

## Safer Recruitment Policy

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Document History			
Version	Date	Author	Note of Revisions
V1	January 2020	B Young	
V2	November 2021	B Young	<ul style="list-style-type: none"> <li>• Addition of Policy Control Table</li> <li>• Formatting according to updated policy template</li> <li>• Safeguarding and child protection assurances from hirers</li> <li>• Safer recruitment requirements strengthened</li> <li>• Specific safeguarding responsibilities of an available post outlined in greater detail</li> <li>• Only shortlisted candidates now asked for self-declaration</li> <li>• Physical signature required</li> <li>• Reference from Principal/Headteacher now explicitly required</li> <li>• Strengthening of safeguarding questioning</li> <li>• Checks on individuals who have lived or worked outside of the UK adapted following the UK's exit from the EU.</li> </ul>

### About this policy

The safe recruitment of staff is the first step towards protecting and supporting learners within Prospect Trust Academies and promoting the welfare of children and young people in education.

The Prospect Trust is committed to safeguarding and promoting the welfare of all children and young people within its care and requires all staff and volunteers to share and demonstrate this commitment.

The Prospect Trust seeks to deter, identify and reject candidates who may cause harm to learners within its Academies, or those who are otherwise unsuited to working in an environment with children and young people. To achieve this the Trust will implement robust initial recruitment procedures, whilst also seeking to retain staff that are highly skilled and fulfilled in their respective roles.

## Key Aims of the Recruitment Process

When undertaking recruitment processes, senior HR staff and Senior Leadership Team (SLT) members within Trust Academies will:-

- Comply with all relevant legislation, recommendations and guidance, including statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education (KCSiE) – updated annually, the Prevent Duty Guidance for England and Wales 2015 and any guidance or code of practice published by the Disclosure and Barring Service (DBS);
- Ensure that the Trust meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks;
- Recruit the most suitable candidate in accordance with the Equality Act (2010), regardless of sex, age, ethnic origin, sexual orientation, belief, religion, disability or any other protected characteristic;
- Promote equal and consistent treatment for all candidates, unless there is a justifiable reason for taking alternative positive action steps.

In addition to the core points outlined above, the Trust also expects senior HR staff and SLT members within respective Trust Academies to ensure that:-

- Any staff involved in the recruitment process are familiar with and comply with the provisions of this policy;
- Recruitment and selection activities are undertaken in a professional, timely and responsive manner, in compliance with current employment legislation and the safeguarding legislation and statutory guidance outlined above;
- At least one member of the recruitment and selection decision-making panel will have undertaken safer recruitment training in the last five years;
- Due consideration is given to creating a diverse recruitment and selection decision-making panel wherever possible;
- Staff involved in the recruitment process declare any close personal relationship with a candidate as soon as they are aware of an application, thereby allowing the Academy Principal to undertake a risk assessment and agree whether they are authorised to continue with the recruitment and selection decision-making process.

## Safer Recruitment Checks

When appointing new staff, HR staff will record verified information on the relevant Trust HR databases for publication on the Single Central Record (SCR) for the Trust. Additionally, copies of pre-employment checks will be stored on staff files, as deemed appropriate.

The Trust expects senior HR staff and SLT members within respective Trust Academies to follow legislative and statutory requirements and best practice in retaining copies of these checks, as set out below. Although the HR Compliance Officer is responsible for co-

ordinating and processing candidate pre-employment checks, as the HR Business Partner and SLT lead within the respective Trust Academy are equally accountable they should undertake both regular and random audit checks to ensure absolute adherence to these standards:-

- Verify the identity of all candidates, using checking guidelines on the gov.uk website and confirm their right to work in the UK;
- Obtain an enhanced DBS certificate, including barred list information for those who will be engaging in regulated activity as defined in the KCSiE guidance (see Appendix 1);
  - The guidance is clear that if an establishment decides to retain a copy of a DBS certificate (for no longer than six months) there must be a valid reason for doing so, however this is not an issue for the Trust as candidates are processed via an online system.
- Obtain a separate barred list check if a candidate commences work in regulated activity before the return of the DBS certificate;
  - N.B. – If a hiring manager requests such a start date this MUST be authorised by the HR Business Partner and the respective SLT lead.
- Verify any professional qualifications, including the award of qualified teacher status and the completion of teacher induction;
- Confirm their mental and physical fitness to carry out their work responsibilities and work alongside young people;
- Ensure they are not subject to a teaching prohibition order, including any sanction or restriction imposed that remains current. Whilst this check is primarily intended for those that will be undertaking teaching, the Trust expects this check to be undertaken for all new appointments that will be undertaking regulated activity;
- Carry out further checks as appropriate, for any candidates who have lived or worked outside of the UK, including where relevant any teacher sanctions or restrictions imposed by another Country and criminal record checks or their equivalent.
  - Following the UK's exit from the EU it has been confirmed that this includes individuals from EEA countries, It has also been confirmed that the fact that a teacher holds a teaching qualification should not in itself be taken as a suitable assurance of suitability for safeguarding purposes.

The HR Compliance Officer will ensure that any temporary staff are both included and removed from the SCR in line with the latest statutory guidance (regardless of the tenure of their duties) and that all other leavers are duly removed when their employment with the Trust ceases.

## References

All offers of employment are provisional as they are subject to the receipt of two satisfactory references, one of which must be from the candidate's current or most recent employer. If a candidate has experienced a period of unemployment, they should confirm the reasons for this break in their employment history, including leaving reasons, and provide contact details for their last employment period. The referees should not be a

relative and ideally should be the last two employers, unless the most recent employment did not involve work with children.

In some circumstances, it may be appropriate to obtain more than two references and to contact a previous employer not listed as a referee by the candidate. In the unlikely event that a candidate had not previously been employed or undertaken any voluntary unpaid work, a character referee could be listed for consideration, i.e. college/university tutor, parent association chair etc.

The purpose of references is to verify the information listed on the application form and to obtain objective and factual information to support the selection decision. The Trust has a standard reference template and asks referees to confirm the following information:-

- Job title and dates of employment;
- Salary information;
- Referee's relationship to candidate and duration of professional working relationship;
- Suitability for the post in relation to the respective job description;
- Any current disciplinary sanctions;
- Any reason why the candidate may not be employed in a post which gives significant access to children and young people;
- Any disciplinary procedures related to the safety and welfare of children and young people, including any in which the sanction has expired;
  - Educational institutions are required to provide references that 'ensure the information confirms whether they are satisfied with the candidate's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding allegations'.
- Reason for leaving.

When a listed referee works within an educational institution, the Headteacher/Principal must confirm the reference as accurate in respect to disciplinary investigations. Additionally, HR will always endeavour to ensure this senior post holder signs off the entirety of the reference.

When the candidate has given their express permission, HR will endeavour to obtain references in advance of the selection process. When this has not been possible, any offer of employment will remain provisional until the receipt of satisfactory references. All references will be viewed and authorised by the respective SLT lead and will then be stored on the candidate file. Any discrepancies or concerns will require further investigation and a plan should be agreed with the respective SLT lead and HR Business Partner.

The approach taken when obtaining references is to write to the referees listed by the candidate and only make telephone contact if any additional clarity is required or there is no response. If there are three unsuccessful attempts to obtain the reference (including telephone contact with an appropriate representative at the establishment) and the

candidate is unable to gain support from the referee to engage with the process, it may be appropriate to consider contacting an alternative referee.

The respective SLT lead and HR Business Partner should advise on the next steps, consider how many other references have already been received and agree whether all options have been exhausted in this scenario. In circumstances where no or only one referee has responded, any decision to commence employment must be authorised by the respective Academy Principal and recorded on the candidate file.

In addition to undertaking the legislative and statutory pre-employment checks and recording these on the Trust SCR, there are a number of other safer recruitment steps within the initial recruitment and selection process.

## Advertising

Trust academies should advertise all permanent vacancies and fixed-term secondment opportunities to ensure equality of opportunity and to encourage a diverse candidate pool. The respective HR Business Partner will discuss and risk assess any SLT request to directly appoint to a temporary opportunity or advertise on a restricted basis.

The HR Business Partner is responsible for agreeing a recruitment strategy with SLT, as it may be unnecessary to place an external advertisement if the internal candidate pool is likely to yield sufficiently qualified internal candidates. HR Business Partners will also be aware of any staff at risk of redundancy across Trust Academies, as before any external advertising takes place it may be appropriate to share the respective opportunity with these staff.

Any specific safeguarding responsibilities relevant to the respective post will be outlined within advertisements and the following statement will always be included: - *The Prospect Trust is committed to safeguarding and promoting the welfare of all children and young people within its care and requires all staff and volunteers to share and demonstrate this commitment. Any future offer of employment remains subject to satisfactory pre-employment checks, including enhanced DBS clearance, a health check and references.*

## Application Forms

Candidates are required to complete the relevant Trust application form for all teaching and support roles, as CVs alone are not acceptable. The application form requests written information on full employment history, qualifications and general suitability for the respective post as outlined within the job description. Candidates are required to account for any gaps or discrepancies in their employment history.

The application process includes the candidate declaration regarding convictions and working with children for all shortlisted candidates and documentation confirms that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974. It is unlawful

for the Trust to employ anyone that is barred from working with children and it is a criminal offence for any individual who is barred from working with children to apply for a position. Candidates are informed within the application process that providing false information is an offence and that this could result in the rejection of their application or summary dismissal if the candidate had already commenced employment. In these circumstances, it may be appropriate to notify the DBS and the police.

Candidates are required to sign a declaration on the application form confirming that the information that they have provided is accurate and true. As the Trust operates an electronic application process, candidates that are invited to interview will be asked to physically sign their application form when they attend the selection process.

The Prospect Trust takes the control and processing of employee data very seriously and is committed to acting in line with the General Data Protection Regulations when processing candidate and employee data. An applicant privacy notice accompanies the job advertisement to ensure that candidates understand how their data is processed.

## **Job Descriptions**

This is a fundamental component of any recruitment process and the hiring manager should review it before placing an advertisement. It outlines the duties, responsibilities and expectations of the respective role and the skills, previous experience and behaviours required to deliver effective performance. All job descriptions should include a specific reference to safeguarding responsibilities.

## **Shortlisting**

The respective SLT lead will co-ordinate a selection panel of at least two individuals to shortlist candidate applications. The panel will review all candidates against the skills and experience outlined within the person specification and will complete a shortlisting matrix to justify their decision-making and ensure consistent treatment of all candidates. HR will endeavour to notify all candidates in writing within five working days of the recruitment campaign closing, with successful candidates often telephoned to ascertain their availability for interview. In line with the KCSiE revisions in September 2021, only shortlisted candidates are required to complete a self-declaration of their criminal record or any information that would make them unsuitable to work with children.

## **Selection Process**

The selection process will be dependent on the requirements and seniority of the respective role. It will always include a structured interview based on the requirements outlined in the job description and person specification, with a particular emphasis on safeguarding for those roles that will be undertaking regulated activity. As structured questions will be required to focus on the candidates suitability to work with children, HR have designed in conjunction with Academy Designated Safeguarding Leads a question bank to support hiring managers, which can be tailored as required.

Additionally, the selection process may include role specific exercises, including safeguarding scenarios as required. Candidates will receive specific information in writing before the selection event.

As already outlined, selection panels should include at least one safer recruitment trained individual and should include a diverse range of individuals wherever practicable. HR holds a record of staff that have attended safer recruitment training and the recruitment records for each campaign should highlight the lead individual on each panel. Any members of the selection panel that have not attended formal safer recruitment training will always be briefed in advance.

At some selection events, particularly for teaching appointments, candidates will ordinarily receive a verbal outcome at the end of the event. When this is not possible, the aim is to share the outcome within two working days or advise candidates if there is going to be a further delay. Feedback will be available to any candidate on request.

## **Employment Offer**

The offer of employment by the selection panel and acceptance by the candidate is binding on both parties, subject to the satisfactory pre-employment checks already outlined. Whilst the successful candidate will ordinarily receive a verbal offer in the first instance, a formal offer letter will follow via email within two working days.

## **Disclosure of Convictions**

In the event that candidates disclose any convictions on the employment declaration form or any are returned on the DBS certificate, consideration will be given to the Rehabilitation of Offenders Act 1974 and the following criteria:-

- Date of the offence;
- Details of the offence, seriousness and relevance;
- Isolated incident of history of offences;
- Change in circumstances;

A formal meeting will take place between the candidate and the HR Business Partner to establish further facts, including any relevant mitigation, for discussion with the Academy Principal. After full consideration of all information and a risk assessment surrounding the role for which the candidate is applying, the Academy Principal will make their decision and document this on the candidate file. If a candidate wishes to dispute any information outlined in the disclosure certificate they must contact the DBS directly.

If a candidate challenges a decision to withdraw an offer of employment a paper review will take place by the HR Director within three working days and the candidate will receive confirmation in writing. There will be no further right of appeal.

## Managing other Workforce Groups:

The below information should be read in conjunction with the KCSiE flowchart and guidance shared in Appendix 2.

### Trust Lettings

A revision to the KCSiE statutory guidance in September 2021 outlined that when Trust premises are hired assurances should be sought from the body providing the service or activity that there are appropriate safeguarding and child protection policies and procedures in place and that these are subject to regular scrutiny and inspection. Safeguarding arrangements are now subject to formal review in any transfer of control agreements as a condition of the use of Trust premises, with failure to comply leading to the agreement being terminated.

### Casual Staff

Any individuals employed under zero hour casual contracts remain subject to all of the outlined pre-employment checks before they are authorised to undertake any work within a Trust Academy.

### Agency Staff

When any Trust Academy employs staff via a third-party agency it must obtain written confirmation that all of the necessary safer recruitment checks that the Trust would ordinarily complete have taken place. Additional identify verification will take place when the individual attends work for the first time to ensure that the individual presenting themselves for work is the same individual on whom the checks were made. In the event that an enhanced DBS check prior to the person commencing any work for the Trust includes a disclosure, the Trust must obtain a copy of the certificate from the agency.

### Trainee Teachers

If individuals are part of a Trust Academy workforce and paid via the payroll then the pre-employment checks should be undertaken in the normal manner. When the School Centred Initial Teacher Training (SCITT) route has instead been utilised and the individual does not form part of the Academy payroll, written confirmation from the third-party provider is required to confirm that all of the necessary safer recruitment checks that the Trust would ordinarily complete have taken place. Additional identify verification will take place when the individual attends work for the first time.

### Contractors

Trust Academies must ensure that any on site contractors are subject to the appropriate level of DBS check and must obtain written confirmation that all of the necessary safer recruitment checks that the Trust would ordinarily complete have taken place. If the guidance deems a basic DBS check appropriate the contractor will remain supervised at all times if they have access to children and young people.

If a self-employed contractor works within a Trust Academy and undertakes regulated activity, i.e. sports coach, music coach, counsellor, as they are unable to make an



application directly to the DBS the Trust will make this on their behalf and transfer this charge to the individual at their discretion. A prohibition order check will also take place and two satisfactory references will be required before they can have contact with children and young people. As with agency staff, additional identify verification will also take place when the individual attends the workplace for the first time.

The Trust will include safeguarding requirements within any future contractual arrangements with third parties.

### **Volunteers**

As above Trust Academies must ensure that any volunteers are subject to the appropriate level of DBS check. In summary, it is acceptable to treat an individual performing ad-hoc voluntary work in the same way as a regular visitor, providing they are constantly supervised and do not undertake any regulated activity with children or young people. Any regular volunteers should however be subject to an enhanced DBS check, a prohibition order check and be required to provide two references.

To enable an appropriate risk assessment, requests for voluntary support are subject to agreement with the respective member of SLT and the HR Compliance Officer before an individual attends the workplace.

### **Visitors**

Reception staff within Trust Academies are responsible for registering visitors, ensuring appropriate identity checks take place and issuing temporary visitor lanyards. In some circumstances, regular visitors may need an appropriate DBS check and/or confirmation from the visitor's employer that their staff have undertaken appropriate checks.

Academy SLT members are responsible for ensuring that all staff understand the importance of registering visitors and appropriate supervision at all times.

### **Members, Trustees and the Academy Quality Council**

In 2016, the Government issued new legislation making it compulsory for all individuals involved in educational governance to have enhanced DBS checks. Individuals would only need to have a barred list check if they would also engage in regulated activity in addition to their governance duties.

Additionally, it should also be confirmed that relevant individuals are not subject to a section 128 direction made by the Secretary of State, as this would prohibit or restrict an individual from taking part in the management of an independent school, including academies and free schools.

### **Existing Staff**

If any concerns arise in respect of an existing employee's suitability to work with children and young people, relevant checks will be undertaken as if the individual was a new member of staff. These checks will also take place if an individual moves into a role involving regulated activity.

Employees will also be required to disclose in writing any offence for which they receive a conviction or caution during their employment with the Trust. A risk assessment will then take place by the respective Academy Principal and HR Business Partner to determine whether there are any issues in terms of ongoing employment and undertaking regulated activity with children and young people. It may be necessary to invite the employee to a formal meeting to discuss the disclosure and any points that require clarification. A formal record will be made of all correspondence involved in the decision making process and this will be confidentially stored within HR.

The Local Authority Designated Officer (LADO) and potentially the police will need to be informed where there is an allegation of abuse against an adult working with children or young people in a Trust Academy. A referral will be required when an individual is subject to an investigation for:-

- Behaving in a way that has harmed a child, or may have harmed a child;
- Possibly committing a criminal offence against or related to a child;
- Behaving towards a child or children in a way that indicates that he or she would pose a risk of harm if they work regularly or closely with children.

At the conclusion of any internal safeguarding investigation, any proven case requires referral to the DBS and Teaching Regulation Agency for further consideration.

## **Monitoring and Evaluation**

The HR Director is responsible for reviewing this policy with the HR Business Partnering team at the start of each academic year. Formal audits will also take place throughout the year to enable Trustees to be appropriately reassured of compliance within Trust Academies and robust safer recruitment practices.

Becky Young (HR Director)

Last reviewed: September 2021 to reflect the latest KCSiE statutory guidance changes

Next formal review due: November 2023

## Appendix 1:

### 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 has produced [Factual note on regulated activity in relation to children: scope](#).

Regulated activity includes:

- a. teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;
- b. 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>66</sup> Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

- c. relevant personal care, or health care provided by or provided under the supervision of a health care professional:
  - o personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability;<sup>67</sup>
  - o health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Regulated activity will not be:

- paid work in specified places which is occasional and temporary and does not involve teaching, training; and
- supervised activity which is paid in non-specified settings such as youth clubs, sports clubs etc.

## Appendix 2:

