

SAFER RECRUITMENT POLICY

Adopted and ratified: November 2022

Updates made: April 2023

Next Review: November 2023

Document summary

This policy sets out the process to enable this academy to ensure the safe recruitment of staff in schools as the first step to safeguarding and promoting the welfare of children.

Enquiries

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About this document:

Enquiries: HR Team	<ul style="list-style-type: none">• DfE – Statutory Guidance Documents• Keeping Children Safe In Education September 2022• Disqualification under the Childcare Act 2006 and 2018 Regulations• School Staffing Regulations 2009• Working Together to Safeguard Children 2018
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SAFER RECRUITMENT POLICY FOR SCHOOLS

For Bexhill Academy

This policy was adopted on 1 November 2022
This policy is due for review on 1 November 2023

Key points

- The recruitment process should be fair, open and transparent.
- The safe recruitment of staff at Bexhill Academy is the first step to the safeguarding and promoting the welfare of children in our care.

1. Introduction

- 1.1 The term “recruiting manager” includes those members of the Academy Trust Board, who have been nominated for recruitment and selection panels, and the Co Principals, to whom authority to recruit all employees, except senior teaching staff, should be delegated by the Trust Board.
- 1.2 This policy should be used for any appointment requiring a selection procedure. For exemptions from the selection procedure, see Section 6 below.

2. Principles

Bexhill Academy is committed to promoting and safeguarding the welfare of children and young people and expects all staff and volunteers to share this commitment. The academy recognises that the effectiveness and safety of its recruitment policy and procedures make a major contribution to child protection by helping to deter, reject or identify people who might be unsuitable for working with children. The academy has a robust recruitment and selection process overseen by the Co Principals.

- 2.1 All posts within the academy are exempt for the Rehabilitation of Offenders Act 1974 and therefore all applicants will be required to declare spent and unspent convictions, cautions and bind-overs, including those regarded as spent and complete an Enhanced Criminal Records Disclosure via the Disclosure and Barring Service (DBS).
- 2.2 The academy will ensure that appropriate staff who undertake recruitment have received accredited safer recruitment training.
- 2.3 The academy will ensure that every appointment panel includes one member who has received accredited safer recruitment training.
- 2.4 Bexhill Academy uses <https://learning.nspcc.org.uk/training/schools/safer-recruitment-in-education-training/> for the purpose of safer recruitment training for staff.
- 2.5 The academy will implement robust recruitment procedures and checks for appointing staff and volunteers to ensure that reasonable steps are taken not to appoint a person who is unsuitable to work with children, or who is disqualified from working with children, or does not have the suitable skills and experience for the intended role.

- 2.6 The academy will keep and maintain a single central record of recruitment and vetting checks in line with DfE (Statutory guidance Keeping Children Safe in Education 2022) requirements.
- 2.7 The academy will ensure the terms of any contract with a contractor or agency requires them to adopt and implement measures described in this policy. The academy will monitor compliance with these measures.
- 2.8 Staff who are convicted or cautioned for any offence during their employment are required to notify the academy in writing, including both the offence and the penalty.
- 2.9 In line with KCSiE 2022, the academy will investigate and record low level concerns that do not meet the harm threshold

3. Roles and responsibilities

- 3.1 It is the responsibility of the Trust board to:
- Ensure the academy has effective policies and procedures in place for the recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements.
 - Monitor the academy's compliance with them.
- 3.2 It is the responsibility of the Principal and other managers involved in the recruitment and selection process to:
- Ensure that the academy operates safer recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the academy
 - Monitor contractors' and agencies' compliance with this document.
 - Promote safeguarding of children and young people at every stage of the recruitment and selection process.
- 3.3 It is the responsibility of all potential and existing workers, including volunteers, to comply with the terms of this policy.
- 3.4 It is the responsibility of all contractors and agencies to comply with safer recruitment pre-employment checks.
- 3.5 The academy uses Care Check to administer the disclosure system using the Disclosure and Barring Service (DBS) for maintained schools.
- 3.6 The Trust board has delegated responsibility to the Co Principals to lead in all appointments outside of the leadership group.
- 3.7 Trust Board members may be involved in staff appointments, but the final decision will rest with the Principal. The Principal may delegate the selection process of staff outside of the leadership group to other managers in the academy, but it is the Principals who remains responsible for the final decision to appoint.
- 3.8 For Co Principals and Deputy Principal posts, the responsibility for recruitment and selection is delegated to an appointment panel of nominated Trust Board members. They are required to shortlist and interview candidates and make a recommendation to the

Trust Board who make the final appointment decision. Under the provisions of the Education Act 2002, the Director of Children's Services (or nominated representative) has an entitlement to offer advice in Head Teachers appointments, and the panel have a duty to take this advice into consideration. He /she is therefore entitled to attend all selection proceedings.

- 3.9 It is the responsibility of all staff to read and understand Part 1 of Keeping Children Safe in Education 2022, and to sign to this effect:
<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>
- 3.10 This record is then retained for inspection purposes and as part of the Safeguarding Checklist for Governors.
- 3.11 The Academy has a legal duty under section 26 of the Counter-Terrorism and Security Act 2015 to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent Duty. Schools are required to assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. More guidance for schools from the DfE on this can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439598/prevent-duty-departmental-advice-v6.pdf

4. The recruitment and selection process

- The School Staffing (England) Regulations 2009:
<http://www.legislation.gov.uk/ukxi/2009/2680/made>
- Staffing and Employment Advice for Schools – 2018
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/710888/Staffing_and_employment_advice_for_schools-18.pdf

5. Advertising

- 5.1 To ensure equality of opportunity, the academy will advertise all vacant posts to encourage as wide a field of candidates as possible. Normally this will entail an external advertisement. However, where there is a reasonable expectation that there are sufficient qualified internal candidates or where staff are at risk of redundancy, an internal advertisement may be considered appropriate.
- 5.2 All advertisements will contain the academy's safeguarding statement.

6. Application forms

- 6.1 The academy uses a standard application form for teaching and/or support staff vacancies. CV's will only be accepted in addition to a completed application form. The academy requires candidates to account for any gaps or discrepancies in employment history on this application form. Where an applicant is shortlisted, these gaps will be discussed at interview.
- 6.2 Applicants should be aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the application has been *selected*, and where appropriate a referral to the police and other professional bodies.

7. Self-declaration of convictions by job applicants

- 7.1 Applicants for all post (including volunteers) are required to declare all criminal convictions whether “spent” or “unspent” and include any cautions and pending prosecution.
- 7.2 Such declarations will be made on the appropriate section of the application form, which the academy administrator will remove prior to the selection panel shortlisting process. The Principal will discuss relevant, positive declarations confidentially with the applicant at interview.
- 7.3 The disclosure of convictions, cautions or pending cases will not necessarily prevent employment but will be considered in the same way as positive DBS disclosures.

8. Interviews

- 8.1 The selection process will always include a face to face interview with at least one selection panel. In addition there will include questions relating to safeguarding children provided by the Co Principals/DSL (in line with Safer Recruitment Training).
- 8.2 For most vacancies, it will be appropriate for the selection process to include a panel of young people or an appropriate activity with pupils.

9. Proof of Identity and Right to Work in the UK, and Verification of Qualifications and/or Professional Status

- 9.1 Shortlisted applicants for all posts will be required to provide proof of identity by producing documents on the day of interview in line with those set out in The Immigration, Asylum and National Act 2006. Similar information is also required to undertake a DBS check on the preferred candidate.
- 9.2 Shortlisted candidates will also be required to provide original proof of their qualifications and professional status by producing documentation on the day of the interview. The academy will verify that candidates have actually obtained any qualifications legally required or deemed essential for the job and claimed in their application by asking to see the relevant certificate. If the original documents are not available, the academy will require sight of a properly certified copy. Where candidates have obtained qualifications abroad, a certified comparability check by UK NARIC will also be required. UK NARIC is the UK’s National Agency responsible for providing information and opinion on academic, vocational and professional qualifications from across the world:
<https://www.naric.org.uk/naric/individuals/compare%20qualifications/default.aspx>
- 9.3 Proof of identity and other documentation will be verified by the chair of the Co Principals and Human Resources Team on the day of the interview.

10. Commencement of employment prior to DBS check being received

- 10.1 In exceptional circumstances it is permitted to commence employment prior to receiving a DBS check. However a Barred List check and risk assessment must be carried out by the Co Principals. The risk assessment should include that the employee must not be unsupervised or left alone with pupils until a DBS check has been received and the decision is taken that the DBS check meets the requirements of the post.

11. Employment offer

- 11.1 When the offer of employment is made (verbally and in writing) this should only be made subject to the successful completion of all pre-employment checks.
- 11.2 It may be possible to agree a provisional start date with the preferred candidate, however, with the exception of DBS disclosures, all pre-employment checks (see below) must be completed before a person's appointment is confirmed. In the case of DBS disclosures, the certificate must be obtained before or as soon as practicable after appointment.
- 11.3 Once all pre-employment checks have been satisfactorily completed, an offer of employment will be made and the contract of employment issued in accordance with employment legislation.

12. References

- 12.1 It is the policy of the academy to take up references on all shortlisted candidates immediately after shortlisting. References are part of the pre-employment interview checks and should be requested immediately an interview date has been agreed. Any discrepancies in a reference should be discussed with the referee at interview.
- 12.2 Where an employee has indicated on the application form that they do not wish their current employer to be contacted prior to interview, in such cases, the reference will be taken up immediately after interview and prior to any offer of employment being substantiated.
- 12.3 References must be in writing and on school or business letterhead, and be specific to the job for which the candidate has applied – open references or testimonials are not acceptable. The academy will not accept references from relatives or people writing solely in the capacity of a friend. Wherever possible, only references from a trusted authoritative source will be acceptable. Reference requests may specifically ask:
 - About the referee's relationship with the candidate.
 - Whether the referee is completely satisfied that the candidate is suitable to work with children and, if not, for specific details of the concern and the reasons why the referee believes that the person might be unsuitable.
- 12.4 Referees will also be asked to confirm:
 - The applicant's current post and salary
 - Performance history and conduct including details on any situation where any formal action has been taken using capability procedures within the last 2 years.
 - Any disciplinary procedures in which the sanction is current.
 - Any disciplinary procedures involving issues relating to the safety and welfare of children, including any in which the sanction has expired and the outcome of those.
- 12.5 KCSIE 2022 provides further statutory guidance employment history and references

13. Pre-employment checks

- 13.1 The following pre-employment checks will be undertaken:

- Receipt of at least two satisfactory references, one of which will be from the current, former or most recent employer, as described above.
- Verification of the candidate's identity in line with the requirements of The Immigration, Asylum and Nationality Act 2000.
- Verification of right to work in the UK (see the GOV.UK website for more information)
- A satisfactory enhanced DBS clearance with a barred list information check where the person will be engaging in regulated activity.
- A health assessment carried out by Medigold.
- Verification of (professional) qualifications as appropriate.
- Verifications of qualified teacher status, successful completion of induction year and confirmation that the teacher is not subject to any prohibition orders (all accessed from the school via the TRA's Employer Access Services online check) as required by law for teachers – see : <https://www.gov.uk/guidance/teacher-status-checks-information-for-employers>
- A check for a Section 128 direction (for management positions in independent schools including academies and free schools) and governors in maintained schools. Checks can be carried out by logging onto the TRA's Employer Access Service

14. Record retention and data protection

- 14.1 The academy will retain all interview notes on all applicants for a 6 month period, after which time notes for unsuccessful candidates will be confidentially destroyed (shredded). The 6 month retention period will allow the academy to deal with any data access requests, recruitment complaints or to respond to any complaints made to the Employment Tribunal. For successful candidates, interview notes will normally be held as part of their personnel file, as described on the academy's retention schedule.
- 14.2 Under data protection law, applicants have a right to request access to notes written about them during a recruitment process. Applicants who wish to access their interview notes must make a written subject access request in writing to the academy at any point while the record is still held by the academy.
- 14.3 In gathering information to make recruitment decisions schools must ensure that they act proportionately and minimise wherever possible the intrusion into the private lives of their staff. Accordingly schools must ensure that they handle information fairly and lawfully and take care not to breach:
- The Data Protection Act
 - The General Data Protection Regulations
 - The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) ("the Exceptions Order")
 - The Human Rights Act 1988.

15. Personnel file records

- 15.1 The academy will normally retain the following information which will make up part of the personnel file, for the successful candidate, in line with the academy's HR retention schedule:
- Application form
 - References
 - Disclosure of convictions form

- Proof of identification
- Eligibility to work in the UK, (see the GOV.UK website for more information)
- Evidence of qualifications
- Evidence that the Employer Access online checks have been made – teaching qualification, successful completion of induction year and no prohibition orders in place (and section 128 checks for academies).
- Proof of professional qualifications (e.g. QTS, NPQH etc.).
- Evidence of health assessment from the provider of occupational health services to the school
- Evidence of the DBS clearance - the actual DBS form or certificate should not be retained.
- Certificate of Good Conduct (where applicable to DBS checks).
- Copy of any risk assessment for any positive disclosure made
- Copy of self-declaration form – Disqualification under the Childcare Act (for relevant positions).
- Section 128 checks for Governors

16. Single Central Record of Barring and Recruitment Pre-employment checks

- 16.1 In line with DfE requirements, the academy will keep and maintain a single central record of recruitment and pre-employment checks. The central list will record all staff who are employed at the academy including casual staff, supply agency staff whether employed directly or through an agency, volunteers, Trust Board members, and those who provide additional teaching or instruction for pupils but who are not staff members, e.g. peripatetic music teachers, sports coach or artist etc.
- 16.2 The single central record will indicated whether or not the following have been completed:
- Identity checks
 - Qualification checks for any qualification legally required for the job (e.g. QTS)
 - Prohibition from teaching checks
 - Barred list checks
 - DBS enhanced disclosure
 - Further overseas checks where appropriate
 - Disqualification under the childcare act
 - Section 128 checks for governors
- 16.3 The single central record will also indicate who undertook the check and the date on which the check was completed or the relevant certificate obtained
- 16.4 In order to record supply provided through an agency on the record, the academy will require written confirmation from the supply agency that it has satisfactorily completed the checks described above. The academy does not need to carry out checks itself except where there is information contained within the disclosure. However, identity checks must be carried out by the academy to check the person arriving is the person the agency intends to refer to them.

17. Whistleblowing

- 17.1 All staff in the academy are subject to the Bexhill Academy Whistleblowing Policy.

18. Safeguarding culture and vigilance

- 18.1 The academy adopts a culture of vigilance where all concerns are listened to and taken seriously.
- 18.2 In line with KCSiE2022, as part of the academy's whole school approach to safeguarding, we will promote and open and transparent culture in which all concerns about all adults working on or on behalf of the academy are dealt with promptly and appropriately.

19. Allegations

- 19.1 The academy will follow DfE and East Sussex Children Partnership allegations procedures and refer any allegation for initial consultation to the Local Authority Designated Officer (LADO) and, where required, SPOA.

20. Section 128 checks for Governors/ Trust Board

- 20.1 Governors in maintained schools are only required to have an Enhanced DBS Check without the barred list check (unless in addition to their governance duties they also engage in regulated activity). It is the responsibility of the Trust Board to apply for a certificate for any of their members who do not already have one.
- 20.2 A section 128 direction will also be disclosed where an enhanced DBS check with barred list information is requested, provided that 'children's workforce independent schools' is specified in the parameters for the barred list check. (Para 240 KCSiE)
- 20.3 A section 128 direction disqualifies a person from holding or continuing to hold office as a governor of a maintained school. (Para 237 KCSiE)
- 20.4 This academy undertakes DBS checks for the Trust Board and has undertaken retrospective section 128 checks for all existing governors. Section 128 checks will be undertaken for all prospective members as part of the application process for joining the Trust Board.
- 20.5 KCSiE 2022 sets out the information on how schools should undertake the section 128 check using the free Teaching Regulation Agency's (TRA) portal.

21. Induction

- 21.1 All new employees will be given an induction programme which will clearly identify key school policies and procedures, including the Safeguarding and Child Protection Policy, the Staff Code of Conduct, and KCSiE 2022, and make clear the expectations which will govern how staff carry out their roles and responsibilities.

22. Designated Safeguarding Lead

- 22.1 In this school the role of the Designated Safeguarding Lead (DSL – Mrs D Holter) and Deputy Safeguarding Lead (DDSL – Mrs T Hillman) is referred to explicitly in the job description of the relevant staff.
- 22.2 This is a statutory requirement as set out in paragraph 89 of Keeping Children Safe in Education (September 2022).

23. Ongoing Employment

- 23.1 Bexhill Academy recognises that safer recruitment and selection is not just about the start of employment, but should be part of a larger policy framework for all staff. The academy will therefore provide ongoing training and support for all staff, as identified through the Performance Management Procedure.

Leaving Employment at Bexhill Academy

- 23.2 Despite the best efforts to recruit safely, there will be occasions when allegations of serious misconduct or abuse against children and young people are raised. This policy is primarily concerned with the promotion of safer recruitment and details the pre employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks the academy also has a legal duty to make a referral to the DBS in circumstances where an individual:
- 23.3 has applied for a position at the academy despite being barred from working with children; or
- has been removed by the academy from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.
- 23.4 If the individual referred to the DBS is a teacher, the academy may also decide to make a referral to the Teaching Regulation Agency.

24. Volunteers

- 24.1 The academy will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the academy (the definition of regulated activity set out above will be applied to all volunteers). The Co Principals must approve all volunteers prior to any volunteer working at the academy.
- 24.2 Under no circumstances will the academy permit an unchecked volunteer to have unsupervised contact with pupils.
- 24.3 It is the academy's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the academy for three consecutive months or more. Those volunteers who are likely to be involved in activities with the academy on a regular basis may be required to sign up to the DBS update service as this permits the academy to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.
- 24.4 In addition the academy will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to the following):
- formal or informal information provided by staff, parents and other volunteers;
 - character references from the volunteer's place of work or any other relevant source;
 - and

- a safer recruitment interview.

25. Visiting Speakers

The Academy frequently makes use of external speakers covering both academic and wider curriculum topics. These specialists are sourced from appropriate organisations have been observed at national conferences or have been invited following recommendations from staff contacts at other schools or organisations. The Principal must approve all visiting speakers prior to their attendance at the academy and, in addition to the knowledge of the staff who have sourced them, may research the visiting speaker on the internet to gain further comfort to their suitability in due regard to its PREVENT duty. All staff are regularly reminded of the protocols associated with the signing in and supervision of visiting speakers.

26. Monitoring and Evaluation

- 26.1 The Manager of Human Resources along with the Co principals will be responsible for ensuring that this policy is monitored and evaluated throughout the academy. This will be undertaken through formal audits of job vacancies and a yearly Safer Recruitment Evaluation audit which will be presented to the Co Principals to report to the Trust Board.