

Safer Recruitment Policy

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1. General

- 1.1. The Trust is committed to ensuring the best possible environment for the children and young people in its care. Safeguarding and promoting the welfare of children and young people is our highest priority.
- 1.2. The Trust aims to recruit staff that share and understand our commitment and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act 2010.
- 1.3. All queries on the School's Application Form and recruitment process must be directed to the SAND HR Manager.
- 1.4. An entry will be made on the Single Central Record for all current members of staff at each school, the proprietorial body and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties.
- 1.5. All checks will be made in advance of appointment or as soon as practicable after appointment.

2. Scope of this Policy

- 2.1. The Safer Recruitment Policy and Procedure herewith refers and applies to staff directly recruited and employed by the Trust.
- 2.2. In the case of agency or contract workers, each school shall obtain written confirmation from the agency or company that it has carried out the appropriate checks. Each school conducts identity checks on agency and contract workers on arrival in school and, in the case of agency workers which includes supply staff, the school must be provided with a copy of the DBS check for such staff.
- 2.3. Each school will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure, right to work in the UK, barred list, prohibition, qualifications, overseas checks plus in line with KCSIE two references, declaration of medical fitness, check of previous employment history). The Single Central Record shows what checks have been made and the school carries out its own identity check and has seen a copy of the disclosure (whether or not it discloses any information).
- 2.4. In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in school. Each school will determine the appropriate level of supervision depending on the circumstances.
- 2.5. Any staff who TUPE transfer into the school's staff will be required to undertake the statutory requirements with regard to safer recruitment checks.

3. Application Form

- 3.1. The Trust will only accept applications from candidates completing the relevant Application Form either on My New Term or via a hard copy of the Trust's Application Form in full. CVs will not be accepted in substitution for completed Application Forms.
- 3.2. The Trust will make candidates aware that all posts in the school involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post. Candidates for employed posts will receive a Job Description and Person Specification for the role applied for.

- 3.3. Checks will be made of previous employment history to ascertain satisfactory reasons for any gaps in employment. These checks will then be checked against references and any discrepancies discussed with the candidate.
- 3.4. As the position for which candidates are applying involves substantial opportunity for access to children, it is important that applicants provide the school with legally accurate answers. Upfront disclosure of a criminal record may not debar a candidate from appointment as the school shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Information should be submitted via the My New Term portal within the Safeguarding Disclosure form candidates are required to complete. In the case of a candidate completing a hard copy application, candidates should write in confidence enclosing details in a separate sealed envelope which will be seen and then destroyed by the Headteacher. If candidates would like to discuss this beforehand, they are asked to please telephone SAND HR in confidence for advice.
- 3.5. Any unspent convictions, cautions, reprimands or warnings must be disclosed to the school. However, 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. In 2020, the Government removed the requirement for automatic disclosure of youth cautions, reprimands and warnings and the multiple conviction rule which requires the automatic disclosure of all convictions where a person has more than one conviction, regardless of the nature of the offence or sentence. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.
- 3.6. The successful applicant will be required to complete an online Disclosure Form from the Disclosure and Barring Service (“DBS”) for the position. Additionally, successful applicants should be aware that they are required to notify the school immediately if there are any reasons why they should not be working with children. This includes any staff who are disqualified from childcare or registration.
- 3.7. The statutory guidance “Disqualification under the Childcare Act 2006 (July 2018)” applies to those providing early years childcare or later years childcare, including before school and after school clubs, to children who have not attained the age of 8 AND to those who are directly concerned in the management of that childcare.
- 3.8. The Trust takes its responsibility to safeguard children very seriously and any staff member and/or successful candidate who is aware of anything that may affect his/her suitability to work with children must notify the Headteacher of the employing school immediately. This will include notification of any arrest, release under investigation, charge, caution or conviction as well as court orders, reprimands or warnings he/she may receive.
- 3.9. Staff and/or successful candidates who are disqualified from childcare or registration may apply to Ofsted for a waiver of disqualification. Such individuals may not be employed in the areas from which they are disqualified, or involved in the management of those settings, unless and until such waiver is confirmed. Please telephone SAND HR for advice/more details.
- 3.10. Failure to declare any convictions (that are not subject to DBS filtering) may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently.

- 3.11. Each school has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have *'due regard to the need to prevent people from being drawn into terrorism'*. This is known as the Prevent duty. Schools are required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. Accordingly, as part of the recruitment process, when an offer is made the offer will be subject to a Prevent duty risk assessment.
- 3.12. If the candidate is currently working with children, on either a paid or voluntary basis, the school will ask their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether the candidate has been the subject of any child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure.
- 3.13. If the candidate is not currently working with children but has done so in the past, the school will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, the school will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, the school may request character references which may include references from the candidate's school or university.
- 3.14. All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal by the school if they have been appointed, and a possible referral to the police and/or DBS.

4. Invitation to Interview

- 4.1. Each school will short list applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. Short-listed applicants will then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail.
- 4.2. KCSiE 2023 sets out the requirement to undertake online checks on all shortlisted candidates that will involve screening of social media profiles. As a trust we take pride in our safeguarding procedures and work hard to update our practice to ensure that we are following best practice. We spent many hours trying to achieve a fair, consistent benchmark for searches that would be scorable and equitable for all candidates. After talking with trade unions, our data protection officer and the Gloucestershire Safeguarding Children's partnership, we have decided not to conduct online searches against staff. We are currently concerned that online searches would add little to our already robust recruitment process or to the safeguarding culture of the school and could potentially disadvantage certain applicants. We all have a role to play in safeguarding and remain vigilant to people's behaviour online or in person. We will review our position on online searches as guidance and legislation is updated and update this policy accordingly.

~~To ensure that online checks are not discriminatory, the search will be carried out by a member of the HR team and will be used only to meet the intended purpose of the recommendation in relation to whether an applicant is suitable to work with children and young people and only relevant information will be passed to the interview panel. No other aspects of a candidate's personal profile will be used to form an opinion of the candidate. The online search will involve:~~

~~4.2.1. A Google and social media search of the person's name~~

- 4.2.2. ~~The home town could be included if it is a name that generates a lot of hits~~
- 4.2.3. ~~A review will take place of the first 2 pages of a Google search~~
- 4.2.4. ~~Any news stories or links to popular social media sites will be reviewed.~~
- 4.3. ~~The online search is looking for anything which calls into question the candidate's suitability to work with children or could cause harm to the reputation of SAND Academies Trust. Any information discovered will be printed and shared with members of the interviewing panel prior to the interview. This could include content that evidences:~~
 - 4.3.1. ~~Inappropriate or offensive behaviour~~
 - 4.3.2. ~~Discriminatory views~~
 - 4.3.3. ~~Substance misuse~~
 - 4.3.4. ~~Inappropriate photos or videos~~
 - 4.3.5. ~~Information that contests the information on the application form~~
 - 4.3.6. ~~Derogatory posts about a former employer~~
- 4.4. It is recommended best practice that formal interviews will have a panel of at least three people and should be chaired by the delegated person responsible for the role. ~~chaired by the Headteacher or another designated senior member of staff and a LAB (Local Advisory Board) member.~~ It is recommended best practice that at least one person on the appointment panel will have undertaken safer recruitment training. The Chair of Trustees should chair the panel for the appointment of the CEO and Finance Director.
- 4.5. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should withdraw from the panel. Should the Chair have a conflict of interest, the Deputy Chair shall decide whether the Chair should withdraw from the panel.
- 4.6. Interviews will be conducted in person, unless there is a specific reason to conduct an online interview, and will explore will include suitability to work with children.
- 4.7. All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g. the original or certified copy of certificates, diplomas etc). Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.
- 4.8. The school requests that all candidates invited to interview also bring with them 3 forms of ID to include:
 - 4.8.1. A current driving licence including a photograph or a passport or a full birth certificate;
 - 4.8.2. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
 - 4.8.3. Where appropriate, any documentation evidencing a change of name; and
 - 4.8.4. Post Brexit (31st December 2020), all Nationalities will need to evidence their right to work in the UK through the following means:

- 4.8.4.1. Settled/pre-settled status (passport of EU identity card may continue to be accepted until 30th June 2021 providing the EU citizen was living in the UK prior to 31st December 2020)
- 4.8.4.2. Other Immigration Document evidencing Right to Work in the UK i.e. Biometric Residence Permit
- 4.8.4.3. Irish citizens will continue to be able to live and work in the UK. The Common Travel Area, the decades-old arrangement between Ireland and the UK, permits British citizens in Ireland and Irish citizens in the UK, to live and work in each other's countries without restriction.

4.9. Please note that originals of the above are necessary. Photocopies or certified copies are not sufficient.

4.10. Candidates with a disability who are invited to interview should inform the school of any necessary reasonable adjustments or arrangements to assist them in attending the interview.

5. Conditional Offer of Appointment: Pre-Appointment Checks

5.1. Any offer to a successful candidate will be conditional upon:

- 5.1.1. Receipt of at least two satisfactory references (if these have not already been received);
- 5.1.2. Verification of identity and qualifications including, where appropriate, evidence of the right to work in the UK;
- 5.1.3. A satisfactory enhanced DBS check and, if appropriate, a check of the Barred List maintained by the DBS;
- 5.1.4. For a candidate to be employed as a teacher, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State Teaching work is defined in The Teachers' Disciplinary (England) Regulations 2012 to encompass:
 - 5.1.4.1. Planning and preparing lessons and courses for pupils
 - 5.1.4.2. Delivering and preparing lessons to pupils
 - 5.1.4.3. Assessing the development, progress and attainment of pupils
 - 5.1.4.4. Reporting on the development, progress and attainment of pupils;
- 5.1.5. Verification of professional qualifications, where appropriate;
- 5.1.6. Verification of successful completion of statutory induction period (for teaching posts – applies to those who obtained QTS after 7 May 1999);
- 5.1.7. Where the successful candidate has worked or been resident overseas such checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered;
- 5.1.8. Satisfactory medical fitness;
- 5.1.9. Confirmation that the candidate is not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006 (July 2018)" OR Receipt of a signed Staff Suitability Declaration form showing that the candidate is not disqualified from providing childcare as set out in the statutory guidance "Disqualification under the Childcare Act 2006 (July 2018)";

- 5.1.10. For a candidate who has lived or worked outside the UK, from January 2021, the Teacher Regulatory Authority will no longer maintain a list of EEA teachers with sanctions. Each school should request a new teacher provides a letter of professional standing. Where possible, the school should also ask applicants to provide proof of their past conduct as issued by the professional regulatory authority in the country where the applicant has worked.
- 5.1.11. A check that a person taking up a management position is not subject to a section 128 direction made by the Secretary of State.
- 5.2. It is the trust's practice that a successful candidate must complete a pre-employment health questionnaire. Occupational Health will review the information against the Job description and Person specification for the particular role, together with details of any other physical or mental requirements of the role ie: proposed workload, extra-curricular activities, layout of the school and their decision is shared with the school and held in strictest confidence in accordance with the Data Protection Policy.
- 5.3. The trust is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, considering medical evidence and considering reasonable adjustments.

6. References

- 6.1. The trust will seek references for shortlisted candidates (including internal applicants) and may approach previous employers for information to verify particular experience or qualifications, before interview. One of the references must be from the applicant's current or most recent employer. References must be received by a senior person with appropriate authority.
- 6.2. The trust will ask all referees if the candidate is suitable to work with children.
- 6.3. The trust will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials. The school will verify all references. Where references are received electronically, the school will ensure they originate from a legitimate source.
- 6.4. The trust will compare any information provided by the referee with that provided by the candidate on the Application Form. Any inconsistencies will be discussed with the candidate.

7. Criminal Records Policy

- 7.1. The trust will refer to the Department for Education ("DfE") document, 'Keeping Children Safe in Education' and any amended version in carrying out the necessary required DBS checks.
- 7.2. The trust complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request, or accessed here:
<https://www.gov.uk/government/publications/dbscode-of-practice>.
- 7.3. SAND DBS clearances will always be completed for new members of staff.

8. DBS Update Service

- 8.1. Where an applicant subscribes to the DBS Update Service the applicant must give consent to the school to check there have not been changes since the issue of a disclosure certificate.

9. If disclosure is delayed

9.1. No member of staff should begin work without all checks being completed including the DBS check. However, where the disclosure is delayed, school should carry out a written risk assessment for the role and ensure that the member of staff is supervised at all times. The risk assessment should be noted on the Single Central Record.

10. Retention, Security of Records and Data Protection Obligations

10.1. The school and Trust will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy. Copies of DBS certificates will only be held until the details have been recorded on the Single Central Record.

10.2. The school and Trust will comply with its data protection obligations in respect of the processing of criminal records information. More information on this is included in the Privacy Notice and the Data Protection Policy.

Appendix 1 - Policy on the Recruitment of Ex-Offenders

The trust will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The trust makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him/her from employment within the school. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.

Under the relevant legislation, it is unlawful for the school to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the school to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence. It is also unlawful for the school to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the statutory guidance "Disqualification under the Childcare Act 2006 (July 2018)".

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the trust. The trust will report the matter to the Police and/or the DBS if:

- the trust receives an application from a disqualified person;
- is provided with false information in, or in support of an applicant's application; or
- the trust has serious concerns about an applicant's suitability to work with children.

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the school will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is the trust's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the trust's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the trust's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving.