

The Blue Tangerine Federation

SPECIAL EDUCATIONAL NEEDS SCHOOLS

**POLICIES, GUIDANCE AND PROCEDURES**



# Safer Recruitment and Promotion Policy

**Date of implementation:** September 2015

**Review Period:** 2 years

**Staff Responsibility:** Head of Operations

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**Next Review:** November 2024

**Changes since last version:** Whole revised policy to reflect change of HR provider

| Section | Details of change |
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## 1. Introduction

- 1.1 The safe recruitment of staff is the first step to safeguarding and promoting the welfare of children and young people in education. The Blue Tangerine Federation is committed to safeguarding and promoting the welfare of the pupils in its care and expects all staff and volunteers to share this commitment.
- 1.2 Within The Blue Tangerine family, diversity is an integral part of our history, culture, and identity. Inclusion is the way we treat and perceive all differences. We want to create an inclusive culture where all forms of diversity are seen as real value for our schools. We do not discriminate against people regardless of gender identity or expression, sexual orientation, religion, ethnicity, age, neurodiversity, disability status, citizenship, or any other aspect which makes them unique.
- 1.3 The overriding principle on which recruitment decisions are based on is that jobs should be filled by those best able to do them. Therefore, we will take every reasonable step to ensure that our staff and potential staff, are all treated fairly and that all employment decisions including those on recruitment, selection, promotion, training and career development are based on job related, objective criteria.
- 1.4 We aim to be an equal opportunities employer and we are determined to ensure that no applicant or employee receives less favourable treatment on the grounds of gender, age, disability, religion, belief, sexual orientation, marital status, or race, or is disadvantaged by conditions or requirements which cannot be shown to be justifiable.
- 1.5 All appointments and promotions are made on the basis of performance and ability. We are committed to the continued development of the skills of our employees and you will be treated in a fair and unbiased way and given every encouragement to realise your potential.
- 1.6 All employees will be made aware of the provisions of this policy and all employees are required to ensure that the policy is carried out properly as in addition to being committed to equal opportunities internally within the workplace, the federation is committed all students, visitors and candidates being treated equally. The recruitment procedure and job selection criteria are reviewed regularly to ensure that individuals are treated on the basis of their relevant merits and abilities.

## 2. Purpose and Scope

- 2.1 The purpose of this document is to describe the recruitment and selection process and to provide a set of operating guidelines for hiring employee's in schools within the federation. This policy sets out the **minimum** requirements of the 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.
- 2.2 The measures described in this policy should be applied in relation to everyone who works, or applies to work, in the federation when there are pupils under 18 years of age and who is likely to be perceived by the pupils as a safe and trustworthy adult. This will not only apply to people who regularly come into contact with pupils, or who will be responsible for pupils, as a result of their work. It will also include people who regularly work in a school when the pupils are present, who may not have direct contact with pupils as a result of their job, but nevertheless will be seen as safe and trustworthy because of their regular presence in the setting. This includes workers not on the payroll, e.g. staff employed by contractors, and unpaid volunteers.
- 2.3 The success of a safer recruitment process is dependent on the federations' recognition and consequent rejection of potentially unsuitable applicants before or at the interview. Any approach that undermines this process (either by failing to focus on behaviour and attitudes or by failing to reject applicants who are

unsuitable) places the federation at risk of jeopardising the safety and welfare of its children and young people.

- 2.4 The Safeguarding Vulnerable Groups Act (2006) (as amended) sets out the activities and work which are categorised as 'Regulated Activity'. 'A person who has been barred by the Disclosure and Barring Service (DBS) must not carry out work which meets the definition of 'Regulated Activity'. The Act makes it a statutory obligation to make appropriate checks before any employee or volunteer works with children or vulnerable adults (see appendix 1).
- 2.5 Regulated activity focuses on work which involves close and unsupervised contact with vulnerable groups, including children. A more detailed definition of regulated activity can be found in Keeping Children Safe in Education.
- 2.6 This policy should be used in conjunction with the statutory guidance; [Keeping Children Safe in Education](#) and [Working Together to Safeguard Children](#).

### **3. Roles and Responsibilities**

#### **3.1 Governing Body**

- to ensure the federation 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 Executive Head/Recruiting Managers**

- to ensure the federation 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.

### **4. Start of the recruitment process and preparation**

- 4.1 The recruitment process is usually initiated by a resignation - but not always. A vacancy can be created by additional sources of funding attached to a specified role, or due to increased workload requiring additional resources.
- 4.2 Where a position becomes vacant through a member of staff leaving, the continuation of that post will be reviewed in terms of the pressures on the schools within the federation and the needs of the cohort before automatically making this post available for recruitment.
- 4.3 This review will take into account the developments within the school development plan, the known and anticipated challenges for the school and financial projections.
- 4.4 One valuable source of information can be the post holder who is resigning, through conducting an exit interview. Governing bodies should establish who would normally be responsible for conducting the exit interview. This could be conducted by the Executive Head, a senior teacher or a school governor. Where the employee does not feel that the person assigned to conduct the exit interview is the appropriate person, then they must raise this in the first instance with the Executive Head or chair of governors.

- 5.5 The person conducting the exit interview will also be responsible for analysing the exit interview information and communicating any patterns/issues or feedback to the executive head and/or governors as appropriate.
- 5.6 Vacancies will be advertised within the federation of schools and, externally through Teach in Herts. Some vacant positions are required to be advertised nationally and we expect to do this for such posts, through TES.

### **5.7 Acting up**

- The Executive Headteacher and Head of School have the authority to ask members of staff to act up into vacant roles – pending the role being advertised or, for short/medium periods of time due to staff absence for example.
- In such cases, an acting up allowance will be paid through either a TLR3 (temporary TLR) or payment on the scale of the vacant post at the entry level to that position.
- Acting positions will not turn into permanent positions without them being advertised internally/externally and open competition for that role is provided

## **6 Planning and preparation**

- 6.1 A well planned and structured recruitment process ensures the best chance of recruiting the best person for the role, and ensures that any information that could be important in determining whether or not someone is safe to work with children is not missed.
- 6.2 The Federation will be clear about what mix of qualities, qualifications and experience a successful candidate will need to demonstrate, and whether there are any particular matters that need to be mentioned in the advert for the post.
- 6.3 It is important to note that the recruitment process from advertising a post to a new recruit starting work, can take at least 12 weeks. Every post must have an up to date job description, which clearly defines the responsibilities of the job.

## **7. Forming a selection panel**

- 7.1 The federations governing body will determine the delegation of roles and responsibilities for recruitment. In normal circumstances the governing body should delegate the responsibility for all staff appointments, other than the leadership team, to the executive head and the heads of school.
- 7.2 Governors may support the executive head and the heads of school in the recruitment process. The selection panel should comprise of preferably three individuals, or in exceptional circumstances, two governors (except in the case of an executive head/head of school for whom the model procedure is laid down in recruiting a headteacher).
- 7.3 With effect from 1<sup>st</sup> January 2010, the School Staffing (England) Regulations 2009 require governing bodies of maintained schools to ensure that at least one of the persons who conducts an interview has completed safer recruitment training.
- 7.4 The interview panel for appointments within the federation, **must** have at least one member of that panel safer recruitment trained.

- 7.5 The panel will be agreed in advance of short listing and should be involved at both short listing and interview stages. Panel members should be aware of the need for confidentiality throughout the process.
- 7.6 The schedule for the day should allow adequate time for the panel to assess and score each candidate at every stage. If candidates have been made aware of interview dates via the advert and subsequently find that the date offered is not convenient, the panel is under no obligation to offer an alternative date. However, if attendance becomes impossible due to illness or for another substantial or unavoidable reason the panel may wish to accommodate a request for an alternative date.
- 7.7 The panel should agree a set of questions they will ask all candidates relating to the requirements of the post, and the issues they will explore with each candidate based on the information provided in the candidate's application and references. A candidate's response to a question about an issue will determine whether and how that is followed up. The panel cannot, therefore, agree in advance an exhaustive list of questions for each candidate from which they will not deviate.

## **8. Positive action**

- 8.1 It is lawful under the Equality Act (2010) for an employer to take action when it reasonably thinks that people with a protected characteristic (listed in section 4) are under-represented in the workforce, or suffer a disadvantage connected to that protected characteristic. This is known as 'Positive Action'.
- 8.2 Positive action must not be confused with positive discrimination which is unlawful. An example of positive discrimination would be appointing to a post because the candidate suffered a disadvantage connected to a protected characteristic and not because that person was best for the job.
- 8.3 To address the under-representation of people with a protected characteristic in the federation, we encourage applications from these individuals when advertising by including the following statement:
- 'Within The Blue Tangerine family, diversity is an integral part of our history, culture, and identity. Inclusion is the way we treat and perceive all differences. We want to create an inclusive culture where all forms of diversity are seen as real value for our schools. We do not discriminate against people regardless of gender identity or expression, sexual orientation, religion, ethnicity, age, neurodiversity, disability status, citizenship, or any other aspect which makes them unique.'*
- 8.4 The relationship between positive action and operational need in schools is very close. One form that 'positive action' takes is including the requirement for oral and/or written competency in a specific language.

## **9. Inviting Applicants and Shortlisting**

- 9.1 The aim of the advertising process is to attract the maximum number of applicants who have the necessary skills and experience to be able to perform the role effectively, but to help deter unsuitable people from applying for the job from the outset.
- 9.2 To ensure equality of opportunity it is the federation's policy to advertise all posts externally unless the following circumstances apply such as:
- There are or may be employees with the appropriate skills already employed within the federation and the post offers progression opportunities;
  - There are or may potentially be redundant employees with appropriate skills within the federation;
  - The federation is re-organising, amalgamating or enlarging;

- A post has been occupied in a temporary or fixed term capacity for more than two years and the post is continuing on a permanent basis.

9.3 The School Staffing (England) Regulations 2009, and associated guidance, deal with the advertisement and appointments process of posts in schools.

9.4 Regulations 15 and 27 require the governing body to notify the LA of any vacancy in the post of headteacher or deputy head. The governing body must advertise any such vacancy or post in such manner as it considers appropriate, unless it has good reason not to. Therefore it is a matter for the governing body to decide where and how to advertise.

9.5 The associated guidance recommends that the governing body seeks advice from their LA and diocesan authority (if relevant) before deciding not to advertise. A decision not to advertise should only be taken if the governing body can demonstrate that there is good reason not to.

9.6 Advertisements for posts, whether in newspapers, journals or on-line, will include the statement:

*'As a Federation, we are committed to safeguarding and promoting the welfare of children and young people, and expect all staff and volunteers to share this commitment. A Disclosure and Barring Service check is an essential for this post, as are references which are taken up and robustly checked. Full training is given, as are regular updates to insure our children are kept safe.'*

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

- job description and person specification;
- the federation's child protection policy;
- the federation's recruitment policy (this document);
- the selection procedure for the post;
- an application form.

9.8 All prospective applicants **must** complete, in full, an application form. CVs will not be accepted in isolation.

9.9 Short-listing of candidates will be against the person specification for the post.

9.10 The panel should be supplied with all applications received up to and including the closing date. It will be at the panel's discretion as to whether late applications are accepted. The panel should not receive any equality data relating to applicants.

9.11 All applications will be scrutinised to ensure that they are fully and properly completed; that the information provided is consistent and does not contain any discrepancies, and to identify any gaps in employment. Incomplete applications should not be accepted and should be returned for completion. Applicants will be asked to sign a declaration confirming that the information that they have supplied on their application is true. Where this is an electronic signature, the shortlisted candidates will be asked to physically sign a hard copy of the application form at the point of interview.

9.12 To ensure a fair and equitable procedure, and to ensure that the appointed candidate is suitable to carry out the duties and responsibilities of the post, all candidates should be assessed equally against the criteria contained in the person specification, without exception or variation.

## 10 References

- 10.1 The purpose of seeking references is to obtain objective and factual information to support appointment decisions.
- 10.2 The federation will seek a minimum of two references 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.
- 10.3 Where possible, references will be taken up before the selection stage, so that any discrepancies can be probed during the selection stage.
- 10.4 References will be sought directly from the referee. References or testimonials provided by the candidate will never be accepted.
- 10.5 Where necessary, referees will be contacted by telephone or email in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.
- 10.6 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.
- 10.7 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.
- 10.8 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.
- 10.9 Applicants are not automatically entitled to see their employment references.
- 10.10 Once received, information provided on references will be crosschecked with information provided on the application form to ensure that it is consistent. Any discrepancy in the information will be taken up with the applicant. References should also be checked to ensure that all specific questions have been answered satisfactorily. If all questions have not been answered or the reference is vague or unspecific, the federation will telephone the referee and asked them to provide written answers or amplification as appropriate. Any discrepancy in the information should be taken up with the applicant.
- 10.11 Open references, for example, that begin with 'To whom it may concern' or are provided as part of the application, or that are not completed on the reference pro forma document will be queried with the applicant and potentially rejected. The federation will seek further advice can be sought from the Luton HR Traded Services Team if required.
- 10.12 Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case. A history of repeated concerns or allegations over time is also likely to give cause for concern.

## 11. Other checks before or at interview

11.1 As part of the shortlisting process the federation will carrying out an online search as part of their due diligence on all shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which federation may wish to explore with the applicant at interview. Please refer to **appendix 2** for the form to carry out online searches for shortlisted candidates.

11.2 Shortlisted candidates should be asked to complete a self-declaration. The self-declaration form is an opportunity for a candidate to advise you of their criminal record or of any information that may make them unsuitable to work with children. Candidates should be asked to sign the declaration confirming the information they have provided is true. Where this is an electronic signature, the shortlisted candidates should physically sign a hard copy at the point of interview. The self-declaration form should be reviewed and discussed at interview with the candidate. A copy of the self-declaration form can be found at **appendix 3**. **Please note this information can only be requested for shortlisted candidates. This information should not be used to help to decide who should be shortlisted.**

11.3 At interview schools must check the following:

- **identity check – identity checking guidelines can be found on GOV.UK**
- **check of qualifications / certificates and QTS status via the TRA website**
- **right to work in the UK (Birth Certificate and proof of NI, Passport, or appropriate visa documentation)**

## 12. Interviews

Subject to the availability of training and in accordance with KCSIE, the federation will ensure that one member of any interview panel has undertaken Safer Recruitment training and kept this training up to date.

12.1 At the time of short listing, the panel must decide upon the components of the selection process. This will always include an interview and should usually include, at least, one other job related task or test. All these components must produce information which will enable panel members to make an assessment of candidates against the person specification. It is common and good practice for candidates to be invited to visit schools prior to the selection process or receive a tour on the day.

12.2 Selection techniques will be determined by the nature and duties of the vacant post and may include a variety of methods. The federation 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).

12.3 Telephone interviews may be used at the short-listing stage.

12.4 Candidates will be required to:

- explain satisfactorily any gaps in employment;
- explain satisfactorily any anomalies or discrepancies in the information available to recruiters;
- declare any information that is likely to appear on a DBS check;
- demonstrate their capacity to safeguard and protect the welfare of children and young people;
- demonstrate how they meet the job description and person specification.

12.5 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.

## 12.6 Danger signs

The federation will use the interviews to explore potential areas of concern to determine the applicant's suitability to work with children. Individuals unsuited to working with children may show one or more characteristics that can be viewed as possible 'danger signs'. Areas that may be concerning and lead to further probing include:

- The candidate may imply that adults and children are equal in every sense, ignoring disparities of power and authority;
- There may be an inability to recognise the inherent vulnerability of children from troubled or disadvantaged backgrounds;
- There may be a tendency to view children and young people in idealised or romanticised terms;
- They may appear dogmatic, autocratic, arrogant or over-confident;
- There may appear to be an over-identification with young people, and a lack of appropriate, intimate or supportive relationships with other adults;
- Inadequate understanding of appropriate boundaries between adults and children;
- Indicators of negative safeguarding behaviours.

12.7 Panel members will make individual assessments of each candidate immediately after the interview has taken place, i.e. between interviews. Information gained about candidates through other means, e.g. tests and tasks set, should be used only to inform the marking process against the criteria. Assessments of other skills and qualities which the candidate may or may not possess which come to light via those other means must be regarded as irrelevant.

12.8 Where an interviewee has a disability it may have direct relevance to their ability to do the job or parts of the job. Under such circumstances the panel will need to establish the need for any adjustments. The candidate should be assured that this discussion will not preclude them from full consideration for the job.

12.9 After all information has been gathered through the selection process, panel members will, through the sharing of their assessments and by discussion, arrive at a view as to who is the best candidate, noting reasons for rejection of other candidates.

## 13 Post interview

Once the decision is made, in order to inform the preferred candidate of the status of their application, a letter will be sent out stating that, subject to satisfactory clearances, the post may be offered to them and that the school will contact them when the checks have come through.

## 14 Conditional offer of appointment: pre appointment checks

14.1 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:

- the receipt of at least two satisfactory references (if those have not already been received);
- verification of the candidate's identity and proof of eligibility to work in the UK (if that could not be verified at the interview) by original documentary evidence, preferably including a photograph;
- a check of the Barred list and, a satisfactory DBS disclosure. (N. B. for employees who have lived or worked outside the UK, any other checks that the school deem appropriate, such as an overseas criminal record check or letter of good conduct.);
- a letter of professional standing (for overseas teachers only);

- prohibition order check (if applicable);
- verification of the candidate's medical fitness;
- verification of qualifications from documentation brought to interview (or verified after the interview);
- verification of professional status where required e.g. Teaching Agency registration, QTS status (unless properly exempted), NPQH;
- (for teaching posts) verification of successful completion of statutory induction period (applies to those who obtained QTS after 7 May 1999); unless they are an Early Career Teacher.

14.2 If two satisfactory references are **not** received but the individual has started work the offer **cannot** be withdrawn even if the contract stipulates that the offer is 'conditional'. Undertaking this practice is in breach of Keeping Children Safe in Education. In this case, a dismissal procedure would need to be invoked. The federation will contact the Luton HR Traded Services Team to seek assistance.

14.3 The federation will seek advice from the Luton HR Traded Services Team where:

- an applicant has provided false information in, or in support of their application
- there are serious concerns about an applicant's suitability to work with children
- the candidate is found to be on the Barred List or the DBS disclosure shows they have been disqualified from working with children by a court

## 15. DBS checks

15.1 The safeguarding of children and young people is paramount and the federation is fully committed to the rigorous implementation of the DBS requirements. It is a statutory requirement that all new appointments to the federation's workforce must have an enhanced DBS Disclosure under the School Staffing (England) Regulations 2009 for maintained schools. This includes those recruited to the federation from overseas, where additional checks will also be made. There is also a requirement under the regulations for schools to keep a single central record detailing a range of checks carried out on their staff. Please see point 22 for more information.

15.2 All staff employed at the federation who will be unsupervised, will have an up-to-date enhanced DBS disclosure prior to taking up their post. Further information on DBS checks for volunteers please see the Volunteer Policy.

15.3 The Police Act 1997 sets out what information must be disclosed on an enhanced DBS certificate. An enhanced certificate will disclose the following:

- Adult cautions (simple and conditional) which are not eligible to be filtered
- Juvenile and adult convictions which are not eligible to be filtered
- An enhanced certificate may also include any other information that the police hold about the applicant, where they feel disclosure is justified in order to safeguard the children or vulnerable adults that they have applied to work with.

15.4 For posts that meet the definition of 'Regulated Activity' an enhanced DBS check **must** be carried out, along with a check against the barred list. This check is required by law, and is to check if the applicant has been barred from working with the relevant group.

## **16 Decisions on DBS disclosures for prospective employees**

16.1 When a positive DBS reveals information, the federation will contact the HR team for a confidential discussion with the head of school.

16.2 In all cases the federation will hold a meeting between the head of school and the applicant, and the positive risk assessment form completed by the head of school.

16.3 A guidance document can be found in Appendix 4 and the positive risk assessment form can be found in Appendix 5. **If the decision is not to accept the DBS clearance then advice will be sought from HR before any further action is taken.**

16.4 Authorisation of the outcome decision must be signed by the executive head. A copy of this assessment should be stored securely in their personnel file.

### **16.5 Offences ruling out appointment**

Some offences will preclude appointment. The federation will consider each case on its own merits, taking into account the nature of the offence and the vacancy for which the person has applied. The final decision falls to the Executive Head.

## **17 Contractors and Agency Workers**

17.1 The federation 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 federation.

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

## **18 Data Protection Act 2018 and GDPR**

18.1 The federation and its employees must comply fully with its obligations under the Data Protection Act 2018, DBS Code of Practice and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of disclosure information.

### **18.2 Storing disclosure information**

Schools no longer directly receive a copy of an applicant's DBS certificate, it is a single certificate only, which means the applicant is the only person who receives the certificate. Keeping Children Safe in Education states that an applicant must show the original DBS certificate to their potential employer before they take up a post or as soon as practicable afterwards. The Federation will request to see the original certificate. The school will also receive confirmation from their DBS provider to confirm clearance. The confirmation email should be retained on the employees personnel file.

18.3 Schools are not permitted to retain a photocopy of the DBS certificate.

18.4 A copy of an applicant's disclosure certificate should only be taken if advised by HR in order to comply with the Positive Risk Assessment. It should be sent to the federation's recruitment team straight away with the risk assessment and the federation's recruitment team will then confirm clearance.

## **19 Checks on overseas applicants**

19.1 Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in the federation. This includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, the federation must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. Following the UK's exit from the EU, schools and colleges should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world.

19.2 These checks could include, where available:

- criminal records checks for overseas applicants
- obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach

19.3 Where this information is not available the federation will seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

19.4 Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, the federation will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

## **20 Volunteers**

20.1 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.

20.2 Volunteers who, on an unsupervised basis, teach or look after children regularly, or provide personal care on a one-off basis in the federation of schools, will be in regulated activity. The federation 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 federation may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns.

20.3 There are certain circumstances where the federation 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](https://www.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.

20.4 The federation 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.

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

## 21 Medical clearance

21.1 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 Federation’s Occupational Health provider.

21.2 If Occupational Health advises that the candidate requires adjustments as a result of a disability, they will contact the federation directly.

## 22 Single Central Record

The federation 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);
- 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.

## **23 Induction**

- 23.1 The federation 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 federation will therefore provide ongoing training and support for all staff.
- 23.2 All staff who are new to the federation will receive induction training that will include the federation's safeguarding policies and guidance on safe working practices including Child Protection, PREVENT, FGM awareness and online safety.
- 23.3 The new member of staff should sign that they have read and understood the federation's code of conduct and all other key employment policies, such as behaviour management procedures, internet user policy, and social media policy etc. at the beginning of the induction. It is advisable that the head of school or manager meet and discuss with the new staff member the aim of the code of conduct and how it is applied in the school before signing.
- 23.4 Regular meetings will be held during the first 6 months of employment between the new employee(s) and the appropriate manager(s).

## **24 The Federation 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.

## **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.

**Candidate Name:**  
**Role Shortlisted for:**  
**School:**  
**Name of person completing the search:**  
**Is this person independent of the short listing panel: YES/NO**  
**Date and time of online search:**

**DO NOT RECORD ANY INFORMATION RELATED TO INDIVIDUAL CHARACTERISTICS SUCH AS AGE, RACE, RELIGION, POLITICAL VIEWS, OR FAMILY CIRCUMSTANCES.**

| <b>Search Engine</b> | <b>Are there any hits</b> | <b>Information Considered</b> | <b>Search Results</b> |
|----------------------|---------------------------|-------------------------------|-----------------------|
| Google               |                           |                               |                       |
| LinkedIn             |                           |                               |                       |
| Facebook             |                           |                               |                       |
| Instagram            |                           |                               |                       |
| Twitter              |                           |                               |                       |
| Any Other            |                           |                               |                       |

**Signed by:**

**Date passed to panel:**

### **Appendix 3 – Criminal Record Self-Declaration Form**

This form must be completed by all shortlisted applicants where a Disclosure and Barring Certificate (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. 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.



|   |  |  |  |
|---|--|--|--|
| <b>Surname:</b>                             |  | <b>Forename:</b>                               |  |
| <b>School/ Federation Application?</b>      |  | <b>Post applied for:</b>                       |  |
| <b>Date:</b>                                |  | <b>NI Number:</b>                              |  |
| <b>Date of QTS:</b><br><i>If applicable</i> |  | <b>Teacher Ref No.</b><br><i>If applicable</i> |  |

[INSERT SCHOOL NAME] School 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?   | <b>Yes</b> <input type="checkbox"/> | <b>No</b> <input type="checkbox"/> |  |
| 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 <a href="#">amended</a> )?                              | <b>Yes</b> <input type="checkbox"/> | <b>No</b> <input type="checkbox"/> |  |
| 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? | <b>Yes</b> <input type="checkbox"/> | <b>No</b> <input type="checkbox"/> |  |
| Have you ever been barred from working with Children or disqualified from working in Childcare?  | <b>Yes</b> <input type="checkbox"/> | <b>No</b> <input type="checkbox"/> |  |
| Are you subject to any sanctions in the EEA?   | <b>Yes</b> <input type="checkbox"/> | <b>No</b> <input type="checkbox"/> |  |
| <u>Teaching Posts Only:</u> Are you or have you ever been prohibited from teaching or sanctioned by the GTCE?  | <b>Yes</b> <input type="checkbox"/> | <b>No</b> <input type="checkbox"/> | <b>N/A</b><br><input type="checkbox"/> |
| <u>Management Posts Only:</u> Have you been prohibited from the management of an independent school (s128)?  | <b>Yes</b> <input type="checkbox"/> | <b>No</b> <input type="checkbox"/> | <b>N/A</b><br><input type="checkbox"/> |

**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 at [Insert school name] however failure to disclose may result in an offer of employment being withdrawn.

|                |              |
|----------------|--------------|
| <b>Signed:</b> | <b>Date:</b> |
|                |              |

When a disclosure report reveals information, the schools recruitment team (where a school purchases this service) will confidentially discuss this with the recruiting manager / headteacher.

In all cases, a meeting must be held between the headteacher/ recruiting manager and the candidate, and the positive risk assessment completed.

**Page 1:**

A note of the discussion must be completed, by the headteacher/ recruiting manager, during the meeting. **NB this is the only information we can keep on file, so please note the information contained on the certificate.**

**Suggested questions:**

- 1) Do you dispute the accuracy of the information disclosed? *If yes they need to be advised to contact DBS*
- 2) Can you tell me about your offence(s)?
- 3) How did you feel about them at the time?
- 4) How do you feel about them now?
- 5) How can I be sure that you are no longer a risk?
- 6) How is your life different now?

Both the candidate and the headteacher/recruiting manager must sign the declaration.

**Page 2:**

Headteacher/ recruiting manager to complete page two after the meeting.

**Points to Consider:**

**Relevance**

Whether the conviction or other matter revealed is relevant to the position for which they are being considered

**Seriousness**

The seriousness of any offence or other matter revealed

**Age of offences**

The length of time since the offence or other matter.

**Pattern of offending**

Whether the applicant has a pattern of offending behaviour or other relevant matters

**Changed circumstances**

Whether the candidates circumstance have changed since the offending behaviour, the circumstances surrounding the offence and the explanation(s) offered by applicant

The headteacher/ recruiting manager must make a decision on whether to clear the DBS based on the meeting, risk assessment, and the outcome recorded.

**If the decision is not to clear the DBS please speak to an HR Advisor before any further action is taken.**

Authorisation of the outcome decision must be signed by the headteacher. A copy of this assessment must be stored securely on the candidates HR file.

**IN STRICTEST CONFIDENCE**

**Risk assessment for positive DBS disclosures**

|  |                    |
|--|--------------------|
| Name of candidate:                       | School:            |
| Position applied for:                    | Headteacher:       |
| Date of disclosure:                      | Tel no:            |
| Disclosure number:                       | Recruiting manager |
| Repeat DBS check?            Yes      No | Tel no:            |

Brief note of discussion:

**We confirm that the information noted above is an accurate record of our discussion**

|   |   |
|---|---|
| <p><b>I am aware that a copy of my DBS disclosure and this assessment will be sent to Human Resources at Luton Council, where it will be retained in accordance with the DBS Code of Practice.</b></p><br><br><br><br><br><br><br><br><br><br><p><b>Applicant Signature:</b></p> <p>.....</p> | <br><br><br><br><br><br><br><br><br><br><p><b>Headteacher signature:</b></p> <p>.....</p> |
| <p><b>Date:</b></p>   | <p><b>Date:</b></p>   |

## POSITIVE DBS RISK ASSESSMENT

|   |  |
|---|--|
| <p><b>1.</b> Did the applicant inform you about the offences when they applied for the position?</p> <ul style="list-style-type: none"> <li>• Was a full job/volunteering application completed?</li> <li>• Did the candidate complete criminal conviction self-declaration form?</li> <li>• Did the candidate sign and state all details were correct?</li> <li>• Did candidate declare convictions on DBS application?</li> </ul> |  |
| <p><b>2.</b> Does their account of the offences reflect the information on the disclosure?</p>  |  |
| <p><b>3.</b> Does the candidate agree that information held on the disclosure is correct?</p>   |  |
| <p><b>4.</b> What bearing does it have on his/her suitability to work in the role?</p>  |  |
| <p><b>5.</b> Are there any mitigating circumstances? (i.e. age at the time, when it happened.)</p>  |  |
| <p><b>6.</b> Have full references been taken. Has <i>anything</i> else of concern come out of employment references?</p>  |  |
| <p><b>7.</b> If an existing worker - has there been any related work performance issues including any history of workplace allegations?</p>   |  |
| <p><b>8.</b> Any additional comments/details:</p>   |  |

**Signed Head of School:** .....

**Name:** ..... **Date:** .....

### OUTCOME

|  |  |
|--|--|
| Positive OK <input style="width: 50px; height: 20px; margin-left: 20px;" type="checkbox"/> | Positive reject <input style="width: 50px; height: 20px; margin-left: 20px;" type="checkbox"/> <b>contact HR</b> |
| Signed   | Signed   |

**Authorisation decision by Executive Head:**

Signed: ..... Date: .....

Name: .....

**To be kept on HR file**