



Safer Recruitment Policy

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Changed to Policy		
Issue Number	Date	Changes
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1. Statement of intent

Balmoral Learning Trust has implemented this policy to create a culture of vigilance with recruitment and employee selection. It outlines the school's recruitment procedure and how the Trust ensures safer recruitment is considered at all levels of the recruitment process.

The safety and protection of the school's pupils is always at the forefront of the school's concerns, which is why this policy aims to embed a robust safeguarding culture into the recruitment practices of the school.

2. Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Children Act 1989
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- The Education (School Teachers' Appraisal) (England) Regulations 2012 (as amended)
- Sexual Offences Act 2003
- The School Staffing (England) Regulations 2009
- Rehabilitation of Offenders Act 1974
- Education and Skills Act 2008
- Data Protection Act 2018
- The General Data Protection Regulation (GDPR)
- Education Act 2002
- Equality Act 2010

This policy has due regard to guidance including, but not limited to, the following:

- DfE (2023) 'Keeping children safe in education'
- DfE (2018) 'Staffing and employment advice for schools'
- DfE (2020) 'Governance handbook'
- DfE (2023) Working Together to Safeguard Children
- DfE (2018) Statutory guidance about disqualification under the Childcare Act
- DfE (2020) 'Changes to checks for EU sanctions on EEA teachers from 1 January 2021'

This policy operates in conjunction with the following school policies and procedures:

- Child Protection and Safeguarding Policy
- Employment of Ex-Offenders procedures
- Single Central Record procedures
- DBS procedures
- Records Management Policy
- Data Protection Policy
- Equal Opportunities Policy
- ICT Acceptable Use Policy

3. Definitions

Regulated activity- This is any position at, or on behalf of any school in Balmoral learning Trust if it is carried out:

- Frequently- meaning once a week or more
- Satisfies the period condition- meaning four times or more in a 30 day period
- Provides the opportunity for contact with children

This may include:

- Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children.
- Working for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work undertaken by supervised volunteers.
- The above definitions are classified as regulated activity if they are undertaken regularly. Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes relevant personal care, or health care provided by, or under the supervision of, a health care professional. Personal care includes helping a child with eating or drinking for reasons of illness or disability, or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability. Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.
- A supervised volunteer who regularly teaches or looks after children is **not** in regulated activity.

Teaching role – refers to a role involving planning and preparing lessons and courses for pupils; delivering lessons to pupils; and assessing and reporting on the development, progress and attainment of pupils. These activities are not teaching work for the purposes of 'Keeping children safe in education' (KCSIE) if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher or other person nominated by the head of school to provide such direction and supervision.

Standard DBS – this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer, regardless of whether or not they are spent under the Rehabilitation of Offenders Act 1974.

Enhanced DBS – this provides the same information as the standard DBS, plus any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed.

Enhanced DBS with barred list check – this check is required for when people are working or seeking to work in regulated activity with children. This check allows for additional checks to be made as to whether the person appears on the children's barred list.

Children's barred list – the DBS maintains a 'barred list' of individuals who are unsuitable to work with children and vulnerable adults. In addition, where an enhanced DBS including a barred list check is obtained, the certificate will also detail whether the applicant is subject to a direction under section 128 of the Education and Skills Act 2008 or section 167A of the

Education Act 2002. The Trust is not permitted to check the Children Barred List unless an individual will be engaged in regulated activity

Section 128 check – this provides for the Secretary of State to direct that a person may be prohibited or restricted from participating in the management of an independent school (which includes academies and free schools). A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a maintained school.

Safer recruitment – this is the safeguarding and protection of pupils during the recruitment and selection process. Its overall purpose is to help identify and deter or reject individuals who are deemed to be at risk of abusing children

4. Roles and responsibilities

The role of all adults in Balmoral learning Trust is to promote the safety and wellbeing of children in our Trust.

Directors of Balmoral Learning Trust will ensure there are effective policies and procedures in place for the safe and fair recruitment and selection of staff in accordance with the guidance and documents set out in section 1 of this policy. They will monitor compliance with this policy and ensure appropriate staff in the Trust and individual schools have completed safer recruitment training.

The Executive and Central Team will follow the policies and procedures of Balmoral Learning Trust and ensure that these are regularly reviewed and updated to reflect any changes in legislation and guidance. They will ensure all appropriate checks have been carried out on staff, volunteers and contractors and that there is compliance with this policy.

5. Planning and Advertising

- Once a vacancy has been identified the appropriate person from the executive team along with the central team will meet to decide on:
- The recruitment timeframe and where the post will be advertised. This may include the Trust and school websites and social media to ensure that the advert reaches the right people and communicates the ethos of the Trust.
- Who will be involved in the recruitment and what their role will be.
- Agree on the documentation that will be included in the application pack ensuring that the documents contain a clear message about the Trust commitment to safeguarding, the expectations of staff to safeguarding, the pre-employment checks that will be carried out and the references that will be sought.
- Agree the job description and person specification to clearly and accurately set out the duties and responsibilities of the job role.
- Agree on the wording of the advert to include details of how the documentation can be returned. It will ensure that all applicants know that their documentation will be treated confidentially in accordance with the data Protection Act (DPA2018) and advise that CVs are not accepted as an application and that completed application forms are mandatory
- Details of the opportunity for candidates to visit the Trust/school.

Short Listing

Shortlisting should be carried out by at least two people. The trust will ensure that the shortlisting process is as systematic as possible. They will ensure that a safeguarding pack is produced for panel members and that panel members read through all applications and complete the documentation. At least one member of the short-listing panel will have completed Safer recruitment training in the last three years.

Candidates will be shortlisted on the person specification for the post to ensure a fair process.

Online Searches

As part of the shortlisting process Balmoral Learning Trust carry out an online search as part of their due diligence on the shortlisted candidates. This is to help identify any incidents or issues that have happened, and are publicly available online, which the school might want to explore with the applicant at interview.

Shortlisted candidates will be informed that online searches may be done as part of due diligence checks.

References

Two references will be requested prior to the interview for all shortlisted candidates including internal candidates. This is with their consent. This is to allow for any concerns to be explored with the referee and discussed with the candidate. Detailed records will be kept of any such discussions

References are part of the pre-employment conditions and must be sought from the candidate's current employer, if not currently employed verification of their most recent employment and reason for leaving. Where necessary, previous employers who have not been named as referees may be contacted in order to clarify any such anomalies or discrepancies. Detailed written records will be kept of such exchanges. References will always be taken from a senior member of staff and not a colleague.

Where electronic references are gained the employer must ensure they originate from a credible source such as an official e mail address. The first reference should be the current or most recent employer.

A standardised reference request form is used that includes:

- Details of the applicant's current post and salary
- Details of the applicant's disciplinary record
- Details of the applicant's suitability to work with children.

References will be scrutinised– to see any discrepancies and clarify with the referee or candidate.

Interview

Interview panels should include at least one member who has received safer recruitment training.

Interviews should be face to face and include the same individuals who have been part of the whole recruitment and selection process. Selection techniques will be determined by the nature and duties of the post but all vacancies will require an interview of short-listed candidates.

Candidates called to interview will receive:

- A letter confirming the interview and any other selection techniques
- Details of the interview day including details of the panel members
- Further copy of the person specification
- Details of any tasks to be undertaken as part of the interview process
- The opportunity to discuss the process prior to the interview

Candidates called to interview will be asked to provide proof of identity (one of which should be photo ID) and relevant qualifications. Original documents that may be used are:

- Passport
- Birth Certificate
- Driving Licence
- Marriage Certificate (if appropriate)
- Utility Bill or Bank Statement (issued in the last three months)
- Relevant qualifications.

The interview should allow time for all information to be scrutinised. Any additional questions posed to verify those gaps or discrepancies must be recorded.

Questions posed for all candidates to explore candidates' views and expectations in relation to working with children (motives/attitudes.)

The interview should bring all the processes together to enable the panel to make an informed choice on who is the best candidate for the role.

After the Interview

After the interview has been completed the panel will assess each candidate's performance using the same agreed criteria. To agree on a successful candidate.

After choosing a successful candidate the school will:

- Make a conditional offer of employment to the candidate
- Ask the candidate to provide identification and proof of qualifications, if this has not been already done
- Contact and provide verbal feedback to the unsuccessful candidates based on their performance against the person specification for the role.
- Complete the relevant pre-employment checks as listed below

Once a conditional offer has been made the candidates self-declaration form will be reviewed. If a conviction has been declared, and it is spent or filtered, the offer of employment will not be retracted based on this; however, the school will undertake the relevant assessments to determine whether the candidate is suitable to work with children.

Interview notes will be collected and held securely for six months in line with the records management policy. The documentation for the appointed candidate will be kept for the duration of the employment as part of the individual HR file.

6. The recruitment of ex-offenders

Due to the Protection of Freedoms Act 2012, Balmoral Learning Trust has an accessible policy statement on the recruitment of ex-offenders which is available to all disclosure applicants from the outset of the recruitment process.

Balmoral Learning Trust access the DBS services to access suitability of applicants for posts which are included in the Rehabilitation of Offenders Act 1974 (exception order)1975

Balmoral Learning Trust follows the DBS service codes of practice and undertake to treat all applicants for positions fairly,

Balmoral Learning Trust shows a commitment to the fair treatment of the workforce and potential staff and work within the Equality Act in this regard

DBS checks will form part of the recruitment process and encourage self- disclosure at the earliest opportunity in the application process.

Those involved in recruitment have been suitably trained to access the relevance and circumstances of any offences in an open and measured way, seeking support from their HR provider if required in support of any decisions about appointments.

7. Pre-employment checks and Single Central Record

The offer of employment made by the panel must be **conditional** on satisfactory pre-employment checks.

Balmoral Learning Trust will undertake the following pre-employment checks:

- Verification identity*
- Verification of qualifications*
- References
- Establish right to work in the UK*
- Medical clearances – fit to work
- Individuals who have worked outside UK- from 1st January 2021 the Trust will make additional checks including but not limited to:
- Obtaining an enhanced DBS certificate with barred list information as well as obtaining proof of their past conduct as a teacher from the professional regulating authority in the country in which they worked.
- Disclosure and Barring Service checks – verification of original DBS certificate, copies are not required but if a school chooses to retain a copy it should not be for more than 6 months & permission from candidate sought – see DBS code of practice and Data Protection Act. A Barred List check should be completed relevant to job role.
- Disqualification from Childcare – if role is within scope of the Child Care Act 2006 updated regulations 2018 need to be considered as a pre-employment check
- A section 128 check (for those management positions in Academies, free schools and independent Schools KCSIE 2018). Governors in maintained schools KCSIE 2018.

** should be completed on the day of interview as candidates are requested to bring documentation to interview for verification. Additional verification will be carried out for the successful candidate – copying of qualifications and ID verification for example.

The Trust and its schools will maintain and regularly update the Single Central Register. The staff who maintain the register will attend annual refresher training on the register to ensure that they include all checks identified in Keeping Children Safe in Education.

As part of the termly checks the CEO and Heads of School will check that all entries conform to requirements and are double checked with the individual personnel files.

For supply staff confirmation will be received that the agency has completed the relevant checks and has received all certificates. This will include the date that the confirmation was received and if an enhanced DBS check has been provided.

Checks carried out on volunteers will be recorded in the SCR. The Trust will not keep a separate SCR for each academy however it will ensure that all who need to see the document can easily do so and that it can be easily filtered to provide the requested information.

8. Dealing with Convictions

The school operates a formal procedure if a DBS Certificate is returned with details of convictions. Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- The nature, seriousness and relevance of the offence
- How long ago the offence occurred
- One-off or history of offences
- Changes in circumstances
- Decriminalisation and remorse.

A formal meeting will take place face-to-face to establish the facts with the CEO, head of school. A decision will be made following this meeting. 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, there will be an evaluation the risk factors above before a position is offered or confirmed. If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the Trust may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

9. Existing Staff

For all internal vacancies a full and fair process will be carried out. If a member of staff moves from a post that was not regulatory activity to one that is relevant checks will be carried out.

10. Volunteers

Safer recruitment and selection applies to the whole workforce paid or unpaid. No school in Balmoral Learning Trust will leave an unchecked volunteer unsupervised or allow them to work in regulated activity.

- Carry out a risk assessment when deciding whether to seek an enhanced DBS check without barred list information for any volunteers not engaging in regulated activity. We will retain a record of this risk assessment
- Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in “regulated” activity
- For our schools with pupils aged under 8 we will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual fall outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought.

Contractors

All contractors will be asked to provide proof of their identity on arrival.

All contractors should be subject to the appropriate level of check for the role they are undertaking at a school or setting.

Under no circumstance should a contractor in respect of whom no checks have been carried out be allowed to work unsupervised or engage in regulatory activity.

Agency and third-party staff

Written notifications of the checks which the organisation who employs the individual have been carried out and **MUST** be received and verified (ensure this covers statutory elements in KCSIE 2023).

All agency staff will have their identity verified upon arrival to take up position.

Trainee/students

Written notification of the checks carried out by the initial teacher training provider must be received and verified (KCSIE 2023).

Initial teacher training salaried by the school or setting are part of your workforce and all safer recruitment and selection practices apply.

Workforce induction

A statutory induction must be completed, recorded and verified for all Teachers who obtained QTS after May 7th 1999.

11. Flexible Working

Flexible working can be defined as ‘arrangements which allow employees to vary the amount, timing, or location of their work’ .

Some forms of flexible working may be more suitable for particular roles in schools than others. Balmoral Learning Trust encourages Flexible Working, and candidates may request this upon applying for a job within the Trust. A full and fair recruitment process will be carried out, and the need for flexibility will be discussed at interview and at the point of selection.

12. Induction

All new starters will receive a robust induction into the systems within the school which support safeguarding. This ensures that the school has a culture of vigilance through all policies and procedures being consistently applied across the workforce.

13. Equal Opportunities

When recruiting schools in Balmoral Learning Trust will adhere to the Trust Equal Opportunities Policy. The Trust will not discriminate against any protected characteristics such as gender or disability, and will always promote difference and inclusion throughout the Trust and schools.

The Trust will ensure that all reasonable adjustments are made to ensure the interview process is accessible to all candidates.

Candidates will not be asked about their health or disabilities before a job offer is made unless:

- Questions are necessary to establish if an applicant can perform an intrinsic part of the role.
- Questions to establish if reasonable adjustments need to be made.
- Positive actions to recruit persons with a disability
- Equal opportunities monitoring

14. Safer Recruitment Training

- At least one member of the recruitment panel will have received safer recruitment training.
- The member of the central Team responsible for appointments and the administration of personnel files will attend safer recruitment training.
- As a measure of good practice safer recruitment training refresher events will be undertaken every three years.

Name	Date of Training
Susan Bell	04.05.21
Nicola Hair	08.02.22
Kim Bushby	21.03.17
Faye Chase	05.07.22

15. Retention of Documents

Balmoral Learning Trust follows the Retention Guidelines for Schools (RGS) as prescribed by the Records Management Society of Great Britain, this ensures that the Trust are compliant with the Data Protection Act 1998 and the Freedom of Information Act 2000.

Records	How Long	
Interview notes and recruitment records	Date of interview notes + 6 months if unsuccessful. If successful place in personnel file.	Secure disposal