

# St. James' C of E Primary School

## Safer Recruitment Policy

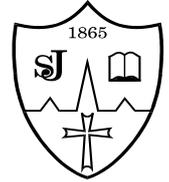
**St James' C of E Primary School**

**Safer Recruitment Policy**

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### Policy Statement

The safer recruitment of staff is the first step to safeguarding and promoting the welfare of the children in education. St James' C of E Primary is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. It is recognised that this can only be achieved through sound procedures, good inter-agency co operation and the recruitment and retention of competent, motivated employees who are suited to, and fulfilled in the roles they undertake. We recognise the value of and seek to achieve a diverse workforce which includes people from different backgrounds with different skills and abilities. We are committed to ensuring that the recruitment selection of all who work within the school are conducted in a manner that is systematic, efficient, and effective and promotes equality of opportunity. We will uphold its obligations under law and national collective agreements to not discriminate against applicants for employment on the grounds of sex, age, sexual orientation, marital status, disability, race, colour, nationality, ethnic origin, religion or creed.

This document provides a good practice framework to comply with the principles set down in our Equality Policy and operates in conjunction with our Safeguarding Children policy. All posts within St James' C of E Primary 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 and have an Enhanced Criminal Records Disclosure (DBS).

The school is committed to ensuring people who have been convicted are treated fairly and given every opportunity to establish their suitability for positions. Having a criminal record will not necessarily be a bar to obtaining a position.

The school will:

1. Ensure that appropriate staff who undertake recruitment have received safer recruitment training and successfully completed the safer recruitment training assessment.
2. Every appointment panel to include one member who has received safer recruitment training.
3. 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.
4. Keep and maintain a single central record of recruitment and vetting checks in line with DfE requirements.

5. Ensure that the terms of any contract with a contractor or agency requires them to adopt and implement measures described in this procedure. We will monitor the compliance with these measures.
6. Require staff who are convicted or cautioned for any offence during their employment with the school to notify the school, in writing of the offence and the penalty.

The following pre-employment checks will be undertaken if suitable for role:

- Receipt of at least two satisfactory references, one of which will be from the former or most recent employer (internal candidates included)
- Verification of the candidate's identity in line with the requirements of The Immigration with the requirements of The Immigration, Asylum and Nationality Act 2006.
- A list 99 check
- A satisfactory DBS clearance including a barred check
- Verification of the candidate's medical fitness (mental and medical)
- Verification of qualifications
- Verification of professional registration as required by law for teachers
- Verification of successful completion of induction period (for those who obtained QTS after 7 May 1999)
- Evidence of permission to work in the UK (if the person has lived or worked outside of the UK, further checks may be needed)
- A prohibition Check
- A disqualification by association check under the Childcare (Disqualification) Regulations 2009 (if appropriate)

See DfE Guidance: Keeping Children Safe in Education, March 2015 and Working Together to Safeguard Children, 2015

## **Roles and responsibilities**

It is the responsibility of the Governing Body to:

Ensure the school and Centre has effective policies and procedures in place for the recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements. Monitor the school's compliance with them. It is the responsibility of the Headteacher and other managers involved in recruitment to:

- Ensure that the school operates safer recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the school
- To monitor contractors' and agencies' compliance with this document
- Promote welfare of children and young people at every stage of the procedure it is the responsibility of all potential and existing workers, including volunteers to comply with this document. It is the responsibility of all contractors and agencies to comply with safer recruitment pre-employment checks. It is the responsibility of the school's HR provider to: Deal with the administration of the disclosure system for the school
- In accordance with the Staffing Regulations, the Governing Body has delegated responsibility to the Headteacher to lead in all appointments outside of the leadership group

- Governors may be involved in staff appointments, but the final decision will rest with the Headteacher.
- The Headteacher may delegate the selection process of staff outside of the leadership group to other managers the school, but remains responsible for the decision to appoint.

## **The Procedure Advertising**

To ensure equality of opportunity, we advertise all vacant posts to encourage as wide a field of candidates as possible; normally this will entail an external advertisement. However, where there is a reasonable expectation that there are sufficient qualified internal candidates or where staff are at risk of redundancy, an internal advertisement may be considered appropriate. Adverts include a safeguarding statement and states that the post is subject to a DBS.

## **Applications**

The form – The school uses a standard application form. CVs will not be accepted. The school requires candidates to account for any gaps or discrepancies in employment history on this application form. Where an applicant is shortlisted, these gaps will be discussed at interview. 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 has been selected and possible referral to the police and other professional regulatory bodies (e.g. General Teaching Council for England).

## **References**

References for shortlisted candidates will be sent for immediately after shortlisting. The only exception to this is where candidates have indicated on their application forms that they do not wish their current employer to be contacted. In such cases, this reference will be taken up immediately after interview and prior to any offer of employment being made. One reference will be sought prior to interview wherever possible. References must be in writing and be specific to the job for which the candidate has applied - open references or testimonials are not acceptable. The school will not accept references from relatives or people writing solely in the capacity as friend. Only references from a trusted authoritative source will be acceptable. Reference requests will specifically ask:

- About the referee's relationship with 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 concerns and the reasons why the referee believes that the person might be unsuitable. Referees will also be asked to confirm details of:
    - The applicant's current post, salary and attendance record
    - Performance history and conduct
    - Any disciplinary procedures in which the sanction is current
    - Any disciplinary procedures involving issues related to the safety and welfare of children, including any in which the sanction has expired and the outcome of those
    - Details of any allegations or concerns that have been raised that relate to the safety and welfare of children or behaviour towards children and the outcome of these concerns.
- References will be compared to the application form to ensure that the information provided is consistent. Any discrepancies will be taken up with the applicant at interview.

Any information about past disciplinary action or allegations will be considered in the circumstances of the individual case. Cases in which an issue was satisfactorily resolved some time ago, or an allegation was determined to be unfounded or did not require formal disciplinary sanctions, and which no further issues have been raised, are not likely to cause concern. More serious or recent concerns or issues are more likely to cause concern. A history of repeated concerns or allegations over time is also likely to give cause for concern.

### **Self-declaration of convictions by job applicants**

Our policy requires shortlisted applicants for all posts (including volunteers) to declare all criminal convictions whether “spent” or “unspent” and include any cautions and pending prosecution. Such declarations will be made on an appropriate form and should be submitted in a sealed envelope, marked strictly private and confidential to the chair of the selection panel /Headteacher, prior to the interview. The chair of the panel/Headteacher will discuss relevant, positive declaration 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 positive DBS disclosures.

### **Interviews**

The selection process will always include the following:

- Face to face professional interview including a question related to safeguarding children (in line with NCSL Safer Recruitment Training)
- Young people panel / activity with children (this may be a tour of the school by pupils with a staff member present to review relationships with pupils).

The school always ensures that at least one interviewer has safer recruitment training and that the interviews are conducted by at least two staff members and where appropriate a member of the governing body. Shortlisting is typically completed by two staff members independently initially and then both shortlists shared, information and notes on shortlisted candidates are then made by all those in attendance at the interview and shared to set questions relating to gaps in employment, questions regarding references etc. to be asked at interview. There is always an opportunity for these questions to be asked.

### **Proof of Identity and Right to Work in the UK & Verification of Qualifications and/or Professional Status.**

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 Nationality Act 2006. Similar information is also required to undertake a DBS check on the preferred candidate. Short-listed candidates will also be required to provide proof of their qualifications and professional status by producing documentation on the day of interview. We will verify that candidates have actually obtained any qualifications legally required or deemed essential for the job and claimed in their application by asking to see the relevant certificate, or a letter of confirmation from the awarding body/ institution. If the original documents are not available, we will require sight of a properly certified copy. Where candidates have obtained qualifications abroad, a certified comparability check by NARIC will also be required. Proof of identity and other documentation will be verified by the chair of the panel/Headteacher.

## **Commencement of Employment prior to DBS check being received**

In unusual circumstances it is permitted to commence employment prior to receiving a DBS check. However a List 99 check and risk assessment must be completed.

## **Employment Offer**

It may be possible to negotiate a provisional start date with the preferred candidate, however, with the exception of DBS disclosures, the checks detailed above must all be completed BEFORE person's appointment is confirmed.

In the case of DBS disclosures, the certificate must be obtained before or as soon as practicable after appointment. Once all pre-employment checks have been satisfactorily completed / received, an offer of employment will be

made and the contract of employment issued. The contract will be issued as soon as possible but in all circumstances within 8 weeks of employment commencing.

## **Record Retention / Data Protection**

The School will retain all interview notes on all applicants for a 6 month period, after which time the Notes will be destroyed (i.e. shredded). The 6 month retention period will allow the school to deal with any data access requests, recruitment complaints or to respond to any complaints made to the Employment tribunal. Under the Data Protection Act 1998, applicants have a right to request access to notes written about them during the recruitment process.

Applicants who wish to access their interview notes must make a subject access request in writing to The chair of the panel / Headteacher within 6 months of the interview date.

## **Personal file records**

The school will record the following information which will make up part of the personal file, for the Successful candidate:

- Application form
- References
- Disclosure of convictions form
- Proof of identification
- Proof of academic qualifications
- Proof of registration with General Teaching Council (for teaching staff)
- Evidence of medical clearance from Occupational Health (where applicable)
- Evidence of the DBS clearance (ie: the DBS certificate reference number, NOT the actual DBS form or certificate)

## **Single Central Record of Recruitment Vetting Checks**

In line with DfE requirements, the school will keep and maintain a single central record of recruitment and vetting checks. The central list will record all staff who are employed, including casual staff, supply agency staff whether employed directly or through an agency, volunteers, governors who also work as volunteers, and those who provide additional teaching or instruction for

pupils but who are not staff members, e.g. specialist sports coach or artist. The central record will indicate whether or not the following have been completed:

- Identity checks
- Qualification checks for any qualifications legally required for the job
- Additionally for those applying for teaching posts, registration check with the GTC where appropriate
- Checks of right to work in the United Kingdom
- DBS Enhanced Disclosure and barred list check
- Further overseas records where appropriate It shall also indicate who undertook the check and the date on which the check was completed or the relevant certificate obtained. In order to record supply staff provided through an agency on the record, the school and centre will require written confirmation from the supply agency that it has satisfactorily completed the checks described above. The school does not need to carry out checks themselves except where there is information contained within the disclosure. However identity checks must be carried out by the school and centre to check the person arriving is the person the agency intends to refer to them.
- Prohibition from teaching check
- For supply staff the school must include whether written confirmation that the employment business supplying the staff has carried out the appropriate checks and whether any enhanced DBS check certificate has been provided and the date the confirmation was received.
- Initial teacher training where they are salaried by the school are required to have a enhanced DBS, where fee-funded the training provider must carry out the necessary checks.

## **Probation periods**

Newly appointed staff who are new to the employment of the governing body will be subject to the school's probationary period. Staff will be given a copy of the DfE (former DCSF) guidance on Safer Working Practice and asked to sign a declaration that they have read and understood the document and will follow the guidelines required to maintain professional boundaries at all times. Newly appointed staff are given a 'mentor' peer to support them when settling into school life and to be available to answer any questions, particularly on safeguarding. The School Business Manager ensures that all information and checks are accurate and refers risks assessments and final say to the headteacher.

## **Existing Staff**

If the school has concerns about an existing staff members suitability to work with children the school will carry out all relevant checks as if the person is newly appointed, similarly if a person moves from a non-regulated to a regulated role they will also undergo the relevant checks. The school has a duty to refer to the DBS anyone who has harmed, or poses a risk, to a child where the harm test is satisfied in respect of that individual; where they have received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a list relevant offence; and that individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. (Keeping Children Safe on Education July 2015, para 82)

The school has a safeguarding and a Whistle-Blowing policy which has been disseminated to all staff and volunteers. The school adopts a culture of vigilance where all concerns are listened to and taken seriously. The school will follow DfE and Gloucestershire Safeguarding Children Board allegations procedures and refer any allegation for initial consultation with the Local Authority Designated Officer. For more details on procedures please see flowcharts in staff rooms and Safeguarding Policy. Both of which are also available on the school's website and school policy folder on the server.

**Regulated activity**

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government have produced a [factual note on Regulated Activity in relation to Children: scope](#).

Regulated activity includes:

- teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,
- work 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 done by supervised volunteers;

Work under (a) or (b) is regulated activity only if done regularly.<sup>35</sup> Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

- relevant personal care, or health care provided by or provided under the supervision of a health care professional:
  - personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;<sup>36</sup>
  - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Flowchart of Disclosure and Barring Service criminal record checks and barred list checks

