



Safer Recruitment Policy

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1. Introduction

1.1 This policy and procedure has been designed to deliver South Pennine Academies Trust's (the 'Trust') commitment to the safer recruitment of staff working with children and young people. It ensures that all Trust recruitment processes comply with current safeguarding legislation and regulation including the Working Together to Safeguard Children (July 2018), Keeping Children Safe in Education (September 2019) and the Disclosure and Barring Service (DBS) provisions.

2. Statement of Intent

2.1 All Academies across the Trust adopt a consistent and rigorous approach in the recruitment and selection processes, with the aim of ensuring that those recruited are suitable for such an important and responsible role. The purpose of safer recruitment is ultimately to:

- **Deter:** From the beginning of the recruitment process, it is important to send the right message – that the organisation has a rigorous recruitment process and does not tolerate any form of abuse. Wording in adverts and recruitment information must aim to deter potential abusers.
- **Identify and Reject:** It will not always be possible to deter potential abusers. Therefore, careful planning for the interview and selection stage, in terms of asking the right questions, setting appropriate tasks and obtaining the right information can assist in finding out who is suitable for the role and who is not.
- **Prevent and Reject:** There are no guarantees that even the most robust safer recruitment process will prevent an inappropriate appointment. However, this does not mean it is too late to act. Ensuring that comprehensive induction processes are in place, together with appropriate policies and procedures, raising awareness through staff training and generally developing and maintaining a safe culture within the organisation will all help to prevent abuse or identify potential abusers.

2.2 The intention of this policy is to ensure that all stages of the recruitment process contain measures to deter, identify, prevent and reject unsuitable people from gaining access to pupils within the organisation. The policy and the practical implementation of recruitment and selection processes also aim to meet all legislative requirements, any statutory or other guidance that may from time to time be issued in order to keep children safe and safer recruitment in education, as well as principles of general good practice.

3. Scope

3.1 This policy applies to all academies including teaching, non-teaching staff, volunteers, agency staff, consultant and the central Trust team and Trustees.

4. Policy Framework and Principles

4.1 To fulfil the Trust's commitment to safeguarding recruitment, the below terms of this policy shall be applied across the Trust:

- Ensure the Trust's statement of intent is included in appropriate Trust publicity and

management materials including websites, advertisements, candidate information packs and person specifications

- Ensure all recruitment complies with our duties under the Equality Act (2010) and Public Sector Equality Duty (2011)
- Safer recruitment checks of applications will be carried out by a safer recruitment trained person
- All interview panels will have at least one member of staff present who has safer recruitment training. Senior members of staff including Principals, Deputy Principals and Human Resource staff will have relevant training every 3 years unless there is a change in national policy that deems it to be done sooner
- Undertake a rolling programme of 3 yearly renewals of Enhanced Disclosure checks on all of our staff. This is to be monitored and implemented by the academy HR Business Leaders
- Ensure that, when a positive DBS check is received, the appointment decision is made by the CEO (Appendix 1)
- Ensure that the protection of children and young people is a condition of awards/grants and service level agreements when planning the commissioning/contracting of services and that inspection mechanisms are in-built as part of normal contracting arrangements as a means of auditing compliance
- Ensure that prospective employees do not commence working for the Trust until full clearances of all relevant pre-employment checks have been received and verified
- Monitoring and reviewing of the single central record at each Trust establishment will be carried out by the Trust HR team on a bi-annual basis
- Safer recruitment checks to be carried out by the CEO and Trust HR across all academies

5. The Applicant/Employee's Duty to Disclose Information

- 5.1 A central feature of safer recruitment and employment is that the Trust requires all applicants and existing employees to disclose any convictions/cautions to the Trust within the recruitment process (post shortlisting stage at interview) and, via an ongoing duty, to the Principal of their academy.
- 5.2 Any failure to disclose relevant information will be regarded as a potentially serious breach of trust and confidence and may result in disciplinary action, potentially leading to dismissal of existing staff, or non-appointment of applicants (further information can be found in Appendix 4).

6. Roles and Responsibilities

6.1 The Chief Executive Officer

The CEO is responsible for:

- All recruitment across the Trust, delegated authority to appoint is given to all Principals who are then unable to delegate this further.
- Considering positive disclosure information when received from the DBS and determining and recording whether the appointment should proceed (Appendix 1).
- Ensuring relevant partner agencies and organisations are aware of their responsibilities under safeguarding, through communication and training where appropriate.
- Ensuring that the protection of children and young people is a condition of awards/grants

and service level agreements when planning the commissioning/contracting of services and that inspection mechanisms are in built as part of normal contracting arrangements as a means of auditing compliance. The CEO may delegate the responsibilities above to a small number of suitably trained and experienced staff; however they remain accountable for advice given and decisions made.

- Monitoring of training delivered to organisations on safer recruitment particularly when legislation/guidelines are updated/changed.
- Undertake regular monitoring of safer recruitment practices across the Trust, where appropriate undertaking detailed internal scrutiny of the safer recruitment process.

6.2 Human Resources

Business Leaders within each academy are responsible for:

- Progressing all DBS checks for new starters.
- Ensuring the Trust's statement of intent is included in appropriate recruitment materials including websites, advertisements, candidate information packs and person specifications.
- Undertaking a rolling programme of 3 yearly renewals of Enhanced Disclosure checks.
- Ensuring that, when a positive DBS check is received, the appointment decision is referred to the CEO following the Principals initial assessment and completion of the form in appendix 1.
- Undertaking DBS checks for any non - employed groups at school level, e.g. local governing body members.
- Ensuring the process for recruitment complies with this policy using Trust template documents, raising any queries or concerns to Trust HR.
- Updating their local SCR ensuring all information is correct and up to date.
- Completing all relevant payroll processes to ensure new joiner information is processed correctly.

The Trust HR team is responsible for:

- Undertaking bi-annual checks of each academy/organisations' SCR.
- Providing rolling support and training to all Business Leader within each academy/organisation.
- Undertaking DBS checks for any non - employed groups at Trust level, eg Trustees / Members.
- Reviewing annual report detailing 3 year DBS checks from each academy/organisation.
- Escalating any known risks to the CEO, relevant Principal and local Academy Business Leader.
- Reviewing the recruitment policy to keep in line with relevant guidance and legislation.

6.3 Academy Principal

All Principals are responsible for and do not have the authority to delegate the following:

- Ensuring the Safer Recruitment standards are adhered to.
- Ensuring the policy is communicated appropriately and made accessible to staff.

7. Single Central Record (SCR)

7.1 For all the Trust Academies, SCITT and central team it is a requirement that they have a SCR of safeguarding checks that meet the requirements of Keeping Children Safe in Education (2019). This applies for those who work within the organisation on a paid or voluntary basis, including teacher trainees on salaried routes, agency and third party supply staff who work in the academy, and Trustees.

7.2 The SCR must indicate whether the following checks have been carried out or a certificate obtained, the date on which each check was completed/certificate obtained and who the check was carried out by:

- the correct checks for all staff employed at the school, whether directly or through an agency, and anyone else who is identified by the school as ‘working in regular contact with children’;
 - identity; name and confirmation that all relevant identification has been checked and dated;
 - a Children’s Barred List check (previously List 99);
 - the date of the enhanced DBS disclosure;
 - a prohibition from teaching check for all teaching staff;
 - further checks on people who have lived or worked outside the UK; this would include recording checks for European Economic Area (EEA) teacher sanctions and restrictions;
 - qualifications; where the qualification is a requirement of the job, i.e. posts where a person must have qualified teacher status;
 - evidence of permission to work in the UK;
 - a section 128 check (for management positions including Governor positions);
and,
 - For agency and third party supply staff, written confirmation from the employing business supplying the member of staff that they have carried out the relevant checks and obtained the appropriate certificates, including the date that confirmation was received and confirmation that an enhanced DBS check has been carried out.

7.3 New organisations within the Trust will receive a template and training on how to develop and maintain the single central record.

7.4 The use of the SCR will then be monitored by the Trust Human Resources team on a bi-annual basis, with feedback and guidance provided following these reviews through Notes of Visit.

8. Job Descriptions and Person Specifications

8.1 When a vacancy arises due to an employee leaving or moving to a different role, it cannot be assumed that a ‘like for like’ replacement is required. A review of the job description may highlight the fact that the existing role no longer meets current needs. Therefore, the requirements for any replacement or new role will be analysed prior to drawing up the Job Description and Person Specification which define the role.

- 8.2 For all posts, even those that are being replaced like for like, an approval to recruit (appendix 7) must be submitted to the Finance Director and the Operations Director for approval prior to advertising the role.**
- 8.3 When a post requires a DBS Disclosure, this must be reflected in the job description and person specification relating to that post. It is envisaged that due to the nature of work in all primary and secondary Academies, and resultant contact with children, all posts will require an enhanced DBS Disclosure and, in most cases, a check of the children's barred list.
- 8.4 Where the Disqualification under the Childcare Act 2006 requirements also apply to a post, this should also be reflected in the person specification.
- 8.5 Following the Trust job description template, all job descriptions must detail:
- The post title and grade;
 - Main duties and responsibilities of the post;
 - The scope of the job to indicate its position within the organisation;
 - General statements relevant to all positions, such as requirements relating to equal opportunities and health and safety;
 - The extent of the post holder's contact with children and young people and, in line with the establishment's commitment to the health, safety and welfare of children, the general responsibility for safeguarding.
- 8.6 Following the Trust person specification template, all person specifications must detail:
- Qualifications required to do the job;
 - Professional Registrations (if required);
 - Enhanced DBS Disclosure required / if Disqualification under the Childcare Act 2006 applies;
 - Whether the post is in regulated activity and therefore requires a check of the children's barred list;
 - The knowledge, skills and competencies required;
 - Any specific training requirements;
 - The need for commitment to the promotion of health and safety at work and to the protection and safeguarding of children;
 - The need for awareness of, and commitment to, equal opportunities issues.
- 8.7 The person specification will clearly indicate whether the stated criteria are:
- **Essential** – relating only to those areas without which the job cannot be performed; or
 - **Desirable** – not essential to carrying out the duties, but which would be valuable. They may assist in the final selection process if several candidates all meet the essential criteria.

8.8 It will also indicate how the criteria will be tested, i.e. on the application form, at interview and/or through a task set as part of the selection process. Person specifications will also include statements to the following effect:

“Applicants called for interview should note that the interview itself (and/or any additional tasks to be performed, if applicable) will, as appropriate to the role:

- (i) Focus on the requirements to carry out the duties of the job, as described;
- (ii) Explore issues relating to the safeguarding and promoting the welfare of children, including:
 - Motivation to work with children and young people;
 - Ability to form and maintain appropriate relationships and personal boundaries with children and young people;
 - Emotional resilience in working with challenging behaviours;
 - Attitudes to use of authority and maintaining discipline.’

9. Advertising the Role

9.1 The job advertisement provides potential applicants with their first impression of the organisation. An important part of the message of the advert is to inform anyone viewing it that the organisation is fully committed to safeguarding and protecting the welfare of children and young people. In these circumstances, all advertisements will include a statement to the effect that:

“South Pennine Academies Trust is committed to safeguarding and promoting the welfare of children and young people. Therefore, we expect all workers, volunteers and employees to share this commitment. All appointments are subject to satisfactory pre-employment checks, including a satisfactory Enhanced criminal records with Barred List check through the Disclosure and Barring Service (DBS). CVs will not be accepted.”

9.2 Prospective applicants for posts will receive the following materials in recruitment packs:

- Application form;
- Job description;
- Person specification;
- Safer Recruitment Policy (this document) or relevant information from it – for example, completion of application forms, references, interviews/tasks and pre-employment checks etc., as relevant and appropriate;
- Child Protection Policy;
- Code of Conduct;
- DBS – A Guide for Applicants & information on filtering;
- Guide to the Rehabilitation of Offenders Act and amendments 2013 (filtering of offences) (Appendix 2);
- For teaching / management posts, information about TRA checks; e.g. prohibited list, GTCE sanctions, s128 prohibited from management, European Economic Area checks;

- Interview arrangements and/or selection procedure for the post;
- Any relevant general information relating to the organisation, area etc;
- Any other relevant details or documentation.

10. Application Process

10.1 The Trust standard application form must be used for all recruitment that is not advertised through Tes. CVs will not be accepted. The application form will ensure that detailed information, critical to the recruitment process, can be gathered from all applicants in a consistent format. Application forms to be used for all external recruitment will include as a minimum:

- Personal details including name, former names, date of birth, current address, NI number and, for teachers, teacher reference number;
- Qualifications;
- Present (or last) employment and reason for leaving;
- Full history since leaving school - education, employment and any voluntary work, as well as explanation of any gaps;
- Request for details of appropriate referees (see also '12. References' below);
- The requirement for a personal statement addressing the criteria set out in the person specification;
- Explanation that the post is exempt from the provisions of Section 4 (2) of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and the requirement for a 'self-disclosure' – a signed declaration of any unspent and relevant spent criminal offences must be provided at interview stage (further information can be found in Appendix 2);
- The requirement for a signed declaration that all information provided is true.

10.2 Internally advertised posts will require, as a minimum, further details to update the above information, as originally provided, and new signed declarations. If for any reason the individual does not have a fully completed application form on their personnel file, then a new full application form must be completed and signed.

10.3 Volunteers will be required to complete an application form in order to provide personal details, details of previous employment, voluntary work and other activities, general information about their reasons for applying for voluntary work and a signed declaration about any criminal record, for relevant roles a declaration to meet childcare disqualification requirements under the Childcare Act 2006, and declaration to confirm the accuracy of information provided (Appendix 5).

11. Longlisting and Shortlisting

11.1 Recruitment to some positions will involve a two-stage process requiring first longlisting, then shortlisting following a first round of selection. Whether a position requires longlisting and shortlisting processes, or just shortlisting, the principles to be applied will be the same. Long/shortlisting will be conducted by the interview panel, or one or more members of the panel. **It will always be carried out by at least two people** and notes on the application form recorded identifying any queries on the information including any gaps in employment.

11.2 The criteria to be used for long/shortlisting will be based on the person specification and job description applicable to the post. This will ensure that the process includes criteria specific to working with children as well as other essential requirements for carrying out the specific duties of the post. Those carrying out the long/shortlisting process will, as appropriate:

- Ensure consistency, assessing each application against the criteria, including criteria specific to working with children – use of a grid is recommended for this purpose;
- Take time to properly scrutinise the applications;
- Consider whether each application is fully completed – if not, it may be returned to the applicant or discarded from the process;
- Highlight any gaps (in employment etc) to be explored further should the candidate be long/shortlisted;
- Look for evidence provided against the criteria set out in the person specification and the job description;
- Apply the long/shortlisting criteria equally;
- Normally only long/shortlist those applications that meet all the essential criteria set out in the person specification. However, if this is not clear in relation to any applications, it may be decided to long/shortlist and explore the issues further at interview.

11.3 Authority to recruit in each individual academy has been delegated by the CEO. This authority cannot then be further delegated and therefore each appointment to the Academy must be made by the Principal.

12. References

12.1 References are an important part of the process of gathering as much information as possible about potential new recruits. Testimonials from applicants will not be accepted. The following standards are required to be applied:

- Reference information must cover a minimum of the last 2 years' employment history;
- One referee must be the current employer, not a colleague but an individual with appropriate seniority and authority;
- If the candidate is currently unemployed, verification of their most recent period of employment and reasons for leaving should be obtained from their most recent employer;
- If the employer is/was a school, then the referee provided must be the Headteacher / Principal;
- Where the applicant is not currently working with children but has done so in the past, a referee should be the employer by whom s/he was most recently employed in work with children even if this is beyond the 2 years reference period;
- References must be requested prior to interview and all efforts made to receive references prior to interview. The application form will ask applicants if they are willing to allow referees to be contacted prior to interview and warned that they may not be shortlisted if not;
- No conditional offers of employment can be made until all satisfactory references have been

received;

- Where electronic references are provided, a check must be made to ensure the source is legitimate (contacting via phone to verify identity). A print out of the email attaching the reference must also be kept on the personnel file should the individual be appointed;
- References should always be requested directly from the referee. Open references must not be relied upon, for example, 'to whom it may concern' testimonials.

12.2 Reference requests must be issued on the Trust's Reference Pro-forma which ensures that certain questions are asked about all candidates. This helps to avoid receiving references that do not address all of the areas that we would like to know about. The standard Reference Pro-Forma will ask about:

- Capacity in which the applicant is/was employed, dates, quality of work, relationships with colleagues, parents and pupils, strengths, areas for development, honesty, punctuality and reliability;
- Any current disciplinary/capability warnings, or such warnings which were current at the time of leaving;
- Any disciplinary/capability action that is/was pending or unresolved;
- Where the request relates to a teacher, any capability proceedings within the last two years;
- The details of any expired warnings that relate to the safety and welfare of children or young people or behaviour towards children or young people;
- Reason(s) for leaving if no longer in that employment;
- Whether the referee would re-employ and whether the applicant is recommended for the post.

12.3 On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. Referees should be contacted to provide further clarification as appropriate, for example if the answers are vague or if insufficient information is provided. They should be compared for consistency with the information provided by the candidate on their application form and any discrepancies should be taken up with the candidate, with notes recorded on the reference documents.

13. Assessment Process

13.1 The interview process should allow time for any discrepancy in a candidate's application or references to be scrutinised and clarified. With this in mind all candidates **must** have their:

- **qualifications verified** and a photocopy of all the original qualification certificates must be taken. If the candidate is successful these should be placed on their personal file and recorded on the Single Central Record. If the candidate is unsuccessful, these should be destroyed;
- **employment gaps explained** at interview: if there are gaps in their history, the candidate should declare the reasons for their break from work. These should be documented and signed by the candidate. Valid reasons for gaps in employment may be: the candidate did not need to work, travelling, bringing up a family, caring responsibilities, family bereavement

or a period of sickness. As there could be more 'sinister' reasons for an absence, it is important to ensure that the candidate is able to give as much detail as possible, in order for the panel to make an informed decision and are in receipt of all relevant information;

- **criminal record** disclosed;
- **reference issues** discussed;
- their **attitude towards children** challenged at interview.

This means that when a candidate is successful, any issues surrounding their application and references have been fully explored before they are offered the post.

13.2 Every interview must be carried out on a face-to-face basis.

13.3 The Panel will meet prior to the interviews in order to carry out the necessary preparation for conducting the interview, which will normally include a set of basic questions to ask of all long/shortlisted candidates, prepared in advance. However, additional follow-up questions are likely to be needed at the interview itself as a means of probing for additional information. These questions will depend upon initial responses given by individual candidates.

13.4 The Panel members will agree on the responses they are seeking to their questions and the type of responses that would cause concern. They will also agree who will ask which questions and take appropriate notes. A grid will be used for the purpose of questions to be asked and notes taken, including a scoring mechanism to rate the response to each question to identify the strongest candidate.

13.5 The inclusion of appropriate questions relating to the safeguarding and welfare of children will depend upon the type and level of the post but all posts have responsibility in this area and it is important, therefore, to test motives, attitudes, awareness and understanding in this area.

13.6 Other assessment and selection methods, in addition to an interview, may also be used. The nature of these additional tools will depend upon the type and level of the post. Other assessment methods may include, for example:

- Presentations;
- Role plays;
- Group exercises;
- Observation (of teaching or activity with a class or group of pupils);
- Written tests;
- Other data analysis exercises, In-tray exercises etc.

13.7 Assessment and selection methods in addition to an interview are useful in obtaining a range of information about individuals, including assessing their interaction with others, both adults and pupils, team work, skills and abilities to carry out particular tasks etc. Appropriate selection

methods will be discussed and considered by the Panel, as relevant. Panel members will be well-briefed and/or trained in their use.

13.8 Speed dating methodology is not considered an acceptable form of assessment.

14. Safer Recruitment Training

14.1 The interview panel must contain at least one senior member of staff and / or Trustee who has been through appropriate safer recruitment training. This is essential training for Principals and other senior leaders, for nominated Trustees, and for other appropriate and nominated staff members. The Trust delegates to its academies the responsibility for ensuring that relevant staff have received this training. Each Academy must keep a register of staff and Trustees who have completed this training, including the date of the training and the training provider which must be updated at least every 5 years.

15. Pre-Employment Checks

15.1 No candidate will be offered a post with the Trust unconditionally. All offers will be subject to satisfactory completion of the appropriate checks and recorded on the New Starter Checklist that is placed at the front of the personnel file. These checks should be made clear to candidates at interview. Any offer of employment should be a conditional offer subject to satisfactory clearances being received and checked. Only when all of these checks are completed and returned will an offer of employment be confirmed.

15.2 For clarity, no individual may start employment before the DBS check has been received and reviewed appropriately. An individual who will be in regulated activity must never be allowed to commence work before the DBS barred list has been checked. Anyone appointed to a teaching post must be checked against the TRA prohibited list, and s128 if relevant, before they commence in post.

16. Disclosure and Barring Service (DBS) clearance

16.1 All staff in the Trust, i.e. in posts that have access to children or young people or information about them; require the appropriate level of DBS clearance before they can commence employment.

16.2 All staff must have an Enhanced DBS check with Children's Barred List check, unless they are not engaging in 'regulated activity', where an Enhanced DBS check without the Children's Barred List Check must be undertaken.

16.3 Regulated activity includes:

- Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or education well-being, or driving a vehicle only for children;
- Working for a limited range of establishments ('specified places') which includes schools, with the opportunity for contact with children, but not including work done by supervised

volunteers.

16.4 This work must be done 'regularly' in order to be categorised as regulated. Regularly can be defined as:

- A person carrying out the activity at any time on more than three days in any period of 30 days and, apart from driving a vehicle for children only which is also satisfied if it is done at any time between 2am and 6am and gives the person the opportunity to have face to face contact with children.

16.5 Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

- Relevant personal care, or health care provided by or provided under the supervision of a health care professional:
 - Personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability (it is not intended that personal care includes such activities as, for example, parent volunteer helping with costumes for school plays or helping children lace up football boots);
 - Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

16.6 Positive DBS Disclosures

16.7 The term "positive disclosure" refers to a disclosure containing information relating to convictions, cautions, reprimands and so on, plus "soft information" relating to non-convictions but which the police deem as relevant.

16.8 Positive disclosures will be referred to the CEO, who will be responsible for completing a risk assessment (Appendix 1) of whether the offence(s) listed is/are sufficiently serious to cause concern. To aid the decision making process it may be appropriate to interview the applicant to verify the information received, prior to any judgements being made.

16.9 The assessment of the positive disclosure will be in accordance with the following checklist:

- the likely impact that the positive disclosure could have on the individual's ability to carry out the job role;
- the seriousness and nature of the offence(s);
- the nature of the appointment;
- the length of time since the offence(s) occurred;
- the number and pattern of offences;
- the applicant's age at the time;
- any explanation of the circumstances of the offence(s) that may already have been given;
- concealment of the offence(s) at the application stage.

17. Verification of Identity

17.1 It is vital that the Trust knows who their employees are and have evidence to prove this. For all employees of the Trust a copy of the documents used to verify the candidate's identity and right to work in the UK (see section 24) should be placed on their personnel file and logged on the Single Central Record. Evidence of identity should be seen at interview, but if for any reason this did not take place it must be seen and a verified copy taken before the person commences in post.

18. Prohibition from Teaching

18.1 This check ensures that a teacher is not prohibited from teaching and has been a statutory requirement since April 2014, but there is no requirement to retrospectively check teachers who commenced their current employment prior to that date. Existing staff will have been checked in line with previous guidance for checking QTS status. Any candidate with QTS should be checked, even if they are not being recruited to a teaching post. The prohibited list must be checked before the person commences in post.

18.2 The individual's teaching record should be printed off and placed in the personnel file and the date of the check must be recorded on the academy's Single Central Record. Under no circumstances should anyone in teaching work commence work without the check having been undertaken.

18.3 All Office Managers in each Trust Academy must register on the Teacher Regulation Services system. This is a free service. Further information on how to register and access can be viewed at:

<https://www.gov.uk/guidance/teacher-status-checks-information-for-employers>

This replaces the database previously managed by the GTCE.

18.4 The following checks must be undertaken for all teaching appointments on the TRA website:

- qualified teacher status (QTS);
- completed their induction;
- a mandatory qualification for teachers of hearing impaired or visually impaired pupils;
- an active teaching restriction;
- been the subject of a decision by the Secretary of State not to impose a prohibition order for unacceptable professional conduct, conduct that may bring the teaching profession into disrepute or conviction of a relevant offence been prohibited from teaching;
- been prohibited under s128 from taking up a senior management position in an independent school (including an academy or free school). **This check should also apply to members of the central team who are in leadership roles;**
- been subject to any teaching sanction in any other European Economic Area country;
- a suspension or conditional order imposed by the General Teaching Council for England that is still current;
- failed their induction or probation period.

18.5 It is important that the checker also 'claims' the teacher on the Teachers services website.

19. Barred List Check

- 19.1 The prohibition order check is different to the barred list check operated by the DBS. Some new appointments will require an enhanced DBS check, a barred list check and a prohibition order check.
- 19.2 This is a list of people barred from working with children, compiled by the DfE. For posts in regulated activity this check should be done as part of the DBS Application Process. If a person is not in, or seeking to enter, regulated activity it is unlawful to check the barred list. If a school knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity. **Candidates in regulated activity must never be permitted to commence in post before the barred list check is complete.**
- 19.3 There are a limited number of circumstances when a stand-alone barred list check must be undertaken, for example:
- a) where an existing member of staff moves from not regulated activity to a post that is in regulated activity and a new enhanced DBS certificate is not required;
 - b) where a new employee in regulated activity is to be allowed to commence in post before the enhanced DBS certificate has been received;
 - c) where a new recruit will be transferring from a similar role in another school or academy, with a break in service of 3 months or less and a new enhanced DBS certificate is not required.

20. Disqualification under the Childcare Act 2006 (DfE 2018)

- 20.1 Disqualification under the Childcare Act 2006 sets out the circumstances in which an individual will be disqualified and may not provide relevant early or later years childcare or be directly concerned in the management of such provision. Schools are prohibited from employing a disqualified person in connection with relevant childcare provision in certain settings, and the employer commits an offence if they contravene this unless they can prove that they did not know, and had no reasonable grounds for believing, that the person they employed was disqualified. Full details of these requirements are set out in the DfE's statutory guidance on "Disqualification under the Childcare Act 2006" updated by the DfE in August 2018 which can be found here:

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

- 20.2 It is expected that Principals will familiarise themselves with the statutory guidance, which apply to people who provide, or are directly concerned with the management of:

- Early years' provision - care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range; and
- Later years provision (for children under 8) - childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of

8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir, hobby clubs or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.

20.3 Academies should exercise their judgement about when and whether such staff are within scope, evaluating and recording any risks and control measures put in place, and taking advice when appropriate. If these regulations apply to the post being recruited, applicants should be provided with information about the regulations and the preferred candidate should be asked to complete a declaration form (see Annex 3). If a declaration is made this will need to be considered and discussed with the candidate. If a post is offered, the offer must be conditional, and the applicant should apply for a waiver. If a waiver is not granted, the conditional offer should be withdrawn.

20.4 Academies must keep a record of those staff who are employed to work in, or manage, relevant childcare and should record the date on which disqualification checks were completed; this may be kept as part of the Single Central Record or as a separate list and forms completed by successful applicants will be placed on their personnel file. Information received from all applicants during the recruitment process should be treated in line with the Data Protection Act (2018) which includes the rules set out in the General Data Protection Regulations.

20.5 It is recommended that all staff / volunteers working in roles to which these regulations apply are reminded about Disqualification under the Childcare Act 2006 on an annual basis and asked to speak to their Principal if their circumstances have changed. They are not required to complete the declaration form annually. Should this identify any staff/volunteers who are disqualified, advice must be sought from the Business Leader.

20.6 The Trust expects all staff (not just those working in early or later years childcare) to discuss with their Principal or CEO of the Trust (central team members) any criminal charges brought or caution / conviction acquired during their employment with us and any relationship or association (in the real world or online) which may have implications for the safeguarding of children in the academy so that an appropriate risk assessment can be carried out. Please seek advice from the Academy Safeguarding Lead and / or Trust HR team if appropriate.

21. Medical Clearance

21.1 Only once an offer of employment is made, a potential employee must complete a copy of the health declaration form. Depending on the answers given by the candidate, the Occupational Health provider may be asked to carry out further enquiries to confirm mental and physical fitness for the specific post.

21.2 Should the assessment return that the individual requires adjustments or is not fit to undertake the role advice from Trust HR must be sought immediately.

22. Verification of Qualifications

22.1 Any essential qualifications required to perform a particular job, such as QTS, as stated in the person specification, need to be evidenced by the potential employee. A copy of original certificates should be taken and placed on their personal file and logged on the Single Central Record. This should ideally be confirmed at the interview stage.

23. Verification of Professional Registration

23.1 Some posts require a professional registration with a regulatory body, such as the General Teaching Council etc. This again needs to be evidenced and placed on file, if the person specification states it as an essential prerequisite.

24. Right to Work in the UK

24.1 It is a legal obligation that every employer in the UK verifies whether a potential employee has the right to work in the UK:

Step 1 – you should ask for and be given an acceptable document, or combination of documents. Only original documents must be accepted;

Step 2 - you must take all reasonable steps to check that the document is genuine and to satisfy yourself that the holder is the person named in the document. You should also check that the document allows them to do the work in question. **If you are unsure, you can contact the Home Office employer helpline on 0300 123 4699;**

Step 3 - you must take and retain a copy of the document, in a format which cannot later be altered. Make a note of the date on which you took the copy, and the person who saw the original documents.

24.2 Further information can be found at <https://www.gov.uk/check-job-applicant-right-to-work> with a helpful step-by-step checking process at <https://www.gov.uk/legal-right-work-uk>. Failure to meet legal requirements can attract a fine of up to £15,000. If further support is required, please contact the **Trust HR Team**.

25. Overseas checks

25.1 If the potential employee has lived or worked outside the UK for a period of time (whether or not they are a British national), then a UK DBS Disclosure will not give a full picture in respect of any criminal record they may have. In addition to the usual pre-employment checks listed elsewhere in this policy, where an individual has lived or worked abroad in the last 5 years for at least 3 months, academies must make any further checks they think are appropriate so that any relevant events that occurred outside the UK can be considered. For example:

- An overseas criminal record check using our service provider GBG. The overseas criminal record certificate may also be referred to as a certificate of good conduct or police character certificate (etc.) depending on the country in question;
- An employment reference from the overseas' employer, even if this is not the last two

employers;

- In addition, teachers that have lived or worked overseas should be checked for any European Economic Area restrictions; this can be done via the Teacher Services system.

25.2 Under KCSiE (Sept 2019) there is no requirement to carry out checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the applicant has worked in a school (or the further education sector or 16-19 Academy) in England in a post which brought them into regular contact with children or young persons. However, notwithstanding this, an academy may make any further checks they consider to be appropriate in the circumstances of the individual case.

25.3 **Tier 2 Visa Applicants.** From April 2017, there is a new statutory requirement to provide a criminal record certificate which applies to those applying for entry clearance in the Tier 2 (General) route under one of the Standard Occupation Codes listed below, and to their adult dependants:

- 2223 - Speech and language therapists;
- 2314 - Secondary education teaching professionals;
- 2315 - Primary and nursery education teaching professionals;
- 2316 - Special needs education teaching professionals;
- 2317 - Senior professionals of educational establishments;
- 2318 - Education advisers and school inspectors;
- 2319 - Teaching and other educational professionals not elsewhere classified;
- 2449 - Welfare professionals not elsewhere classified.

Note: other categories are also included, but key ones relevant to the Trust are listed above.

25.4 Schools now have a statutory duty to inform Tier 2 skilled worker applicants of the need to source and submit overseas criminal records certificates (i.e. it is the applicant's responsibility to obtain their certificate, but the school's responsibility to request that they do this).

25.5 **Tier 1 Visa Applicants.** In addition, anyone applying for Tier 1 entry clearance as an Entrepreneur or Investor, or adult dependant (over 18 years old) of the main applicant in the above must provide a criminal record certificate for any country (excluding the UK) where they have resided continuously or cumulatively for 12 months or more, in the 10 years prior to their application.

25.6 Academies should ensure that their SCR includes a confirmation of whether an overseas criminal records certificate is required and, if so, the date this was seen / verified.

26. Withdrawal of Conditional Offer

26.1 In circumstances where any of the pre-employment checks prove to be unsatisfactory, a conditional offer will be withdrawn where the academy considers it appropriate to do so.

A candidate receiving a conditional offer, whether verbal or written, **should not**, therefore, assume this to be a guarantee of employment.

26.2 HR advice must be sought from Trust HR prior to withdrawing an offer of employment.

27. Other Contact with our Academies

27.1 Temporary / short term teachers employed directly by the Academy

Temporary teachers should be recruited and treated in the same way as any other member of staff in the Academy. This means that they should also have all the appropriate pre-employment checks carried out before their employment is confirmed. Temporary / short term teachers that are not employed by the Trust on a continuous basis should have their DBS Disclosure and Prohibition status re-checked every 12 months (unless there is a gap in service of 3 months or more in which case a new disclosure must be sought before they work in the academy again); and should also be asked to complete a Disqualification under the Childcare Act declaration annually (if applicable).

This is due to the casual and ad-hoc nature of their work, which may mean they do not actively work in our Academies for a few months at a time. If a teacher is predominantly based at one Academy, it is recommended that the Academy organises and funds the re-check and should encourage the individual to register with the update service. If the teacher is mobile and only works for us a few days at a time (but is employed direct, rather than via an agency or other body – see 27.3 below), the teacher should organise their re-check through a Local Authority or Umbrella Body and fund it themselves and / or should be encouraged to register with the update service.

27.2 Teacher or Teaching Assistant Training Students

The requirements depend on whether the trainee is employed by the Trust (e.g. salaried trainee through the SCITT), or on a non-salaried route and therefore not directly employed. For all students not employed by the Trust and placed within South Pennine Academies Trust from other Academies, Universities or FE Colleges, evidence should be provided in writing to the Trust (in the same way as a Supply Agency would do) that the supplying body has carried out all the same checks that the Trust would have done if they were their own staff (including DBS Disclosure, prohibition check, Childcare Disqualification Regulations declaration if applicable, Identity check, etc.) An ID check should be carried out to establish that the student who has arrived for the placement is who they say they are, but details e.g. DBS number / date should not be requested.

27.3 Peripatetic Tutors & Agency Staff

(including Agency Supply Teachers and students and staff from other agencies or educational institutions, for example social workers)

It is important that Academies have evidence of the necessary checks in relation to staff providing services such as music tuition, specialist sports coaching, supply teaching or specific courses that requires staff to work on Academy premises whilst children are present. It is expected that

Academies will carry out or have evidence of the same standard of checks for all staff and the extended provision even if they are not employed directly by the Academy. With this in mind, all outside providers should be requested to provide evidence that relevant pre-employment checks have been undertaken. It is for the employer / agency to determine which checks are required. If the academy does not believe the employer / agency has completed the necessary checks, they should discuss this with the employer / agency and seek advice from HR. This should be given in writing and in advance of the provider starting work at the Academy and should be agreed as part of any contract between the Academy and provider.

In the case of supply agencies, the Academy has the right to view the original copy of the Disclosure from the agency if it contains additional information. This does not apply to other providers. Confirmation of relevant checks from external providers will be recorded on the Single Central Record.

If confirmation / evidence is not provided, then the Academy **will not** allow the peripatetic tutors or agency staff to have unsupervised access to children. If the individual is in regulated activity they will not be permitted to work at an Academy until confirmation is received that the barred list check has been undertaken and the person is not barred. Individual Trust Academies are responsible for ensuring that any supply teaching agencies they use can demonstrate robust recruitment and selection procedures e.g. ensuring that their employees are DBS / barred list / Prohibition cleared, completed a Disqualification from Childcare Act declaration if applicable, have a full face-to-face interview and all the appropriate pre-employment checks and child protection / safeguarding inductions are carried out.

As with any external persons coming on to Academy premises the Academy will verify their identity, the provider should be asked to show documents such as a passport or driver's licence unless they have company ID. The Academy will be given the names of expected guests or outside providers in advance of their arrival on site. The Academy will be very clear that the named individual is who they say they are.

27.4 Volunteers

Volunteers in Academies often have the same unsupervised access to children as employees. A child will not consider a distinction between a volunteer and a member of staff, when seeking help or support. This means that volunteers should have certain checks completed as they are in a position of trust.

As with any new staff member an identity check should be carried out, and it is also important to request and receive two references on behalf of the volunteer. These checks must be carried out for all volunteers and not just for those unknown to the Academy. An enhanced DBS Disclosure should be carried out prior to the volunteer starting their duties within the Academy, unless there are clear reasons why it is not relevant and proportionate to do so in relation to the post concerned (e.g. nature of the work, what is already known about the volunteer).

- Volunteers who teach or look after children regularly on an unsupervised basis, or who

provide personal care on a one-off basis, will be in regulated activity. In this case, an enhanced DBS check including barred list information should be obtained;

- If planning to allow volunteers to work unsupervised with children, the academy should confirm with their insurer that adequate cover is in place;
- An enhanced DBS check (without barred list check) may be requested for volunteers who are not engaging in regulated activity but have the opportunity to come in to contact with children on a regular basis (e.g. supervised volunteers). Although there is not a requirement to re-check volunteers in regulated activity at prescribed intervals, academies may conduct a repeat DBS check (including barred list information) on any volunteer about whom they have concerns;
- If no DBS check is completed the reasons for this should be documented and the volunteer must be supervised* at all times and must not engage in regulated activity;
- If the volunteer is providing teaching work, checks of the relevant TRA lists should be completed.

If the volunteer is working in an area which is subject to the Disqualification from Childcare Act, they should also be asked to complete a declaration form prior to commencing. If a volunteer becomes a paid employee, then the usual pre-employment checks for new employees should be carried out, e.g. their right to work in the UK should be assessed, a medical questionnaire completed, etc. It is a legal requirement to apply for a new Enhanced DBS Disclosure (including barred list check) as well to reflect their change to an employee.

If assisting on a one-off Academy trip and not carrying out a regulated activity, a volunteer does not require a DBS Disclosure, but must be supervised* at all times.

*NB 'supervised' does not always mean 'accompanied' - see also DfE definition of supervision – Keeping children safe in education 2019 annex F.

Risk assessing volunteers

There must be a written risk assessment in place for all volunteers that are not in regulated activity – this risk assessment should determine whether or not the individual needs an enhanced DBS (without barred list check), taking into consideration what is already known about the volunteer, the needs of the pupils, the nature of the activity, level of supervision and the views / feedback from staff, other volunteers and / or referees. More information can be found in KCSiE 2019 part 3.

Supervision

If the volunteer is to be supervised whilst undertaking an activity that would be regulated activity if it was unsupervised, the statutory guidance must be followed (see Annex F of Keeping Children Safe in Education, 2019). The nature of the supervision planned should be included in the written risk assessment.

27.5 Contractors

Academies should ensure that any contractor, or any employee of the contractor, working in the school has been subject to the appropriate level of DBS check prior to starting work. 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 (without barred list) will be required. In considering whether the contact is regular it is irrelevant if the contractor works on a single site or across a number of sites.

Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity.

Any contractor, maintenance worker or agency staff coming on to Academy premises should verify their identity, providing documents such as a passport or driver's licence along with company ID. The Academy should be very clear that the named individual is who they say they are.

27.6 Trust Board Members

Specific requirements are placed on the "proprietors of independent schools including academies", which includes the Chair of a body of people which is the proprietor. This requires the Secretary of State to carry out an enhanced DBS check (including barred list if appropriate), to confirm the individual's identity and, if the individual has lived outside the UK, to make any other checks considered appropriate. This requirement therefore applies to the Chair of the Trust Board.

The Chair of the Trust Board is responsible for ensuring that enhanced DBS checks are undertaken, and identity checks completed (with any additional checks taken as appropriate if an individual has lived or worked outside the UK) for the other members of the Trust Board before, or as soon as practicable after, they take up their position.

In addition, since September 2016 all members of the Trust Board must be checked under a Section 128 direction, which prohibits or restricts a person who has previously been prohibited from teaching from taking part in the management of an independent school, including academies and free schools. A check for a section 128 direction ("prohibition check") can be carried out using the Teacher Services System, and the information should be included in the Single Central Record.

28. Existing Staff

28.1 If an academy has concerns about an existing staff member's suitability to work with children, they should carry out all relevant checks as if the person were a new member of staff. Similarly, if an employee moves from a post that was not regulated activity in to work which is regulated activity, the relevant checks for that role must be carried out.

28.2 Academies have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult (or where the individual has received a caution or conviction

for a relevant offence, or if there is reason to believe that individual has committed a listed relevant offence) and where that individual has been removed from working (paid or unpaid) in regulated activity – or would have been removed had they not left.

28.3 Referrals should be made as soon as possible after the resignation or removal of the individual. Where an employer (including an agency) dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed / ceased to use their services had they not left first, they must also consider whether to refer the case to the Secretary of State (Education Act 2002).

29. Induction

29.1 All new staff and regular volunteers will be provided with induction training which will include as a minimum:

- the academy's child protection policy and procedures;
- the staff code of conduct / behaviour policy;
- pupil behaviour policy;
- the whistleblowing policy;
- the role of the designated safeguarding lead, and their contact details.

29.2 In addition, all individuals will be provided with a copy of:

- Keeping Children Safe in Education (DfE 2018) part 1 and, if they will be in direct contact with children, annex A;
- what to do if you're worried about a child (DfE 2015).

29.3 Individuals will be asked to confirm in writing that they have read and understood these documents. If they are unsure of anything, advice should be sought from the designated staff.

29.4 Staff will also be required to undertake online safeguarding training annually.

30. A Safe Culture and On-Going Vigilance

30.1 It is never sufficient to assume that a safer recruitment and selection process and robust induction arrangements are enough to ensure that the pupils are safe and that there is no risk to them within the educational environment. Creation of a safe culture, with on-going vigilance is essential. The academy will continue to strive to create and maintain a safer culture by:

- Having in place, and putting into practice, clear policies and procedures and ensuring that all employees and workers are aware of and understand them;
- Setting acceptable standards of behaviour;
- Having in place clear procedures for reporting concerns, ensuring that all employees and workers know what the procedures are and their responsibility for following them;
- Taking concerns seriously and providing support to individuals raising them;
- Taking appropriate action in relation to concerns raised;

- Having in place robust and appropriate induction arrangements;
- Ensuring that all employees and workers undertake child protection and other relevant training on a regular basis;
- Keeping the commitment to safeguarding and child protection on the agenda through regular discussion and/or reminders at staff meetings, training sessions etc;
- Learning from experience;
- Never thinking that enough has been done to ensure a safe culture.

31. Monitoring and Review

31.1 The Trust's policy on safer recruitment will be reviewed every year, or when the Department for Education (DfE) issues revised guidance on this topic.

Appendix 1 - Positive Disclosure Risk Assessment

Complete and submit to Trust HR Manager

| | | | | | | | | |
|---|--|---------------|-----------------------------|--|---|--|---|--|
| Academy..... | | | | | | | | |
| Name of Individual..... | | | | | | | | |
| Role offered..... | | | | | | | | |
| DBS Date and Number..... | | | | | | | | |
| What is the offence and what was the outcome? | | | | | | | | |
| When did the offence(s) occur and what was the applicant's age at the time? What is their age now? | | | | | | | | |
| Is there a number and pattern of offence(s)? | | | | | | | | |
| Explanation of the circumstances of the offence(s)? | | | | | | | | |
| Were the offence(s) concealed at the application stage? | | | | | | | | |
| What role will the individual be doing? | | | | | | | | |
| The likely impact that the positive disclosure could have on the individual's ability to carry out the job role? | | | | | | | | |
| <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">CEO Approval for individual to commence role in Academy</td> <td style="width: 30%; text-align: right;">YES/NO</td> </tr> <tr> <td colspan="2" style="padding: 10px 0 0 0;">CEO Signature.....Date.....</td> </tr> <tr> <td colspan="2" style="padding: 10px 0 0 0;">Declaration by applicant and any additional comments in support of their employment</td> </tr> <tr> <td colspan="2" style="padding: 10px 0 0 0;"> <p>I understand that any offer of employment will be subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required could make an offer of employment invalid or lead to termination of employment. I understand that this pro forma will be held securely by the Trust/Academy for 25 years from the date of the assessment if appointed/6 months if not appointed.</p> <p>It will only be accessed if a) Regulatory/enforcement organisations ask for clarification on this recruitment decision, or b) any allegations are made against me during the course of my employment with the Trust, where an investigation would require access to this data.</p> <p>I consent to the above:</p> </td> </tr> </table> | CEO Approval for individual to commence role in Academy | YES/NO | CEO Signature.....Date..... | | Declaration by applicant and any additional comments in support of their employment | | <p>I understand that any offer of employment will be subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required could make an offer of employment invalid or lead to termination of employment. I understand that this pro forma will be held securely by the Trust/Academy for 25 years from the date of the assessment if appointed/6 months if not appointed.</p> <p>It will only be accessed if a) Regulatory/enforcement organisations ask for clarification on this recruitment decision, or b) any allegations are made against me during the course of my employment with the Trust, where an investigation would require access to this data.</p> <p>I consent to the above:</p> | |
| CEO Approval for individual to commence role in Academy | YES/NO | | | | | | | |
| CEO Signature.....Date..... | | | | | | | | |
| Declaration by applicant and any additional comments in support of their employment | | | | | | | | |
| <p>I understand that any offer of employment will be subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required could make an offer of employment invalid or lead to termination of employment. I understand that this pro forma will be held securely by the Trust/Academy for 25 years from the date of the assessment if appointed/6 months if not appointed.</p> <p>It will only be accessed if a) Regulatory/enforcement organisations ask for clarification on this recruitment decision, or b) any allegations are made against me during the course of my employment with the Trust, where an investigation would require access to this data.</p> <p>I consent to the above:</p> | | | | | | | | |

Name:.....

Individuals Signature..... Date.....

Appendix 2 - Policy Statement on the Recruitment of Ex-Offenders

It is a legal requirement that all registered bodies and prospective employers must treat DBS applicants who have a criminal record fairly and not discriminate because of a conviction or other information revealed. Registered Bodies and employers who are Regulated Activity Providers (including schools) are obliged to have a written policy on the recruitment of ex-offenders, which is available to DBS applicants at the outset of the recruitment process.

Policy Statement

1. As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, The Trust complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.
2. The Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of gender, pregnancy and maternity, ethnicity, culture, age, disability, sexual orientation, gender identity, religion or belief, marital and civil partnership status, education, learning styles, caring responsibilities or offending background.
3. A summary of this policy on the recruitment of ex-offenders is available to all DBS applicants on request.
4. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, knowledge and experience.
5. As a Regulated Activity Provider (RAP) most paid employees of the Trust are in regulated activity with children and therefore subject to checks of the DBS children's barred list in addition to enhanced DBS certificate.
6. In relation to volunteers and contractors, we only request a DBS check after a risk assessment had indicated that one is both proportionate and relevant to the position concerned.
7. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.
8. We expect all applicants to provide details of any criminal record history that is not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) order 1975 (as amended in 2013) at an early stage in the application process.

Applicants should disclose details of any unspent convictions, cautions, reprimands, bind-overs and final warnings you may have in addition to any criminal proceedings pending against you. You should not disclose any criminal history that would be protected or filtered.

A statement of these details should be brought to the interview in an envelope marked 'Private and Confidential - for the addressee only' in the top left-hand corner with 'The Headteacher (or CEO for central Trust posts) in the centre of the envelope and with the words 'Conviction Information' in the bottom left hand corner.

9. We guarantee that this information will only be seen by those who need to see it as part of the recruitment process.

10. We ensure that everyone within the Academy who is involved in the recruitment process has been suitably briefed to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance on the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 and its amendments and know how to access advice and support.

11. At interview, or on a separate occasion, we ensure that an open and measured discussion takes place on the subject of any relevant offences or other matter that may be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.

12. We undertake to discuss any matter revealed in a DBS check with the person seeking the position before considering withdrawing a conditional offer of employment. This discussion and any subsequent risk assessment may be undertaken by our HR team or another trained member of our Senior Leadership Team.

Appendix 3 - Declaration of Unspent and Relevant Spent Criminal Offences

The purpose of requiring a self-disclosure as part of the interview process is to give candidates an opportunity to share relevant information about any convictions or cautions at an early stage. Disclosed information will not be used as a criterion for short-listing. Fair and objective assessment criteria will be applied. Information on self-disclosures will only be used in relation to short-listed candidates and will not automatically rule someone out.

A full DBS check will still be carried out on making a conditional offer and the two sets of information compared. Note that applicants will only be asked about 'unspent and relevant spent' convictions, cautions, reprimands and warnings and these will be the only ones appearing on Disclosure certificates. Other minor, older offences will be filtered out after the relevant time period. Those offences to be declared include:

- **Cautions** relating to an offence from a list (see below) agreed by Parliament
- **Cautions** given less than 6 years ago (where the individual was over 18 years old at the time of the caution)
- **Cautions** given less than 2 years ago (where the individual was under 18 years old at the time of the caution)
- **Convictions** relating to an offence from a prescribed list (see below)
- **Convictions** that resulted in a custodial sentence (regardless of whether served)
Convictions given less than 11 years ago (where the individual was over 18 years old at the time of the conviction)
- **Convictions** given less than 5.5 years ago (where the individual was under 18 years old at the time of the conviction)
- Irrespective of the above list, **if individuals have more than one conviction then ALL convictions must be declared.**

The list referred to above includes a range of offences which are serious and which relate to sexual offending, violent offending and/or safeguarding. It is never appropriate to withhold details of offences on this list. A list of offences which **must always** be declared has been derived from the legislation and can be accessed using the following link: <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

Appendix 4 - Information on Disqualification under the Childcare Act 2006

The role you have applied for has been identified as one where Disqualification under the Childcare Act 2006 applies. Please read this guidance carefully. If you are offered a post you will be asked to complete a declaration form.

Disqualification under the Childcare Act 2006 sets out the circumstances in which an individual will be disqualified and may not provide relevant childcare provision or be directly concerned in the management of such provision. Schools are prohibited from employing (or using as a volunteer) a disqualified person in connection with relevant childcare provision in certain settings. A copy of the statutory guidance can be found here:

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

Who is disqualified?

Under the legislation a person is disqualified if they are found to have committed a 'relevant offence', which includes (a) being convicted of a relevant offence or (b) on or after 6 April 2007, being given a caution, reprimand or warning for a relevant offence. A list of the relevant offences that lead to the disqualification of an individual is set out in the tables in the statutory guidance.

By way of a summary, a person is disqualified if any of the following apply:

- they have been cautioned for, or convicted of certain violent or sexual criminal offences against adults and any offences against children;
- they are the subject of an Order, direction or similar in respect of childcare, including orders made in respect of their own children;
- they have had registration refused or cancelled in relation to childcare of children's homes or have been disqualified from private fostering;

What does this mean in practice?

Anyone offered a role which falls within the scope of the Childcare Act will be asked to complete a declaration form to the best of their knowledge. A copy of the form is provided for information only at this stage.

Further information on what you should, and should not, declare is contained within the statutory guidance. You only need to provide information on relevant offences. For example, cautions, reprimands and warnings only amount to disqualifying offences if issued on or after 6 April 2007, and you are not required to disclose the spent cautions or convictions of a person who lives or is employed in your household. You are asked only to complete the form, not to provide copies of supplementary information.

Information will be treated in the strictest of confidence and in line with the Trust's Data Protection Policy which includes the rules set out in the General Data Protection Regulation. If you think you have relevant information about yourself, your completed form should be provided in a sealed envelope, clearly marked "Strictly Confidential – for the attention of the Headteacher only".

What happens next?

If you are the preferred candidate and are offered a role, this will be a conditional offer and you will be asked to complete and return the declaration form. If you declare any relevant information on your completed form this will not necessarily preclude you from employment with us. It is possible to apply to Ofsted for a waiver. If relevant, the school will contact you to discuss the information that you have provided and advise you about how you can apply for a waiver.

You are not required to provide the school with further information of the order, restriction, conviction, caution etc. However, Ofsted may wish to consider such documents in order to exercise their power to waive disqualifications (in which case, such information should be sent directly to Ofsted).

If the waiver is not granted, the conditional offer will be withdrawn. Further information on applying for a waiver can be found here: <https://www.gov.uk/government/publications/applying-to-waive-disqualification-early-yearsand-childcare-providers>.

Questions

If you have any questions about this information, please refer to the statutory guidance and/or contact the school who has advertised the role.

Appendix 5 - Disqualification Declaration Form

| | |
|----------------|--|
| Academy | |
|----------------|--|

In September 2018, the Department for Education (DfE) issued an update to its Statutory Guidance "Keeping Children Safe in Education".

https://www.gov.uk/government/publications/keeping-children-safe-in-education--2?mc_cid=2ea9967c3e&mc_eid=5188e0cd9a

This update applies to staff working with pupils in early years (5 and under or in after school club type settings up 8 years and under), to ensure that staff and volunteers working in these settings are not disqualified from doing so under the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 ('Childcare Regulations'). Reference: <http://www.legislation.gov.uk/uksi/2018/794/contents/made>

If you have received or receive any convictions, cautions, court orders relating to the care of children, reprimands or warnings or other grounds for disqualification from the appointment under the Childcare Regulations, including but not limited to:

- being cautioned for or convicted of certain violent and sexual criminal offences against children and adults;
- legal grounds relating to the care of children (including where an order is made in respect of a child under the person's care);
- having registration refused or cancelled in relation to childcare or children's homes or being disqualified from private fostering
- being found to have committed an offence overseas, which would constitute an offence regarding disqualification under the 2018 regulations if it had been committed in any part of the UK.

You are required therefore to complete the form and sign the declaration below confirming that you are not disqualified under those Regulations from working in this school.

If you fail to complete and return the form or provide information which is later found to be inaccurate, this will be referred to the school disciplinary procedure for staff, which could result in dismissal and in the case of volunteers, will mean that you can no longer work at the school.

A disqualified person is not permitted to continue to work in a setting providing care for children 5 and under or in after school club type settings up 8 years and under, unless they apply for and are granted a waiver from OFSTED.

Reference: <http://www.ofsted.gov.uk/resources/applying-waive-disqualification-early-years-and-childcare-providers>. Support will be provided with this process.

Staff not required to complete this form:

Staff employed who work in the following roles are not covered by the 2018 regulations and therefore these arrangements must not be applied to them. This includes staff who have no involvement in the management of relevant provision and only provide:

- education, childcare or supervised activity during school hours to children above reception age
- childcare or supervised activities out of school hours for children who are aged 8 or over

Staff involved in any form of health care provision for a child are specifically excluded from the statutory definition of childcare, and are therefore not covered by the legislation. This includes:

- school nurses
- speech and language therapists
- education psychologists

Appendix 6 GUIDANCE ON SCR CHECKS DURING AN OFSTED VISIT

Available at: <https://www.gov.uk/government/publications/inspecting-safeguarding-in-early-years-education-and-skills-from-september-2015/inspecting-safeguarding-in-early-years-education-and-skills-settings>

Inspecting arrangements for staff recruitment and vetting

Ofsted expects early years settings, schools and further education and skills providers to be able to demonstrate that they meet all regulations and duties for the purposes of the safeguarding judgement under leadership and management in the inspection handbook for the appropriate remit.

Inspectors should check the single central record early in inspections of schools or colleges in the expectation that it will be complete and meet statutory requirements. During early years inspections, inspectors will check that the provider is able to produce evidence of suitability of relevant staff and adults.

Inspectors should also check the setting's policy and procedures for ensuring that visitors to the school are suitable and checked and monitored as appropriate, for example external speakers at school assemblies.

Registered early years providers are expected to make all records available at inspection. If evidence of suitability is not kept on site, inspectors can accept this evidence later during the inspection as long as it is provided before final feedback is given.

If there is a minor administrative error on a single central record, such as the absence of a date on the record, and this can be easily rectified before the final team meeting, the school or college will be given the chance to resolve the issue. Registered early years providers are expected to make all records available at inspection. If evidence of suitability is not kept on-site, inspectors can accept this evidence later during the inspection as long as it is provided before final feedback is given.

Ofsted has established a definition for 'administrative errors' in relation to the single central record (see below). No allowance will be made, for example, for breaches to the requirements for the Disclosure and Barring Scheme (DBS) disclosures.

Administrative errors may be defined as follows:

- failure to record 1 or 2 dates
- individual entries that are illegible
- 1 or 2 omissions where it is clear that the information is already held by the school or college, but they have failed to transfer over the information in full to the single central record.

For specified early or later years childcare, inspectors are not expected to make enquiries as to whether any member of staff is disqualified. However, inspectors should ascertain that the provider knows their legal obligations and has effective systems in place to find out information about whether a person may be disqualified.

To employ a disqualified person knowingly constitutes an offence. Should an inspector become aware that a member of staff is, or may be, disqualified and has not been granted a waiver, this must be considered when making the judgement on the effectiveness of safeguarding.

Where an early years setting, school or college has recruited volunteers who are not checked, inspectors should explore with senior leaders and governors how the registered provider or school has reached this decision – for example how it has assessed the level of supervision provided.

In the case of trainee teachers and students on placement, if they are employed by the setting, school or college, then they should be subject to the same checks under regulations as other members of staff. If trainee teachers are fee-funded, the school or setting 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 a school to record details of fee-funded trainees on the single central record.

**Appendix 7
APPROVAL TO RECRUIT FORM**

Approval to Recruit 2018/19

Academy:

Role required? *(have you considered whether or not this role could be done by an apprentice?)*

Teaching or Associate/Support Staff?

Proposed Grade and Scale Point

Proposed Salary

Is this role a like for like replacement? Choose an item.

If yes who is the leaver?

Has this post been agreed with JA as part of your curriculum plans?

If no, please provide business rationale for new role (include impact of not recruiting to the role):

Authorisation

Director of Operations Approval:

Date:

Director of Finance Approval:

Date: