

Swavesey Primary School

SAFER EMPLOYMENT POLICY

In creating this policy full consideration has been given to the requirements set out in the Equality Act, 2010 in relation to protected characteristics.

Adoption – 15th November 2017 – Resources Committee

1. Policy Statement

Swavesey Primary School is committed to safeguarding and promoting the welfare of children and young people. We expect and require all members of the school community to share this commitment. We will ensure that our employment policies and practices support the development and maintenance of an environment where children and young people are safe and able to make the most of their opportunities to learn. Our policies and practices will support the recruitment, retention, deployment and development of competent, well-motivated employees who are suited to and fulfilled in the roles they undertake.

The first step towards safeguarding and promoting the welfare of children in our school is to ensure that we recruit and select employees, workers and volunteers in accordance with best safer recruitment practice. However, we recognise that this is only one aspect of securing a safe environment for children and young people. This policy is designed to bring together in one document the link to all the different strands of our practice that promotes safer employment. The policy is grounded in the good practice set out in 'Safeguarding Children – Safer Recruitment in Education' 2010 and the Cambridgeshire LSCB's Key Standards in Employment.

2. Scope of the policy

This policy applies to all employees, governors, volunteers, agency workers, supply staff and anyone else who undertakes work of any kind on our school premises.

3. Roles and responsibilities

The Governing Body will:

- ensure that the school has effective policies and procedures in place for the recruitment of all staff and volunteers, in accordance with DfE guidance and legal requirements;
- delegate responsibility for recruitment and selection to the Headteacher but will support the Headteacher in discharging this role;
- be responsible for the appointment of a new Headteacher;
- ensure that the school has effective policies and procedures in place for promoting safer employment and child safeguarding;
- undertake appropriate training in relation to child safeguarding;
- monitor the school's compliance with safer employment and child safeguarding policies on an annual basis.

The Headteacher will:

- ensure that the school operates safe recruitment practices and ensure that all appropriate checks are carried out on staff, volunteers and others;
- ensure that the school operates safer employment practices at all times and make sure that all staff fully understand the important part they play in achieving a safe environment for children and young people;
- monitor contractor and employment agency compliance with this document;
- promote the welfare of children and young people at all times.

All other staff, volunteers, agency workers, supply staff, visitors and others will:

- be expected and required to comply with the spirit and intention of this document.

All contractors and agencies supplying staff to work in the school will:

- be expected and required to undertake safer recruitment pre-employment checks.

The school's HR provider will:

- be responsible for administering DBS checks for the school.

4. Recruitment and Selection

4.1 General principles

This policy provides a good practice framework to comply with the principles set out in our Equality Policy and in the Equality Act, 2010. We fully recognise the value of, and will seek to achieve, a diverse workforce, which includes people from different backgrounds with varied skills and abilities. We are committed to ensuring that the employment of all members of our school community is fair, transparent, consistent, and efficient and promotes equality of opportunity.

All posts within the school are exempt from the Rehabilitation of Offenders Act, 1974, so all applicants will be required to declare spent and/or unspent convictions, cautions and bind overs and to undertake an enhanced Disclosure and Barring Service (DBS) check. The school is committed to ensuring that people who have been convicted are treated fairly and given the opportunity to establish their suitability for positions. Having a criminal record will not necessarily be a bar to obtaining a position with our school.

In line with the 'Keeping children safe in education: childcare disqualification requirements' we will ask all staff and volunteers to self declare before starting their position. A declaration will not necessarily be a bar to obtaining a position in our school, however, a waiver from Ofsted will have to be sought and until that is granted the person may not work or volunteer in school.

We will:

- ensure that governors and staff who undertake recruitment receive regular safer recruitment training and successfully achieve safer recruitment accreditation;
- ensure that all job descriptions and person specifications specify the safeguarding responsibilities of the posts;
- ensure that all advertisements, applicant packs, school policies and our website reflect the fact that we take our responsibilities for child safeguarding very seriously;
- ensure that every appointment panel includes at least one member who has received safer recruitment training;
- implement robust recruitment procedures and checks for appointing staff and volunteers to ensure that all reasonable steps are taken to avoid appointing anyone who is:
 - unsuitable to work with children; or
 - is disqualified from working with children; or
 - does not have suitable skills and experience for their intended role;
- maintain a single central record of recruitment and vetting checks in line with DfE (and/or the County Council's) requirements;
- ensure that the terms of engagement for any contract with a contractor or agency requires them to adopt and implement the same standards as are described in this policy, which we will monitor;
- require staff who are convicted or cautioned for any offence during their employment with the school to notify the Headteacher in writing of the offence and the penalty without delay.

4.2 Preparation Stage

4.2.1 Job descriptions and person specifications

All job descriptions and person specifications will set out the role's safeguarding responsibilities and will be prepared using the school's standard templates. The precise range of responsibilities will differ but every post, whether paid or voluntary, will include responsibility for ensuring the safety and security of children and young people.

4.2.2 Advertising and applicant packs

The school will advertise all vacant posts 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 where members of our staff are at risk of redundancy, we reserve the right to advertise the vacancy to the school community first before considering an external advertisement.

Wherever the advertisement is placed, it will include information on the school's commitment to safeguarding and promoting the welfare of children and the requirement for a DBS check. The applicant pack will also include a copy of our child protection policy and a statement of the school's commitment to child safeguarding.

4.2.3 Application forms

The school will use a standard application form for every applicant, based on the templates supplied by EPM our HR provider. CVs will not be accepted. We will expect and require candidates for all employed posts to provide a full employment history and to account for any gaps or discrepancies either on the application or, subsequently, at interview.

Applicants should be aware that providing false information is an offence and could result in their application being rejected or in summary dismissal if the applicant has already been appointed. This may also result in the matter being referred to the police and/or a professional regulatory body e.g. the Disclosure and Barring Service.

4.2.4 Declaration of convictions

The school will require the shortlisted applicants for all posts to complete a form declaring all spent or unspent convictions, cautions, warnings or reprimands except those that are protected. This is on the basis that all roles in schools are covered by the Recruitment of Ex-Offenders Exemption Order. The declaration form will also include a question regarding any pending criminal prosecutions.

Some convictions or cautions (including warnings and reprimands) are deemed "protected" under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended by the Rehabilitation of Offenders Act 1974 (Exceptions) order 1975 (Amendment) (England and Wales) Order 2013. This means that some spent convictions and cautions will become protected when specific conditions are met. Protected convictions and cautions will not be disclosed in a DBS check and the school cannot ask for information about protected convictions or cautions, or take these into account when considering an appointment.

The Headteacher (or another representative of the recruitment panel) will discuss any relevant, positive declarations with the applicant. However, they must not ask about anything that is protected. The disclosure of convictions, cautions or pending prosecutions will not necessarily prevent the applicant being appointed but the information will be considered as part of the pre-employment risk assessment in the same way as DBS disclosures.

Guidance and criteria for the filtering of convictions and cautions can be found on the Disclosure and Barring Service website at: www.gov.uk/government/disclosure-and-barring-service.

4.3 Selection stage

4.3.1 Short listing

Short listing will always be carried out by a minimum of two people, using an agreed set of short listing criteria, in the interests of transparency. The short listing criteria will be drawn from the person specification for the vacant post. The short listing panel will agree the candidates to be

called for interview and the notes of their decision will be signed and retained on the appointment file.

4.3.2 References

References will be sent for in relation to all short listed candidates immediately after short listing. We will always expect to take a reference from the current employer. The only exception to this will be where the candidate has indicated that they do not wish their current employer to be contacted prior to appointment. Where this applies, a reference will be sought from the second referee prior to the interview and the reference from the current employer will be taken up immediately after the interview and before the offer of appointment is confirmed.

We will not accept employer testimonials or 'bearer references' i.e. those provided by the candidate and/or marked 'to whom it may concern'. References must be in writing and be specific to the job for which the candidate has applied. The school will not accept references from relatives or people writing solely in the capacity as a friend of the candidate for any post. The school will use the County Council's reference request form, or one provided by the school's personnel provider, provided it is in accordance with 'Safeguarding Children – Safer Recruitment in Education'.

Reference requests will specifically 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.

References will be compared to the application form by an appropriate trained member of the administrative staff to ensure that the information provided is consistent. Any discrepancies will be brought to the attention of the interview panel prior to interview to be discussed with the candidate. The interview panel will then read the references after interview as part of their final decision making process before offering the job to a candidate.

Any information about previous disciplinary action or allegations will be considered based on the circumstances of the case. Where the issue was resolved satisfactorily some time ago, or the allegation was unfounded, unsubstantiated or did not require formal disciplinary sanction, it is unlikely to cause concern. More serious and/or more recent issues are more likely to be a cause for concern, as is a history of repeated, substantiated concerns or allegations. We reserve the absolute right not to make an appointment if there are significant concerns, as our first priority is the safeguarding of the children at our school.

4.3.3 Selection process

This will differ depending on the nature of the post but will always include a face to face professional interview with a minimum of two people. For some posts, including for members of the leadership group or teaching posts, the selection process will normally include some activity involving children e.g. meeting the school council, taking an assembly, etc.

The selection process for every post, paid or otherwise, will include an opportunity to discuss the candidate's understanding of child safeguarding issues. The interview will also include a discussion of any convictions, cautions or pending prosecutions the candidate has declared. If the candidate has not made any declaration, the interview panel will give them a further opportunity to share any information regarding their background that may influence the decision on their appointment.

The responses given by all the candidates to all the questions will be noted and retained after the interview. The interviewers will sign and date the copies of all interview notes, which will be retained for six months from the date of interview. The interview notes for the successful candidate will be retained on his/her personnel file for the duration of his/her employment at our school.

4.3.4 Decision

After all the candidates have been interviewed, the selection panel will consider all the information available to them and will assess each candidate against the criteria for the post. This should identify which candidate should be appointed. The selection panel will make notes of the reason for its decision and will sign and date the notes, which will be retained for six months after the date of the interview. The notes relating to the successful candidate will be retained indefinitely as indicated above.

4.4 Pre-employment checks

The following pre-employment checks will be undertaken before any new employee begins work at our school:

- references – we will take up at least two references, one of which will be from the former or most recent employer. Ideally, we will aim to have references that cover the last five years of the candidate's career;
- proof of identity – we will obtain verification of the candidate's identity in order to comply with the requirements of the Immigration, Asylum and Nationality Act, 2006;
- verification of qualifications relevant to the post;
- verification of medical fitness – the successful candidate will be asked to complete a confidential medical questionnaire, which will be sent in a sealed envelope to the County Council's Occupational Health Service for assessment;
- verification of any appropriate professional registration;
- verification of successful completion of the induction period (for those who obtained QTS after 7th May, 1999);
- and we will obtain a satisfactory DBS certificate.

The successful candidate will be informed that we will not confirm their appointment until all of the above checks have been completed satisfactorily.

4.4.1 Administration

Proof of identity and other documentation will be verified by an appropriately trained member of staff or a governor from the interview panel. Candidates will be expected to produce original certificates, e.g. birth certificates, qualification certificates and other documentation. We will not retain the original documents but will take photocopies to be retained on the successful candidate's personnel file. We will sign and date the copies and will annotate them with the wording 'original document seen on (date) by (name)'.

If the original documents cannot be produced, we will require a properly certified copy. Where candidates have obtained their professional qualifications outside the UK, a certified comparability check will be required from NARIC. Our school personnel provider will obtain the check on our behalf.

4.4.2 Employment offer

Where possible, we will negotiate a provisional start date with the preferred candidate, however all the pre-employment checks set out above must be completed **before** the appointment is confirmed and the employee begins work. The only exception to this is the DBS certificate, where the risk assessment described in 4.4.3 may apply. Once all pre-employment checks have been satisfactorily completed, the offer of employment will be made and the contract of employment will be issued. In all circumstances, the new employee will receive the contract no

later than 8 weeks of the employment commencing, although we will aim to ensure that the documentation is supplied before they take up their new post.

4.4.3 Commencement of employment prior to receipt of DBS certification

In exceptional circumstances, provided no criminal record has been disclosed, the school may undertake a risk assessment to determine whether the successful candidate may commence employment prior to receiving the DBS certificate. A full risk assessment will be undertaken by the Headteacher and Chair of Governors, who will document their decision using the County Council's standard risk assessment template.

4.4.4 Record retention/data protection

The school will retain all interview notes on all candidates for a 6-month period, after which the notes for all but the successful candidate will be shredded. The 6-month period will allow the school to deal with any data access requests, recruitment complaints or complaints of discrimination raised in the Employment Tribunals.

Under the Data Protection Act, 1998, applicants have the 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 Headteacher within 6-months of the interview date.

4.4.5 Personnel file

The school will retain the following recruitment and selection information for the successful candidate for the duration of his/her employment with the school:

- application form – signed by the applicant
- interview notes – including questions, answers and explanation of any gaps in the employment history
- references – minimum of 2
- disclosure of convictions form
- proof of identity – copies of certificate/passport/driver's licence, etc. We will not retain copies of utility bills, bank statements, etc. on file
- proof of right to work in the UK
- proof of academic qualifications
- Certificate of Good Conduct (where applicable)
- evidence of medical clearance from the Occupational Health service
- evidence of the DBS clearance (e.g. notification form from the school personnel provider or the DBS certificate number but not the actual certificate).

Personnel files will be kept securely and will only be accessed by the Headteacher and his/her nominee.

5. Single Central Record

In line with DfE requirements, the school will maintain a single central record of recruitment and vetting checks. The record will include details of all employees including casual staff, agency workers (whether paid directly or through an agency), volunteers, governors who also work as volunteers and those who provide additional teaching or instruction for pupils but are not directly employed e.g. sports coaches, artists, language tutors, etc.

The central record will indicate whether/when the following were completed and by whom:

- identity checks
- qualification checks
- checks on right to work in the UK
- List 99, Barred lists and Prohibition Order checks
- DBS disclosure
- Overseas records e.g. Certificates of Good Conduct, where appropriate.

In order to record agency workers or supply staff, the school will request written confirmation from the agency that it has carried out the checks described above satisfactorily. However, we will check that the person arriving is genuinely the person the agency has referred to us by asking him/her for photographic proof of identity.

The Headteacher will undertake an annual review of the single central record to ensure that it remains accurate and will confirm the outcome to the Governing Body.

6. Induction

Every new member of staff, paid or voluntary, will be entitled to an induction to the school. The details of the induction programme will vary depending on the individual's role in the school but all new starters will receive guidance on child safeguarding from the Designated Child Protection Officer Anna-Claire Norden on their first day at our school. The guidance will include information on how to raise a concern if the new employee identifies poor practice during the course of his/her employment.

Every induction programme will include a checklist, which the new employee or volunteer will sign and date as soon as they have completed each activity. A copy of the induction checklist will be placed on their personnel file for future reference.

7. Probationary periods

Support staff and volunteers will be subject to a six month probationary period during which their performance and behaviour will be monitored. In exceptional cases, the probationary period may be extended for up to a further six months if necessary.

School staff and volunteers will be given a copy of the DfE guidance entitled 'Safer Working Practice for Adults who work with Children and Young People in Education Settings' issued in March, 2009, which will be discussed with them to ensure their understanding. They will be asked to sign a declaration confirming that they have read and understood the document and will follow the guidelines required to maintain professional boundaries at all times.

8. Training and development

All members of school staff and volunteers will receive Basic Child Protection Training at three-yearly intervals, organised by the Designated Child Protection Officer (DCPO). The DCPO will receive refresher training every two years, provided by the County Council's Education Child Protection team.

The DCPO is responsible for ensuring that all staff are aware of the relevant policies and procedures for child safeguarding and are able to identify when a child may be suffering or at risk of suffering harm or neglect. The DCPO will ensure that all staff and volunteers understand the principles of 'Safer Working Practice' (see above) and recognise that the school has a protective ethos in which the needs of the children are paramount.

All staff and governors who are involved in recruitment and selection will be provided with suitable training to ensure that they can discharge their role effectively. In addition, the following people will be expected to undertake safer recruitment training:

- The Headteacher
- The Deputy Headteacher
- 2 members of the Governing Body

9. Whistle blowing

Our school adopts a culture of vigilance where concerns about inappropriate practice are listened to and taken seriously. We have adopted the County Council's model whistle blowing

policy copies of which will be distributed to all staff and volunteers and will be available on our school website.

10. Code of conduct

The school's Code of Conduct, which includes the DfE 'Guidance on Safer Working Practice for Adults who work with Children and Young People in Education Settings', sets out the standards of behaviour we require from all of our employees. The Code of Conduct sets out the basic rules and principles that govern the way we work.

The Code of Conduct will be provided to all new employees as part of their induction. Copies will also be made available on the school intranet and on the staff room notice board(s). The following members of the school community are also expected to abide by the principles contained in the Code of Conduct:

- Volunteers
- Governors
- Agency workers
- Supply staff
- Consultants.

The school undertakes to apply the Code of Conduct fairly and consistently. We expect the Headteacher and other school leaders to apply the Code of Conduct robustly to ensure that the integrity of members of our school community is beyond reproach. Where necessary, we will enforce the Code of Conduct through our disciplinary rules and disciplinary procedure. We believe that breaking some of the rules is so serious that we may consider summary dismissal for a first offence of gross misconduct.

11. Contact with children outside work

Whilst we wish members of the school community to work together in a positive manner, we do not encourage employees or volunteers to make contact with children and young people outside work. Our employees are strongly advised to follow the good practice advice contained in the 'Guidance on Safer Working Practice for Adults who work with Children and Young People'. This is for the safety of the children, which is paramount and in the best interests of the members of staff or volunteers.

12. Acceptable use of ICT/social networking

In line with the guidance in section 11 above, employees are actively discouraged from allowing children and young people to contact them via their personal e-mails or through social networking sites such as Facebook. Employees should make sure they are following the advice issued by all of the trade unions on this issue, which is also covered in 'Guidance on Safer Working Practice for Adults who work with Children and Young People in Education Settings'. This is for the safety of the children and for the adult concerned.

13. Dress code

All staff and volunteers should dress appropriately for a setting in which impressionable children and young people will be present. If in doubt, advice on this issue can be obtained from the Headteacher and some trade unions also produce guidance on suitable dress codes. Further information can also be found in the 'Guidance on Safer Working Practice for Adults who work with Children and Young People in Education Settings'.

14. Administering first aid

In our school, teaching staff and support staff have been trained to administer first aid and have been briefed on the child safeguarding issues they must consider. A list of these people is available in the administration office.

First aid will be administered in line with the model Intimate Care Policy.

15. Self disclosure

During their employment with the school, all employees and volunteers are required to disclose any changes of circumstances to the Headteacher. This includes details of any criminal investigations, convictions or warnings to which they may be subject, or any relevant information that a reasonable employer might consider would impact on their employment.

Employees should always discuss with their line manager any difficulties or problems that may impact on their suitability to work with children and young people, so that appropriate support can be provided or action taken. Failure to notify the Headteacher of any conduct that may or will result in the employee or volunteer being placed on one of the government's lists or Disclosure and Barring Service's barred lists will be treated as gross misconduct and may result in summary dismissal.

16. Educational visits/activities

The school will seek advice from the County Council's Outdoor Education Adviser in relation to educational visits and off site activities. All employees involved in educational visits will be able to obtain advice on specific child safeguarding issues from the Designated Child Protection Officer, or via the Evolve website, or from the Education Child Protection Service.

17. Handling allegations

The DCPO will also ensure that staff and volunteers understand they must challenge apparent misconduct directly, or by referring the matter to the DCPO and/or the Headteacher. The school will refer any allegation against a member of staff or volunteer to the County Council's named senior officer, who will liaise with the Local Authority Designated Officer (LADO) as necessary. The referral will be made within 24 hours of the allegation being received.

The school will cooperate with any investigation that may follow, in accordance with the DfE and the Cambridgeshire Local Safeguarding Children Board's allegations procedures. The procedures will apply even if the employee or volunteer ceases to work at the school.

If there have been concerns about a member of the school community's suitability to remain within the children's workforce, we will not enter into any settlement agreement and will make a referral to the Disclosure and Barring Service as appropriate.

18. Design of school buildings

The design and layout of school buildings can contribute to developing a safer environment and safer culture for children and young people. The Headteacher and governors will review the layout of the school to ensure that there are no areas where children may be placed at risk e.g. isolated classrooms without windows, etc. Where areas of the school site are identified as a concern, action will be taken without delay to minimise or eliminate any risk for children and young people. Advice will be sought as necessary from the County Council's Infrastructure Service, the Health and Safety team and/or the Education Child Protection Service.

19. Monitoring safer employment practice

The Headteacher is responsible for monitoring the school's adherence to safer recruitment and safer employment practice. The Headteacher will report to the full Governing Body annually on safer employment practice in the school.

The Governing Body will appoint one governor to act as the safer employment champion, who will support the Headteacher in ensuring that the school operates fair practices that ensure a safe environment for children and young people.

The school will also participate actively in the County Council's annual safer employment audit if asked to do so. The results of the audit will be shared with the full Governing Body and immediate action will be taken to improve our practices if the report indicates any areas of concern.

20. Annual safeguarding report

The Headteacher and Chair of Governors will complete an annual child protection monitoring report, which will be presented to the full Governing Body for endorsement and action. A copy of the report will be returned to the County Council's Education Child Protection Service.

This policy was ratified by the Governing Body on.....7th June 2017..... .

Signed.....A BakerChair of Governors

Date of next review: March 2018 (*we suggest reviewing this annually in conjunction with the annual safeguarding report*)

Appendix One: School Policies

Appendix Two: Reference documents and websites

Appendix One: School policies that relate to child safeguarding

- School Child Protection Policy
- School Equality Policy
- Code of Conduct
- Whistle Blowing Policy
- School Anti-Bullying Policy
- School Disciplinary Policy
- Acceptable Use of ICT Policy
- Complaints Procedure
- Lone Working Policy
- Intimate Care Policy
- First Aid Policy
- Behaviour Management Policy

All of the above policies will be kept under regular review on a three yearly basis, unless specified otherwise.

Appendix Two: Reference documents and websites

- 'Safeguarding Children: Safer Recruitment in Education Settings'. DfE. January 2007
- 'Working Together to Safeguard Children'. DfE. 2013
- 'Guide to Safer Working Practice for Adults who work with Children and Young People in Education Settings'. DfE. March 2009
- Cambridgeshire LSCB website: www.cambslscb.org.uk
- Disclosure and Barring Service website:
www.gov.uk/government/organisations/disclosure-and-barring-service/
- The Diocese of Ely website: www.ely.anglican.org
- Roman Catholic Diocese of East Anglia website: www.catholiceastanglia.org/diocese