



Policy for

Safer Recruitment Policy and Guidance

Prepared by:	Adopted by Board of Trustees	Signed	Renewal Date (annual)
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Safer recruitment

1. Purpose

The Aspire Educational Trust's Trustees and Senior Leaders understand the importance of safer recruitment within our academies. The purpose of this policy is to set out the minimum requirements of a recruitment process that aims to:

- attract the best possible applicants to vacancies
- deter prospective applicants who are unsuitable for work with children or young people
- identify and reject applicants who are unsuitable for work with children and young people

The policy and associated guidance are in line with the Department for Education's statutory guidance for schools & colleges "Keeping children safe in education" (September 2018,) which can be found at https://consult.education.gov.uk/safeguarding-in-schools-team/keeping-children-safe-in-education/supporting_documents/Keeping%20Children%20Safe%20in%20Education%20Proposed%20Revisions.pdf

2. Identification of recruiters

At least one recruiter who has successfully received accredited training in safer recruitment procedures must be involved in the interview process. This is in line with safeguarding guidance.

Delegates interested in Safer Recruitment training may also contact the Safer Recruitment Consortium for information about courses available in their area; or may apply for registration on to the NSPCC online training course <https://www.nspcc.org.uk/preventing-abuse/safeguarding/schools-protecting-children-abuseneglect/>

3. Preparing for Recruitment

When considering recruitment, it is important to discuss the requirement with HR and ensure that all alternative recruitment options have been considered before an external advert is placed.

The Aspire Educational Trust is committed to continuous professional development for all staff. Opportunities arising will be offered to staff within the Trust, unless the roles are due to restructures and ring fencing may be appropriate.

4. Job Descriptions and Person Specifications

All job descriptions must detail:

- main duties and responsibilities of the post;
- the post holder's specific responsibility towards the promotion and practice of safeguarding the welfare of children that they come in to contact with through their job

All person specifications must detail:

- qualifications required to do the job
- that an enhanced DBS Disclosure will be required / if Childcare Disqualification Regulations apply
- whether the post is in regulated activity and therefore requires a check of the children's barred list
- the skills and competencies required
- expected attitudes and behaviours in the work place that match the Trusts Values and Ethos.

It is good practice to state on the person specification how these issues will be tested – e.g. application form, interview, or assessment day. It is expected that all of the points on the person specification should be evidenced either in a candidate's application form or through the interview and selection process

5. Inviting applications

Advertisements for posts, whether in newspapers, journals or on-line, will include the statement:

“The Aspire Educational Trust is committed to safeguarding children and young people. All posts are subject to a satisfactory enhanced Disclosure and Barring Service (DBS) check”.

Prospective applicants will be supplied, as a minimum, with the following:

- job description and person specification
- the school's child protection policy
- the school's recruitment policy (this document)
- the selection procedure for the post
- an AET application form

All prospective applicants must complete in full and physically sign, an AET application form. If an application form is sent electronically, any applicants called for interview will be asked to sign the application form when they arrive.

CV's will not be accepted as part of the application process.

6. Short-listing and references

Short-listing of candidates will be against the person specification for the post.

Where possible, references will be taken up before the interview stage for all shortlisted candidates, so that any discrepancies can be probed during this selection stage.

References will be sought directly from the referee. References or testimonials provided by the candidate will never be accepted.

Where necessary, referees will be contacted by telephone or e-mail in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.

Where necessary, previous employers who have not been named as referees will be contacted in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.

Referees will always be asked specific questions about:

- the candidate's suitability for working with children and young people
- any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children
- the candidate's suitability for this post

School employees are entitled to see and receive, if requested, copies of their employment references.

The Aspire Educational Trust reference pro-forma must be used for all reference requests.

7. The selection process

Selection techniques will be determined by the nature and duties of the vacant post, but all vacancies will require an interview of short-listed candidates.

Interviews will always be face-to-face. Telephone interviews may be used at the short-listing stage but will not be a substitute for a face-to-face interview (which may be via visual electronic link).

Candidates will always be required:

- To explain satisfactorily any gaps in employment;
- To explain satisfactorily any anomalies or discrepancies in the information available to recruiters;
- To declare any information that is likely to appear on a CRB disclosure;
- To demonstrate their capacity to safeguard and protect the welfare of children and young people.

8. Pre-Employment Checks

No candidate will be offered a post with The Aspire Educational Trust unconditionally. All offers will be subject to satisfactory completion of the appropriate checks as listed below. It is the responsibility of the recruiting manager to ensure that these checks take place.

These checks should be made clear to candidates at interview. Any offer of employment should be a conditional offer subject to

satisfactory clearances being received and checked. Only when all of these checks are completed and returned will an offer of employment be confirmed.

In exceptional circumstances, where it is in the best interests of the Trust for a candidate to start prior to all (see below) of these checks being completed, a rigorous risk assessment must be completed and approved. This risk assessment should be shared with HR.

8.1 References

All successful applicants must have two returned references, one of these references must be from their current or most recent employer. For academy-based roles, as the post requires working in an environment with children, it is important to have a reference, if available, from an employer or voluntary agency demonstrating the candidate's previous work experience, paid or unpaid, of working with children. Two satisfactory references must be received **before** the person may commence in post.

8.2 Medical Clearance

Once an offer of employment is made, a potential employee must complete a copy of the Trust's health declaration form. Depending on the answers given by the candidate, the Academy's Occupational Health provider may be asked to carry out further enquiries to confirm mental & physical fitness for the specific post.

8.3 Verification of Qualifications

Any essential qualifications required to perform a particular job, such as QTS, as stated in the person specification, need to be evidenced by the potential employee. Original documents should be seen by the academy and a copy of original certificates should be taken and placed on their personal file and logged on the Single Central Record. This should ideally be confirmed at the interview stage.

8.4 Verification of Professional Registration

Some posts require a professional registration with a regulatory body, such as the General Teaching Council etc. This again needs to be

evidenced and copies placed on file, if the person specification states it as an essential prerequisite.

8.5 Verification of Candidate's Identity

It is vital that The Trust knows who their employees are and have evidence to prove this. For all employees of the Trust a copy of the documents used to verify the candidate's identity and right to work in the UK should be placed on their personal file and logged on the Single Central Record,

It is a legal obligation that every employer in the UK verifies whether a potential employee has the right to work in the UK:

Step 1 – you should ask for and be given an acceptable document, or combination of documents. Only original documents must be accepted;

Step 2 - you must take all reasonable steps to check that the document is genuine and to satisfy yourself that the holder is the person named in the document. You should also check that the document allows them to do the work in question. If you are unsure, you can contact the Home Office employer helpline on 0300 123 4699;

Step 3 - you must take and retain a copy of the document, in a format which cannot later be altered. Make a note of the date on which you took the copy, and the person who saw the original documents.

Further information can be found at

<https://www.gov.uk/check-job-applicant-right-to-work>

with a helpful step-by step checking process at

<https://www.gov.uk/legal-right-work-uk>

and detailed information and guidance at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311668/Code_of_practice_on_preventing_illegal_working.pdf.

Failure to meet legal requirements can attract a fine of up to £15,000. If further support is required, please contact HR.

It is also a legal obligation to carry out appropriate overseas criminal record checks.

If the potential employee has lived or worked outside the UK for a period of time (whether or not they are a British national), then a UK DBS Disclosure will not give a full picture in respect of any criminal record they may have.

In addition to the usual pre-employment checks listed elsewhere in this policy, where an individual has lived or worked abroad in recent years, academies must make any further checks they think are appropriate so that any relevant events that occurred outside the UK can be considered. For example:

- An overseas criminal record check. The overseas criminal record certificate may also be referred to as a certificate of good conduct or police character certificate (etc) depending on the country in question. Full details can be found by following the link below.
- An employment reference from the overseas' employer, even if this is not the last two employers

In addition, teachers that have lived or worked overseas should be checked for any European Economic Area restrictions; this can be done via the Teacher Services system.

Under KCSiE (Sept 2018) paragraph 136, there is no requirement to carry out checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the applicant has worked in a school (or the further education sector or 16-19 Academy) in England in a post which brought them into regular contact with children or young persons.

However, notwithstanding this, an academy may make any further checks they consider to be appropriate in the circumstances of the individual case.

Tier 2 Visa Applicants: From April 2017, there is a new statutory requirement to provide a criminal record certificate which applies to those applying for entry clearance in the Tier 2 (General) route under one of the Standard Occupation Codes listed below, and to their adult dependants:

2223 - Speech and language therapists 2314 - 2315 - Primary and nursery education teaching professionals 2316 - Special needs

education teaching professionals 2317 - Senior professionals of educational establishments 2318 2319 - Teaching and other educational professionals not elsewhere classified 2449 - Welfare professionals not elsewhere classified

Note: other categories are also included, but key ones relevant to the Trust are listed above.

Schools now have a statutory duty to inform Tier 2 skilled worker applicants of the need to source and submit overseas criminal records certificates (i.e. it is the applicant's responsibility to obtain their certificate, but the school's responsibility to request that they do this).

Tier 1 Visa Applicants: In addition, anyone applying for Tier 1 entry clearance as an Entrepreneur or Investor, or adult dependant (over 18 years old) of the main applicant in the above must provide a criminal record certificate for any country (excluding the UK) where they have resided continuously or cumulatively for 12 months or more, in the 10 years prior to their application.

Academies should ensure that their Single Central Record includes a confirmation of whether an overseas criminal records certificate is required and, if so, the date this was seen / verified.

Further information: The Home Office has published guidance on criminal record checks for overseas applicants, on a country-by-country basis <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/600349/Criminal_Record_Checks_FAQ.pdf

The DfE has also issued guidance on the employment of overseas-trained teachers

<https://www.gov.uk/government/publications/employing-overseas-trained-teachers-from-outside-the-eea>

8.6 Prohibition Check

This check ensures that a teacher is not prohibited from teaching and has been a statutory requirement since April 2014, but there is no

requirement to retrospectively check teachers who commenced their current employment prior to that date. Existing staff will have been checked in line with previous guidance for checking QTS status. Further information is in the NCTL publication "Teacher misconduct: the prohibition of teachers". **Any candidate with QTS should be checked, even if they are not being recruited to a teaching post.** The prohibited list must be checked before the person commences in post.

The date of the check must be recorded on the Single Central Record. **Under no circumstances should teachers commence work without the check having been undertaken.**

To ensure that you are able to carry out the check prior to appointment, schools can register on the Teacher Services system. This is a free service. Further information on how to register and access can be viewed at <https://www.gov.uk/teacher-status-checks-information-for-employers>

Please note: The prohibition order check is different to the barred list check operated by the DBS. Some new appointments will require an enhanced DBS check, a barred list check and a prohibition order check.

8.7 DBS Check

This shows previous convictions held on file for a potential employee, other than those which are "filtered" by the DBS. There are three types of check: "standard", "enhanced" and "enhanced including barred list". For most appointments an enhanced DBS certificate with barred list information, will be required as the majority of staff will be engaging in regulated activity as they:

- are responsible, on a regular basis, for teaching, training, instructing, caring for or supervising children, or driving a vehicle only for children, or
- carry out paid, or unsupervised unpaid, work regularly which provides an opportunity for contact with children, or
- Engage in intimate or personal care, or an overnight activity, even if this happens only once.

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

individual, including volunteers, who are not engaging in regulated activity.

The applicant must show their original DBS certificate to the academy before they take up post, and the academy should log the certificate number and date of issue on the Single Central Record – along with a note of the person who checked the certificate. If the DBS certificate has not been received prior to the employment commencing the academy must ensure that the individual is appropriately supervised at all times and that all other checks, including a barred list check, have been completed.

Having a conviction will not necessarily bar someone from working in a job with children or vulnerable adults. The severity, nature, circumstances and timing of the conviction will need to be taken into consideration, in these situations advice must be taken from HR. Candidates will need to be given the opportunity at the application stage to declare any unspent convictions they may have, as well as any offences that are not protected. Any declaration they make will be compared with the returned criminal record disclosure. DBS certificates should be checked with reference to list of relevant offences in the Childcare Disqualification Regulations.

Academies do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining a Single Central Record. Where a copy is taken, in order to comply with the requirements of the Data Protection Act academies should have a good reason for doing so and should not retain this for longer than six months.

8.8 Barred List

This is a list of people barred from working with children, compiled by the DfE. For posts in regulated activity this check should be done as part of the DBS Application Process (see above). If a person is not in, or seeking to enter, regulated activity it is unlawful to check the barred list. If a 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. Candidates in regulated activity must never be permitted to commence in post before the barred list check is complete.

There are a limited number of circumstances when a stand-alone barred list check must be undertaken, for example

- a) where an existing member of staff moves from not regulated activity to a post that is in regulated activity and a new enhanced DBS certificate is not required
- b) where a new employee in regulated activity is to be allowed to commence in post before the enhanced DBS certificate has been received
- c) where a new recruit will be transferring from a similar role in another school or academy, with a break in service of 3 months or less and a new enhanced DBS certificate is not required

9 DBS Update Service

Individuals can join the DBS Update Service at the point an application for a new DBS check is made, enabling future status checks to be carried out to confirm that no new information has been added since its issue. This allows portability of a certificate across employers.

Before using the Update Service, academies must:

- Obtain consent from the applicant to do so,
- Confirm the certificate matches the individual's identity, and
- Examine the original certificate to ensure that it is for the appropriate workforce and level of check, e.g. enhanced certificate, or enhanced including barred list information.

The academy can then subsequently carry out a free online check to identify whether there has been any change in the information recorded since the certificate was issued and advise whether the individual should apply for a new certificate. Individuals will be able to see a full list of those organisations that have carried out a status check on their account.

10 Childcare Disqualification Regulation requirements

The Childcare (Disqualification) Regulations 2009 set out the circumstances in which an individual will be disqualified or disqualified by association and may not provide relevant early or later years childcare or be directly concerned in the management of such provision. Schools are prohibited from employing a disqualified person in connection with relevant childcare provision in certain settings, and the employer commits an offence if they contravene this unless they can prove that they did not know, and had no reasonable grounds for believing, that the person they employed was disqualified.

Full details of these requirements are set out in the DfE's statutory guidance on "Disqualification under the Childcare Act 2006" which can be found here

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

It is expected that Managers / Principals will familiarise themselves with the statutory guidance, which apply to people who provide, or are directly concerned with the management of:

- Early years' provision - care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range; and
- Later years provision (for children under 8) - childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.

Academies should exercise their judgement about when and whether such staff are within scope, evaluating and recording any risks and control measures put in place, and taking advice when appropriate.

If these regulations apply to the post being recruited, applicants should be provided with information about the regulations and the preferred candidate should be made aware that they need to make a declaration. If a declaration is made this will need to be considered and discussed with the candidate. If a post is offered, the offer must be conditional and the applicant should apply for a waiver. If a waiver is not granted, the conditional offer should be withdrawn. These situations should be discussed with HR.

Academies must keep a record of those staff who are employed to work in or manage relevant childcare and should record the date on which disqualification checks were completed; this will be kept as part of the single central record. Information received from all applicants

during the recruitment process should be treated in line with the Data Protection Act

It is recommended that all staff / volunteers working in roles to which these regulations apply are reminded about the Childcare Disqualification Regulation requirements, including disqualification by association, on an annual basis and asked to speak to their Manager / Principal if their circumstances have changed. Should this identify any staff/volunteers who are disqualified, advice must be sought from HR.

11 INDUCTION and PROBATION

All staff who are new to the academy/Trust will receive induction training that will include the Aspire Educational Trust's safeguarding policies and guidance on safe working practices.

Regular meetings will be held during the first 3 months of employment between the new employee(s) and the appropriate manager(s).

A probationary period will be followed during the first 6 months of employment for support staff and three full terms for Teaching staff.