applicant, but it is standard practice for all employees to hold an Enhanced DBS with barred list check 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, for teaching, training, instructing, caring for or supervising children in an unsupervised capacity, or providing advice or guidance, or driving a vehicle only for children
- will carry out paid, or unsupervised unpaid, for a limited range of establishments that provide the opportunity for contact with children
- engage in relevant intimate or personal care or overnight activity, even if this happens only once.

A supervised volunteer who regularly teaches or looks after children is deemed not in regulated activity. The Department for Education (DfE) has published separate statutory guidance on supervision and regulated activity.

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. For those engaged in management roles an additional check is required to ensure they are not prohibited under section 128 provisions.

In addition to the ID documents mentioned above, a five-year address history and any other surnames held will be information required on the form. Alternatively, if the applicant has subscribed to it and gives permission, the school may undertake an online update check through the DBS Update Service. Individuals can join the DBS Update Service when applying for a new DBS check; this will allow them to re-use this check when applying for similar jobs.

Once the checks are complete, the DBS will send a certificate to the applicant. The applicant must show the original to the School before they take up the position, or as soon as practical afterwards. Should DBS clearance be delayed and it is necessary for employment to commence before it is received, the school will undertake the following procedure:

- receive the results of a separate Barred List check
- undertake a risk assessment on the member of staff concerned and the relevant area(s)/children
- ensure that the person in question and relevant surrounding people are aware that the person is not to be left alone with children at any time
- add a note to the Single Central Register recording the above

If a DBS Disclosure Certificate is held and is valid, and there has been no 'break in service' of longer than 3 months away from post, we will need to see and log the document and no further application needs to be made.

If the school 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.

### **Disqualification under the Childcare Act 2006**

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.

### **Prohibition from Teaching**

In addition to the DBS checks described, anyone who is appointed to carry out teaching work (including EYFS key workers or learning support assistants) will require an additional check to ensure they are not prohibited from teaching.

Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the Teacher Regulation Agency. Pending such consideration, the Secretary of State may issue an interim prohibition order if he considers that it is in the public interest to do so.

Prohibition orders prevent a person from carrying out teaching work in schools. A person who is prohibited from teaching must not be appointed to work as a teacher in a setting.

### **Section 128 Direction**

A section 128 direction prohibits or restricts a person from taking part in the management of an independent school. A check for a section 128 direction can be carried out using the Teacher Services' system. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

### **The use of Agencies and Third-Party Companies**

Should the school seek to employ staff via a supply agency or engage with a third-party company (such as our caterers, the agency/company must be able to confirm that all relevant checks have been undertaken by:

- confirming in writing what checks have been carried out and informing the school if there is anything that may be considered relevant in the context of safeguarding children
- providing evidence of the checks carried out on their central record
- ensuring that the staff member is aware that they have to bring in their DBS Certificate, proof of qualifications (e.g., QTS Certificate) and ID documents (proving their name, date of birth and address), on the first day of their work for the school.

The school reserves the right to terminate the contract with the agency without notice should the terms of safe recruitment practice be breached by the agency or the member of the agency staff.

## **2. Pre-Appointment Checks**

Any offer of appointment to a successful candidate, including one who has lived or worked abroad, will be conditional upon the satisfactory completion of our pre-employment checks. When appointing new members of staff, we always:

- verify a candidate's identity, preferably from current photographic ID and proof of address except where, for exceptional reasons, none is available

- obtain a certificate for an enhanced DBS check with a barred list information where the person will be engaging in regulated activity
- obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available
- check that a candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State, using the Employer Access Online service
- verify the candidate's mental and physical fitness to carry out their work responsibilities through our Medical Questionnaire
- verify the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then we follow the advice on the GOV.UK website
- if the person has lived or worked outside the UK, make any further checks the school considers appropriate
- verify professional qualifications, as appropriate
- check that a person taking up a management position is not subject to a Section 128 direction
- ensure that a candidate employed to be a teacher is not subject to a prohibition order.

### **3. Employment History and References**

We always ask for written information about previous employment history and check that information is not contradictory or incomplete. If a candidate for a teaching post is not currently employed as a teacher, we check with the school or local authority at which they were most recently employed to confirm details of their employment and their reasons for leaving.

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References are always obtained, scrutinised and any concerns resolved satisfactorily before the appointment is confirmed. They are always requested directly from the referee and we do not accept open references, for example in the form of 'to whom it may concern' testimonials.

On receipt, references are checked to ensure that all specific questions have been answered satisfactorily. They are also compared for consistency with the information provided by the candidate on their application form. Any discrepancies will be taken up with the candidate.

Any information about past disciplinary action or allegations will be considered carefully when assessing the applicant's suitability for the post (including information obtained from the Teacher Services' checks referred to previously).

### **4. Single Central Record**

The school keeps a single central register as a record of all employment checks. The single central record must cover the following people:

- all staff (including supply staff and teacher trainees on salaried routes) who work at the school
- all volunteers
- the proprietor

The information that must be recorded in respect of staff members (including teacher trainees on salaried routes) is whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- an identity check
- a barred list check
- an enhanced DBS check/certificate
- a prohibition from teaching check
- a section 128 check (for management positions as set out in paragraph 99 for independent schools (including free schools and academies))

- further checks on people who have lived or worked outside the UK; this would include recording checks for those EEA teacher sanctions and restrictions described in paragraph 114
- a check of professional qualifications
- a check to establish the person's right to work in the United Kingdom

For supply staff, the school also includes whether written confirmation that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, whether any enhanced DBS check certificate has been provided in respect of the member of supply staff, and the date that confirmation was received.

## **5. 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 addition, we make any further checks so that any relevant events that occurred outside the UK can be considered. These further checks include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed, using the Teacher Regulation Agency.

## **6. Trainee/student Teachers**

Where applicants for initial teacher training are salaried by the 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 and barred list information) must be obtained.

## **7. Existing Staff**

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

The 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 individual has committed a listed relevant offence; and that 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.

## **8. 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 will be in regulated activity. The school will obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information).

The Protection of Freedoms Act 2012 amended the Safeguarding Vulnerable Groups Act 2006, removing supervised volunteers from regulated activity and applying a duty on the Secretary of State to issue guidance to assist regulated activity providers such as schools to decide what level of supervision is required so that this exclusion would apply. If the volunteer is to be supervised while undertaking an activity, which would be regulated activity if it was unsupervised, the following statutory guidance must be followed:

## **9. Contractors**

The school ensures that any contractor, or any employee of the contractor, who is to work at the 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. The school is responsible for determining the appropriate level of supervision depending on the circumstances. If a contractor working at the school is self-employed, the school should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account. The school always checks the identity of contractors and their staff.

## **10. Visitors**

The school does 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). The Head teacher will use professional judgment about the need to escort or supervise visitors.

## **11. Visiting Speakers**

Visiting speakers invited into school to talk to pupils in assemblies or in classes do not require DBS checks as long as they are supervised whilst in the school site. The school will ensure that they are suitable to be with children and that the subject matter is appropriate. Visitors conducting activities such as individual interviews with pupils that require them to be alone, must have enhanced DBS checks carried out.

The Prevent Policy should be followed for visiting speakers to ensure that the risk of radicalisation is minimised.

## **12. Staff Leaving the School**

The school will also consider making a referral to the Teacher Regulation Agency where a teacher has been dismissed (or would have been dismissed had he/she not resigned) and a prohibition order may be appropriate. Reasons for such an order include, but are not limited to, unacceptable professional conduct, conduct that may bring the profession into disrepute or a conviction, at any time, for a relevant offence.

## **13. Childcare Disqualification Requirements**

At the end of 2014 the Department for Education published advice on childcare disqualification requirements. This advice states that the Childcare Act 2006 (the Act) and the Childcare (Disqualification) Regulations 2009 (the Regulations) disqualify staff from registration for early years or later years provision if:

- they are on the DBS Children's Barred List
- they have been cautioned for, or convicted of or charged with, certain violent and sexual criminal offences against children and adults, at home or abroad
- they are subject of certain other orders relating to the care of children
- they have had registration refused, or cancelled, in relation to childcare or children's homes or have been disqualified from private fostering



The Act states that anyone disqualified from registration is unable to provide, or be directly involved in the management of, early or later years provision for children under the age of eight.

The DfE advice states that the Regulations cover staff working in nursery, primary or secondary schools and that schools should ask existing employees working in these settings and those who are directly concerned in the management of such provision to provide the relevant information about themselves. They should also ask for this information as part of the pre-employment checks they undertake on appointing new staff.

Within schools this will apply to all those who currently work with children up to the age of eight, those working in connection with that provision, anyone else directly involved in its management and those who are recruited to work in, in connection with, or to manage that provision in future.

Therefore, the school asks all current and future employees to provide the following information about themselves or any person who lives in the same household as them:

- details of any order, determination, conviction, or other ground for disqualification from registration under the Regulations
- the date of the order, determination or conviction, or the date when the other ground for disqualification arose
- information about the body or court which made the order, determination or conviction, and the sentence (if any) imposed
- a certified copy of the relevant order (in relation to an order or conviction)

**During recruitment, candidates who are disqualified will be deterred from application or rejected. Although it is unlikely that existing members of staff have a disqualification due to the rigorous employment checks already in place, any disqualification by association may lead to suspension and further investigation.**