

INCLUSIVE | MULTI ACADEMY TRUST

SAFER RECRUITMENT POLICY

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Introduction

In line with the Trusts statutory duties under the Safeguarding Vulnerable Groups Act 2006, the DfE Keeping Children Safe in Education guidance and the Protection of Freedoms Act 2012 to safeguard children, we are required to carry out a number of checks on all staff, whether they are permanent, temporary, casual, voluntary, Trust-based supply or agency-based supply.

This policy does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the Inclusive Multi Academy Trust who are required to familiarise themselves and comply with its contents. We reserve the right to amend this policy at any time.

This policy sets out the Trust's approach to safer recruitment in line with its responsibilities as outlined in Part 3 of the DfE's Keeping Children Safe in Education (KCISE) guidance, from time to time in force. This policy does not incorporate all aspects, however, and should therefore be read in conjunction with KCSIE and Trust policies.

Aims of this Policy

The aims of our Safer Recruitment Policy are as follows, to:

- ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- ensure safeguarding and promoting the welfare of children and young people is an integral factor at each stage of the recruitment and selection process;
- adopt a safer recruitment process, which helps to promote a safe culture and complements other 'safety' elements such as health and safety and Trust security;
- attract and recruit suitably skilled and motivated staff to help raise standards and reduce the risk to children and young people;
- ensure that those that are responsible for each stage of the recruitment process demonstrate a professional approach by dealing honestly, efficiently and fairly with all applicants;
- ensure that no job applicant is treated unfairly on any grounds including sex, sexual orientation, marital or civil partner status, pregnancy or maternity, gender reassignment, race, religion or belief, disability or age;
- ensure compliance with all relevant recommendations and guidance including the recommendations of the DfE in the "Keeping Children Safe in Education" guidance and the Code of Practice published by the Disclosure and Barring Service (DBS);
- ensure that we meet our commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves, and complying with, the provisions of this policy.

The measures described in this policy will be applied to all who are employed to work at the Trust and incorporated within the scope of this policy are staff employed by contractors, supply staff, volunteers and the like who work at the Trust.

Personal Data – Single Central Record

We hold a central record incorporating all employed staff (and others including volunteers, teacher trainees on salaried routes, agency and third-party supply staff, even if they work for one day) who have contact with children.

The central record will also include all members of the Trust Board and School Governing Committees.

The record is available to Executive Leaders, Headteachers and the Chair of the School Governing Committee.

The record details a range of checks as set out by the DfE, including the short-listing and pre-employment checks outlined in this policy and the dates that they were carried out. The responsibility for the maintenance of this record is with the [Headteacher/Principal], but this function can be delegated to a member of the [Senior Leadership Team].

The Trust will remove individuals from the central record once they no longer work for us.

Equal Opportunities

Fairness in how we recruit and select our staff plays a significant part in creating an equal opportunities environment. Our aim is that every internal and external applicant who applies for a position within the Trust is considered against criteria, which relates only to the requirements of the job.

Roles and Responsibilities

Trust Board

- to ensure the Trust has effective policies and procedures in place for the recruitment of staff and volunteers in accordance with the DfE guidance and legal requirements
- to monitor compliance with them

Headteacher/SLT/Recruiting Managers

- to ensure the school operates safe recruitment practices and makes sure appropriate checks are carried out on all staff and volunteers
- to monitor contractors and agencies compliance with this document
- to promote the safeguarding of children and young people at every stage of the recruitment process.

School Business Officer/HR administrator

- to ensure that they understand and comply with the provisions of this policy.

The Recruitment and Selection Procedure - Prior to the Recruitment Process

1. Advertising

Adverts for vacancies will demonstrate our commitment to safeguarding in recruitment, promoting the welfare of children and vetting procedures, protecting every potential applicant from unfair practice and ultimately safeguarding children as much as possible. Promoting commitment to safeguarding and child protection can act as a deterrent to would-be abusers. Thought will be given to wording, pictures and images used to ensure that they could not be considered discriminatory.

The following information will usually be included within the text of the advert:

- name of the School/Trust
- post title
- hours of work
- grade or scale
- salary (actual salary for part time)
- permanent or fixed term (stating duration if fixed term).
- brief details about what the job entails and the type of skills and experience required, including responsibility for safeguarding children
- job description and person specification
- confirmation that an Enhanced DBS Disclosure will be required.
- confirmation of whether the post is exempt from the Rehabilitation of Offenders Act 1974.
- contact details
- closing date
- the Trust Child Protection Policy
- the Trusts Safer Recruitment policy (this document)

2. Job Descriptions & Person Specification

Job descriptions and/or person specifications will define the purpose, duties and responsibilities of the post, as well as the qualifications, skills, abilities, attitude, behaviours and experience needed to perform the job, with particular attention to working with vulnerable groups. The Job Description and Person Specification will make reference to our commitment to the safeguarding of students and include the extent that the role will involve contact with children and whether it engages in regulated activity.

All posts at the Trust will require an **Enhanced** DBS Disclosure where an individual is likely to come into direct contact with pupils.

3. Application Process

All applications are processed online through My New Term. The importance of safeguarding and protecting children at the Trust will be promoted throughout the recruitment process in order to deter unsuitable candidates and make it clear that where the role involves regulated activity, it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

Our Application Process will include the following:

- Online Application Form.
- Job Description and Person Specification
- Invite to Interview Checklist
- Child Protection Policy Statement and information on an Enhanced DBS check; and
- Reference checks
- Criminal Record Declaration
- Online Checks

The Trust's application form includes all relevant details as outlined within Part 3 of KCISE. For the avoidance of doubt, the Trust will not accept CV's or only accept copies of a curriculum vitae alongside an application form.

The Recruitment and Selection Procedure – Shortlisting Exercise and checks

1. Short-listing Exercise

At least two members of staff at the Trust will conduct the short-listing exercise.

In order to support the interview panel in exploring all potential concerns at interview, the purpose of the short-listing exercise includes but is not limited to:

- identifying any discrepancies or anomalies in the application, including:
 - a) inconsistencies in employment history or qualifications,
 - b) gaps in employment and reasons given for them,
 - c) vague or incomplete information,
- conducting all relevant short-listing checks, as listed below, and reviewing the information provided.

2. Short-listing Checks

2.1 References

The purpose of obtaining a reference is to ensure that we have objective and factual information to support appointment decisions. References will normally be taken up on shortlisted candidates prior to interview, particularly for teaching staff and many support staff roles, including staff who may already be employed by the Trust. This is to support the interview panel in exploring all potential concerns at interview, however, in all other cases, references will be obtained shortly thereafter.

All offers of employment will be subject to the receipt of a minimum of two references which we deem satisfactory, one of which must be from the applicant's current or most recent employer. If the current/most recent employment does/did not involve work with children, then the second referee should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

All referees will be asked the reason for the candidate leaving their current or most recent post, and whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. All referees will be sent a copy of the Job Description and Person Specification for the role that the applicant has applied for. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title/duties, the reason for leaving, performance and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired);
- where the applicant is a teacher, whether they have been the subject of any formal capability proceedings in the last 2 years; and
- the facts of any substantiated safeguarding allegations or concerns that meet the harm threshold.

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;
- ensure all electronic references originate from a legitimate source.

- ensure the person providing the reference is sufficiently senior and has appropriate authority to provide it;
- seek to clarify any vague or insufficient information provided and always verify any information with the person who provided the reference. Any discrepancies or inconsistencies in the information will be taken up with the applicant before any appointment is confirmed.

2.2 Online Searches

If you are shortlisted for the position you are applying for, we will carry out an online search against you, for information that is publicly available online and usually before interview. This will include social media accounts you may hold.

The interview will provide the Trust with an opportunity to discuss any relevant information found as part of this check, with the candidate.

2.3 Declaration of Offences

If you are shortlisted for the position you are applying for, you will be required to complete a Declaration giving details of any relevant criminal offences and other relevant information relating to our safeguarding duty. Further information will be provided on that form.

The interview will provide candidates with an opportunity to disclose any relevant information regarding criminal offences. This allows for open discussion and consideration of any such matters before receipt of the DBS certificate.

Any offer of employment will be made conditional upon a satisfactory Enhanced DBS check and Child and Adult Barred List check, where applicable to the role in question.

2.4 Suitability Declaration Form - Disclosure of Disqualification under the Childcare Act 2006

In accordance with the DfE Disqualification under the Childcare Act 2006 guidance regarding the Childcare Act 2006 schools are specifically required to establish that members of staff are not disqualified from working with children who have not yet reached the age of 8 in order to comply with the Childcare Act 2006 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.

Individuals employed within one of the 'relevant settings' listed below, will be required to complete and submit a Suitability Declaration Form upon, declaring that they are not disqualified from undertaking such work upon appointment:

- Staff providing childcare to a child from birth until 1 September following a child's fifth birthday. This will include staff who provide education in nursery and reception classes and/or any supervised activity for these children, which occurs during or outside of school hours, such as breakfast clubs, lunchtime supervision and after school care, that falls within the [School/Academy/Trust]'s provisions for this age group.
- Individuals providing childcare to children aged between 5 and 8 years old outside of an education setting. This means staff providing breakfast club or after school provision for children within this age bracket, outside of normal curriculum time. It does not include staff who teach these children during the school day, nor does it include any extended school hours for co-curricular learning activities such as the Trust's choir or a sports team.
- Staff directly concerned with the management of the above childcare. This includes the Headteacher and may also include other members of the Trust's leadership team and any manager, supervisor, leader to volunteer responsible for the day-to-day management of the provision.

Should you need to, you can find out more about disqualification in the Department for Education's guidance available [HERE](#).

We will also undertake checks, where applicable to the post, to ensure the individual has not been disqualified.]

2.5 Prohibition Check

Following successful interview, the Trust will carry out the necessary prohibition checks for all teaching staff, as well as for all candidates appointed within a classroom-based job role, irrespective of whether the role permits for unsupervised "teaching work" as defined by The Teachers' Disciplinary (England) Regulations 2012. This check will provide verification that the candidate has not been prohibited from teaching or carrying out teaching work by the Teaching Regulation Agency in the past.

2.6 Section 128 Prohibition Check

The Trust will carry out a Section 128 check on candidates short-listed for a role that includes management responsibilities, to ensure they have not been prohibited or restricted from participating in the management of a school.

The Trust determines a role that involves management responsibilities, including but not limited to:

- Headteacher
- Teaching positions on the senior leadership team
- Phase leaders

The Recruitment and Selection Procedure - During the Recruitment Process

1. Identification Documents during Interview

Candidates invited to interview will be required to present photo identification, regardless of whether that interview is to be conducted face-to-face or remotely. If the interview is held remotely via video conference, photo identification must be shown on screen. The successful candidate will then be required to provide us with that photo identification as well as a number of other documents, as part of the pre-employment checks, we are required to complete.

Please see the section below titled, Pre-employment Checks for further information.

2. Interview

The interview will assess the merits of each candidate against the job requirements and will explore their suitability to work with children. A face-to-face interview will always be carried out as part of the recruitment process unless exceptional circumstances apply.

The interview panel will consist of a minimum of **two** interviewers, one of whom will be the safeguarding representative who will have completed their safer recruitment training. Where the interview is for a teaching post, the Headteacher, or an Assistant Headteacher will form part of the interview panel. Where the interview is for a support staff post, the Headteacher or an Assistant Headteacher will form part of the selection panel.

The two members of the interview panel will also have been responsible for conducting the short-listing exercise. The interview panel will use a range of selection techniques to identify the most suitable person for the post by asking structured questions covering the key areas as outlined in KCSIE, and will be alert to areas that may be concerning, such as:

- implication that adults and children are equal;
- lack of recognition and/or understanding of the vulnerability of children;
- inappropriate idealisation of children;

- inadequate understanding of appropriate boundaries between adults and children; and
- indicators of negative safeguarding behaviours.

Short-listed candidates will also be required to physically sign a hard copy of their application at the point of interview.

3. Interviews Conducted by Video Conference:

In exceptional circumstances, interviews via video conferencing may take place. Such interviews should not be recorded or stored. The interviewee should be informed of this in the invitation to interview.

Candidates should be sent a request for ID (including photo ID) prior to the video interview to ensure that the person who is applying is the person who is interviewed.

4. English Fluency

Employees working in any role that requires them to communicate with pupils, parents, guardians, staff and / or members of the community, must be able to speak fluent English to enable the effective performance of the role and to ensure that they are able to abide by their safeguarding responsibilities.

The fluency duty does not create a higher standard than already required for Teachers at the Trust who are already annually appraised against the Teachers Standards.

Conditional Offer of Employment

Any offer of employment with the Trust will be conditional on the satisfactory completion of the following:

- the receipt of at least two satisfactory references;
- satisfactory Enhanced DBS check and where the appointee has lived outside the United Kingdom, a certificate of good conduct (or equivalent) if applicable;
- where applicable, satisfactory DBS checks in respect of the Child and Adult's Barred List, where applicable;
- confirmation of the candidate's medical fitness (through a pre-employment health check);
- verification of qualifications by the individual by providing original certificates;
- verification of professional status where required;
- verification that the candidate has not been prohibited from teaching or carrying out teaching work and has no sanctions or restrictions against them, by the Teaching Regulation Agency where relevant;
- verification that the candidate has not been prohibited from carrying out management work where relevant;
- a satisfactory self-declaration of your criminal record and suitability to work with children in line with the requirements of Keeping Children Safe in Education;
- a satisfactory online search [including social media] made against you in line with the requirements of Keeping Children Safe in Education;
- verification that the candidate has not been disqualified under the Childcare Disqualification Regulations 2018, where applicable to their role;

- letter of professional standing from the overseas professional regulating authority where relevant;
- verification of the candidate's identity;
- verification of the candidate's right to work in the UK.

A record will be kept to show that the above checks have been carried out for all employees.

The details of checks will be reported to the police and/or the DBS if:

- the Enhanced DBS check shows that an applicant has been disqualified from working with children;
- an applicant has provided false information in, or in support of, their application; or
- there are serious concerns about an applicant's suitability to work with children gained from other legitimate information sources (e.g. references).

The Recruitment and Selection Procedure - Pre-employment Checks

1. Documents confirming Identification

In accordance with the recommendations of the DfE, we carry out a number of pre-employment checks in respect of all prospective employees to ensure effective safeguarding.

All offers of employment are conditional on the prospective employee bringing the necessary evidence of identity to enable us to verify their name (through the full birth certificate where available), date of birth and current address. Where an applicant claims to have changed their name by deed poll or any other mechanism (e.g., marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change. In all cases original documents (not photocopies) must be provided.

These identification documents may also be used to enable a DBS check to be carried out (see below).

2. Criminal Record Check

Due to the nature of the work, we apply for criminal record certificates from the DBS in respect of all prospective staff members and volunteers.

The type of check that may be requested from the DBS will depend on the nature of the position. If the individual is applying for a position that may provide them with an opportunity to engage in regulated activity with children or vulnerable adults, then an Enhanced DBS check including Child and/or Adult's Barred List information.

This check will contain details of all convictions, cautions, reprimands, or warnings (except those which are "protected" as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 and amended in 2020) held on the Police National Computer.

The Enhanced DBS check with applicable Barred List information will also reveal whether the individual is barred from working with children by virtue of their inclusion on the lists of those considered unsuitable to work with children.

An Enhanced DBS check may also contain non-conviction information from local police records and/or protected information (as defined above) which the police consider may be relevant to the work the individual will be undertaking.

The Trust will not retain copies of the DBS certificate or records of criminal information disclosed to them, unless where there is a valid reason for doing so. In these circumstances, these copies will not be kept for longer than six months.

Should DBS clearance be delayed and employment commence before it is received, we may agree to the individual commencing work but before doing so shall obtain a standalone Child's Barred List check, where required (previously known as a List 99), undertake a risk assessment on the prospective member of staff concerned, ensure that all other applicable checks have been completed and make arrangements as appropriate for the member of staff to be paired with or supervised by another member staff who has received the appropriate level of DBS clearance.

2.1 DBS Update Service

The Trust makes use of the DBS Update Service.

Before conducting any online status check via the DBS Update Service, the candidate's consent will be obtained. This consent will be recorded and retained on file.

The Trust will verify that the original DBS certificate matches the identity of the individual presenting it, by checking valid and approved forms of identification.

The original DBS certificate will be physically examined to confirm that:

- it is valid for employment within the children's workforce;
- the level of the check (i.e. Enhanced, including Child [and Adult] Barred List information, where applicable) is appropriate for the role being undertaken.

An online status check will only be accepted where the original DBS certificate meets the above criteria and there has been no change recorded on the DBS status.

The Trust retains the right to request a new DBS check if the certificate is not suitable or if the Update Service check indicates a change in status.

3. Overseas checks

Where a candidate has lived or worked overseas for a period as determined by the Trust, additional checks will be conducted to determine their suitability to work with children. These checks will include obtaining a certificate of good conduct or equivalent criminal record check from the relevant jurisdiction(s), wherever reasonably practicable.

Where it is not reasonably practicable to obtain satisfactory overseas information, the Trust will carry out a risk assessment to determine whether it is appropriate to proceed with the appointment.

Contractors, Volunteers, Agency Staff etc.

We expect supply, temporary worker agencies, and contractors that are used by the Trust to register with the Enhanced DBS Disclosure on their own account and to follow this policy or their own comparable policy. **Proof of registration will be required before we will commission services from any such organisation.**

Under no circumstances will an individual with whom no checks have been obtained, be left unsupervised or be allowed to work in regulated activity with children.

1. Agency, Third-Party Staff (Supply Staff) and Fee-Funded Trainee Teachers

The agency or in the case of a fee-funded trainee teacher, the teacher training provider, has the responsibility to carry out the necessary checks and must provide written confirmation, before the individual is due to begin work, that the relevant checks have been carried out so we can satisfy ourselves that they have carried out the relevant checks that we would have otherwise performed.

The agency must also ensure that the individual is aware that they have to bring in their DBS certificate, proof of qualifications (e.g., QTS certificate) and identification documents (proving their name, date of birth and address) on the first day of their supply work for us. A separate Child's Barred List check, where applicable, must be obtained before the individual is appointed.

The Trust will ensure that the individual presenting themselves for work is the same person on whom all required pre-employment checks have been carried out.

We reserve the right to terminate the contract with the agency and send home the individual without notice should these terms of safer recruitment practice be breached. In this instance, we will not be liable for any charges connected to the booking.

2. Contractors

The Trust will ensure that any contractor, or any employee of a contractor who is to have regular or unsupervised contact with children [and vulnerable adults], is subject to the appropriate level of DBS check, including a Child [and Adult] Barred List information, where relevant to the role.

Where a contractor is self-employed and will be working in regulated activity, the Trust will make arrangements to obtain the relevant DBS check on their behalf, as self-employed individuals are not able to apply for DBS checks themselves.

The Trust will also:

- check and record the identity of all contractors and their staff on arrival at the premises.
- ensure that any contractor who has not been subject to the appropriate checks, is supervised at all times while on site, if they are likely to come into contact with children.

3. Volunteers

All volunteers who have direct contact with children on a regular basis will be required to have a DBS check and Barred List information, where applicable.

The Headteacher will conduct a risk assessment and use their professional judgement and experience when deciding what checks are required, if any (for example, an Enhanced DBS check with Child and Adult Barred List information).

4. Alternative Provision Providers

Where the Trust places a pupil with an Alternative Provision (AP) provider, we will obtain written confirmation from the provider that appropriate safer recruitment checks have been carried out on all individuals working at the setting, in accordance with KCSIE. This includes but is not limited to, Enhanced DBS checks, Barred List checks (where relevant), identity, right to work, and qualifications. These checks must reflect the same standards we would apply if individuals were to be employed directly by us.

Members of the Board of Trustees and School Governing Committee

The same short-listing and pre-employment checks will be undertaken, where appropriate, on all members of the Trust Board and School Governing Committee upon appointment. This includes but is not limited to, an Enhanced DBS check, with Child [and Adult] Barred List information, where in addition to their Trustee/ Governance duties, they also engage in regulated activity.

Before an individual becomes the Chair of Trustees, the Secretary of State will carry out an Enhanced DBS check and where such a check is made, confirm the individual's identity, and such other checks as the Secretary of State considers appropriate.

A Section 128 check will also be carried out on Trustees and governors.

Existing Staff

The Trust will treat existing staff as if they were new applicants when any of the following occur:

- if an employee moves from a position that did not involve regulated activity with children into one that does, the Trust will carry out all relevant pre-employment checks, including any necessary Enhanced DBS including Child [and Adult] Barred List information, as required for their new role.
- where there is a gap of 12 continuous weeks or more in employment, the individual will be required to undergo fresh checks equivalent to those for new staff, ensuring that no status changes have occurred during the break.
- if concerns arise regarding a staff member's ongoing suitability to work with children (e.g., an allegation or criminal conviction), we will repeat the relevant checks to ensure continued safeguarding assurance.

Rehabilitation of Offenders Disclosure

We will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. We make appointment decisions on the basis of merit and ability. If a candidate has a criminal record this will not automatically debar them from employment within the Trust. Instead, each case will be decided on its merits in accordance with the objective assessment criteria.

In view of the fact that all positions within the Trust will amount to "regulated positions", all shortlisted candidates for employment must declare all unspent convictions and cautions and all spent convictions and adult cautions (except those which are "protected" as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 and amended in 2020). A failure to disclose a conviction or caution which you are required to disclose may lead to an application being rejected or, if the failure is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

Under the relevant legislation, it is unlawful for us to employ anyone who is included on the lists, maintained by the DfE and the Department of Health, of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for us 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 a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the [School/Academy/Trust], if:

- we receive an application from a disqualified person;
- is provided with false information in, or in support of an applicant's application; or
- we have serious concerns about an applicant's suitability to work with children,

we will report the matter to the Police, DBS and/or the DfE.

Please refer to our [Recruitment of Applicants with a Criminal Records Policy] for further details about our obligations regarding the fair evaluation of any information disclosed.

Retention of Records

If an applicant is appointed, we will retain any relevant information provided on their application form (together with any attachments) on their personnel file. This file will be stored by us for up to 6 years following termination of employment.

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after 6 months, unless the applicant specifically requests us to keep their details on file.