



## The Oak Tree Federation



### SAFER RECRUITMENT POLICY

September 2018

#### Document summary

This policy sets out the process to enable this school to ensure the safe recruitment of staff in schools as the first step to safeguarding and promoting the welfare of children.

#### Enquiries

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### About this document:

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### Key points

- The recruitment process should be fair, open and transparent.
- The Safer Recruitment Policy should be read and implemented alongside the Council's Recruitment and Selection Policy.
- The safe recruitment of staff in schools is the first step to the safeguarding and promoting the welfare of children in education.

### 1. Introduction

- 1.1. This policy applies to all maintained school based employees where the Governing Body has adopted the policy (subject to such other changes that may have been adopted by the Governing Body of the school). Throughout the policy, where reference is made to the 'County Council' this therefore includes maintained schools. Academies may choose to adopt or adapt this policy to suit their individual needs.
- 1.2. The term "recruiting manager" includes those members of a school Governing Board, who have been nominated for recruitment and selection panels, and headteachers, to whom authority to recruit all employees, except senior teaching staff, should be delegated by the Governing Body.
- 1.3. This policy should be used for any appointment requiring a selection procedure. For exemptions from the selection procedure, see Section 6 below.

## **2. Principles**

- 2.1. 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.
- 2.2. All posts within school are exempt for 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 complete an Enhanced Criminal Records Disclosure via the Disclosure and Barring Service (DBS).
- 2.3. The school will ensure that appropriate staff who undertake recruitment have received accredited safer recruitment training.
- 2.4. The school will ensure that every appointment panel includes one member who has received accredited safer recruitment training.
- 2.5. There are a number of accredited providers of on-line and face to face Safer Recruitment training:  
<https://www.educare.co.uk/courses/safer-recruitment/>  
<https://learning.nspcc.org.uk/training/schools/safer-recruitment-in-education-training/>
- 2.6. The school will 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.
- 2.7. The school will keep and maintain a single central record of recruitment and vetting checks in line with DfE (Statutory guidance Keeping Children Safe in Education) requirements. A template for a single central record and an ESCC guidance document is available on the Webshop.
- 2.8. The school will ensure the terms of any contract with a contractor or agency requires them to adopts and implement measures described in this policy. The school will monitor compliance with these measures.
- 2.9. Staff who are convicted or cautioned for any offence during their employment are required to notify the school in writing, including both the offence and the penalty.

## **3. Roles and responsibilities**

- 3.1. It is the responsibility of the governing board 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.
- 3.2. It is the responsibility of the Headteacher and other managers involved in the recruitment and selection process to:
  - Ensure that the school operates safer recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the school
  - Monitor contractors' and agencies' compliance with this document.
  - Promote safeguarding of children and young people at every stage of the recruitment and selection process.
- 3.3. It is the responsibility of all potential and existing workers, including volunteers to comply with the terms of this policy.
- 3.4. It is the responsibility of all contractors and agencies to comply with safer recruitment pre-employment checks.

- 3.5. It is the responsibility of the Employee Services Team for East Sussex County Council to administer the disclosure system using the Disclosure and Barring Service (DBS) for maintained schools, and where appropriate academies using the Council's services.
- 3.6. In accordance with the School Staffing Regulations, the governing board has delegated responsibility to the Headteacher to lead in all appointment outside of the leadership group.
- 3.7. School governors may be involved in staff appointments, but the final decision will rest with the Headteacher. The Headteacher may delegate the selection process of staff outside of the leadership group to other managers in the school, but it is the Headteacher who remains responsible for the final decision to appoint.
- 3.8. For Head Teacher, Head of School and Deputy Head Teacher posts, the responsibility for recruitment and selection is delegated to an appointment panel of nominated governors. They are required to shortlist and interview candidates and make a recommendation to the full Governing Body who make the final appointment decision. Under the provisions of the Education Act 2002, the Director of Children's Services (or nominated representative) has an entitlement to offer advice in Head Teacher appointments, and the panel have a duty to take this advice into consideration. He /she is therefore entitled to attend all selection proceedings. For an Aided School, the Diocesan Director (or nominated representative) should be included. For a Controlled School, consideration should be given for the Diocesan Director (or nominated representative) to attend.
- 3.9. It is the responsibility of all staff to read and understand Part 1 and Annex A of Keeping Children Safe in Education 2018 (KCSiE 2018), and to sign to this effect:  
<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
- 3.10. This record is then retained for inspection purposes and as part of the Safeguarding Checklist for Governors. In addition, if a school leader and/or a member of staff works directly with children, they should also read Part 1 and Annex A of KCSiE).

#### **4. The recruitment and selection process**

- 4.1. The County Council provides a [Recruitment and Selection Toolkit](#) which is available on the Intranet and has guidance notes on each stage of the recruitment process. Recruiting managers are required to have an understanding of their role and responsibilities in each stage. A similar [Recruitment and Selection Toolkit](#) is available on the Webshop for use in Schools.
- 4.2. Recruiting managers in schools need to be aware of the following information in relation to managing the recruitment and selection process in schools, these documents are available from the DfE website:
  - The Governors Handbook - Section 6.5 - Staffing and Performance Management: :  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/582868/Governance\\_Handbook\\_-\\_January\\_2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/582868/Governance_Handbook_-_January_2017.pdf)
  - The School Staffing (England) Regulations 2009:  
<http://www.legislation.gov.uk/uksi/2009/2680/made>
  - Staffing and Employment Advice for Schools - May 2018  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/710888/Staffing\\_and\\_employment\\_advice\\_for\\_schools-18.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/710888/Staffing_and_employment_advice_for_schools-18.pdf)

For further information see [Webshop/Schools Personnel and Training/Recruitment](#) and [Retention/Recruitment](#) and [Selection/Before You Recruit](#).

## **5. Advertising**

- 5.1. 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.
- 5.2. All advertisements will contain the school's safeguarding statement.

## **6. Application forms**

- 6.1. The school uses the Council's standard application form for teaching and/or support staff vacancies. CV's 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.
- 6.2. Applicants should be aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the application has been *selected*, and where appropriate a referral to the police and other professional bodies.

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

- 7.1. Applicants for all post (including volunteers) are required to declare all criminal convictions whether "spent" or "unspent" and include any cautions and pending prosecution.
- 7.2. 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
- 7.3. 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.

## **8. Interviews**

- 8.1. The selection process will always include a face to face interview with at least one selection panel which will include questions relating to safeguarding children (in line with Safer Recruitment Training).
- 8.2. For some vacancies, it may be appropriate for the selection process to include a panel of young people of an appropriate activity with pupils.

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

- 9.1. 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 National Act 2006. Similar information is also required to undertake a DBS check on the preferred candidate.

- 9.2. Shortlisted candidates will also be required to provide original proof of their qualifications and professional status by producing documentation on the day of the 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. 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 UK NARIC will also be required. UK NARIC is the UK's National Agency responsible for providing information and opinion on academic, vocational and professional qualifications from across the world:

<https://www.naric.org.uk/naric/individuals/compare%20qualifications/default.aspx>

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

## **10. Commencement of employment prior to DBS check being received**

- 10.1. In exceptional circumstances it is permitted to commence employment prior to receiving a DBS check. However a Barred List check and risk assessment must be carried out by the Headteacher. The risk assessment should include that the employee must not be unsupervised or left alone with pupils until a DBS check has been received and the decision is taken that the DBS check meets the requirements of the post.

## **11. Employment offer**

- 11.1. When the offer of employment is made (verbally and in writing) this should only be made subject to the successful completion of all pre-employment checks.
- 11.2. It may be possible to agree a provisional start date with the preferred candidate, however, with the exception of DBS disclosures, all pre-employment checks (see below) must be completed **before** a person's appointment is confirmed. In the case of DBS disclosures, the certificate must be obtained before or as soon as practicable after appointment. All employees and volunteers working in a relevant setting (see the Disqualification under the Childcare Act Policy) are required to complete a Childcare Disqualification Self -Declaration Form a Statutory guidance published by DfE provides further information:  
<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>
- 11.3. Once all pre-employment checks have been satisfactorily completed, an offer of employment will be made and the contract of employment issued in accordance with employment legislation.

## **12. References**

- 12.1. It is the decision of the school if they wish to take up references on all shortlisted candidates immediately after shortlisting. This is normal practice for headteacher vacancies. References are part of the pre-employment checks and should be requested immediately an offer of employment has been made (subject to 11.2 above). Any discrepancies in a reference should be discussed with the referee, and where appropriate, the offer of employment may be withdrawn. See the Council's Reference Policy for further information.
- 12.2. Where an employee has indicated on the application form that they do not wish their current employer to be contacted prior to interview, in such cases, the reference will be taken up immediately after interview and prior to any offer of employment being substantiated.



12.3. References must be in writing and on school or business letterhead, and be specific to the job for which the candidate has applied – open reference or testimonials are not acceptable. The school will not accept references from relatives or people writing solely in the capacity of a friend. Wherever possible, only references from a trusted authoritative source will be acceptable. Reference requests may 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 concern and the reasons why the referee believes that the person might be unsuitable.

12.4. Referees will also be asked to confirm:

- The applicant's current post and salary
- Performance history and conduct including details on any situation where any formal action has been taken using capability procedures within the last 2 years.
- Any disciplinary procedures in which the sanction is current.
- Any disciplinary procedures involving issues relating to the safety and welfare of children, including any in which the sanction has expired and the outcome of those.

12.5. KCSIE provides further statutory guidance employment history and references (paragraphs – 139 – 142)

12.6. 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.

### **13. Pre-employment checks**

13.1. The following pre-employment checks will be undertaken:

- Receipt of at least two satisfactory references, one of which will be from the current, former or most recent employer, as described above.
- Verification of the candidate's identity in line with the requirements of The Immigration, Asylum and Nationality Act 2000.
- Verification of right to work in the UK (see the GOV.UK website for more information)
- A satisfactory enhanced DBS clearance with a barred list information check where the person will be engaging in regulated activity.
- A health assessment carried out by the Council's Occupational Health provider.
- Verification of (professional) qualifications as appropriate.
- Verifications of qualified teacher status, successful completion of induction year and confirmation that the teacher is not subject to any prohibition orders (all accessed from the school via the DfE Employer Access or Teacher Services online check) as required by law for teachers – see : <https://www.gov.uk/guidance/teacher-status-checks-information-for-employers>
- **For academies and free schools only** a check for a section 128 direction (for management positions in independent schools including academies and free schools) please see the link above to undertake this check.

### **14. Record retention and data protection**



- 14.1. The school will retain all interview notes on all applicants for a 12 month period, after which time notes for unsuccessful candidates will confidentially destroyed (shredded). The 12 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. For successful candidates, interview notes will normally be held as part of their personnel file, as described on the council's HR retention schedule.
- 14.2. Under data protection law, applicants have a right to request access to notes written about them during a recruitment process. Applicants who wish to access their interview notes must make a written subject access request in writing to the school at any point while the record is still held by the school.
- 14.3. In gathering information to make recruitment decisions schools must ensure that they act proportionately and minimise wherever possible the intrusion into the private lives of their staff. Accordingly schools must ensure that they handle information fairly and lawfully and take care not to breach:
- The Data Protection Act
  - The General Data Protection Regulations
  - The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) ("the Exceptions Order")
  - The Human Rights Act 1988.

## **15. Personnel file records**

- 15.1. The school will normally retain the following information which will make up part of the personnel file, for the successful candidate, in line with the Council's HR retention schedule:
- Application form
  - References
  - Disclosure of convictions form
  - Proof of identification
  - Evidence of qualifications
  - Evidence that the Employer Access online checks have been made - teaching qualification, successful completion of induction year and no prohibition orders in place (and section 128 checks for academies).
  - Proof of professional qualifications (e.g. QTS, NPQH etc.).
  - Evidence of health assessment from the provider of occupational health services to the school
  - Evidence of the DBS clearance the actual DBS form or certificate should not be retained.
  - Certificate of Good Conduct (where applicable to DBS checks).
  - Copy of any risk assessment for any positive disclosure made
  - Copy of self-declaration form - Disqualification under the Childcare Act (for relevant positions).
  - Academies/Free schools only: Section 128 checks

## **16. Single Central Record of Barring and Recruitment Pre-employment checks**

- 16.1. In line with DfE requirements, the school will keep and maintain a single central record of recruitment and pre-employment 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, and those who provide additional teaching or instruction for pupils but who are not staff members, e.g. peripatetic music teachers, sports coach or artist etc.
- 16.2. The single central record will indicate whether or not the following have been completed:
- Identity checks
  - Qualification checks for any qualification legally required for the job (e.g. QTS)
  - Prohibition from teaching checks
  - Barred list checks
  - DBS enhanced disclosure
  - Further overseas checks where appropriate
  - Disqualification under the childcare act
  - Academies and Free Schools only: Section 128 checks
- 16.3. The single central record will also indicate who undertook the check and the date on which the check was completed or the relevant certificate obtained.
- 16.4. In order to record supply provided through an agency on the record, the school will require written confirmation for the supply agency 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.
- 16.5. School management staff will be given a copy of the DfE guidance on Working Together to Safeguard Children - July 2018: <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2> 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 times.

## **17. Whistleblowing**

- 17.1. All staff in maintained schools are subject to the Council's Whistleblowing Policy - Raising Concerns.

## **18. Safeguarding culture and vigilance**

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

## **19. Allegations**

- 19.1. The school will follow DfE and East Sussex County Council Safeguarding Children Board allegations procedures and refer any allegation for initial consultation to the Local Authority Designated Officer (LADO).