

Safer Recruitment Policy

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1. Aims and Objectives

The aim of the Safer Recruitment Policy is to help deter, reject, or identify people who may abuse learners, or are otherwise unsuited to working with them, which is done through appropriate procedures for appointing staff. In addition, the policy seeks to protect candidates from unfair treatment and discrimination. More specifically, the objectives of the policy are:

- To ensure compliance with all relevant legislation, recommendations, and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education (KCSiE), the Prevent Duty Guidance for England and Wales, and any guidance or code of practice published by the Disclosure and Barring Service (DBS);

- To ensure that the Trust meets its commitment to safeguarding and promoting the welfare of our learners by carrying out all necessary pre-employment checks;
- To ensure that the best possible staff are recruited on the basis of their merits, abilities, and suitability for the position;
- To ensure that all job applicants are considered equally and consistently;
- To ensure that no job applicant is treated unfairly on any protected characteristics, including: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

2. Scope

This policy applies to all employees and all voluntary appointments. Where recruiting managers are referred to, this extends to governing body members who take part in recruitment and selection panels.

3. Principles

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves, and complying, with the provisions of this policy. It is essential for at least one member of the panel to have undertaken up to date Safer Recruitment Training.

The Trust has a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the role. The recruitment and selection process should ensure that identification of the person best suited to the job is based on the applicant's abilities, qualifications, experience and merit as measured against the job description and person specification. The Trust will also 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.

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner whilst complying with current employment laws and statutory safer recruitment frameworks and guidance.

If a member of staff involved in the recruitment process has a close personal or familiar relationship with an applicant, they must declare this as soon as they are aware of the individual's application, avoiding involvement in the recruitment and selection decision making process.

The Trust is committed to safeguarding and promoting the welfare of children and young people, and expects all staff and volunteers to share this commitment. All posts within the Trust are exempt from 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, as part of the application process. All successful candidates will be required to complete an Enhanced Criminal Records Disclosure via the Disclosure and Barring Service (DBS).

The Trust will keep and maintain a Single Central Record (SCR) or recruitment and vetting checks in line with DfE and KCSiE requirements. The Trust also will ensure the terms of any contract with a contractor or agency requires them to adopt and implement measures described in this policy, with compliance being regularly monitored.

Staff who are convicted or cautioned for any offence during their employment are required to notify the Trust in writing, including both the offence and the penalty.

4. Roles and Responsibilities

It is the responsibility of the Trust Board, and Governing Body to:

- Ensure the Trust/Academy has effective policies and procedures in place for the recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements, and monitor the school's compliance with these.
- Ensure that all members of the Trust Board / Governing Body read KCSIE in its entirety.

It is the responsibility of the Principal and other leaders involved in the recruitment and selection process to:

- Ensure that the Academy applies safer recruitment procedures and ensures all appropriate checks are carried out on all staff and volunteers who work at the Academy;
- Monitor contractors and agencies compliance with this policy;
- Promote safeguarding of children and young people at every stage of the recruitment and selection process.

It is the responsibility of all potential and existing workers, including volunteers to:

- Comply with the terms of this policy.

It is the responsibility of all contractors and agencies to:

- Comply with safer recruitment pre-employment checks.
- Supply a letter of assurance to the Trust/Academy.

It is the responsibility of the Trust to:

- Administer the Disclosure and Barring Service (DBS) check using the Trust approved platform.

It is the responsibility of all staff to:

- Read and understand Part 1 and Annex A of Keeping Children Safe in Education (KCSiE), and keep up to date with content changes each year, certifying completion through a declaration.

In accordance with the School Staffing Regulations, the governing body has delegated responsibility to the Principal to lead in all appointments outside of the leadership group. Local Governing Bodies (LGBs) may be involved in staff appointments, but the final decision will rest with the Principal. The Principal may delegate the selection process to staff outside of the leadership group to other leaders in the Academy, but it is the Principal who remains responsible for the final decision to appoint.

For Principal and Vice Principal / Assistant Principal posts, the responsibility for recruitment and selection is delegated to an appointed panel of nominated governors and, where necessary, Trust leaders. They are required to shortlist and interview candidates and make a recommendation to the full governing body who make the final appointment decision.

5. Advertising

To ensure equal opportunities, the Trust will advertise all vacant posts to encourage as wide a field of candidates as possible, usually entailing an external advertisement. However, where there is a reasonable expectation that there are sufficiently qualified internal candidates, or where staff are at risk of redundancy, an internal advertisement may be considered appropriate.

All advertisements will contain the Trust's safeguarding statement and be accompanied by a job description.

6. Application Forms

All candidates must complete an application form covering key areas:

- Academic history;
- Full employment history;
- Suitability for the role.

In the case of internal applications where a full application form is already held on file, a written statement or expression of interest is sufficient providing this demonstrates how the candidate meets the requirements of the job. Incomplete applications will not be shortlisted and CVs will not be accepted.

The recruiting managers require candidates to account for any gaps or discrepancies in employment history contained within the application form. Where an applicant is shortlisted, these gaps will be discussed at interview.

Applicants for all posts (including volunteers) are required to declare all criminal convictions whether spent or unspent, and include any cautions and pending prosecutions. Such declarations will be made on the appropriate section of the application form, which will be removed and kept confidential prior to the selection panel shortlisting process. The chair of the panel or Principal will discuss relevant, positive declarations confidentially with the applicant at interview.

The disclosure of convictions, cautions, or pending cases will not necessarily prevent employment but will be considered in the same way as a positive DBS disclosure. Applicants should be aware that providing false information is an offence and could result in the application being rejected, or summary dismissal if the applicant was successfully selected, and where appropriate a referral to the police and other professional bodies.

7. Interviews

The selection process for both internal and external applications will always include a face to face interview with at least one selection panel which will include questions relating to safeguarding children. For some vacancies, it may be appropriate for the selection process to include a panel of young people of an appropriate activity with pupils.

8. Documentation

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 successful candidate.

Should professional qualifications be a requirement for the advertised job, candidates will also be required to provide original proof of their qualifications and professional status on the day of the interview. The Academy will verify that candidates have obtained any qualifications legally required or deemed essential for the job and claimed in the application forms. If the original documents are not available, the Academy will require sight of a professionally 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.

All proof of identity and other documentation will be verified by the chair of the interview panel, or a nominated individual.

9. Employment Offer

When an offer of employment is made (verbally and in writing), this should only be made subject to the successful completion of all pre-employment checks and with a provisional start date agreed.

All pre-employment checks outlined in this policy must be completed before an offer of employment is unconditionally confirmed. A contract of employment will be issued upon successful completion of check and in accordance with employment legislation.

10. DBS

In all but exceptional circumstances, candidates should not commence employment prior to a completed Disclosure and Barring Service check.

Exceptional circumstances permit the commencement of employment prior to receiving a DBS check only when a risk assessment has been carried out by the Principal. 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 checked that this meets the requirements of the post. All risk assessments must be signed off by the Trust Safeguarding and Inclusion Lead, and the HR Operations Manager.

All DBS checks for new employees will be processed by the Trust's preferred provider.

The Trust requires all staff each year to complete an annual safeguarding self-declaration. As part of this, a DBS Annual Declaration will be completed asking employees whether they:

- Have been cautioned, subject to a court order, bound over, received a reprimand or warning, or found guilty of committing any relevant offence during current or previous employment, or since the date of the most recent Enhanced DBS disclosure;
- Have committed any offences against a child or adult (including without limitation offences committed overseas);
- Have been barred and/or disqualified from working with children;
- Have had Ofsted registration refused or cancelled in relation to childcare or children's homes or have been disqualified from private fostering;
- Have had name placed on the DBS Children's Barred List;
- Have own children who have been taken into care;
- Have own children who are the subject of a child protection plan;
- Have any medical conditions that could affect the ability to care for children.

Additionally, the employee will acknowledge it is their responsibility to notify their Headteacher of anything that may affect their suitability to work with children and of any changes to the declarations made.

There is no requirement to renew a DBS check, unless a significant change in role has taken place meaning a higher level of, or an up to date, check is necessary.

11. References

References should be taken up immediately after shortlisting and prior to interview wherever it is practicable to do so, and always for teaching and leadership positions. Any discrepancies in a reference should be discussed with the referee, and where appropriate, the offer of employment may be withdrawn.

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 a confirmed offer of employment.

References must be in writing and be specific to the job for which the candidate has applied for. Open reference or testimonials will not be accepted. All reasonable steps must be taken to verify the source and legitimacy of references.

The Trust will not accept references from relatives or people writing solely in the capacity of a friend. Where possible, only references from a trusted authoritative source will be accepted.

Reference requests should specifically ask:

- About the referee's relationship to 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 including the reasons why the referee believes that the person might be unsuitable;
- The applicant's current post, employment dates, reason for leaving and salary;
- Performance history and conduct including details on any situation where 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.

KCSiE provides further statutory guidance on collecting pre-employment references.

References will be compared to the application form to ensure that the information provided is consistent. Any discrepancies will be discussed with the candidate.

All candidates must provide at least 2 referees, one of which will be the current, former, or most recent employer. Where the candidate has previously worked with children, a reference will also be taken from this employer.

12. Pre-employment Checks

The following pre-employment checks will be undertaken:

- Receipt of at least two satisfactory references;
- Verification of the candidate's identity in line with the requirements of The Immigration, Asylum and Nationality Act 2006;
- Verification of Right to Work in the UK;
- 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 Trust's occupational health provider;
- Verification of professional qualification, as required;
- Verification of qualified teacher status, successful completion of NQT/ECT induction and confirmation that the teacher is not subject to any prohibition orders;
- For specific settings, a Childcare Disqualification Self-Declaration;
- Online searches;
- Employment history and gaps;
- Oversea checks for those who have worked or lived abroad for more than 3 months in the last 5 years however, it may be necessary to consider the past 10 years depending on the level of risk associated with the time spent abroad;
- A section 128 check for all management, leadership, and governor roles.

13. Online Searches

This check will be carried out on all successful candidates. The following principles will be followed to ensure fair and consistent use of online searches which are designed to support rather than hinder the recruitment process:

- Online searches will only be carried out after a conditional job offer has been made preventing introduction of bias to the selection process;
- Candidates will be informed as part of the application process, and through recruitment privacy notices, that online searches will be carried out following a conditional offer of employment;
- An online search doesn't necessarily mean searching social media. All searches will follow and document findings using a Trust approved format to ensure consistency;
- Only public profiles/information can be checked. No attempts will be made to gain access to private information in a covert way;
- Where a search provides reasons for concerns, this will be discussed with the recruiting manager who will seek advice as necessary and discuss findings with the candidate for further exploration.

Job offers may only be withdrawn in exceptional circumstances following consultation with the People Team.

14. Record Retention and Data Protection

The Trust will retain all interview notes on all applicants for a 6 month period, after which time notes for unsuccessful candidates will be confidentially destroyed. The 6 month retention period will allow the Trust 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.

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 (SAR) in writing to the Academy at any point while the record is still held by the Trust.

In gathering information to make recruitment decisions, the Trust will ensure it acts proportionately and minimises wherever possible the intrusion into the private lives of their staff. Additionally, the Trust and its Academies will ensure that information is handled fairly and lawfully, taking care not to breach:

- The Data Protection Act
- The General Data Protection Regulations
- The Rehabilitation of Offenders Act 1974
- The Human Rights Act 1988

15. Personnel File Records

The Trust will retain all and any information and documents relating to the pre-employment checks carried out as part of this policy which will make up part of the personnel file for the successful candidate. This will also include additional documents such as risk assessments, notes from relevant conversations and/or email correspondence.

16. Single Central Record

In line with DfE requirements, the Trust/Academy will keep and maintain a single central record of recruitment and pre-employment checks on the Trust's preferred system or format. The central list will record all staff who are employed at the school, including casual staff and supply agency staff whether employed directly or through an agency, volunteers, governors, and those who provide additional teaching or instruction for pupils who are not staff members, e.g. peripatetic teachers, sports coaches, or artists.

The single central record will record what checks have been carried out for each individual and the standard of information will be set by the Trust. A record of who undertook the check and the date on which the check was completed, or the relevant certificate obtained, is mandatory in all cases.

In order to record supply provided through an agency, or a service provided by a contractor, the Academy will require written confirmation from the organisation that it has satisfactorily completed the checks described in this policy. This will be done in the form of a 'Letter of Assurance' which will be attached and recorded to the single central record. Identity checks must be carried out by the Academy to check the person arriving is the person the organisation is providing for their services.

17. Whistleblowing

All KGA staff are subject to KGA's Whistleblowing Policy, which is published on the Trust's website.

18. Safeguarding Culture and Vigilance

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

19. Allegations

The Trust will follow the Local Authority, in which the Academy is based, allegations procedures and refer any allegation for initial consultation to the Local Authority Designated Officer (LADO).

20. Section 128 Checks for Governors

Members of LGBs are required to have an Enhanced DBS Check. A section 128 direction will also be disclosed where an Enhanced DBS check with Barred List information is required, provided that 'children's workforce independent schools' is specified in the parameters for the Barred List Check.

A Section 128 direction disqualifies a person from holding, or continuing to hold, office as a governor of a maintained school or Academy.

Section 128 checks will be undertaken for all prospective Governors as part of the application process for joining the Governing Board.

21. Designated Safeguarding Lead

In KGA Academies, the role of the Designated Safeguarding Lead (DSL) and Deputy Safeguarding Lead (DDSL) is referred to explicitly in the job description of the relevant staff. This is a statutory requirement as set out in Keeping Children Safe in Education.

22. Management of Policy

The King's Group Academies Trustees have overall responsibility for the maintenance and operation of this policy. They will maintain a record of concerns raised and the outcomes. King's Group Academies policies will be reviewed regularly and will include an evaluation for impact on workload and working hours.