

This school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

Edition: 15th December 2016

SAFER RECRUITMENT POLICY AND PROCEDURES



**This policy is applicable to the whole school,
including the Early Years Foundation Stage (EYFS)**

References:

ISI: Commentary on the Regulatory Requirements 2016-09 (September 2016)
Keeping Children Safe in Education (September 2016) (*KCSIE*)
Disqualification under the Childcare Act 2006 (June 2016)
Revised Code of Practice for Disclosure and Barring Service Registered Persons (November 2015)
Prevent Duty Guidance: for England and Wales (July 2015) (*Prevent*)
Working Together to Safeguard Children (March 2015) (*WT*)
Section 26 of the Counter-Terrorism and Security Act 2015
Education (Independent Schools Standards) (England) Regulations 2014
Section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014
Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013)
Teachers' Disciplinary (England) Regulations 2012
The Equality Act 2010
Statutory Framework for the Early Years Foundation Stage (Childcare Act 2006)

1. Introduction

Parkside School (the School) is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people.

The School aims to recruit staff that share and understand our commitment and to ensure that no job applicant is treated unfairly by reason of a protected characteristic as defined within the Equality Act (as above).

All queries on the School's Application Form and recruitment process must be directed to the Head or Bursar.

An entry will be made on the Single Central Register for all current members of staff at the School, the Governing body and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties.

All checks will be made in advance of appointment or as soon as practicable after appointment and before commencement of employment.

The School is governed by Parkside School Trust - Registered in England Number: 667817; Registered Charity Number: 312041

2. Scope of this Policy

The Policy and Procedure herewith refers and applies to staff directly recruited and employed by the School. In the latest iteration of the Education (Independent Schools Standards) (England)

Regulations, staff are defined as: *Any person working at the School whether under a contract of employment, under a contract for services or otherwise than under a contract, but does not include supply staff or a volunteer.*

In the case of agency or contract workers, the School shall obtain written confirmation from the agency or company that it has carried out the appropriate checks. The School conducts identity checks on agency and contract workers on arrival in School and, in the case of agency workers which includes supply staff, the School must be provided with a copy of the DBS check for such staff.

The School will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure - renewed every 3 years, right to work in the UK, barred list/list 99, prohibition, qualifications, overseas checks plus, in line with KCSIE, two references, declaration of medical fitness, check of previous employment history. The Single Central Register shows these checks have been made and the School carries out its own identity check and has a copy of the disclosure.

In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in School. The School will determine the appropriate level of supervision depending on the circumstances.

Any staff who TUPE transfer into the School's staff, will be required to undertake the statutory requirements with regard to safer recruitment checks. If staff are transferred under TUPE (gap of three months or less and information complete) information will be passed to the new employer and a note made on the Single Central Register that details have been accepted under TUPE.

The School also aims to provide a supportive and flexible working environment to all its members of staff.

The School recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share these commitments.

3. Recruitment & selection procedure

Advertisements for all posts – whether in newspapers, journals or online – will include this statement:

SAFER RECRUITMENT STATEMENT: Parkside School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. Applicants must be willing to undergo child protection screening, including checks with past employers and the Disclosure & Barring Service.

Applicants will receive the following:

- An Application Form
- A Job Description and a Person Specification for the role applied for,
- The School's Safeguarding Policy
- The School's Safer Recruitment Policy and Procedures

The School will only accept applications from candidates completing the relevant Application Form in full. CVs will **not** be accepted in substitution for completed Application Forms.

The School will make candidates aware that all posts in the School involve some degree of responsibility for safeguarding children, although the extent of that responsibility will vary according to the nature of the post.

Checks will be made of previous employment history to ascertain satisfactory reasons for any gaps in employment. These checks will then be checked against references and any discrepancies discussed with the candidate.

As the position for which candidates are applying involves substantial opportunity for access to children, it is important that applicants provide the School with legally accurate answers. Upfront disclosure of a criminal record may not debar a candidate from appointment as the School shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Information should be submitted in confidence enclosing details in a separate sealed envelope which will be seen and then destroyed by the Head or Bursar. If candidates would like to discuss this beforehand, they are asked to please telephone in confidence to the Head/Bursar for advice.

Any unspent convictions, cautions, reprimands or warnings must be disclosed to the School. However, the latest iteration of the Rehabilitation of Offenders Act (as amended) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

The successful applicant will be required to complete a Disclosure Form from the Disclosure and Barring Service ("DBS") for the position. Additionally, successful applicants should be aware that they are required to notify the School immediately if they are any reasons why they should not be working with children. This includes any staff who are disqualified from childcare or registration including 'by association' i.e. they live in the same household (or someone is employed in their household) as someone who has unspent cautions or convictions for a relevant offence (please see a list of the relevant offences set out here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384712/DBS_referrals_guide_-_relevant_offences_v2.4.pdf).

The 'by association' requirement also applies if you live in the same household as or someone is employed in your household who has been disqualified from working with children under the Childcare Act.

The latest iteration of the Disqualification under the Childcare Act applies to those providing early years childcare or later years childcare, including before school and after school clubs, to children who have not attained the age of 8 AND to those who are directly concerned in the management of that childcare.

The School takes its responsibility to safeguard children very seriously and any staff member and/or successful candidate who is aware of anything that may affect his/her suitability to work with children must notify the School immediately. This will include notification of any convictions, cautions, court orders, reprimands or warnings he/she may receive. He/she must also notify the School immediately if he/she is living in a household where anyone lives or works who has been disqualified from working with children or from registration for the provision of childcare.

Staff and/or successful candidates who are disqualified from childcare or registration, including 'by association', may apply to Ofsted for a waiver of disqualification. Such individuals may not be employed in the areas from which they are disqualified, or involved in the management of those settings, unless and until such waiver is confirmed. Please speak to the Head or Bursar for more details.

Failure to declare any convictions (that are not subject to DBS filtering) may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently.

The School has a legal duty under the latest iteration of Section 26 of the Counter-Terrorism and Security Act to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent duty. Schools are required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. Accordingly, as part of the recruitment process, when an offer is made the offer will be subject to a Prevent duty risk assessment [more guidance for schools from the DfE on this can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439598/prevent-duty-departmental-advice-v6.pdf].

If the candidate is currently working with children, on either a paid or voluntary basis, the School will ask their current employer about disciplinary offences, including disciplinary offences relating to children or young persons (whether the disciplinary sanction is current or time expired), and whether the candidate has been the subject of any child protection allegations or concerns and if so the outcome of any enquiry or disciplinary procedure.

If the candidate is not currently working with children but has done so in the past, the School will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, the School will still ask the current employer about the candidate's suitability to work with children. Where the candidate has no previous employment history, the School may request character references which may include references from the candidate's school or university.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal by the School if they have been appointed, and a possible referral to the police and/or DBS.

4. Invitation to Interview

The School will short list applicants according to the relevance and applicability of their professional attributes and personal qualities to the role. Short-listed applicants will then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail.

All formal interviews will have a panel of at least two people chaired by the Head and/or Bursar. The Chair of Governors will chair the panel for the Bursar's/Head's appointment. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Chair as to whether or not an interviewer should withdraw from the panel. There will always be at least one person on the appointment panel who has undertaken Safer Recruitment training.

The interview will be conducted in person and the areas which it will explore will include suitability to work with children.

All candidates invited to interview must bring documents confirming:

Any educational and professional qualifications that are necessary or relevant for the post (e.g. the original or certified copy of certificates, diplomas etc). Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.

The School requests that all candidates invited to interview also bring with them:

1. A current driving licence including a photograph or a passport;

2. A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
3. Documentation confirming their National Insurance Number (P45, P60 or National Insurance Card);
4. Where appropriate any documentation evidencing a change of name;
5. Where the candidate is not a citizen of a country within the European Economic Area or Switzerland, proof of entitlement to work and reside in the UK.

The School asks for the date of birth of all applicants (and proof of this) in accordance with the DfE's guidance in its latest iteration of 'Working together to safeguard children'. Proof of date of birth is necessary so that the School may verify the identity of, and check for any unexplained discrepancies in the employment and education history of all applicants. The School does not discriminate against applicants on the grounds of age.

Candidates with a disability who are invited to interview should inform the School of any necessary reasonable adjustments or arrangements to assist them in attending the interview.

Please note that originals of the above are necessary. Photocopies or certified copies are not sufficient.

5. Conditional Offer of Appointment: Pre-Appointment Checks

Any offer to a successful candidate will be conditional upon:

1. Receipt of at least two satisfactory references (if these have not already been received);
2. Verification of identity and, where appropriate, evidence of the right to work in the UK;
3. A satisfactory enhanced DBS check and if appropriate, a check of the Barred List maintained by the DBS;
4. For a candidate to be employed as a teacher, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State. Teaching work is defined in the latest iteration of The Teachers' Disciplinary (England) Regulations to encompass:
 - a. Planning and preparing lessons and courses for pupils
 - b. Delivering and preparing lessons to pupils
 - c. Assessing the development, progress and attainment of pupils
 - d. Reporting on the development, progress and attainment of pupils;
5. Verification of professional qualifications, where appropriate;
6. Verification of successful completion of statutory induction period (for teaching posts - applies to those who obtained QTS after 7 May 1999);
7. Where the successful candidate has worked or been resident overseas such checks and confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered;
8. Receipt of a signed Staff Suitability Declaration form showing that you are not disqualified from providing childcare under the latest iteration of the Disqualification under the Childcare Act;
9. Where the successful candidate will be taking part in the management of the School, a check will be carried out under the latest iteration of Section 128 of the Independent Educational

Provision in England (Prohibition on Participation in Management) Regulations. This applies to all Governors, Senior Leadership Team and teaching heads of department; and

10. For a candidate that has lived or worked outside the UK, an EEA check using the NCTL Teacher Services system for information about any teacher sanction or restriction.

It is the School's practice that a successful candidate must complete a pre-employment health questionnaire. The information contained in the questionnaire will then be held by the School in strictest confidence. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed workload, extra-curricular activities, layout of the School.

The School is aware of its duties under the latest iteration of the Equality Act. No job offer will be withdrawn without first consulting with the applicant, considering medical evidence and considering reasonable adjustments.

6. References

The School will seek the references referred to in section 5 above for shortlisted candidates and may approach previous employers for information to verify particular experience or qualifications, before interview. If the candidate does not wish the School to take up references in advance of the interview, they should notify the School at the time of applying.

The School will ask all referees if the candidate is suitable to work with children.

The School will compare any information provided by the referee with that provided by the candidate on the Application Form. Any inconsistencies will be discussed with the candidate.

One of the references 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.

The School will not accept or rely on references or testimonials provided by the applicant or on open references or testimonials.

The School will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.

The School will telephone all referees to ask if there is any reason the applicant should not work with children.

7. Criminal Records checks

The School will refer to the latest iteration of KCSIE in carrying out the necessary required DBS checks.

The School complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request or accessed here:

<https://www.gov.uk/government/publications/dbs-code-of-practice>.

There are limited circumstances where the School will accept a check from another educational institution which are as follows:

Where the new member of staff ("M") has worked in: -

- a. A school or a maintained school in England in a position which brought M regularly into contact with children or young persons;
- b. A maintained school in England in a position to which M was appointed on or after May 2006 and which did not bring M regularly into contact with children or young persons; or
- c. An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought M regularly into contact with children or young persons,

during a period which ended not more than three months before M's appointment.

In these circumstances the school may apply for a disclosure but is not required to do so. A new, separate barred list check will be obtained.

DBS Update Service

Where an applicant subscribes to the DBS Update Service the applicant must give consent to the school to check there have not been changes since the issue of a disclosure certificate. A barred list check will still be required.

If disclosure is delayed

A short period of work is allowed under controlled conditions, at the Head's discretion. However, if an 'enhanced disclosure' is delayed, a Head may allow the member of staff to commence work:

- Without confirming the appointment;
- After a satisfactory check of the barred list if the person will be working in regulated activity and all other relevant checks (including any appropriate prohibition checks) having been completed satisfactorily;
- Provided that the DBS application has been made in advance;
- With appropriate safeguards taken (for example, loose supervision);
- Safeguards reviewed at least every two weeks by the Head/Bursar and member of staff;
- The person in question is informed what these safeguards are; and
- It is recommended, but not a requirement that a note is added to the Single Central Register and evidence kept of the measures put in place.

8. Retention and Security of Records

The School will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy. Copies of DBS certificates will not be retained for longer than 6 months.

DW/EMc

Reviewed: Autumn Term 2016

To be approved by the Board of Governors:

21st March 2017

Next review: Autumn Term 2017

Appendix 1: Policy on the Recruitment of Ex-Offenders

The School will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The School makes appointment decisions on the basis of merit and ability. If an individual has a criminal record this will not automatically bar him/her from employment within the School. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected or summary dismissal if they have been appointed, and a possible referral to the police and/or DBS.

1. Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the School 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 also unlawful for the School to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the latest iteration of the Disqualification under the Childcare Act whether by association, or otherwise.
2. 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. The School will report the matter to the Police and/or the DBS if:
 - a. the School receives an application from a disqualified person;
 - b. is provided with false information in, or in support of an applicant's application; or
 - c. the School has serious concerns about an applicant's suitability to work with children.

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;
- in the case of disqualification from providing childcare, whether the applicant has or is able to obtain an Ofsted waiver from disqualification; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any of the following offences: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving.