

Safer Recruitment Guidance

September 2023

Adopted from L.A model

Signed (chair): D Whinham	Name:	Date:
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Reviewed by: L.Hawkins	Reviewed on: 21.9.23	Note of Revisions: New policy from LA
Ratified by: Governing Body 05.10.23		Next Review September 2024

Equality Impact Assessment (EIA) Part 1: EIA Screening

Policies, Procedures or Practices	Safer Recruitment	Date	27.9.23
EIA CARRIED OUT BY:	T Serle	EIA APPROVED BY:	FGB

Groups that may be affected:

Are there any concerns that the policy could have a different impact on any of the following groups? (please tick the relevant boxes)	Existing or potential adverse impact	Existing or potential for positive impact
Age (young people, the elderly: issues surrounding protection and welfare, recruitment, training, pay, promotion)		x
Disability (physical and mental disability, learning difficulties; issues surrounding access to buildings, curriculum and communication).		x
Gender Reassignment (transsexual)		x
Marriage and civil partnership		x
Pregnancy and maternity		x
Racial Groups (consider: language, culture, ethnicity including gypsy/traveller groups and asylum seekers)		x
Religion or belief (practices of worship, religious or cultural observance, including non-belief)		x
Gender (male, female)		x
Sexual orientation (gay, lesbian, bisexual; actual or perceived)		x

Any adverse impacts are explored in a Full Impact Assessment

These guidance notes reflect the current statutory DfE guidance in relation to safer recruitment as set out in part 3 of Keeping Children Safe in Education 2023. Reference sources and relevant links are indicated at the end of this guidance.

These guidance notes should be read in conjunction with the statutory guidance.

Introduction

Ensuring that safer recruitment guidance is clearly followed when recruiting school staff is the first step in safeguarding and promoting the welfare of children and young people. Schools must ensure they adopt robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying for or securing employment or volunteering opportunities in their settings.

This document provides guidance for Headteachers and school colleagues on safer recruitment responsibilities in the school and academy setting. Please contact your Integra HR Consultant for any clarification

Safer recruitment is one strand within the school's overall responsibility for safeguarding pupils and will be considered as part of the Ofsted inspection process. It is important to ensure that safeguarding considerations are an integral part of day-to-day management through selection procedures, induction, supervision, professional development and ensuring that the school culture allows any concerns to be shared and addressed in a timely and appropriate manner.

Roles and Responsibilities

The **Governing Body** should ensure that the school has effective policies and procedures in place for the recruitment of staff and volunteers, that are in accordance with legislation and DfE guidance.

The **Headteacher** should ensure that the school operates safer recruitment practices with appropriate checks on all staff and volunteers; and that the safeguarding and welfare of children and young people is considered at every stage of the recruitment process.

Safer recruitment training

It is a mandatory requirement under the School Staffing Regulations that at least one member of a school interview panel has completed approved safer recruitment training. The DfE document, 'Keeping Children Safe in Education', (KCSIE) annually updated, confirms this statutory requirement. However, regardless of the regulatory requirement, it is important that interview panels have a good understanding of safer recruitment principles to fulfil the school's safeguarding responsibilities at the recruitment stage.

We offer regular accredited safer recruitment training courses (and refresher courses) which are based on the statutory DfE guidance and ensures that participants are appropriately trained and updated in this statutory area.

Safer recruitment checklist

It is important that satisfactory and compliant safer recruitment practice involves thinking about and including safeguarding issues at all stages of the process – from planning and advertising through to appointment and induction. The main points are summarised below, and a recruitment checklist is provided on our website. Care is needed when making short term and temporary appointments to cover vacancies or other circumstances which may arise at short notice. Unsuitable candidates may slip through where proper checks are compromised because of time pressures.

The key features of a safer recruitment process include: -

- time to plan and prepare for the whole recruitment process
- advertising in the appropriate place and drawing attention to safeguarding requirements, including the need for an enhanced DBS check
- requiring all candidates to use a standard application form that provides full details of the applicant's employment history, including gaps in employment
- thorough scrutiny of application forms and letters to identify, and seek to resolve, any discrepancies, anomalies, or omissions. Any queries or concerns being followed up as appropriate
- seeking clarification on the (relevant) criminal background, or potential unsuitability of working with children, of shortlisted candidates
- obtaining at least two independent references which address any specific questions asked about the candidate's suitability for work with children and young people and following up any concerns. Consideration must also be given to the status and relevance of the referees nominated
- an interview including appropriate tasks that explore the candidate's suitability to work with children as part of the overall assessment. Any issues arising from the application or references should be fully explored with the candidate
- verifying the successful candidate's identity
- verifying any relevant qualification requirements
- verifying suitable medical fitness for the post
- verifying the right to work in the UK
- checking any barring or prohibition orders that may apply
- obtaining an enhanced DBS disclosure and confirming suitability
- including a structured induction process which clarifies safeguarding obligations and responsibilities

Advertising the post

All advertisements for posts in schools, wherever placed, should include the statement:

"The school is committed to safeguarding children and young people, and all staff and volunteers are expected to share this commitment. All postholders are subject to a satisfactory Disclosure and Barring Service (DBS) check. Some roles may need to comply with the Childcare Act 2006, and the Childcare (Disqualification) Regulations 2018, where additional disclosure of information will be required".

As a minimum, applicants should be supplied with the following:

- job description and person specification
- the school's child protection policy

- the selection procedure for the post
- an application form – must be fully completed by all applicants
- information on self-declaration and the recruitment of ex-offenders (for shortlisted candidates)

Shortlisting and references

Shortlisted candidates should be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. It is an offence for anyone who is barred from working with children or young people, to apply for a post working with them.

The self-declaration form should be sent to all those candidates who will be called for interview. This process should take place after shortlisting, to prevent unintentional bias occurring at the shortlisting stage. The self-declaration form is provided on our website.

Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records. The link to this guidance is at the end of this document.

Shortlisting of candidates should be conducted by at least two people, and the same two or more people should then proceed to form the interview panel.

Shortlisting of candidates will be against the person specification for the post, noting any issues to be followed up with the candidate if called for interview. References will be taken up before the interview, so that any queries or discrepancies can be discussed during the selection stage. References must be sought directly from the referee and no reference or testimonial provided by the candidate will be accepted. Referees should be contacted to clarify any content which is vague or where insufficient information is provided.

Reference requests to the current or previous employer should also seek:

- confirmation of the post held
- specific verifiable comments about performance history and conduct
- any current disciplinary action
- details of any concerns that relate to the safety and welfare of children
- the candidate's suitability to work with children and young people in this post

As part of the shortlisting process, schools should consider carrying out an online search as part of their due diligence on the shortlisted candidates (see para. 221 of KCSIE), who should be informed that online searches may be undertaken.

The issue of reviewing school privacy notices should be raised with your Data Protection Officer.

Pre-employment and identity checks

All candidates invited to interview at the school will be required to bring identification documentation with them, such as passport, birth certificate, driving licence etc, as proof of identity/eligibility to work in the UK, as required by the Immigration, Asylum and Nationality Act 2006, and DBS Code of Practice.

Where an academic or vocational qualification is required for the position, the candidate must be able to provide documentary evidence that they have obtained the appropriate qualification.

All offers of appointment will be conditional until the satisfactory completion of mandatory pre-employment checks on the individual. The school will:

- verify the candidate's identity and right to work in the UK. Identity checking guidelines can be found on the Government website – see reference sources in paragraph 20
- obtain (via the applicant) an enhanced DBS check (including children's barred list information for those who will be engaging in regulated activity)
- obtain a separate children's barred list check if an individual will start work in regulated activity before the DBS certificate is available
- ensure all shortlisted candidates have completed a criminal record self-declaration form disclosing any relevant convictions, and information which may affect their suitability to work with children
- verify the candidate's mental and physical fitness to carry out their work responsibilities. This can be carried out by a confidential pre-employment health questionnaire which will be undertaken by the occupational health provider. A successful job applicant can be asked relevant questions about disability and health to establish whether they have the physical and mental capacity for the specific role **once an offer of employment has been made**
- if the candidate has lived or worked outside of the UK, make any further checks the school feels appropriate which would include an overseas police check.

DBS disclosures and the Rehabilitation of Offenders Act

The Protection of Freedoms Act 2012 established the Disclosure and Barring Service (DBS) as the agency with prime responsibility for criminal records and safeguarding.

An Enhanced DBS check will be required for all school posts and means that the information requested is exempt from the limitations of the Rehabilitation of Offenders Act 1974 (Exceptions) Order, and relevant information for safeguarding purposes is provided.

Legislative changes mean that candidates are not required to provide details of protected cautions or convictions, and the DBS will apply a filtering process which will identify and remove protected convictions and cautions from the criminal record certificate issued to candidates. However, candidates should be aware that the police may disclose information about offences which have been subject to filtering if they believe the information is relevant to the school position applied for and ought to be disclosed.

The enhanced DBS certificate will include barring details where these are requested, provided that the position is deemed to be in 'regulated activity' (see section 9). Barring checks will not be provided for unregulated positions such as supervised volunteers or governors in maintained schools.

It is important that the school has sight of the original DBS certificate as soon as this is available and, having checked relevant details, makes the appropriate entry on the Single Central Record.

Under the DBS Code of Practice, DBS certificates should not be copied or retained on school files. The original document should be seen, and the content checked, but it is only

necessary to record the reference number and date for the purposes of the Single Central Record. The disclosure certificate should be retained by the candidate.

Schools may wish to encourage newly appointed staff to join the DBS update service for a small annual DBS fee. Subscription to the service enables future status checks to be carried out by employers to confirm that no new information has been added to the check since its issue. Schools using this service to view an individual's DBS check must still ensure they see the original certificate to ensure that it is still valid and appropriate for the children's workforce.

Regulated Activity

Most staff in a school who are working with children will be engaging in regulated activity and therefore an enhanced DBS check which includes children's barred list information will be required.

Specifically, a person will be engaging in regulated activity with children if their work includes:

- teaching, training, instructing, caring for 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
- 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

This work is regulated activity if done regularly (defined as being carried out frequently by the same person – more than 3 days in a period of 30 days, or overnight).

Some activities are always regarded as 'regulated activities', regardless of frequency, and whether or not they are supervised. This includes relevant personal care or health care provided by or under the supervision of a health care professional. Examples include helping a child with toileting or dressing where they are unable to do this alone to their age, illness, or disability.

DfE Statutory Guidance on regulated activity and supervision is available for further reference. See Annex E of Keeping Children Safe in Education 2023.

Who needs a DBS check?

The school is responsible for ensuring checks for their employees, or for volunteers (including governors) who have significant unsupervised involvement with children.

DBS checks on staff employed by an agency or third-party provider will normally be the responsibility of the employing organisation. However, where that organisation is providing staff who will work for the school (e.g., agency supply teachers) the agency must provide written confirmation of the checks carried out and the school/academy must retain this relevant evidence.

DBS checks on individuals employed by the Local Authority or other organisations (e.g., Health Authority, Ofsted) are not the responsibility of the school. However, the school should always seek confirmation of identity as part of its front office reception arrangements.

School Staff

It is a mandatory requirement for those taking up any school post to have an enhanced DBS disclosure. Once in post there is no mandatory requirement for a further DBS check unless there is a break of service of 3 months or longer. This does not apply to circumstances such as maternity leave or long-term sickness absence, where there is no break in service.

These are the minimum standards that must be in place and apply to all categories of school staff (i.e., teaching and support staff). This will include those employed by the school for extended day activities, where appropriate, and for any temporary or casual staff that the school chooses to employ.

Where a DBS certificate is not available at the start date it will be for the Headteacher to carry out a risk assessment having regard to other recruitment checks carried out and the requirements of the post. The DBS certificate must be obtained from the candidate as soon as practicable thereafter. Additional supervision arrangements should be put in place and the situation reviewed at regular intervals until the DBS certificate is seen and recorded. All other checks including a separate children's barred list check must be carried out.

Volunteers and Governors

It is not necessary for every adult who provides voluntary assistance within school to be subject to a DBS check, and this will depend on the nature of the activity and whether this involves unsupervised engagement with pupils. Where a volunteer supports activities with pupils which are supervised and attended by school staff who themselves are in regulated activity, there is no requirement for a DBS check to be undertaken. However, under no circumstances can a volunteer for whom no checks have been obtained be left unsupervised or allowed to work in regulated activity. Barred list information must not be requested in relation to any person, including volunteers, who are not in, or seeking to engage in, regulated activity.

Whether or not the activity requires a DBS certificate, it is good practice to have a published protocol which is made available to all would-be volunteers. An example is shown on our website and may be modified to suit the school or academy's needs.

It is a statutory requirement for all current Governors to have an enhanced DBS certificate. A barred list check will not also be required unless they are also working in 'regulated' unsupervised activity, such as acting as an unsupervised volunteer.

The same DBS checking system is required for Governors and Trustees of academies. All members of a multi-academy Trust's main Board, as well as local school Boards must have an enhanced DBS check. The DBS check for the Chair of Trustees must be carried out by the DfE.

Agency and 'third-party' staff, including lettings

Staff who are engaged to work for the school but are employed and paid by an agency or other 'third-party' provider will need to be DBS checked by their employing organisation. The school must obtain written confirmation that DBS and all other relevant employment checks have been carried out, the date that confirmation was received and whether any enhanced DBS check certificate has been provided in respect of the member of staff.

Agencies providing staff for schools are required to fulfil the same level of recruitment checks as for a school.

Where an activity for children (e.g., nursery or after-school) is provided at the school but is managed and delivered by another organisation, an appropriate written agreement should be drawn up which clarifies the responsibilities of that organisation. In the context of safeguarding, the agreement should include clarification of employment responsibility, DBS and other pre-employment checks including child protection policy, the procedure for dealing with complaints etc. This will be particularly important if the school has commissioned the activity or is otherwise supporting it through publicity or common staff.

Schools may also offer lettings to adult groups for a range of sporting, social or educational activities. Such activities will not normally require the school to establish safeguarding protocols as part of the lettings' agreement. However, in the event of adult groups using school premises during pupil attendance times, appropriate access controls will need to be established.

Local Authority and other visiting staff

Schools receive visits from a range of Local Authority staff as well as those from other organisations such as the Health Authority, Ofsted, and universities. The school is not required to obtain or require sight of DBS certificates for visitors from these organisations. It is sufficient for the school to obtain written confirmation that relevant checks have been carried out and to confirm the identity of individuals attending the school. Any concerns should be followed up by contacting the relevant organisation.

DBS checks are **not** carried out on all Local Authority staff and not all posts are eligible for an enhanced DBS certificate. Staff such as Finance and HR Consultants may visit schools for specific purposes which will not involve interaction with pupils and the normal school reception and identity arrangements are appropriate for these visits.

There is a letter available, for your records, on our website, which confirms that checks for SGC Local Authority staff will have been undertaken.

Students

It is not necessary to conduct DBS checks on students from other schools who may undertake work experience visits or placements, and DBS checks are not, in any event, available for those under the age of 16. Supervision arrangements should be made accordingly.

In the case of students undertaking teacher training or other school-based development, the responsibility for undertaking DBS checks will normally lie with the university or training provider. Appropriate confirmation of checks should be obtained accordingly. Where the school has direct responsibility for teacher training, e.g., under the School Direct scheme, it will also have responsibility for DBS and other recruitment checks.

Contractors

A contractor is defined as 'a person contracted to provide occasional temporary services'. Examples of the services provided by contractors include repairs and maintenance activity, hygiene services and specialist sports coaching. Schools and academies should ensure that any contractor, or employee of a contractor, who is required to work at the school or academy has been subject to the appropriate level of DBS check. As noted previously, the

school must obtain written confirmation that DBS and all other relevant employment checks have been carried out.

Contractors engaging in regulated activity will require an enhanced DBS check (including children's barred list information). Contractors not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, will require an enhanced DBS check (not including barred list information). For 'regular' contact, it is irrelevant whether the contractor works on a single site or across several sites.

Schools and academies are responsible for determining the appropriate level of supervision, depending on the circumstances. However, under no circumstances should a contractor who has had no checks conducted be allowed to work unsupervised or engage in regulated activity.

If a contractor working at a school or academy is self-employed, the school or academy should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account for enhanced disclosures.

As with all visitors, the identity of contractors and their staff should be checked on arrival at the school or academy.

Section 128 direction (Education and Skills Act 2008)

A section 128 direction prohibits or restricts an unsuitable person from taking part in the management of an independent school, including academies and free schools. Although section 128 applies specifically to independent schools, persons subject to a section 128 direction are also disqualified from holding or continuing to hold office as a governor of a maintained school.

Locally Managed Schools can check whether their governors are prohibited under section 128 by using the Teaching Regulation Agency's (TRA) employer access service. This contains a separate link for all section 128 barring directions including non-teaching appointments. Where a governor will also be engaging in regulated activity, a DBS barred list check (for new appointments) will identify any section 128 direction.

Childcare Disqualification Declaration

Staff working in 'childcare provision', or who are concerned in the management of such provision should be asked to complete a declaration form provided by the school in relation to the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 ("the Regulations"). This is in relation to circumstances where the individual has a conviction which may result in them being barred from working with young children, defined as 'childcare'. Where one of the disqualification criteria is met, the individual may seek a waiver from Ofsted, which must be satisfactorily granted before the candidate may commence work.

The Regulations are applicable to staff who are employed or engaged to provide early years childcare (up to and including reception year), or later years childcare (above reception age and under the age of 8) in nursery, primary or secondary school settings, such as before or after school provision, or if they are directly involved in the management of such childcare.

Schools and academies must take steps to ensure they are not knowingly employing a person who is disqualified under the regulations in connection with relevant childcare provision. They should ensure that relevant employees are aware of the Regulations, and the need to advise the school if their circumstances change.

Schools must keep a record of those staff who are employed to work in, or manage childcare provision, and should record the date on which the information about disqualification was provided. This information may be kept as part of the Single Central Record, or as a separate record. Ofsted will check this as part of their routine school inspection process.

Single Central Record (SCR)

All schools are required to maintain a Single Central Record which lists all staff and other adults who regularly work at the school and confirms the pre-employment checks that have been carried out. This will include relevant volunteers and governors. The SCR is subject to scrutiny as part of the school's Ofsted inspection and will often be considered at an early stage in the inspection process. A well maintained and up to date SCR will make a positive contribution to the inspection findings.

There is no prescriptive format for the SCR, and it can be in either electronic or paper format. The SCR must be readily available in one place; it is not sufficient to have the relevant details held in separate HR records. Most schools use some form of spreadsheet that can be readily printed off and viewed for inspection purposes. It is recommended that schools keep a file which contains appropriate supporting documentation such as confirmatory letters from the Local Authority, supply agencies and other organisations regarding DBS checks. The file may also be a useful place to store other relevant documentation and guidance relating to safer recruitment topics.

The SCR must contain the names of all staff who are employed by the school plus other adults chosen by the school to undertake relevant activities e.g., volunteers or governors who are involved in pupil activities.

For each person listed, the SCR must indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed, or certificate obtained:

- an identity check
- a children's barred list check
- an enhanced DBS check requested/certificate provided
- a prohibition from teaching check
- further checks on people who have lived or worked outside the UK
- a check of professional qualifications, where required
- a check to establish the person's right to work in the UK

An individual's details should be removed from the SCR once they no longer work at the school.

Schools may also add other information to the SCR as they see appropriate, e.g.

- whether relevant staff have been informed of their duty to disclose relevant information under the childcare disqualification regulations
- checks made on volunteers
- checks made on governors
- dates on which safeguarding and safer recruitment training was undertaken

Supply teachers (or other staff) who are provided and paid through an agency should be included on the SCR, but it is not necessary for the school to verify the individual checks carried out.

Reference sources

- DfE statutory guidance: Keeping Children Safe in Education 2023

[Keeping children safe in education 2023 \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/81122/Keeping-children-safe-in-education-2023.pdf)

This document is statutory guidance from the Department for Education issued under section 175 of the Education Act 2002. Schools and colleges must have regard to it when carrying out their duties to safeguard and promote the welfare of children. It should be read alongside other statutory guidance.

- Ministry of Justice guidance on the disclosure of criminal records

[Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/81122/Guidance-on-the-Rehabilitation-of-Offenders-Act-1974-and-the-Exceptions-Order-1975-GOV.UK.pdf)

- Working Together to Safeguard Children, updated 2018

[Working Together to Safeguard Children 2018 \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/81122/Working-Together-to-Safeguard-Children-2018.pdf)

This document is a guide to inter-agency working to safeguard and promote the welfare of children. The document provides a clear framework for local Children's Partnership boards to monitor the effectiveness of local services. All relevant professionals should read and follow this guidance so that they can respond to individual children's needs appropriately.

- Ofsted: Inspecting safeguarding in early years, education, and skills, updated 2022

[Inspecting safeguarding in early years, education and skills - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/81122/Inspecting-safeguarding-in-early-years-education-and-skills-2022.pdf)

This guidance sets out the main points inspectors need to consider when inspecting safeguarding in early years, education, and skills settings. It is therefore a useful way of checking that the school is prepared for inspection.

- Disclosure and Barring Service: guidance for employers, updated December 2020

[DBS checks: guidance for employers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/81122/DBS-checks-guidance-for-employers-2020.pdf)

- DBS Code of Practice

[DBS code of practice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/81122/DBS-code-of-practice-2020.pdf)

- Safer Recruitment Consortium: guidance for safer working practices for those working with children and young people in education settings. February 2022

[Professional and Personnel Relationships \(cimpres.io\)](https://cimpres.io)

This guidance provides practical advice to support schools and their staff in their safeguarding responsibilities. To be read and used in conjunction with the DfE statutory guidance: Keeping Children Safe in Education.

- Teacher status checks: information for employers. Updated June 2021

[Teacher status checks: information for employers - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

This is a free service to check the record of a teacher you are employing or considering employing.

- DBS guidance on offences which will never be filtered from a criminal record check

[List of offences that will never be filtered from a DBS certificate - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

- DBS ID checking guidelines

[DBS ID checking guidelines - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

- An employer's guide to right to work checks

[Checking a job applicant's right to work - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

- Home Office guidance on criminal records checks for overseas applicants

[Criminal records checks for overseas applicants - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

- Statutory guidance on Disqualification under the Childcare Act 2006

[Disqualification under the Childcare Act 2006 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

See our website, HR Management (Safeguarding) for:

- Self-declaration of criminal convictions for shortlisted candidates
- Volunteers: a statement of expectations

See our website, HR Administration (A-Z of forms and templates) for:

- Recruitment and selection checklist