



Safer Recruitment CPD accredited course notes

The following course notes are provided to support the content of our training module.
The notes will assist in the assessment process and as a reference document.

Introduction

This unit, part of our Safeguarding suite, explored safer recruitment procedures which are essential to help deter, reject or identify candidates that are unsuitable to work with or pose a risk of harm to children. Educational settings have statutory safer recruitment responsibilities which must be fully met. These statutory safeguarding provisions are set out in Keeping children safe in education (KCSIE) and have been extended to include post 16 education in line with the Education and Training (Welfare of Children) Act 2021. In this course we make reference to the historical versions of KCSIE, detailing where key revisions have been introduced. To build a sound working knowledge of these statutory requirements, and how they relate to best practice, we explored the following learning outcomes:

- Regulated Activity
- Pre-appointment checks
- Employment History and References
- Vetting
- Single Central Record
- Overseas Trained Teachers
- Trainee/student teachers
- Work Experience
- Volunteers
- Governance
- Contractors
- Visitors
- Residential visits
- Interview guidelines

To further support these learning outcomes we have included a bibliography of useful reference documents which can be found in Appendix 1 of these course notes.

Regulated Activity

The legal definition of regulated activity is set out in schedule 4 of the Safeguarding Vulnerable Groups Act 2006, amended by the Protection of Freedoms Act 2012. Regulated activity includes:

- Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on well-being or driving a vehicle only for children;
- Work in '*specified spaces*', which includes educational settings, where there is opportunity for contact with children. (Note: this does not include work done by supervised volunteers which will be covered later).

The above conditions apply:

If the work is carried out frequently by the same person or a person undertakes the work for more than 3 days in any 30-day period

Whilst the act does not define what '*frequently*' equates to, the guidance Regulated Activity in relation to Children defines this as doing something once a week or more.

The majority of staff working in schools and academies are engaged in regulated activity. As identified in the 2018 version of Keeping children safe in education, this applies to those who are:

- Responsible, on a regular basis, for teaching, training instructing, caring for or supervising children;
- Will carry out paid or unsupervised unpaid work regularly where the work provides an opportunity for contact with children; or anyone
- Engaging in intimate or personal care or overnight activity, even if this happens only once.

Some activities however are always regulated activities regardless of frequency or supervision. This includes personal or health care provided by or under the supervision of a healthcare professional. This applies to staff in an educational setting where intervention is delivered as part of an Educational Health and Care Plan (EHC). Personal care may also be required due to the age of a child, illness or disability e.g. assistance with eating, drinking, bathing, dressing or toileting.

The vetting requirements for those working in regulated activity, non regulated activity, volunteers, students and contractors are detailed in the vetting section of these course notes.

Pre-appointment Checks

Pre-appointment checks must be completed prior to the appointment of successful interview candidates. This includes candidates who have lived or worked abroad. When appointing new staff, schools and academies must complete/provide the following requirements:

Identity checks – to verify the candidate’s identity, candidates must provide a range of ID documents as part of the DBS check application process. As stated in KCSIE (2021), the use of a birth certificate where possible is best practice.¹ Schools and academies are required to:

- Follow the three route ID checking process;²
- Check and validate the information provided by the candidate on the application form/continuation sheet;
- Establish the true identity of the candidate through the examination of a range of documents as set out in these course notes;
- Make sure the candidate provides details of all names by which they have been known;
- Make sure the candidate provides details of all addresses where they have lived in the last five years;
- Check that the application form is fully completed and the information it contains is accurate.

It is important to clarify any discrepancies directly with the candidate as any amendment made to the application form without the applicant’s knowledge and agreement will invalidate the declaration by the applicant and may breach data protection legislation.

DBS checks – obtain the correct level of DBS vetting barring check in line with the role. Note: a separate barred list check must be obtained if an employee will start work in regulated activity before the DBS certificate is available.

Ability checks – verify the candidate’s mental and physical ability to carry out their employment responsibilities.³ Legally, prospective employers have the right to ask relevant questions about

1. Keeping children safe in education paragraph 213.
2. For 2018 requirements please refer to the following link <https://www.gov.uk/government/publications/dbs-identity-checking-guidelines>
3. In line with the Education (Health Standards) (England) Regulations 2003

disability and health to establish that the candidate has the physical and mental capacity to carry out the role. Whilst this can be established by meeting the job specification requirements, it is prudent for prospective employers to ask a candidate if they are aware of any personal factors which would affect them carrying out the role.

Right to work checks – To assess a candidate’s right to work, prospective employers must see documentation which shows permission for them to work in the UK. They must check:

- The documents are genuine, original and unchanged and belong to the candidate;
- The dates for the candidate’s right to work in the UK haven’t expired;
- Photos are the same across all documents and look like the candidate;
- Dates of birth are the same across all documents;
- The candidate has permission to do the type of work offered (including any limit on the number of hours they can work);
- If 2 documents give different names, the candidate has supporting documents showing why they’re different, e.g. a marriage certificate or divorce decree.

HM Government has published further supporting guidance to help employers determine if an individual needs permission to work in the UK.

In the case of students, evidence from their educational institution and study should be obtained in writing.

To comply with the law employers must keep a hardcopy, scanned or unalterable copy e.g. jpeg or pdf of the documents seen and checked. Copies must be stored securely for the duration of the person’s employment and a further two years when employment is ceased.

Non UK residence checks

Further checks should be carried out if the candidate has lived or worked outside the UK. Candidates who have lived or worked outside the UK must undergo the same checks as all other staff. Following the UK’s withdrawal from the European Union, the TRA Teacher Services system no longer maintains a list of those teachers who have been sanctioned in EEA member states.

Criminal records checks should be completed for overseas applicants.⁴ This includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. For teaching positions this may include obtaining a letter of professional standing from the professional regulating authority in the country in which the applicant has worked to confirm they have not imposed any sanctions or restrictions or are aware of any reason why a candidate may be unsuitable to teach. Advice about which regulatory or professional body applicants should contact is available on the Regulated Professions database⁵ or by contacting the UK Centre for Professional Qualifications.⁶

Where available, such evidence should be considered together with information obtained through other pre-appointment checks to help assess their suitability. Where this information is not

4. <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

5. Regulated Professions Database <https://ec.europa.eu/growth/tools-databases/regprof/>

6. UK Centre for Professional Qualifications <https://cpq.ecctis.com>

available schools and colleges should seek alternative methods of checking suitability and/or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment. Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, schools and colleges should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.⁷

Professional qualifications – Verify professional qualifications and that QTS candidates are not subject to a prohibition order issued by the Secretary of State. The Teacher Services system should be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation.

Schools and academies must also ensure prospective candidates, to be employed to carry out teaching work, are not subject to a prohibition order issued by the Secretary of State or any current sanction or restriction imposed by the GTCE (prior to its abolition in March 2012). Prohibition, direction, restriction and children's barred list checks can be made through the TRA Employer Access service via the TRA website.

As directed in KCSIE, schools should carry out a section 128 check before recruiting governors to ensure they are not subject to a section 128 direction, as such persons are disqualified from holding or continuing to hold office as a governor of a maintained school. The Secure Access Portal should be used when recruiting governors not engaging in regulated activity to check if they are barred as a result of being prohibited under section 128.

Independent, academies and free schools must check that any person taking up a management position is not subject to a section 128 direction, which is made by the Secretary of State. The grounds on which a section 128 direction may be made are set out in The Independent Educational Provision in England (Prohibition on Participation in Management) Regulations (2014), made under section 128 of the Education and Skills Act 2008.

A section 128 direction will be disclosed when an enhanced DBS check with children's barred list information is requested provided that '*child workforce independent schools*' is specified on the application form. Where a person will be working in a management position in an independent school is not eligible for a children's barred list check a section 128 check should be carried out using the TRA's Employer Access service. Clarified in the 2018 version of KCSIE, management positions include:

- Governors or trustees;
- Head teachers or Principals;
- Members of the Senior Leadership Team;
- Departmental Heads;
- Teachers taking on additional responsibilities, where their role could be considered as '*taking part in management*'.⁸

If someone has been prohibited from the management of schools then this will appear on their DBS certificate.

7. Further information can be found in the DFE guidance <https://www.gov.uk/guidance/recruit-teachers-from-overseas>

8. KCSIE 2021 paragraph 238

Employment history and references

All recruitment processes should include seeking written information from current/previous employers regarding each candidate's previous employment history. References should be obtained for all external and internal short-listed candidates prior to interview. This enables the interview panel to:

- Verify the information submitted by the candidate;
- Challenge any contradictory information;
- Obtain any missing information;
- Inform the interview discussion.

Open references *e.g.* testimonials are not acceptable. All references should be directly requested from the named referee who should be a senior person on the organisation not just a colleague. When considering a candidate for a teaching post who is not currently employed as a teacher, checks should be made via the Teacher Services system and with the college or training organisation they attended.

Vetting

Following a requirement of the Police Act 1992, in March 2002 Criminal Records Bureau (CRB) checks were introduced to check the criminal background of all people working with children or vulnerable adults in educational settings, voluntary organisations or professional bodies. Subsequently this duty has been transferred to the disclosure and Barring Service and checks are now known as DBS checks.

The DBS system consists of a number of vetting checks;

Basic checks – which contains details of convictions and cautions from the Police National Computer (PNC) that are considered to be unspent under the terms of the Rehabilitation of Offenders Act (ROA) 1974.

Standard checks – which contains details of all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC) which have not been filtered in line with legislation.

Enhanced checks – available for specific duties, positions and licences included in both the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) and the Police Act 1997 (Criminal Records) regulations. An enhanced level check contains the same PNC information as the standard level certificate but also includes a check of information held by police forces. This check is carried out for all positions where the person will be supervising or being solely in charge of children.

Enhanced checks with barred list check(s) – which is only available for individuals who are carrying out regulated activity and a small number of positions listed in Police Act 1997 (Criminal Records) regulations. This check is carried out for all teachers.

Separate barred list checks – which must only be carried out:

- Where a school or college allows a newly appointed individual to commence work in a regulated activity pending the receipt of the applied for enhanced check with barred list information (as detailed above). All other mandatory pre-employment checks⁹ must be completed prior to the individual commencing employment and appropriate supervision measures must be in place;
- Where an individual has worked in a post in a school or college that brought them into regular contact with children or young people which ended not more than three months prior to the new appointment to post. Again, all other mandatory pre-employment checks must be completed prior to the individual commencing employment and appropriate supervision measures must be in place.

Schools and academies are required to keep a record of these checks on a single central record. This record maintains information for all employees, agency/supply staff, volunteers and contractors who carry out work on site.

The DBS maintains '*barred lists*' of individuals who are unsuitable to work with children and vulnerable adults. These lists replace the lists maintained by the former Independent Safeguarding Authority. In addition, where an enhanced check is obtained, and this includes barred list information, the certificate will also include whether the applicant is subject to a direction under section 128 of the Education and Skills Act 2008 or section 167a of the Education Act 2002, prohibiting that individual from taking part in the management of independent educational institutions in England and/or Wales respectively.

As outlined in KCSIE the level of DBS certificate (and checks for any prohibitions, directions, sanctions or restrictions) required will depend on the role and duties to be undertaken as part of the role. In schools and academies, the majority of staff engage in regulated activity as detailed earlier, therefore an enhanced DBS certificate which includes barred list information will be required. An enhanced DBS which does not include a barred list check is appropriate for all other staff who have an opportunity for regular contact with children but are not engaged in regulated activity. In summary:

New staff working in regulated activity – As stated earlier, if the person is transferring from a similar position without a break in service of more than three months there is no legal requirement to obtain a new enhanced DBS certificate with barred list check however a new barred list check must be obtained.

if the person is transferring from a similar position with a break in service of more than three months then an enhanced DBS certificate with barred list check must be obtained.

New volunteers – A risk assessment should be carried out to determine if the activity being carried out provides the opportunity for contact with children and equates to regulated activity. If the volunteer has the opportunity for contact with children but is supervised, there is no legal requirement to obtain a DBS certificate but an enhanced DBS certificate may be obtained. If the volunteer has the opportunity for contact with children but is not supervised this is regulated activity and an enhanced DBS certificate with barred list check should be obtained. If the volunteer will not have the opportunity for contact with children this is not regulated activity. An enhanced DBS check may be obtained but there is no legal entitlement to carry out a barred list check.

9. KCSIE (2021) paragraph 213.

Contractors – If the activity provides the opportunity for contact with children an enhanced DBS certificate with barred list check must be obtained. If the activity does not provide the opportunity for contact with children no DBS check is required and schools and academies have no legal entitlement to obtain one. Further information is detailed below in the section on Contractors.

Trainee/student teachers – If trainee/student teachers engage in regulated activity an enhanced DBS certificate and barred list check must be obtained.

Supply teachers/temporary staff supplied by an agency – The agency should determine whether an enhanced DBS check with barred list check is required based on whether the role is regulated activity. The school/academy must obtain written confirmation from the agency that it has assessed this and carried out the appropriate checks.

Schools and academies are required by the Department for Education (DfE) to keep a record of these checks on a single central record (SCR).

The SCR maintains recruitment and vetting information for all employees, agency/supply staff, volunteers and contractors who carry out work on site. As this example shows, the SCR records all the vetting checks carried out by the school or academy together with information supplied by other organisations.

Checks for the following people must be recorded on the SCR:

- All staff who are employed to work in the school;
- All staff who are employed on a supply or casual basis, whether employed directly by the school or through an agency;
- All unsupervised volunteers who have regular contact with pupils.

People brought into the school to provide additional teaching or instruction for pupils but who are not staff members, for example specialist sports coaches or music teachers.

Governors in maintained schools are required to have an enhanced criminal records DBS certificate. It is the responsibility of the governing body to apply for the certificate for any of their governors who do not already have one. As governance is not a regulated activity, governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity. As stated in KCSIE, enhanced DBS checks are not mandatory for associate members appointed to governance.¹⁰

Before an individual becomes either the proprietor of an independent school or the chair of a body of people which is the proprietor of an independent school (which includes academies, alternative provision academies and free schools), the Secretary of State will carry out an enhanced DBS check and obtain an enhanced DBS certificate (either including or not including barred list information as appropriate).

It is an offence for a school or academy to allow an individual to carry out any form of regulated activity if they know or have reason to believe an individual is barred. If a barred individual attempts to engage or engages in regulated activity, they may, under section 7 of the Safeguarding Vulnerable Groups Act (2006), face penalties of up to five years in prison.

10. Associate members may be appointed to serve on governance committees. Under The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016.

It is also an offence, under section 76 Childcare Act 2006 and the Childcare (Disqualification) Regulations 2009, to provide early years provision if disqualified or to be involved in the direct management of such provision if disqualified.

Therefore under the Early Years Foundation Stage schools and academies will:

- Ensure staff looking after children are suitable to fulfil the requirements of their role;
- Have effective systems in place to ensure suitability of staff and any other person coming into regular contact with children including obtaining information about whether a person is disqualified;

5 Associate members may be appointed to serve on governance committees. Under The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016.

- Ensure staff understand their responsibility for disclosing any convictions, cautions, court orders, reprimands or warnings that may affect their suitability to work with children (whether received before or during their employment at the setting);
- Record information about staff qualifications, identity checks and vetting processes that have been completed;
- In the event of a disqualification of a member of staff, take appropriate action to ensure the safety of children. In the event of a disqualification school will not continue to employ that person;
- Where relevant, school will supply Ofsted with the information listed in 3.15 of the EYFS Safeguarding Welfare Requirements 2012;
- Report to Ofsted any changes to staff that may affect their suitability to work with children as soon as reasonably practicable but at the latest within 14 days. Failure to do so would be a breach of Early Years Foundation Stage (Safeguarding and Welfare Requirements) Regulations 2012;
- Report any member of staff dismissed or who resigns before/during disciplinary action for inappropriate behaviour/concerns to the Disclosure and Barring Service.

In September 2018 the requirement for schools and academies to obtain disqualification by association declaration forms from staff working within EYFS settings was removed.

Single Central Record

Schools and academies are required to keep a single central record, SCR, described as a 'register' in the regulations. The SCR should contain the vetting checks carried out for all staff (including supply staff, and teacher trainees on salaried routes) who work at the organisation. The information that must be recorded is whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- Identity checks;
- Barred list checks;
- DBS checks/certificates;
- Prohibition from teaching checks;
- Further checks on people living or working outside the UK;
- A check of professional qualifications;
- A check to establish the person's right to work in the United Kingdom;
- Risk assessments determining regulated activity

For supply staff, the SCR should also include whether written confirmation that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates. All DBS check information supplied by the agency should be recorded *e.g.* certificate number, date of clearance.

Where checks are carried out on volunteers and governors, this should also be recorded on the SCR. Academies, free schools and independent schools should record vetting checks for all members of the proprietary body.

Schools and academies do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the SCR. Where the organisation chooses to retain a copy, to comply with the requirements of the Data Protection Act, they should not be retained for longer than six months. A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications should be kept for the personnel file.

In line with KCSIE,¹¹ individual academies within a Multi-Academy Trust (MAT) are not required to maintain a SCR for their academy providing the MAT is maintaining the information. In such cases the MAT must ensure the data held is accurate, up-to-date and be able to provide the SCR information for each individual academy within the trust when required for inspection purposes.

¹¹. From 2018 onwards.

Overseas-trained Teachers

The Education (Specified Work) (England) Regulations 2012 allow teachers qualified in a country outside of the UK to teach in state maintained schools and non-maintained special schools in England without qualified teacher status (QTS) for up to four years.

The four-year rule applies to teachers who have qualified outside the EEA and Switzerland. They may teach in state maintained schools and non-maintained special schools in England as unqualified teachers for four calendar years.

It is essential to make OTTs aware on their appointment that there is a legal limit on the length of time they are allowed to teach without QTS. You may wish to remind the OTT that it is their responsibility to arrange a check with UK NARIC to establish whether their overseas qualifications are equivalent to a:

- UK first degree;
- GCSE grade 'C' in mathematics;
- GCSE grade 'C' in English; and if a primary teacher
- GCSE grade 'C' science.

If not equivalent they may need to top up their qualifications before they can undertake QTS training and extra time, in addition to the four-year rule, is not available for this purpose.

In order to teach after four years, OTTs must have been awarded QTS. OTTs who have been awarded QTS by the end of their four-year period become qualified teachers and are allowed to continue teaching subject to UK Visa and Immigration permission if required. It is unlawful for OTTs to continue teaching in state maintained schools and non-maintained special schools in England beyond four years if they have not been awarded QTS.

From April 2012, teachers who qualified in Canada, Australia, New Zealand and the United States of America as they may apply to the Department for Education (DFE) and Teaching Regulation (TRA) for Teaching and Leadership QTS without further training or assessment in England. If awarded QTS, they are exempt from the four-year rule however they may be required to satisfy UK Visa and Immigration requirements.

(Full DFE advisory guidance is available at:

(<https://www.gov.uk/guidance/qualified-teacher-status-qts>)

Trainee/student teachers

Where applicants for initial teacher training are salaried by the school or academy, they must ensure that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including and barred list information) must be obtained.

Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks. Schools and academies should obtain written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children. There is no requirement for the school to record details of fee-funded trainees on the SCR.

Work Experience

Barred list checks by the DBS are required on adults undertaking a work experience placement if they will be supervising a child under the age of 16. The school or academy should consider the specific circumstances of the work experience, in particular the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations would include whether the person on work experience will be:

- Unsupervised;
- and/or
- Providing the teaching/training/instruction frequently (at least once a week or on more than three days in a 30-day period, or overnight).

If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity as described earlier. Therefore, the school or academy should seek to ensure that the person providing the instruction or training is not a barred person. Schools and academies are not able to request an enhanced DBS check with barred list information for staff supervising children aged 16 to 17 on work experience.

DBS checks cannot be requested for children/young people under the age of 16 and, under the Police Act 1997, an individual must be 16 or over to be able to make an application for a DBS check.

Volunteers

For DBS purposes, the definition of a volunteer is defined in the Police Act 1997 (Criminal Records) Regulations 2002 as:

“Any person engaged in an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit some third party and not a close relative.”

To qualify for a free-of-charge criminal record check, the volunteer must not benefit directly from the position the DBS application is being submitted for. They must not:

- Benefit directly from the position for which the DBS application is being submitted;
- Receive any payment (except for travel and other approved out-of-pocket expenses);
- Be on a work placement;
- Be on a course that requires them to do this job role;
- Be in a trainee position that will lead to a full-time role/qualification.

As stated in KCSIE (2018), if vetting checks for a volunteer have not been carried out they should not be left unsupervised or allowed to work in regulated activity. Unsupervised volunteers who teach, look after children regularly or provide personal care on a one-off basis will be deemed to be working in a regulated activity capacity and an enhanced DBS certificate (including barred list information) should be obtained. Existing volunteers in regulated activity do not have to be rechecked if they have already had a DBS check (which includes barred list information) however a repeat DBS check (which should include barred list information) may be conducted if the school or academy has concerns.

There are certain circumstances where an enhanced DBS certificate (not including barred list information), may be carried out for volunteers who are not engaging in regulated activity. This is set out in DBS workforce guides, which can be found at <https://www.gov.uk/government/publications/dbs-workforce-guidance>

Employers are not legally permitted to request barred list information on a supervised volunteer as they are not considered to be engaged in regulated activity. As detailed earlier, the school or academy should undertake a risk assessment and use their professional judgement and experience when deciding whether to obtain an enhanced DBS certificate for any volunteer. The risk assessment should consider:

- The nature of the work with children;
- What the school or academy knows about the volunteer (including formal or informal information offered by staff, parents and other volunteers);
- Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability;

- Whether the role to be undertaken is eligible for an enhanced DBS check details of the risk assessment should be recorded.

It is for individual schools and academies to determine whether a volunteer is considered to be supervised. Guidance has been issued by the Secretary of State to assist in making this determination. This guidance requires that, for a person to be considered supervised, the supervision must be:

- By a person who is in regulated activity;
- Regular and day to day; and
- *'Reasonable in all the circumstances to ensure the protection of children.'*

Note: The DBS cannot provide barred list information on any person, including volunteers, who are not in, or seeking to engage in regulated activity.

Governance

DBS checks are now mandatory for all governors. Previously, Enhanced Criminal Records checks weren't mandatory for maintained school governors and the system of disqualification relied on governors self-disclosing their criminal convictions unless the clerk had asked for a check to be made. The amendments made to the 2012 Constitution Regulations provide reassurance to the governing body that an individual is not disqualified from holding office as a governor due to criminal convictions.

All governors in any type of school-maintained, independent, academy or free school, must have an Enhanced DBS certificate.

In the case of academies, independent and free schools the Secretary of State will complete the following vetting checks on a Chair/Proprietor:

- Carrying out an enhanced DBS check; where relevant, and where such a check is made, obtain an enhanced DBS check certificate (either including or not including barred list information as appropriate);
- Confirm the individual's identity;
- If the individual lives or has lived outside of the UK, making an enhanced check insufficient, such other checks as the Secretary of State considers appropriate.

Contractors

Schools and academies are responsible for ensuring contractors have undertaken the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate including barred list information. For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check not including barred list information will be required. As stated in KCSIE (2018) when considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

If checks have not been obtained, a contractor should not be allowed to work unsupervised or engage in regulated activity. Schools and academies are responsible for determining the appropriate level of supervision depending on the circumstances. As self-employed people are not able to make an application directly to the DBS on their own account schools and academies may obtain the appropriate level of DBS check. As with all visitors the identity of contractors should be checked on arrival at the site.

Visitors

Schools and colleges do not have the power to request DBS checks and barred list checks, or ask to see DBS certification, for visitors. Head Teachers and Principals should use their professional judgment about the need to escort or supervise visitors. The vast majority of visits to schools and academies are prearranged giving the opportunity to appoint a staff contact to support the visitor and meet safeguarding requirements. Arrangements for visitors to school should be made explicit within the organisation's Safeguarding and Visitors to School/Academy policies.

Residential Visits

Children may be more vulnerable in residential settings. All residential visits must be fully approved by the Governing Body or Trustee Board prior to the commencement of the visit. This includes ensuring all appropriate vetting checks are in place, particularly for volunteers supporting the visit. Due to the nature of such visits, the volunteer role falls within arrangements for regulated activity and DBS checks, previously detailed, should reflect this. Teachers on schooled residential visits act as employees within the terms and conditions of their employment contract. They will therefore be acting in the course of their normal employment.

KCSIE (2018) introduced new vetting requirements for pupil exchanges (home stays). There is now a mandatory requirement to conduct parental DBS checks for the receiving families. DBS checks for 16 and or 17-year olds living in the home are not mandatory but may be conducted at the discretion of governance.

Interview Guidelines

When constructing your interview panel, it is essential to include someone with sound safeguarding expertise such as a DSL, Named Person or Named Governor / Trustee. This will ensure a safeguarding perspective is applied throughout the process and provide valuable support for the rest of panel. It is also helpful to involve them when constructing the format for the interview process e.g. setting tasks, formulating questions.

Whilst the interview panel should ask at least direct one question about safeguarding, the topic should be intrinsically embedded in all questions *i.e.* they should expect the candidate to include a safeguarding response in answers to the majority of questions posed. It is up to the panel to recognise this and, where appropriate, prompt and/or encourage the candidate to expand their responses. For example, including a question on sharing information not only explores if the candidate is aware of GDPR compliance. It will demonstrate if the candidate realises the safeguarding issues related to sharing personal data.

As safeguarding is a key element of practice, whatever the role being interviewed for, it is reasonable to expect candidates to have reviewed your Safeguarding and Child Protection policies, together with related policies e.g. SEND, Behaviour, Use of Force to control/restrain. The panel's role is to identify if the candidate has developed an understanding of the issues governance have identified as priorities, particularly in areas immediately identified as pertinent to the school/academy. Sample safeguarding questions could include:

'Can you tell the panel about a time when you took action to help protect a child?'

'Describe the procedures that need to be in place for a school/academy to protect children.'

'How in your career so far have you tried to ensure that children are protected?'

'Can you give an example of when you had safeguarding concerns over a child and what action you took?'

'Can you give an example of where you had to deal with bullying behaviour and what strategies were employed?'

'Bullying is often a serious issue which will be dealt with in all of our areas of work. In your experience what is the best way to deal with it?'

'Can you describe an example of how you have managed poor pupil behaviour?'

'What do you think makes a school/academy safe and supportive?'

'Safeguarding children is a priority of (name of school/academy). Can you give some examples of how you might contribute to making the organisation a safer environment for children?'

'Can you describe a time when a child or young person behaved in a way that caused you concern and how you responded?'

Questions formulated in this way encourage the candidate to share their knowledge and experience rather than giving general answers. It also enables the panel to pose questions in relation to the known needs of the school/academy. Such questions enable the panel to check if the candidate knows the locality priorities and what governance have highlighted as priorities for the school/academy.

Questions relating to the safeguarding thematic topics are also beneficial to establish the candidate's knowledge base, and if they understand thematic safeguarding concerns apply in all educational settings, to children regardless of age, gender, ethnicity or cultural background. Thematic topics include:

- Child Sexual Exploitation, CSE;
- Child Criminal Exploitation, CCE – (County lines);
- Peer on peer abuse;
- Female Genital Mutilation, FGM;
- Prevent Duty – (risks of radicalisation/extremism);
- Forced Marriage;
- Honour Based Abuse (HBA).

Posing scenarios during the interview process is an ideal way to check if thematic safeguarding topics would be on the candidate's radar. For example, in posing this scenario:

“On returning to school/academy at the start of the academic year, you notice a year 3 girl is reluctant to sit still. She continually asks to go to the toilet during lessons and seems reluctant to join in activities during P.E. and at playtime. What would your concerns be? What action might you take?”

A good candidate response should highlight possible:

- Subject avoidance;
- Peer relationship breakdown;
- Minor health concerns e.g. possible urinary tract infection;
- Serious health concerns e.g. FGM;

“During any interview the panel should be mindful of anything the candidate says that would raise a concern – this should be explored further during the interview and discussed as part of the selection process.”

Concerns may include:

- *A lack or no understanding or appreciation of children's needs or expectations;*
- *Appearing to want the role in order to meet their own needs rather than the needs of children, school/academy;*
- *Use of inappropriate language when talking about children;*
- *Vagueness about experiences and/or gaps on the application form e.g. failure to adequately account for any breaks in employment;*
- *Failure to provide examples to support their answers;*
- *Unwillingness to adhere to rules, procedures or work with others.*

In summary it is essential time is invested in preparing the interview process to ensure you have a robust process in place.

Appendix 1 – Bibliography

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