Alban Academies Trust	**AAT SAFER RECRUITMENT POLICY**					
	Last reviewed:	**June 2020**	**Next Review:**	**When updated by HCC**	**Approved by:**	**HR Committee**

This policy was issued by HfL on behalf of Hertfordshire County Council in **February 2021** after consultation with Professional Associations/Trade Unions and HfL subsequently recommended it for adoption.

Changes since last version:

Updated guidance and criminal record self-declaration form to reflect the new DBS filtering rules which came into effect on 28 November 2020 and changes for TRA checks for overseas applicants which came into effect from 1 January 2021

Appendix 2: Trust specific form added

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1. Introduction

The safe recruitment of staff is the first step to safeguarding and promoting the welfare of children and young people in education. This school is committed to safeguarding and promoting the welfare of the pupils in its care and expects all staff and volunteers to share this commitment.

2. Scope and Objectives

The scope of this policy is to set out the minimum requirements of a recruitment process that aims to:

- attract the best possible applicants to vacancies on the basis of their merit, abilities and suitability
- deter prospective applicants who are unsuitable for work with children or young people
- identify and reject applicants who are unsuitable for work with children and young people.

The objectives of this policy are as follows:

- to ensure that all applicants are considered equally and consistently
- to ensure that no applicant is treated unfairly on any grounds and specifically any protected characteristics as outlined in the Equality Act 2010
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education (KCSIE), the Prevent Duty Guidance for England and Wales (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Services (DBS)
- to ensure that the school meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

3. Roles and Responsibilities

3.1. Governing Body

- to ensure the school has effective policies and procedures in place for the recruitment of staff and volunteers in accordance with the DfE guidance and legal requirements;
- to monitor compliance with the above policies.

3.2. Headteacher/SMT/Recruiting Managers

- to ensure the school operates safe recruitment practices and makes sure appropriate checks are carried out on all staff and volunteers;;
- to monitor contractor and agency compliance with this document;
- to promote the safeguarding of children and young people at every stage of the recruitment process.

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4. Safer Recruitment Implications during Covid 19

The DfE published interim guidance relating to Safeguarding for schools to adopt during any full or partial school closures due to the Covid 19 crisis, which this school will follow. This guidance can be found here.

It remains essential that people who are unsuitable are not allowed to enter the children's workforce or gain access to children. The school shall continue to use its judgement on whether recruitment is needed and how this can best be done given the circumstances. If the school is recruiting new staff or volunteers, it will continue to follow the relevant safer recruitment processes as outlined in this policy and in Part 3 of Keeping Children Safe in Education.

In response to the crisis, the Disclosure and Barring Service (DBS) has made changes to its guidance on standard and enhanced DBS ID checking to minimise the need for face-to-face contact. The Home Office and Immigration Enforcement have also temporarily adjusted the right to work checks due to the coronavirus outbreak.

For the successful candidate, original copies must subsequently be shown as soon as reasonably possible and no later than the first day of employment.

5. Application Forms and Criminal Record Self Declaration forms for Shortlisted Candidates

All prospective applicants must fully complete an application form. CVs will not be accepted in isolation.

If shortlisted, candidates will be asked to complete a self-declaration where they will be required to declare all unspent cautions and convictions; and also any adult cautions (simple or conditional), and spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2020).

The relevant self-declaration form is attached at Appendix 2.

6. References

A minimum of two references will be taken up and at least one of the references will be obtained from the candidate's current or most recent employer and will be sought directly from the referee.

The School will explore any discrepancy or gaps in employment identified through references during the interview where possible or, at least, before any offer of employment. This includes references for internal candidates.

If a candidate is moving from another school the reference must be from the Headteacher/Principal or another senior colleague (in the absence of a Headteacher) and not from a colleague.

Open references or testimonials provided by the candidate will not be accepted.

Where necessary, referees will be contacted by telephone or email in order to clarify any anomalies or discrepancies and verify the source of the reference. This contact will then be recorded on the school's Single Central Record for successful candidates.

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Where necessary, previous employers who have not been named as referees will be contacted in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.

Referees will always be asked specific questions about:

- the candidate's suitability for working with children and young people
- any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children
- the candidate's suitability for this post.

Candidates are not automatically entitled to see their employment references.

7. Secretary of State Prohibition Orders and Section 128 direction (teaching and management roles)

In all cases, where an applicant is to undertake a teaching role of any kind (this may include non-teaching staff if they plan, prepare and deliver lessons and assess and report on pupils without supervision of a qualified teacher) a Prohibition Order check will be made. It is anticipated that this will be performed at the shortlisting stage, but it will, in any case, be carried out before any offer of employment is made.

The above activities do not amount to "teaching work" if they are supervised by a qualified teacher. If in any doubt or if the candidate has taught previously, or may teach in the future, the check will be undertaken.

Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.

Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the Teaching Regulation Agency (TRA). Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

A Section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited is unable to participate in any management of an independent school such as:

- a management position in an independent school, academy or free school as an employee;
- a trustee of an academy or free school trust; a governor or member of a proprietor body for an independent school;
- a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a school as stated in Keeping Children Safe in Education and the DfE Governance Handbook.

Checks for all prohibitions, sanctions and restrictions will be carried out by logging into the Secure Access/DfE Sign in Portal via the Teacher Regulation Agency web page. This is a free service available to all schools and colleges.

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Where the candidate will be engaging in regulated activity, a DBS barred list check will also identify any section 128 directions.

With effect from 1 January 2021, TRA checks will be for UK Citizens only and schools will therefore need to arrange for these checks to be carried out in the relevant country for overseas applicants (including those from the EEA). Please see guidance here.

8. Recruitment Panels

Subject to the availability of training and in accordance with KCSIE, the school ensures that at least one member of any interview panel has undertaken Safer Recruitment training and kept this training up to date.

Advertisements for posts, whether in newspapers, journals or online, will include the statement:

"The school is committed to safeguarding children and young people. All post holders are subject to a satisfactory enhanced Disclosure and Barring Service (DBS) check."

Prospective applicants will be supplied, as a minimum, with the following:

- job description
- the school's child protection policy
- the school's safer recruitment policy (this document)

9. Interviews

Selection techniques will be determined by the nature and duties of the vacant post and may include a variety of methods. The school will conduct interviews in a face-to face manner (which could be via remote methods using video conferencing software, such as Microsoft Teams or similar, if face to face is not practical). Telephone interviews may be used at the short-listing stage.

Shortlisted candidates will be sent;

- Childcare Disqualification Declaration form (where applicable).
- Criminal Record Self-Declaration form (all)

Candidates will be required to:

- give a satisfactory explanation of any gaps in employment
- provide a satisfactory explanation of any anomalies or discrepancies in the information available to recruiters
- declare any information that is likely to appear on a DBS check (via the self-declaration form)
- provide a childcare disqualification declaration form if and when required
- demonstrate their capacity to safeguard and protect the welfare of children and young people
- demonstrate how they meet the job description and person specification.
- All applicants who are invited to interview will be asked to bring original evidence of their identity, address, right to work in the UK, relevant qualifications and a completed Criminal Convictions Self-Declaration form.

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10. Pre-Employment Checks

Any offer of appointment made to a successful candidate, including anyone who has lived or worked abroad, must be conditional on the satisfactory completion of the necessary pre-employment checks and the school will:

- verify the candidate's identity. Identification checking guidelines can be found on the Gov.uk website.
- obtain (via the applicant) an enhanced Children's Workforce DBS certificate including barred list information for those who will be working in regulated activity and an Enhanced Children's Workforce DBS (without the barred list check) for anyone who is working in the school but is not working in regulated activity (see Appendix 1)
- obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available. The school will also carry out a risk assessment if candidates will be starting work prior to a DBS certificate being available
- ensure all shortlisted candidates have completed a Criminal Record self-declaration form disclosing any relevant convictions (see Appendix 2).
- verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish that they have the physical and mental capacity for the specific role - see paragraph 10.2.
- verify the candidate's right to work in the UK. Advice on this can be found on the Gov.uk website.

  After 1 July 2021 candidates from an EEA Country, will be required to provide evidence of having obtained settled status under the EU Settlement Scheme. Candidates have until 30 June 2021 to register, so until then, their existing documents can be accepted (providing they have been living in the UK before December 2020).

  From July 2021, any overseas external candidates must apply for a VISA via the New Points Based Immigration Scheme.
- if the candidate has lived or worked outside the UK, make any further checks the school feel appropriate which would include an overseas police check (see paragraph 10.3 for further details)
- verify professional qualifications as appropriate by viewing original certificates. The Teacher Services system should be used to verify any award of qualified teacher status (QTS) and the completion of teacher induction or probation.
- ensure the candidate is checked against the prohibition from teaching orders – see paragraph 7 above.
- ensure the candidate is checked against the prohibition from management roles (section 128) check where applicable (part of barred list check for those in regulated activity) - see paragraph 7 above.
- ensure the candidate completes a childcare disqualification declaration (where appropriate) – see paragraph 10.4.

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10.1. Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status and Criminal Records Self Declaration Form

All shortlisted candidates invited to attend an interview at the school will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in the UK, in accordance with the Immigration, Asylum and Nationality Act 2006 and DBS Code of Practice Regulations (including evidence of settled status as required) and to complete the Criminal Records Self Declaration form.(see Appendix 2)

Good quality photocopies of all documents will be taken. These will then be signed and dated by the person who has evidenced the originals and the copy should state this;

"Originals seen and identity confirmed"

- Successful Candidates: all documents will be stored securely on the employee file for audit and inspection purposes, including DBS certificates and any subsequent risk assessments.
- Unsuccessful Candidates: all documents will be kept securely for no later than 6 months after the recruitment process has been concluded. After which they will be destroyed securely.

Please note that the legislation surrounding what information is disclosed in an Enhanced and Standard DBS certificate changed on 28 November 2020 and as a result, an employer may not receive full details of a candidate's criminal history due to the changes to filtering.

However, in accordance with safeguarding, an employer is still legally entitled to ask shortlisted candidates to disclose their criminal history, however this no longer includes final warnings, cautions and reprimands. Further guidance on this can be found in the NACRO guidance here.

In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification required for the position and claimed in their application form.

10.2. Fitness to undertake the role

A confidential pre-employment health questionnaire must be completed to verify the candidate's mental and physical fitness to carry out their work responsibilities. A successful candidate can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role **once an offer of employment has been made.** Confidential pre-employment checks will be carried out by the School's Occupational Health provider.

10.3. Individuals who have lived or worked outside the UK

Candidates who have lived or worked outside the UK must undergo the same checks as all other staff in the school. In addition, the school must make any further checks so that any relevant events that occurred outside the UK can be considered.

The Home Office guidance on criminal records checks for overseas applicants can be found here.

Further guidance on checks for overseas workers (including with effect from 1 January 2021 those from the EEA) can be found here.

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Restrictions imposed by another EEA regulating authority do not prevent a candidate from taking up teaching positions in England, the school will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

10.4. Childcare Disqualification Declaration

Where relevant (as detailed below), applicants must complete a Childcare Disqualification form provided by the school in relation to the Childcare Disqualification Regulations 2018. This is to cover circumstances where the individual has a conviction that may result in them being barred from working with children. Where a positive declaration is made a waiver can be applied for from Ofsted and must be satisfactorily granted before the candidate may commence work.

This **only** applies to staff working in the following settings:

- Early Years Provision - staff who provide any 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) - staff who are employed to work in 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 or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.

11. Single Central Record

The school will keep a single central record of pre-employment checks, referred to in the Keeping Children Safe in Education Regulations as "the register". The single central record will cover the following people:

- all staff (including teacher trainees on salaried routes, agency and third-party supply staff who work at the school)
- for independent schools, all members of the proprietor body
- the members and Trustees of the academy Trust
- confirmation that these checks have been carried out along with the date the check was undertaken/obtained must be logged on this record for all employees of the school.

12. Induction

The school recognises that safer recruitment and selection is not just about the start of employment but must be part of a larger policy framework for all staff. The school will therefore provide ongoing training and support for all staff.

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All staff who are new to the school will receive induction training that will include the school's safeguarding policies and guidance on safe working practices including Child Protection, PREVENT, FGM awareness and online safety.

Regular meetings will be held during the first 6 months of employment between the new employee(s) and the appropriate manager(s).

13. Contractors and Agency Workers

The school will obtain written notification from any agency, or third-party organisation they use that the organisation has carried out the checks (in respect of the enhanced DBS certificate, written notification that confirms the certificate has been obtained by either the employment business or another such business), on an individual who will be working at the school.

Where the position requires a barred list check, this will be obtained by the agency or third party prior to appointing the individual. The school will also check that the person presenting themselves for work is the same person on whom the checks have been made.

14. Volunteers

Under no circumstances will a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

Volunteers who, on an unsupervised basis, teach or look after children regularly, or provide personal care on a one-off basis in the school, will be in regulated activity. The school will obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information). However, the school may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns.

There are certain circumstances where the school may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity. This is set out in DBS workforce guides, which can be found on GOV.UK. 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.

The school will undertake a risk assessment and use their professional judgement and experience when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. In doing so they should consider:

- the nature of the work with children
- what the establishment 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 is eligible for an enhanced DBS check.

Details of the risk assessment should be recorded.

It is for the school to determine whether a volunteer is supervised. In making this decision, and where an individual is supervised, to help determine the appropriate level of supervision

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the school must have regard to the statutory guidance issued by the Secretary of State. 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.”

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

15. School Governors

Governors in maintained schools are required to have an enhanced criminal records certificate from the DBS. It is the responsibility of the Governing Board to apply for the certificate for any of their governors who do not already have one. Governance is not a regulated activity and so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

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Appendix 1 – Regulated Activity

Regulated activity includes:

a) Teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children.

b) Work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:

- 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
- health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

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Appendix 2 – Criminal Record Self-Declaration Form

Criminal Record Declaration
(Roles exempt from the ROA - DBS)

This form must be completed by all applicants where a police check (also known as a DBS), is required. The information disclosed on this form will not be kept with your application form during the application process.

Policy statement on recruiting applicants with criminal records

This post is exempt from the Rehabilitation of Offenders Act 1974 and therefore For further information on criminal record self-declaration for roles that are eligible for standard or enhanced DBS checks please refer to Nacro guidance and the MoJ website.

We recognise the contribution that ex-offenders can make as employees and volunteers and welcome applications from them. A person's criminal record will not in itself, prevent a person from being appointed to this post. Any information given will be treated in the strictest confidence. Suitable applicants will not be refused posts because of offences which are not relevant to, and do not place them at or make them a risk in, the role for which they are applying.

All cases will be examined on an individual basis and we will take the following into consideration:

- whether the caution or conviction is relevant to the position applied for
- the seriousness of any offence revealed
- the age of the applicant at the time of the offence(s)
- the length of time since the offence(s) occurred
- whether the applicant has a pattern of offending behaviour
- the circumstances surrounding the offence(s), and the explanation(s) offered by the person concerned
- whether the applicant's circumstances have changed since the offending behaviour.

It is important that applicants understand that failure to disclose all unspent cautions and convictions; and also, any adult cautions and spent convictions that are not protected could result in disciplinary proceedings or dismissal. Further advice and guidance on disclosing a criminal record can be obtained from **Nacro**.

Please note that, if you are unsuccessful, this disclosure form will be securely destroyed within 6 months of your application.

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Surname:		**Forename:**	
Post applied for:		**Date:**	
NI Number:		**Teacher Ref No.** *If applicable*	
Date of QTS: *If applicable*			

Alban Academies Trust is committed to safeguarding and promoting the welfare of children and we expect all staff to share this commitment. For this post, pre-employment checks will be carried out, references will be sought, and successful candidates will be subject to an enhanced DBS check and other relevant checks with statutory bodies.

Do you have any unspent conditional cautions or convictions?	**Yes** ☐	**No** ☐	
Do you have any spent adult cautions (simple or conditional), or spent convictions, which are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended)?	**Yes** ☐	**No** ☐	
Do you have any criminal convictions or relevant service discipline convictions received within the Armed Forces Justice System (e.g. through Summary Hearing or Court Martial) where it would be considered an equivalent offence in England and Wales?	**Yes** ☐	**No** ☐	
Have you ever been barred from working with Children or disqualified from working in Childcare?	**Yes** ☐	**No** ☐	
Are you subject to any sanctions in the EEA?	**Yes** ☐	**No** ☐	
Teaching Posts Only: Are you or have you ever been prohibited from teaching or sanctioned by the GTCE?	**Yes** ☐	**No** ☐	**N/A** ☐
Management Posts Only: Have you been prohibited from the management of an independent school (s128)?	**Yes** ☐	**No** ☐	**N/A** ☐

If you have answered YES to any of the questions above please provide full details;

Please complete and sign the declaration below:
I declare that all the information I have provided in this disclosure is full and correct at the time of application and that I have not omitted anything that could be relevant to the appointment of someone who will work with children. I understand that the recruitment panel may be made aware of any relevant information that I have disclosed in order to discuss the matter(s) with me as part of the recruitment process and that, if my application is successful, a risk assessment of the disclosed information will be held securely on my personnel file.

DECLARATION

I declare that the information provided on this form is correct. I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role with Alban Academies Trust however failure to disclose may result in an offer of employment being withdrawn.

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Signed:	**Date**:

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