

## **SAFER RECRUITMENT & SELECTION POLICY REVISED JUNE 2016**

### **1. Introduction**

- 1.1. At Halley, we aim to create and maintain a culture of safer recruitment and as part of that, to use recruitment procedures that deter, reject or identify people who might abuse children.
- 1.2. The Governing Body is totally committed to safeguarding and promoting the welfare of children and young people and requires all staff and volunteers to demonstrate this commitment in every aspect of their work and particularly in the implementation of this policy. This policy has been adopted to support the school in creating a culture of safer recruitment to deter, reject or identify people who might seek to abuse children or who are unsuitable, for any reason, to work with them.
- 1.3. The appointment of all employees will be made on merit and in accordance with the provisions of employment law, equalities legislation and DfE statutory guidance Keeping Children Safe in Education .
- 1.4. The Governing Body will ensure that people are treated solely on the basis of their abilities and potential, regardless of race, colour, nationality, ethnic origin, religious or political belief or affiliation, trade union membership, age, gender, gender reassignment, marital status, sexual orientation, disability, socio-economic background, or any other inappropriate distinction.
- 1.5. We will comply with the requirements of Keeping Children Safe in Education Part 3 with regard to DBS and other pre-employment checks.

### **2. Delegation of Appointments and Constitution of Appointments Panels**

- 2.1. The Governing Body delegates the power to offer employment for all posts below the level of Deputy/Assistant Headteacher to the Headteacher. The Headteacher may not delegate the offer of employment to any other senior manager or governor. The engagement of Agency Workers may be delegated to other senior staff in the school as appropriate. The procedure for the appointment of the Headteacher, Deputy or Assistant Headteacher differs from that of other staff. The procedure can be found at Appendix 1.
- 2.2. The Headteacher is expected to involve at least one Governor or a Local Authority representative in the appointment of all staff where possible.
- 2.3. Selection panels will comprise a minimum of two people (normally three). In accordance with the statutory requirement, every selection panel will have at least one member who has undertaken Safer Recruitment Training.

### **3. Advertising**

- 3.1. All vacant posts (including acting posts of one term or more) will be advertised to ensure equality of opportunity and encourage as wide a field of candidates as possible. This will normally mean placing an advertisement externally. However, where there is a reasonable expectation that there are sufficient, suitably qualified internal candidates, or staff are at risk of redundancy, vacancies may be advertised internally before an external advertisement. Internal adverts will be posted in writing on the staff notice board giving at least 5 working days for applications to be

made. All advertisements will make clear the school's commitment to safeguarding and promoting the welfare of children.

#### 4. Information for Applicants

All applicants for all vacant posts will be provided with:

- 4.1. A job description outlining the purpose of the post and a brief description of the associated duties, including the extent of contact with and degree of responsibility for children. All job descriptions make clear the postholder's responsibility for safeguarding and promoting the welfare of children. A person specification will also be provided, outlining the key characteristics, qualifications, skills knowledge and experience regarded as essential or desirable for the job. The person specification will make it clear that candidates will be expected to demonstrate a commitment to safeguarding the welfare of children, and that this will be tested at interview.
- 4.2. **An application form.** CVs will not be accepted. The school will use the standard application form supplied by the Local Authority and will pay attention to ensuring that all sections have been completed as required. Incomplete applications may be rejected. The application form explains to applicants that:
  - Under the Criminal Justice & Courts Services Act 2000 it is an offence for an individual who has been disqualified from working with children to knowingly apply for, offer to do, accept, or do any work in a 'regulated position' and that the position applied for is a "regulated position".
  - Applicants will be required to provide a signed statement declaring that they either have no convictions, cautions or bind-overs, or attaching details of their record (in an enclosed sealed envelope marked confidential).
  - Applicants will be informed that, where their current employment involves working with children, their employer will be asked about any disciplinary offences relating to children (including those that are "time expired"), and whether the applicant has been the subject of any child protection concerns. Where the current employment does not involve working with children, but a previous position has, then that employer will be approached for such information.
  - The school will seek references on short-listed candidates and may approach previous employers for information to verify particular experience or qualifications before interview.
  - Applicants will also be informed that to provide false information is an offence, which could result in their application being rejected or summary dismissal from employment with a possible referral to the police.
- 4.3. An information pack including:
  - a description of the school as relevant to the vacant post
  - reference to the school's policy on Equality and Diversity
  - reference to the Child Protection/Safeguarding Policy
  - DBS and other pre-employment requirements
  - the closing date for the receipt of applications
  - outline of terms of employment including salary and hours/times of work

#### 5. Short Listing and Reference Requests

- 5.1. The selection panel will use an agreed short listing form. Short listing will be based on substantial information and the criteria for selection will be consistently applied to all applicants. All applications will be scrutinised to ensure that they are fully completed and to identify discrepancies and anomalies, for example, a full chronological history of education and employment with explanations for periods not in employment, education or training and reasons for leaving employment. Incomplete applications may be rejected. Any concerns arising from applications will be noted for further exploration should the candidate be invited for interview. The selection panel will agree the short listed candidates to be called for interview.
- 5.2. The selection panel will take up at least two references on each short listed candidate.
  - The school ensures that references are sought for all shortlisted candidates, including internal candidates, before interview, so that any issues of concern which they raise can be explored further with the referee, and taken up with the candidate at interview.
  - References will be requested directly from the referee; open references ('To whom it may concern...') will not be accepted.
- 5.3. For teaching posts the references will include the applicant's current Headteacher or LA. If a candidate for a post working with children is not currently employed as a teacher, a reference will be sought from the most recent employment working with children to confirm details of their employment and their reasons for leaving. In all cases, one referee should be the applicant's current or most recent employer.
- 5.4. Reference requests will ask the referee to confirm:
  - the referee's relationship with the candidate;
  - details of the applicant's current post and salary;
  - performance history and conduct;
  - any disciplinary action involving the safety and welfare of children, including any in which the sanction has expired;
  - details of any substantiated allegations or concerns relating to the safety and welfare of children;
  - whether the referee has any reservations as to the candidate's suitability to work with children. If so, the school will ask for specific details of the concerns and the reasons why the referee believes the candidate may be unsuitable to work with children.
- 5.5. References will be checked for consistency and completeness (for example, by comparing the reference to the candidate's application form). Referees will be contacted to provide further clarification if references are imprecise or vague.
- 5.6. Any information about past disciplinary action or allegations will be considered carefully when assessing the applicant's suitability for the post.
- 5.7. References are the "property" of the selection panel and strict confidentiality will be observed. Employer testimonials or 'bearer references' i.e. those provided by the candidate and/or marked 'to whom it may concern' will not be accepted. References must be in writing and be specific to the job for which the candidate has applied. The selection panel will not accept references from relatives or people writing solely in the capacity as a friend of the candidate for any post. References will be verified and any discrepancies will be discussed with the candidate at interview.
- 5.8. If the field of applicants is felt to be weak the post may be re-advertised.

## 6. Invitations to Interview and Interviews

- 6.1. The invitation to interview will remind candidates that their suitability to work with children will be explored. Candidates will be informed that the identity of the successful candidate will need to be checked thoroughly and that an application for a DBS check will need to be completed. All candidates will be asked to provide appropriate documentary evidence.
- 6.2. Candidates will be required to provide a Criminal Convictions Disclosure form – a signed statement declaring that they have no convictions, cautions or bind-overs, or alternatively to provide details of criminal convictions in a sealed envelope and marked confidential. This envelope will only be opened if the candidate is made an offer of a job, otherwise it will remain unopened and destroyed.
- 6.3. Candidates will also be asked to bring documents confirming their educational and professional qualifications. The successful candidate's documents will be kept for their personnel file.
- 6.4. The format, style and duration of the interviews are matters for the Headteacher to decide in consultation with any governors involved in the process but the following will be adhered to:
  - Briefing:
  - All candidates will be given relevant information about the school to enable the candidate to make further enquiries about the suitability of the advertised job.
  - The formal interview:
    - At least one member of the interview panel must have completed appropriate
    - Safer Recruitment training and this must be valid at the time of the interview.
    - Before the interviews the selection panel will agree on the interview format, the questions that each will ask and the procedure for evaluating the candidates at the end of the interviews. Notes taken and documents used in this evaluation process will form part of the formal record of why candidates were or were not selected. The questions asked will be aimed at obtaining evidence of how each candidate meets the requirement of the job description and the person specification and each candidate will be assessed against all of the criteria for the post. The same areas of questioning will be covered for each applicant and no questions which would discriminate directly or indirectly on protected characteristics under the Equality Act 2010 will be asked. The selection process for every post will include exploration of the candidate's understanding of child safeguarding issues and their ability to support the school's safeguarding policy and procedures. Gaps in employment history will be explored if necessary as will any other concerns or discrepancies arising from the information provided on the application form or from referees. The interview will also include a discussion of any convictions, cautions or pending prosecutions, other than those protected, that the candidate has declared and are relevant to the prospective employment.
- 6.5. The recruitment documentation will be retained for six months from the date of interview. Under the Data Protection Act 1998, applicants have the right to request access to notes written about them during the recruitment process. After 6 months all information about unsuccessful candidates will be securely destroyed.

## **7. Conditional Offer of Employment by the Selection Panel**

- 7.1. The offer of employment by the selection panel and acceptance by the candidate is binding on both parties subject to verification of right to work in the UK, identity and qualifications requirements, satisfactory DBS Enhanced Disclosure, teacher prohibition and barred list checks,

pre-employment medical screening and satisfactory references. The successful candidate will be informed, normally by offer letter, that the appointment is subject to satisfactory completion of these checks.

## 7.2. Pre-Appointment Checks

- An offer of appointment to a successful candidate, including one who has lived or worked abroad, must be conditional upon satisfactory completion of pre-employment checks.
- The receipt of at least two satisfactory references (if not already received).
- Verification of a candidate's identity, preferably from current photographic ID and proof of address except where, for exceptional reasons, none is available; (if not verified at the interview). Identification checking guidelines can be found on the GOV.UK website;
- New applicants for roles defined as 'regulated activity' (for a definition, see <http://tinyurl.com/l7afaey>) are required to provide an enhanced DBS (Disclosure and Barring Service) certificate including 'barred list' information. Applicants for positions which do not entail regulated activity are required to provide an enhanced DBS certificate. The credentials of all appointees to teaching positions are also checked under the terms of the Teachers' Disciplinary (England) Regulations Act 2012. The school cannot allow any person who is prohibited from teaching under the terms of this act to carry out regulated activity.
- The school will obtain a certificate for an **enhanced with barred list check**: where people are working or seeking to work in regulated activity with children, this allows for an additional checks to be made as to whether the person appears on the children's barred list. . An enhanced DBS check with barred list information will be required as the majority of staff will be engaging in regulated activity. A person will be considered to be in 'regulated activity' if as a result of their work they will regularly work in a school at times when children are on school premises (where the person's work requires interaction with children).
- 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. Once the checks are complete, the DBS will send a certificate (the DBS certificate) to the applicant. The applicant must show the original DBS certificate to their potential employer before they take up post or as soon as practicable afterwards.
- Alternatively, if the applicant has subscribed to it and gives permission, the school or college may undertake an online update check through the DBS Update Service.
- Obtain a separate barred list check if the candidate will start work in regulated activity before the DBS certificate is available;
- Teacher prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. Teacher Services' system. Teacher misconduct: the prohibition of teachers. <sup>36</sup> A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. Schools should use Teacher Services' system to ensure that a candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State.
- An assessment of the criminal convictions disclosure form.
- Verification of the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then the school will follow advice on the GOV.UK website.

- Verification of the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role.
- Verification of qualifications (if not verified at the interview).
- Verification of professional status where required e.g., GTC registration, QTS status, NPQH (for teaching posts) verification of successful completion of statutory induction period (applies to those who obtained QTS after 7 May 1999). The Home Office has published guidance on criminal record checks for overseas applicants. The Department for Education has also issued guidance on the employment of overseas-trained teachers. This gives information on the requirements for overseas-trained teachers from the European Economic Area to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the United States of America.
- Disqualification by association is the requirement to provide the relevant information about a person who lives or works in the same household as the candidate and guards against an individual working with young children who may be under the influence of a person who lives with them and where that person may pose a risk to children i.e. 'by association'. The school will ask staff for whom this is relevant to complete and sign a declaration which would help identify those caught by the 'by association' requirement, particularly where an individual may be reluctant to self-declare. When it is identified that an individual is disqualified or the 'by association' criteria is met, where possible, employees who work in the school should be asked to provide the following information to their employer about themselves or any person who lives in the same household as them:
- Details of any order, determination, conviction, or other ground for disqualification from registration under the Childcare (Disqualification) Regulations 2009.
  - The date of the order, determination or conviction, or the date when the other ground for disqualification arose.
  - Information about the body or court which made the order, determination or conviction, and the sentence (if any) imposed.
  - A certified copy of the relevant order (in relation to an order or conviction).
- if the candidate has lived or worked outside the UK, make any further checks the school considers appropriate; and

7.3. NB: Any relevant information passed to the school must be provided to OFSTED as soon as reasonably practicable, but at the latest within 14 days of the date the school became aware of the information or ought reasonably to have become aware of it if they had made reasonable enquiries.

## **8. Personnel file and Single Central Record**

8.1. Recruitment and selection information for the successful candidate will be retained securely and confidentially for the duration of his/her employment with the school including:

- application form – signed by the applicant
- interview notes – including explanation of any gaps in the employment history
- references – minimum of 2
- proof of identity
- proof of right to work in the UK

- proof of relevant academic qualifications
- Certificate of Good Conduct (where applicable)
- evidence of medical clearance from the Occupational Health service
- evidence of DBS clearance, Barred List and Teacher Prohibition checks
- offer of employment letter and signed contract of employment
- The school will maintain a Single Central Record of employment checks in accordance with Keeping Children Safe in Education (DfE, April 2015).

8.2. The school will record the following information on individuals with regards to the checks that have been carried out and certificates obtained; the date on which the checks were completed and by whom; on the single central register:

- An identity check.
- A barred list check.
- An Enhanced DBS check.
- A prohibition from teaching check.
- Further checks on people living or working outside the United Kingdom (UK).
- A check to establish the person's right to work in the UK.
- A check of professional qualifications.

## **9. Start of Employment and Induction**

9.1. The pre-employment checks listed in paragraph 7.2 above must be completed before the employee starts work. Exceptions will only be made in circumstances where a risk assessment has been undertaken. Exceptions will never be made in the case of the Barred List and Teacher Prohibition checks.

9.2. All new employees, those new to a role and volunteers will be provided with an induction programme which will cover all relevant matters of school policy but in particular safeguarding and promoting the welfare of children. The purpose of induction is to:

- Provide training and information about the school's policies and procedures.
- Support individuals in a way that is appropriate for the role which they have been engaged.
- Confirm the conduct expected of staff within the school.
- Provide opportunities for a new member of staff to discuss any issues or concerns about their role or responsibilities.
- Enable the person's line manager or mentor to recognize any concerns or issues about the person's ability or suitability at the outset and address them immediately.

9.3. The content and nature of the induction process will vary according to the role and previous experience of the new member of staff or volunteer, but as far as safeguarding and promoting the welfare of children is concerned, the induction programme will include information about and access to:

- Policies and procedures in relation to safeguarding and promoting welfare e.g. child protection, anti-bullying, anti-racism, physical intervention or restraint, intimate care, e safety.
- All new staff will be asked to acknowledge receipt of key safeguarding information and to accept responsibility for following school policy and procedures in relation to this.
- Safe practice and the standards of conduct and behaviour expected of staff and pupils in the school.
- How and with whom any concerns about those issues should be raised.

- Other relevant personnel procedures e.g. disciplinary, capability and whistle blowing.
- The programme will also include attendance at child protection training appropriate for the person's role.

9.4. Staff for whom it is appropriate (support staff and NQT) will be required to satisfactorily complete a six-month probation period.

## 10. Agency and Third-Party Staff

10.1. Where appropriate, the school will obtain written notification from agencies or third-party organisations, stating that the agency has carried out the checks that the school would otherwise perform during an application procedure. Where the position requires a barred list check, this is to be obtained by the agency or third-party. The school will also check that the person presenting themselves for work is the same person on whom the checks have been made.

## 11. Existing Staff

11.1. If the school has concern about an existing staff member's suitability to work with children, we will undertake all relevant checks as if the person were a new member of staff. Likewise, if a staff member moves from a post that did not entail regulated activity into one which does entail regulated activity; the relevant checks for the regulated activity will be carried out.

11.2. The school has a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm to, a child or vulnerable adult; where the harm test is satisfied in respect of that individual; where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that individual has committed a listed relevant offence; and where that individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

11.3. Where a teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002.

## 12. Volunteers, contractors and governors

12.1. Governors in maintained schools are required to have an enhanced criminal records certificate from the DBS.<sup>53</sup> It is the responsibility of the governing body to apply for the certificate for any of their governors who does not already have one. Governance is not a regulated activity and so they do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

12.2. Under no circumstances will a volunteer, contractor or governor in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

12.3. The DBS checks the school makes on volunteers, contractors and governors are proportionate to the checks it makes on contracted members of staff, based on the work the volunteer, contractor or governor performs, and the question of whether this would or would not be regulated work if it were performed unsupervised by a contracted member of staff.

- 12.4. Volunteers, contractors and governors who undertake what would be considered regulated activity if it were performed unsupervised by a contracted member of staff should be supervised under these conditions:
- 12.5. there must be supervision by a person who is in regulated activity;
- 12.6. the supervision must be regular and day to day; and
- 12.7. the supervision must be “reasonable in all the circumstances to ensure the protection of children”.
- 12.8. The DBS cannot provide barred list information on any person, including volunteers, who are not in or seeking to enter in regulated activity.

### **13. Visitors**

- 13.1. The school does not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors. The Headteacher and/or School Business Manager will use their professional judgement about the need to escort or supervise visitors.
- 13.2. Visitors will be risk assessed in line with Halley’s visitor policy.

For further details on all of this, see Keeping Children Safe in Education (DfE, May 2016).