

The Mercian Trust

Safer Recruitment Policy

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1.0 Introduction

- 1.1 The Mercian Trust is committed to providing the highest level of education and care to its pupils and to safeguarding and promoting the welfare of children and young people.
- 1.2 The Mercian Trust recognises that the safe recruitment of its staff in school is essential to safeguard the children in attendance.
- 1.3 Safer practice in recruitment means thinking about and including issues relating to child protection and safeguarding and promoting the welfare of children at every stage of the process and for all people being recruited.
- 1.4 This policy is **NOT** a Recruitment and Selection Guide and deals only with safer recruitment. The content of this policy is in line with Keeping Children Safe in Education 2018.

2.0 Aims and Objectives

- 2.1 The aims of this safer recruitment policy are as follows;
- to help deter, reject or identify people who are unsuitable to work with pupils by having appropriate selection and appointment procedures
 - to ensure that the best staff are recruited on the basis of their suitability, merits and abilities as measured against the job description and person specification
 - to ensure that no applicant is discriminated against on any grounds as per the Equality Act 2010
 - to ensure compliance with the Keeping Children Safe in Education 2018 statutory guidance for schools and colleges on safeguarding children and safer recruitment in education
 - to ensure compliance with current employment legislation
- 2.2 It is recommended that this guidance is used in conjunction with the advice and support of your HR provider.

3.0 Roles and Responsibilities

- 3.1 It is the responsibility of the Headteacher/Principal and all other staff involved in recruitment to;
- ensure that the school operates safe recruitment procedures
 - ensure that appropriate checks are carried out on all staff and volunteers who work at the school
 - to monitor contractors and agencies compliance with this policy
- 3.2 In this school the Local Governing Body has delegated responsibility to the Headteacher/Principal for staff appointments in line with the scheme of delegation.
- 3.3 It is the responsibility of the Local Governing Body to;
- ensure the school has effective policies and procedures in place for recruitment of all staff and volunteers
 - monitor the school's compliance with them

4.0 Recruitment and Selection Procedure

4.1 Selection Panel

- 4.1.1 Any person with a **personal** or **pecuniary interest** in the appointment of a particular applicant must declare it as soon as they are aware of the individual's application and avoid any involvement in the recruitment and selection decision making.
- 4.1.2 At least one member of the selection panel will have completed Safer Recruitment Training¹

4.2 Job Descriptions and Person Specifications

- 4.2.1 Every job description and person specification will make reference to the postholder's responsibility for safeguarding and promoting the welfare of children.
- 4.2.2 The person specification will include specific reference to suitability to work with children.

4.3 Advertisements

- 4.3.1 Adverts for all posts will include the school's commitment to Safeguarding and the fact the post is exempt from the Rehabilitation of Offenders Act i.e.;

This school is committed to safeguarding and promoting the welfare of children and young people/vulnerable adults and expects all staff and volunteers to share this commitment.

This position is subject to appropriate vetting procedures including a criminal record check from the Disclosure and Barring Service (formerly CRB) which will require you to disclose details of all unspent and unfiltered spent reprimands, formal warnings, cautions and convictions in your application form.

4.4 Application Forms

- 4.4.1 All prospective applicants must complete, in full, an application form.
- 4.4.2 CV's or general letters of application will not be accepted.
- 4.4.3 Application forms and supporting information will be scrutinised fully and explored with the applicant where necessary to resolve any discrepancies or anomalies.
- 4.4.4 As part of the application process (usually on the application form) applicants will be asked to complete a criminal records self disclosure.
- 4.4.5 All applicants will also be provided with the Safer Recruitment Policy.

¹ School Staffing (England) (Amendment) Regulations 2014 mean that from 1 September 2014 training providers no longer have to be approved by the secretary of state.

4.5 References

- 4.5.1 References will always be obtained from the candidate's current employer. Where a candidate is not currently employed, verification of their most recent period of employment and reasons for leaving will be obtained from the school, college, or organisation at which they were last employed.
- 4.5.2 References will include specific questions relating to the role applied for, a candidate's suitability to work with children, any substantiated allegations relating to children and/or any disciplinary action taken in relation to their work or contact with children as a result of which penalties or sanctions have either expired or remain in force.
- 4.5.3 References will also be used to confirm details provided by the applicant in the application form (such as the experience and qualifications claimed by the applicant).
- 4.5.4 References will always be sought and obtained directly from the referee – they will not be accepted directly from the applicant.
- 4.5.5 Where necessary, referees will be contacted by telephone or email in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.
- 4.5.6 Open references or testimonials will not be accepted, and only written references will be considered.
- 4.5.7 Where electronic references are received we will ensure that they originate from a legitimate source.
- 4.5.8 References will be sought on all shortlisted candidates, including internal ones, and where possible will be obtained before interview so that any issues of concern they raise can be explored further with the referee, and taken up with the candidate at interview. Where it is not possible to obtain references prior to interview because of delay on the part of the referee a reference will be received and scrutinised prior to confirmation of appointment.
- 4.5.9 In all instances where an applicant currently works in a school or educational setting, a reference will **always** be sought from the Headteacher (or Chair of Governors for Headteacher appointments) of that establishment.
- 4.5.10 If a candidate for a position is not currently employed in a school, but has been in their past, we will check with the school, college or local authority at which they were most recently employed, to confirm details of their employment and their reasons for leaving.
- 4.5.11 A minimum of two references will be received and scrutinised.
- 4.5.12 Information provided by the Headteacher for an internal candidate will be considered like a reference for an external candidate.
- 4.5.13 If a panel member knows something factual (i.e. that can be supported by evidence) about a potential candidate that other members may not know, the information will be shared so that the panel itself can decide if it is relevant.
- 4.5.14 Any information about past disciplinary action or allegations should be considered carefully when assessing the applicant's suitability for the post

(including information obtained from the TRA Teacher Services checks referred to below).

4.6 Interviews

4.6.1 Interviews will be required for all shortlisted applicants and will always be conducted face to face. Telephone interviews may be used at the shortlisting stage but will not be a substitute for a face to face interview.

4.6.2 Candidates will always be required to;

- Explain any gaps in employment
- Explain any anomalies or discrepancies in the information available to the selection panel
- Declare any information that is likely to appear on a DBS disclosure
- Demonstrate their attitudes, motives and values for working with children and young people, and their capacity to safeguard and protect the welfare of children and young people
- Bring with them evidence of their identity (photographic), address and qualifications. Original documents only will be accepted, and photocopies will be taken. Unsuccessful applicant's documents (copies) will be destroyed.

5.0 Making the Offer of Appointment

5.1 An offer of appointment to a successful candidate, including one who has lived or worked abroad, is conditional upon satisfactory completion of the following pre-employment checks.

The Appointing Officer will;

- verify a candidate's identity, following the DBS identity checking guidelines <https://www.gov.uk/government/publications/dbs-identity-checking-guidelines/id-checking-guidelines-for-dbs-check-applications>
- 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, or to carry out 'teaching' work, is not subject to a prohibition order issued by the Secretary of State, using the TRA Teacher Services website (formerly called 'Employer Access Online');
- check that a candidate to be employed in a management position within an academy is not prohibited from doing so (a section 128 direction), using the TRA Teacher Services website. Individuals taking part in 'management' may include individuals who are members of proprietor bodies (including governors if the governing body is the proprietor body for the school), and such staff positions as follows: headteacher, any teaching positions on the senior leadership team, and any teaching positions which carry a department headship. Whether other individuals such as teachers with additional responsibilities could be prohibited from 'taking part in management' depends on the facts of each case;
- verify the candidate's mental and physical fitness to carry out their work responsibilities – PEAQ or Assessment of Fitness to Work;
- conduct other checks related to the requirements of the role e.g. driving licence or valid insurance;
- verify the person's right to work in the UK;

- if a person has lived, or worked outside the UK make any further appropriate checks (see para 16 below);
- verify professional qualifications, by requesting certificates of evidence as appropriate;
- for staff who work in childcare provision or who are directly concerned with the management of such provision we will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009 by requiring signature on a declaration form.

5.2 DBS Certificate

- 5.2.1 A DBS certificate will be obtained from the candidate before or as soon as practicable after appointment. Alternatively, if the applicant has subscribed to it and gives permission, we may undertake an online update check through the DBS Update Service.

Before using the Update Service, we will:

- a. obtain consent from the applicant to do so;
- b. confirm the certificate matches the individual's identity; and
- c. examine the original certificate to ensure that it is for the appropriate workforce and level of check, e.g. enhanced certificate/enhanced including barred list information.

- 5.2.2 Where we allow an individual to start work before a DBS is available, we will always ensure that the individual is appropriately supervised at all times and that all other checks, including a separate barred list check, have been completed.

6.0 Agency and Third-Party Staff

- 6.1 We will obtain written notification from any agency, or third-party organisation we use that the organisation has carried out the checks on an individual who will be working at the school that we would otherwise perform. This will include, as necessary, a barred list check prior to appointing that individual. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

7.0 Volunteers

- 7.1 We will prevent people who pose a risk of harm from working with children by adhering to statutory responsibilities to check staff who work with children, taking proportionate decisions on whether to ask for any checks beyond what is required; and ensuring volunteers are appropriately supervised. Under no circumstances will we allow a volunteer in respect of whom no checks have been obtained to be left unsupervised or allowed to work in regulated activity.
- 7.2 If we appoint volunteers we will adopt the same recruitment measures as we would for paid staff. Where the volunteering role will be a one-off such as accompanying teachers and pupils on a day outing or helping at a school fete, such measures would be unnecessary provided that the person is not to be left alone and unsupervised in charge of children.
- 7.3 We will undertake a risk assessment and use our professional judgement and experience when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. In doing so we will consider:

- the nature of the work with children;
- what we know 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;
- whether the role is eligible for an enhanced DBS check;

Details of the risk assessment will be recorded.

8.0 Governors (maintained schools)

- 8.1 All Governors in maintained schools must have an Enhanced DBS check. Any Governors who volunteer in our establishment will be treated on the same basis as other volunteers, that is, an Enhanced DBS check with a barred list check if they are to be engaged in regulated activity.
- 8.2 Following the recommendation in Keeping Children Safe in Education 2019, we will also use the TRA Teacher Services website to check if **any existing governor, and** any person we propose to recruit as a governor is subject to a section 128 direction.

9.0 Proprietors of Academies (Trustees/ Directors)

- 9.1 All Trustees/ Directors of the academy trust will have an enhanced DBS check. Checks will also be undertaken to confirm identity and if the individual lives or has lived outside of the UK, any such other checks as considered appropriate.
- 9.2 We will also ensure that any Trustee/ Director is not subject to a section 128 direction that would prevent them from taking part in the management of an academy (as detailed in para 5.1 above).

10.0 Contractors

- 10.1 We will ensure 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.
- 10.2 Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity.

- 10.3 We will always check the identity of contractors and their staff on arrival at school.

11.0 Visitors

- 11.1 We will check identification of professional visitors upon their arrival to school and ensure that they sign in and out of the building.
- 11.2 We will use our professional judgment about the need to escort or supervise visitors on school site.

12.0 Alternative Provision

- 12.1 If we place a pupil with an alternative provision provider, we continue to be responsible for the safeguarding of that pupil, and therefore need to be satisfied that the provider meets the needs of the pupil. We will obtain written confirmation from the alternative provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that we would otherwise perform in respect of our own staff.

13.0 Induction

- 13.1 All new employees will be given an induction programme which will include systems within the school which support safeguarding.

This includes (but is not limited to):

- the child protection/ safeguarding policy;
- the staff behaviour policy (sometimes called a code of conduct)
- the role of the designated safeguarding lead.

- 13.2 All staff members will also receive appropriate child protection training which is regularly updated.

- 13.3 All staff will be required as part of their induction to read and understand at least part one of Keeping Children Safe in Education 2018 statutory guidance.

14.0 Single Central Record

- 14.1 A single centralised record is kept in accordance with the DfE requirements. This is kept up to date by the HR lead and is retained securely by the school. It contains the details of the following;

- all staff (including supply staff, and teacher trainees on salaried routes) who work at the school
- regular volunteers who are engaged in regulated activity
- governors
- all members of the proprietor body, i.e. members and trustees of the academy trust.

- 14.2 The information recorded on these individuals is whether or not the following checks have been carried out or certificates obtained, and the date on which the checks were completed:

- an identity check;
- a barred list check;
- an Enhanced DBS check;
- a prohibition from teaching check;
- a S128 check (where applicable - see above);
- further checks on people living or working outside the UK;
- a check of professional qualifications, where required;
- a check to establish the person's right to work in the United Kingdom;
- childcare disqualification declaration, where relevant

14.3 For supply staff, we will also include whether written confirmation (and the date) that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates.

14.4 A designated Governor will be responsible for auditing the Single Central Record and reporting his/her findings to the full Governing Body annually.

15.0 Record Retention

15.1 Copies of DBS certificates will not be retained as this is not a requirement of the duty to maintain the Single Central Record.

15.2 A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications will be kept for the personnel file.

15.3 Interview notes on unsuccessful applicants will be retained for a period of 6 months after which they will be destroyed.

16.0 Applications from Overseas Applicants

16.1 If an applicant has lived or worked overseas for a period of at least 3 months during the previous 5 years then further checks will be made to ensure that any relevant events that occurred outside the UK can be considered. The Home Office has published guidance on criminal record checks for overseas applicants and can be accessed at <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>.

16.2 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 TRA Teacher Services system. Although restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, schools should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

17.0 A Wider Culture of Vigilance

17.1 The Mercian Trust is committed to providing the highest level of education and care to its pupils and to safeguarding and promoting the welfare of children and young people. It is recognised that safer recruitment does not end at appointment. Our school is committed to creating a 'safer culture' and will ensure the following:

- That there are clear procedures in place to monitor, support and review new entrants to the organisation
- That there are clear procedures for reporting concerns
- That any employee who reports a concern is supported in doing so and there is a clear commitment to taking appropriate action.