Policy Title: Procedures for Safer Recruitment

This policy also applies to Early Years Foundation Stage (EYFS)

Date of Issue: October 2016
Date of Review: October 2018

References:

- Children Act, 2004
- Independent schools Inspectorate Regulations, February 2016
- Keeping children safe in education, September 2016
- Working together to safeguard children, March 2015

Child Protection and Safeguarding Policy

Author: Human Resources Administrator

This policy is made available to parents of all pupils, on the School website and on request from the School Office. It is available to the Staff at the School from the School website, in the Staff Handbook and on request from the School Office.

Content of this policy is directly discussed with new staff upon induction into the School.

www.colstons.org
Introduction

The safe recruitment of staff in schools is the first step to safeguarding and promoting the welfare of children in education. Colston’s School is committed to safeguarding and promoting the welfare of all pupils in its care. As an employer, the School expects all staff and volunteers to share this commitment.

Aims and objectives

The aims of the Safer Recruitment policy are to help deter, reject or identify people who might abuse pupils or are otherwise unsuited to working with them by having appropriate procedures for appointing staff.

The School has a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the job. The recruitment and selection process should ensure the identification of the person best suited to the job at the School based on the applicant’s abilities, qualification, experience and merit as measured against the job description and person specification.

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation.

If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant they must declare as soon as they are aware of the individual’s application and avoid any involvement in the recruitment and selection decision-making process.

These policy objectives are to operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job vacancies at Colston’s School.

Roles and responsibilities

It is the responsibility of the governing body to:

- Ensure the School has effective policies and procedures in place for recruitment of all staff (including supply agency staff) and volunteers in accordance with DCSF guidance and legal requirements.
- Ensure that staff recruitments is done in line with the ISI Regulatory Requirements
- Monitor the School’s compliance with them.

It is the responsibility of the Headmaster, Head of the Lower School, HR Advisor and other Managers involved in recruitment to:

- Ensure that the School operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the School.
- To monitor contractors’ and agencies’ compliance with this document.
- Promote welfare of children and young people at every stage of the procedure.

In accordance with the School Staffing Regulations, the governing body has delegated responsibility to the Headmaster, Head of the Lower School and Facilities Manager (support staff) to lead in all
appointments. School Governors may be involved in staff appointments but the final decision will rest with the Headmaster / Head of the Lower School/ Facilities Manager.

**Recruitment and selection procedure**

**Advertising**
To ensure equality of opportunity, the School will advertise all vacant posts to encourage as wide a field of applicants as possible, normally (but not always) this entails an external advertisement.

Any advertisement will make clear the School’s commitment to safeguarding and promoting the welfare of children.

All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act (DPA).

**Application Forms**
Colston’s School uses its own application form and all applicants for employment will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role (in addition all applicants are required to account for any gaps or discrepancies in employment history).

The application form will include the applicant’s declaration regarding convictions, disqualification by association and working with children, and will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974. CV’s, on their own, will not be accepted.

All applicants will be made aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and possible referral to the police and other professional regulatory bodies (e.g.: General Teaching Council for England).

**Job Descriptions and Person Specifications**
A job description is a key document in the recruitment process, and must be finalised prior to taking any other steps in the recruitment process. It will clearly and accurately set out the duties and responsibilities of the job role.

The person specification is of equal importance and informs the selection decision. It details the skills, experience, abilities and expertise that are required to do the job. The person specification will include a specific reference to suitability to work with children.

**References**
References for short listed applicants for teaching positions (and support positions were possible) will be sent for immediately after short-listing. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted. In such cases and in the case of most support staff positions, this reference will be taken up immediately after interview and prior to any formal offer of employment being made. Two professional/character references must be provided. These will always be sought and obtained directly from the referee and their purpose is to provide objective and factual information to support appointment decisions. Any discrepancies or anomalies will be followed up.
References are checked on receipt to check that all specific questions have been answered satisfactorily, with appropriate follow-up where required. The School does not accept open references, testimonials or references from relatives.

**Interviews**

There will be a face-to-face interview wherever possible, and the same panel will see all the applicants for the vacant position. The interview process will explore the applicant’s ability to carry out the job description and meet the person specification. It will enable the panel to explore any anomalies or gaps have been identified in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with the Safer Recruitment Training).

Any information in regard to past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process. At least one member of any interviewing panel will have undertaken safer recruitment training.

All applicants who are invited to an interview will be required to bring evidence of their identity (including photographic ID), address, right to work in the UK and qualifications. Original documents will only be accepted and photocopies will be taken by administration staff who will sign and date the photocopy to indicate they have seen the original. This will be handed to the HR Advisor. Unsuccessful applicant documents will be destroyed 6 months after the interview has taken place.

**Offer of employment and new employee process**

The appointment of all new employees is subject to the receipt of a satisfactory DBS Certificate, references, medical checks, copies of qualifications and proof of identity. A personal file checklist will be used to track and audit paperwork obtained in accordance with the Safer Recruitment Training. The checklist (Appendix 1) will be retained on personal files. The HR Advisor will contact the appointing Manager to confirm that all paperwork has been received and a start date can be agreed.

**The Rehabilitation of Offenders Act 1974**

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to pupils. Therefore, any convictions and cautions that would normally be considered ‘SPENT’ must be declared when applying for any position at Colston’s School.

**Dealing with convictions**

The school operates a formal procedure if a DBS Certificate is returned with details of convictions. Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- the nature, seriousness and relevance of the offence;
- how long ago the offence occurred;
- one-off or history of offences;
- changes in circumstances,
- decriminalisation and remorse.

A formal assessment will take place to establish the facts by the HR Advisor and Headmaster. A decision will be made following this process.

**Barred list/List 99 check and Enhanced disclosure**

All staff at Colston’s School require an enhanced DBS Certificate and therefore a DBS Certificate must be obtained before the commencement of employment of any new employee. If a disclosure is
delayed, a short period of work is allowed under controlled conditions (ISI regs para 221.) at the Headmaster’s discretion (See Appendix 4).

Any employee that takes leave for more than three months (excluding maternity leave or extended sick) must be re-checked before they return back to work.

Members of staff at Colston’s School are aware of their obligation to inform the Headmaster/ Head of the Lower School, Facilities Manager of any cautions or convictions that arise between these checks taking place.

**Portability of DBS Certificates Checks**
The DBS code of Practice, the Independent Schools Inspectorate and OFSTED does not facilitate portability of DBS Certificate checks unless the applicant has registered to the DBS Update Service. For clarity, portability refers to the re-use of a DBS Certificate obtained for a position in one organisation and later used for another position in another organisation. Colston’s School is committed to adhering to these Codes of Practice and does not accept DBS Certificates carried out by another organisation unless they are registered with the DBS Update Service.

**Identity**
Identity checks are made against an official document such as a passport, a driving licence, or a birth certificate. Photographic identity should be included, together with evidence of address (for example, a utility bill, bank statement or similar). All applicants invited to attend an interview at the School will be required to bring their original identification documentation.

**Medical fitness**
Anyone appointed to a post involving regular contact with children must possess the appropriate level of physical and mental fitness before any appointment offer is confirmed. Within the Registration of Independent Schools, December 2013, it explains the School’s responsibilities as follows: “Schools must satisfy themselves of the medical fitness of staff to carry out the duties of the post applied for”. All applicants are requested to complete a medical questionnaire and where appropriate a doctor’s medical report may be required, with the consent of the applicant.

**Previous employment history/CV/References**
These checks are no longer specified in the regulations, but are required as part of having regard to KCSIE. The legal difference is that the duty to “have regard” permits some flexibility where there is a good reason. The flexibility provided by the duty to “have regard” should be used rarely and only for the benefit of the pupils, not the institution.

Prior to appointment or interview, checks of previous employment history are done to ascertain satisfactory reasons for any gaps in employment. The information provided by the candidate should be checked against references received, Colston’s raises any discrepancies with the candidate.

Colston’s ensures that a minimum of two references are taken up, ideally before interview, including a request for any reason why the applicant should not be employed for work with children. When a reference is taken over the telephone, detailed notes are taken, dated and signed. References are checked on receipt to check that all specific questions have been answered satisfactorily, with appropriate follow-up where required. When references are not received in good time before appointment, the HR Adviser chases these by telephone and alternative referees are approached, if needed.
Qualifications, where appropriate
In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification (original certificate(s)) legally required for the position and claimed in their application form. This is done prior to appointment.

Overseas checks, where appropriate (including EEA)
All new employees where persons have lived outside the UK are subject to additional checks in accordance with Immigration, Asylum and Nationality Act 2006. The School, in accordance with the UK Border Agency Code of Practice, will sponsor all new foreign members of staff. Where a member of staff has worked in a school in the UK since moving from overseas, the standard checks can be made for subsequent appointments.

Right to work in the UK
Necessary checks are made on future employees to ensure they have the Right to Work in the UK, the School takes its guidance from the Home Office booklet entitled Prevention of Illegal Working.

Prohibition from teaching orders
All new teachers to the school undergo a prohibition order check. This is done as part of the pre-employment checking process. A prohibition order check ensures the teacher is not prohibited from teaching. The checks are done through the National College for Teaching and Leadership (NCTL) which maintains the database of all teachers eligible to teach in the maintained sector in England. A check of any candidate(s) currently carrying out ‘teaching work’ within the EEA is also carried out using the NCTL Teachers Services System to identify any restriction or sanction imposed by another EEA professional regulating authority for teachers.

Prohibition from management of independent schools directions (also known as “section 128 directions”)
As of the 12th August 2015, Colston’s School checks whether staff appointed to management positions after that date are subject to a s.128 direction. For staff in regulated activity, this check is done via the DBS. In addition a s128 direction would show on a DBS barred list check.

Disqualification by association – early years and relevant later years provision
Employees recruited to carry out regulated activity or manage within the EYFS setting and later years activities (Breakfast club, Afterschool club) are requested to declare if they transgress the disqualification by association legislation. (Further details can be found in the Appendix 2).

Induction Programme
All new employees will be given an induction programme which will clearly identify the School policies and procedures, including the Child Protection Procedures, and make clear the expectation and codes of conduct which will govern how staff carry out their roles and responsibilities. Further details regarding the Safeguarding aspect of induction can be found in the Child Protection Policy and Procedures.

Centralised Register of Members of Staff
In addition to the various staff records kept in School and on individual personnel files, a single centralised record of recruitment and vetting checks is kept in accordance with the DfE requirements and the ISI regulatory Requirements. This is kept up-to-date and retained by the HR Advisor. The Centralised Register will contain details of the following:-
- All employees who are employed to work at the School;
- all employees who are employed as supply staff to the School whether employed directly or through an agency;
- all others who have been chosen by the School to work in regular contact with children. This will cover volunteers, peripatetic staff and people brought into the School to provide additional teaching or instruction for pupils but who are not staff members e.g.: sports coaches etc.
- all Governors

**Record Retention / Data Protection**

Colston’s School will retain all interview notes on all applicants for a period of 6 months, after which time the notes will be destroyed (ie: shredded). The 6 month retention period is in accordance with the Data Protection Act 1998 and will also allow the School to deal with any data access requests, recruitment complaints or to respond to any complaints made to an Employment Tribunal.

All information retained on employees is kept centrally in the HR Office in a locked and secure cabinet.

**Ongoing Employment**

Colston’s School 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 School will therefore provide on-going training and support for all staff, as identified through the Annual Review/ Appraisal procedure.

**Leaving Employment at Colston’s School**

Despite the best efforts to recruit safely there will be occasions when allegations of abuse against children and young people are raised. In cases relating to the behaviour of an employee (these behaviours are within the context of four categories of abuse (i.e. physical, sexual and emotional and neglect) the School’s Disciplinary Policy will apply.

In cases of dismissal (or resignation) due to the above behaviour, Colston’s School will inform the DfE, the DBS, the local Children’s Safeguarding Board and the National College of Teaching and leadership (NCTL) of the circumstances why the employee is leaving Colston’s School’s employment.

**Monitoring and Evaluation**

The DSL and HR Advisor will be responsible for ensuring that this policy is monitored and evaluated throughout the School. This will be undertaken in conjunction with the annual safeguarding audit.
### CHECKLIST FOR STAFF APPOINTMENTS

**NAME:** ………………………………………………...  
**POST:** …………………………………………………………

**START DATE:** …………………………………………

**TYPE OF EMPLOYMENT** (f/t; perm; ftc; etc):…………………………  
**NAME OF SAFER RECRUITMENT TRAINED INTERVIEWER:**……………………………………….

<table>
<thead>
<tr>
<th>Category</th>
<th>Notes</th>
<th>Documents</th>
<th>Date</th>
<th>Checker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identity check</td>
<td>e.g. Date of birth/Passport/Address</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Qualifications required</td>
<td>Date seen (copies in file if possible)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right to Work</td>
<td>e.g. - If passport used as ID</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enhanced DBS</td>
<td>Application sent to Atlantic Data</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>ID documents listed</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>DBS</td>
<td>Date of Clearance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DBS</td>
<td>Number</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prohibition from teaching check completed</td>
<td>Required for those carrying out teaching work</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prohibition by management</td>
<td>(only if Headteacher/ member of SLT (including non-ac) or Head of Dept</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Copy of DBS received</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disqualification by Association</td>
<td>(only if working lower school)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>References</td>
<td>Ref 1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Ref 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application documents</td>
<td>Application form</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health Questionnaire</td>
<td>Form sent to Matron / cc in file</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee details</td>
<td>Form sent to Finance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central Register</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SIMS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contract produced</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix 2

‘By Association’ Legislation
Statutory guidance from the DfE on the application of the Childcare (Disqualification) Regulations 2009 issued in June 2016 supplements Keeping Children Safe in Education. It concerns how staff can be disqualified by association with others and explains the effect of the Childcare (Disqualification) Regulations 2009.

The advice applies to staff in schools who work in early years’ provision and to those who work in later years provision for children who have not attained the age of 8. It also applies to employees who are directly concerned in the management of such provision even though they may not work in the early years or relevant later years provision themselves.

Early years’ provision includes education and any supervised activity for a child from birth until the 1 September following their fifth birthday. It applies to all provision for children in that age range during and outside school hours, including in school nursery and reception classes. Later years’ (pupils under the age of 8) provision covers childcare that is provided outside of school hours including breakfast clubs and after school care.

The supplementary advice reminds schools that they may not allow people to work in these settings or to be directly concerned in their management, if they or others in their households are “disqualified”.

The grounds for disqualification are not only that a person is barred from working with children (included on the children’s barred list) but also include, in summary, that:

- They have been cautioned for, convicted of or charged with certain violent and sexual criminal offences against children and adults, at home or abroad
- Other orders have been made against them relating to their care of children
- They have had their registration cancelled in relation to childcare or children’s homes or have been disqualified from private fostering
- They are living in the same household where another person who is disqualified lives.

Disqualification occurs as soon as the above criteria are met, for example, as soon as a caution or conviction occurs, even before the person is formally included on the children’s barred list.

However, there are two points to bear in mind:

- The person is not guilty of an offence if they do not know a person they are living with is disqualified for example if your staff member lives in shared housing. If the member of staff lives in shared housing and does not have any knowledge about the people they live with, including whether those people are disqualified, neither your member of staff nor the school has any legal requirement to seek this type of information.
- The law is clear that this issue centres on ‘knowingly employing’ an individual who is disqualified. Schools who regularly ask staff to confirm there are no changes in their circumstances and act on information received with regards to a staff member’s suitability can be seen to be taking reasonable and appropriate steps to ensure they do not knowingly employ someone who is disqualified.

The action we are required to make:-

To identify people who fall outside of the by the “by association” rule, requires that we ask existing employees working in the early and later years provision and those who are directly concerned in the management of such provision to provide the relevant information about themselves or a person who lives or works in the same household as them.

Colston’s gathers this information by way of self-declaration.

In addition this is a part of the pre-employment checks we undertake on appointing new staff.

It is worth noting that:
- Staff such as caretakers, cleaners, drivers, transport escorts, catering and office staff, who are not employed to directly provide childcare, are not covered by the legislation. Similarly most staff who are only occasionally deployed and are not regularly required to work in relevant childcare will not automatically come within the scope of the legislation. It is the Head of the Lower School’s responsibility to exercise his judgement about when and whether such staff are within scope, evaluating and recording any risks and control measures put in place, and taking advice from the school HR provider and/or Local Authority Designated Officer (LADO). A record of the assessment should be retained on the employee’s personnel file.

A school must not continue to employ an individual who is disqualified, including ‘by association’, in connection with early or later years childcare provision, nor should a disqualified individual provide or be directly concerned in the management of such provision unless they have received a waiver from Ofsted which covers the role that they wish to undertake. This does not imply that individuals are prevented from working in a school in any other setting.
Appendix 4

COLSTON’S SCHOOL

RISK ASSESSMENT: Employment of staff prior to a DBS Disclosure being obtained by
Colston’s School

Due to time constraints and logistical needs, it is proposed that [name] be employed prior to a DBS Disclosure being obtained by Colston’s School. If this risk assessment is completed in full, it is proposed that [name] will be contracted to work as a [job title] on a [insert detail of contract i.e. casual, fixed term, contracting]. It should be noted that Risk Assessments are for a short term temporary period until DBS clearance is gained and will be reviewed on a 2 weekly basis. This risk assessment records the following factors considered by the School in making this appointment:

1. ‘Barred List’ (previously known as ‘List 99’)  
2. Sight of previous Enhanced CRB/DBS Disclosure – if available  
3. Gaps in Service checked  
4. Written References gained x 2  
5. Consideration of role  
6. Consideration of supervision to be applied by the School

<table>
<thead>
<tr>
<th>Name of Check</th>
<th>Date Obtained</th>
<th>Outcome</th>
<th>Carried out by</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Barred List Check</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Previous Enhanced CRB/DBS Disclosure copied and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>held on file for duration of employment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Gaps in Service checked</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 References obtained x 2 (Attach brief details)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 Consideration of role</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Consideration of supervision to be applied by the School.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Staff will not have unsupervised access to children prior to a DBS disclosure being obtained.

Risk Assessment Completed by .............................................................. Dated ...........................................

Risk Assessment Authorised by .............................................................. Dated ...........................................

Headmaster

Member of staff on Risk Assessment ............................................................ Dated ...........................................

I acknowledge that I am working under supervision and under the terms of this Risk Assessment

Procedures for Safer Recruitment_2016-2018_v1.1