

**KIRKLEES COUNCIL  
SAFER RECRUITMENT  
POLICY FOR  
ACADEMIES, SCHOOLS & FE COLLEGES**

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## KIRKLEES MODEL SAFER RECRUITMENT POLICY for SCHOOLS

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## **Introduction**

Section 175 of the Education Act 2002 requires Governing Bodies of maintained schools and FE colleges to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children.

Regulations made under Section 157 of that Act state that Proprietors of Independent schools, which include Academies and Free schools, must make arrangements to safeguard and promote the welfare of pupils.

It is vital that governing bodies and proprietors create a culture that safeguards and promotes the welfare of children in their school or college. As part of that culture, it is important that they adopt robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying or securing employment or volunteering in your regulated establishment.

The safer recruitment of individuals to work in your regulated establishment not only includes directly employed staff (or volunteers), also includes contractors, self-employed, agency and third-party staff groups. All establishments must set out their safeguarding and safer recruitment requirements in contract clearly between the organization(s) and your school or college.

Safer Recruitment is a vital factor in keeping children safe within the education environment. Schools when selecting their Safer Recruitment provider, must clarify the accreditation / re accreditation period. Schools should always ensure a re accreditation period for Safeguarding training.

There is also legislation governing those persons in 'regulated activity' (see below) or within 'regulated establishments' and requirements to carry out criminal records and barred list checks. The main legislation in this respect is contained within the:

- ⊕ Children's Act 2006
- ⊕ Safeguarding and Vulnerable Groups Act 2006
- ⊕ Protection of Freedoms Act 2012
- ⊕ Equality Act 2010
- ⊕ Police Act 1997, the Police Act 1997 (Criminal Records) Regulations 2002, as amended, the Police Act 1997 (Criminal Records) No 2 Regulations 2009, as amended
- ⊕ Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended
- ⊕ Sexual Offences Act 2003
- ⊕ Keeping Children Safe in Education 2021
- ⊕ Working Together to Safeguard Children 2018

Any subsequent amendments will also apply as relevant.

Requirements relating to the appointment, discipline, capability, suspension and dismissal of staff, use of supply staff/workers, checks and information to be held on the establishment's single central register (SCR), as well as information on teacher capability to be provided in references are specified within the School Staffing (England) Regulations 2009, as amended in 2012, 2013 and 2014.

## **Purpose of the Policy**

Taking into account the legislation highlighted above, all Schools that employ staff or engage volunteers, contractors, self-employed, agency and third-party staff groups to work with children

adopt a consistent and rigorous approach in their recruitment and selection processes with the aim of ensuring that those recruited are suitable.

The purpose of safer recruitment is ultimately to:

- **Deter.** From the beginning of the recruitment process, it is important to send the right message – that the School has a rigorous recruitment process and does not tolerate any form of abuse. Wording in adverts and recruitment information must aim to deter potential abusers.
- **Identify and Reject.** It will not always be possible to deter potential abusers. Therefore, careful planning for the interview and selection stage, in terms of asking the right questions, setting appropriate tasks and obtaining the right information can assist in finding out who is suitable for the role and who is not.
- **Prevent and Reject.** There are no guarantees that even the most robust safer recruitment process will prevent an inappropriate appointment. However, this does not mean it is too late to act. Ensuring that comprehensive induction processes are in place, together with appropriate policies and procedures, raising awareness through staff training and generally developing and maintaining a safe culture within the School will all help to prevent abuse or identify potential abusers.

The intention of this policy is to ensure that all stages of the recruitment process contain measures to deter, identify, prevent and reject unsuitable people from gaining access to pupils within the School.

The policy and the practical implementation of recruitment and selection processes also aim to meet all legislative requirements, any statutory or other guidance that may from time to time be issued in order to keep children safe and safer recruitment in education, as well as principles of general good practice.

We will record all information on the checks carried out in the school's single central record (SCR). Copies of these checks, where appropriate, will be held in individuals' personnel files. We follow requirements and best practice in retaining copies of these checks.

## Recruitment Panels

Panel members will be appointed or selected in accordance with any requirements set out in the School Staffing, Further Education Providers, Independent School Standards or other relevant Regulations and/or as otherwise determined by the *Governing Body/Management Committee*.

The recruitment and selection process, in particular interviews, will be carried out by two or more people. Wherever possible, Appointments Panels will consist of an odd number of at least three people.

Panel members will be appropriately trained or briefed. **In accordance with statutory requirements, at least one member of the Panel will have successfully completed safer recruitment training.** Wherever possible, all Panel members will be involved throughout all stages of the recruitment and selection process but, in any event, a Panel member trained in safer recruitment will be involved throughout.

## Recruitment and selection process

This section focuses on ensuring potential applicants are given the right messages about the school and college's commitment to recruit suitable people.

It is vital that governing bodies and proprietors create a culture that safeguards and promotes the welfare of children in their school or college. As part of this culture, it is important that 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 schools and colleges.

Governing bodies and proprietors should ensure that those involved with the recruitment and employment of staff to work with children have received appropriate safer recruitment training, the substance of which should at a minimum cover the content of this part (Part three) of this guidance.

The School Staffing (England) Regulations 2009 and the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 require governing bodies of maintained schools and management committees of pupil referral units (PRUs) to ensure that at least one of the persons who conducts an interview has completed safer recruitment training. Governing bodies of maintained schools and management committees of PRUs may choose appropriate training and may take advice from the safeguarding partners in doing so.

## **Application Forms**

Where a role involves engaging in regulated activity relevant to children, schools and colleges should include a statement in the application form or elsewhere in the information provided to applicants that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

Schools and colleges should also provide a copy of the school's or college's child protection policy and practices and policy on employment of ex-offenders in the application pack or refer to a link on its website.

Schools and colleges should require applicants to provide:

- ⊕ personal details, current and former names, current address, and national insurance number.
- ⊕ details of their present (or last) employment and reason for leaving.
- ⊕ full employment history, (since leaving school, including education, employment, and voluntary work) including reasons for any gaps in employment.
- ⊕ qualifications, the awarding body, and date of award.
- ⊕ details of referees/references (see below for further information); and
- ⊕ a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.

Schools and colleges should not accept curriculum vitae (CVs) in place of an application form.

## **Shortlisting**

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. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records,

For example:

- ⊕ if they have a criminal history.
- ⊕ whether they are included on the barred list.
- ⊕ whether they are prohibited from teaching.
- ⊕ whether they are prohibited from taking part in the management of an independent school.

- ⊕ information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted.
- ⊕ if they are known to the police and children's social care.
- ⊕ have they been disqualified from providing childcare (see page 9); and,
- ⊕ any relevant overseas information.

This information should only be requested from applicants who have been shortlisted. The information should not be requested in the application form to decide who should be shortlisted.

Applicants should be asked to sign a declaration confirming the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at point of interview.

The purpose of a self-declaration is so that candidates will have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.

Schools and colleges should:

- ⊕ ensure that at least two people carry out the shortlisting exercise (it is recommended that those who shortlist carry out the interview for a consistent approach).
- ⊕ consider any inconsistencies and look for gaps in employment and reasons given for them; and,
- ⊕ explore all potential concerns.

## **Employment History and References**

References are an important part of the process of gathering factual and objective information about potential new recruits.

References will be obtained prior to interview, this will enable comparisons to be made with the information provided on the individual's application form and for any issues to be explored at interview. The application form will ask applicants if they are willing to allow referees to be contacted prior to interview, candidates should be made aware they may not be shortlisted if they are not willing for referees to be contacted prior to interview; this decision is at the discretion of the recruitment panel.

School-based references must be provided by the Head teacher, Deputy Head teacher, or school Business Manager. All references must be provided from a professional and verifiable email address; we do not accept references from Gmail, Hotmail and Yahoo (or similar) accounts.

Testimonials/Agreed References/Open References from applicants will not be accepted as standalone documents. References will always be obtained directly from the referees and given active consideration prior to interview by the recruiting panel members.

Application forms will normally request the following in relation to referees provided:

- One referee must be the current or last employer
- The reference from the current or last employer, will be obtained and given active consideration by the recruitment panel prior to interview
- If the employer is/was a School, then the referee provided is expected to be the Head teacher
- Where the applicant is not currently working with children but has done so in the past, the second referee should be the employer by whom s/he was most recently employed in work with children.

Reference requests will normally be made by requiring the completion of a standard questionnaire. Use of a questionnaire helps to ensure that the prospective employer has the opportunity to obtain information in respect of all areas essential to the role. A letter from a referee may not cover all areas or provide all relevant information that the prospective employer requires.

A standard Reference Questionnaire, or other reference request, will normally ask about:

- Capacity in which the applicant is/was employed, dates, quality of work, relationships with colleagues, parents and pupils, strengths, areas for development, honesty, punctuality and reliability
- Any current disciplinary/capability warnings, or such warnings which were current at the time of leaving
- Any disciplinary/capability action that is/was pending or unresolved
- Where the request relates to a teacher, any capability proceedings within the last two years
- The details of any expired warnings that relate to the safety and welfare of children or young people or behaviour towards children or young people, provide facts (not opinions) of any substantiated (only) safeguarding allegations.
- Reason(s) for leaving if no longer in that employment
- Whether the referee would re-employ and whether the applicant is recommended for the post.

Referees will be provided with a copy of the job description and person specification for the post.

References requested prior to interview, will NOT ask about attendance or health-related matters. However, health-related questions may be asked of referees when a conditional offer of the post has been made. Therefore, a supplementary request for such further information from referees may be made at that stage.

It should be noted that the **Equality Act 2010** limits the circumstances in which a prospective employer can ask health-related questions of either a referee or the applicant before a conditional job offer is made. Questions may only be asked at an early stage to help to:

- Decide whether any reasonable adjustments need to be made for the applicant to be able to participate in the selection process
- Decide whether an applicant can carry out a function that is essential (intrinsic) to the job
- Monitor diversity among people making applications for jobs
- Take positive action to assist disabled people
- Clarify that a candidate does have a disability where the job genuinely requires the jobholder to have a disability.

Where any of these circumstances apply, information will be provided in the recruitment materials, requested as part of the application form/process and/or requested of referees, only as relevant to the circumstances.

On receipt of references, the Interview Panel and/or those who carried out the long/shortlisting will scrutinise the references to:

- Confirm whether or not all questions have been answered satisfactorily and whether there are any statements or issues that need to be further explored with the referee e.g. if answers provided are vague.
- Compare the information provided by the applicant with that provided by referees.

Any inconsistencies, discrepancies or concerns will be followed up with referees and/or applicants prior to interview, or as part of the interview process, as appropriate.

Sometimes, a referee may not be willing to complete a standard reference questionnaire or may not be willing to provide a reference at all. This may be because a particular organisation has a

policy of simply not providing references, only providing basic standard information such as dates of employment or they may be restricted by what can be provided because a standard reference has been agreed as part of a settlement agreement.

#### Additional Note:

If a candidate short-listed for a teaching post is not currently employed as a teacher, (it is good practice) a check will normally be made with the school, college or local authority at which they were most recently employed, to confirm details of their employment and reasons for leaving. This applies regardless of whether or not the candidate has given that employer as a referee.

#### **Checks for New staff** (Inc. Childcare Disqualification Regulations 2018 and Childcare Act 2006)

When appointing new staff, our school will:

- Verify their identity
- Obtain (via the applicant) an enhanced Disclosure and Barring Service (DBS) certificate, including childrens barred list information for those who will be engaging in regulated activity or employed within a regulated establishment. We will not keep a copy of this for longer than 6 months
- Verify their mental and physical fitness to carry out their work responsibilities
- Verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards
- Verify their professional qualifications, as appropriate
- Ensure they are not subject to a prohibition order issued by the Secretary of State, if they are to carry out \*teaching work. (\*planned and preparing lessons and courses for pupils; delivering lessons to pupils; assessing the development, progress and attainment of pupils; and reporting on the development, progress and attainment of pupils)
- **From 1 January 2021 the Teaching Regulation Agency will no longer maintain a list of EEA teachers with sanctions.**
- For applicants that have lived or worked outside of the UK, schools must make any further checks they think appropriate so that relevant events that occurred outside the UK can be considered, including obtaining an enhanced DBS certificate with barred list information (even if the teacher has never been to the UK).
- Teachers may be able to provide proof of their past conduct as a teacher, issued by the professional regulating authority in the country in which they worked. Where available, such evidence can be considered alongside other information obtained through other pre-appointment checks to help assess their suitability.
- It is recommended you ask candidates for a teaching position to provide proof of their past conduct as a teacher as issued by the professional regulating authority in the country in which the applicant has worked - where available, this can be considered together with information obtained through other pre-appointment checks to help assess suitability.
- Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in schools or colleges. 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, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. These checks could include, where available:
  - criminal records checks for overseas applicants - Home Office guidance can be found on GOV.UK; and for teaching positions
  - obtaining a letter (via the applicant) of professional standing from the professional regulating authority in the country in which the applicant has worked, confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reasons why they are unsuitable to teach.



- Applicants can find contact details of regulatory or professional body in the EU/EEA and Switzerland on the 'Regulated Professions database', applicants should contact also contact the UK Centre for Professional Qualifications who can signpost them to the appropriate EEA regulatory body.
- Where available, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability.
- Where this information is not available schools and colleges should seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment. Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, schools and colleges should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment. Further information can be found in DfE Guidance: 'Recruit teachers from overseas'.
- Check that candidates taking up a management position are not subject to a prohibition from management (section 128) direction made by the secretary of state

Schools providing childcare must ensure that appropriate checks are carried out to ensure individuals employed to work in reception classes (up to age 5), or in wraparound care for children Up to the age of 8, are not disqualified from working in these settings. Our school will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare Disqualification Regulations 2018 and Childcare Act 2006. Where we take a decision that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment on the individual's personnel file. This will include our evaluation of any risks and control measures put in place, and any advice sought.

### **Duty to refer**

Our School will ensure our duty to refer to the DBS of anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- We believe the individual has engaged in relevant conduct; or
- The individual has received a caution or conviction for a relevant offence, or there is reason to believe the individual has committed a listed relevant offence, under the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009; or
- The 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and
- The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

### **Agency, third-party and Kirklees Council staff (refer to Table 1 page 12)**

Our part of our school's commitment to providing a safer environment we will obtain written notification from any agency or third-party organisation that it has carried out and in place the necessary safer recruitment processes and checks that we would otherwise perform as an employer. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

## **Contractors** (refer to Table 1 page 13)

Our establishments must set out their safeguarding and safer recruitment requirements in contract clearly between the organization(s) and your school or college, as part of our schools commitment to providing a safer environment. As carried out and in place are the necessary safer recruitment processes and checks that we would otherwise perform as an employer. Our school will ensure that any contractor, or any employee of the contractor, who is to work at the school has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract).

This will be:

- An enhanced DBS check with barred list information for contractors engaging in regulated activity
- An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children
- We will not keep copies of such checks for longer than 6 months.
- Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.
- Safer recruitment is followed by the recruiter
- Safeguarding awareness training is in place for all staff and regularly updated.
- We will check the identity of all contractors and their staff on arrival at the school.

**Schools with pupils aged under 8 add:** For self-employed contractors such as music teachers or sports coaches, we will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought.

## **Trainee/student teachers**

Where applicants for initial teacher training are directly employed, we will ensure that all necessary checks are carried out.

Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

**Schools with pupils aged under 8 add:** In both cases, this includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

## **Volunteers**

Volunteers are also seen by children as safe and trustworthy adults. Therefore the same or similar processes apply when recruiting volunteers within your organisation. However, prospective volunteers might not be in paid employment or have previous employment or previous experience of working with children. Consequently, schools may have to be prepared to be flexible about the kinds of people from whom they accept references and the nature of those references

Nevertheless, it is important to make background enquiries and checks on volunteers as well as paid staff.

The same safer recruitment principles apply when interviewing volunteers, but it is important to make interviews more informal than for paid staff. However, this does not mean the interview should not probe into candidate's attitude and motives and their suitability for work with children; this is just as important if not more so, where volunteers have no previous experience of working with children.

We will:

- Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in regulated activity – if volunteers are out of line of sight, then a DBS check with a Children's workforce barred list check is required.
- Carry out a risk assessment when deciding whether to seek an enhanced DBS check without barred list information for any volunteers not engaging in regulated activity. We will retain a record of this risk assessment

**Schools with pupils aged under 8 add:**

- Volunteers should also be aware of that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought

## **Governors**

**All schools include:**

All governors [in academies: All trustees, local governors and members] will have an enhanced DBS check without barred list information.

They will have an enhanced DBS check with barred list information if working in regulated activity.

**Maintained schools add:**

All governors will also have a section 128 check (as a section 128 direction disqualifies an individual from being a maintained school governor).

**Academies (including free schools), and independent schools, add:**

The chair of the board will have their DBS check countersigned by the secretary of state.

All proprietors, trustees, local governors, and members will also have the following checks:

- A section 128 check (to check prohibition on participation in management under section 128 of the Education and Skills Act 2008).
- Identity
- Right to work in the UK
- Other checks deemed necessary if they have lived or worked outside the UK

**Non-maintained special schools add:**

The chair of the board will have their DBS check countersigned by the secretary of state. All governors will also have the following checks:

- Identity
- Right to work in the UK
- Other checks deemed necessary if they have lived or worked outside the UK

## **Staff working in alternative provision settings**

Where we place a pupil with an alternative provision provider, we obtain written confirmation from the provider that they have carried out the appropriate safeguarding checks on individuals working there that we would otherwise perform.

## **Adults who supervise pupils on work experience**

When organising work experience, we will ensure that policies and procedures are in place to protect children from harm.

Our school will also consider whether it is necessary for barred list checks to be carried out on the individuals who supervise a pupil under 16 on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity.

## **Letters of Assurance**

An appropriate 'letter of assurance' would be on headed paper, personally addressed, dated, signed and provided by the relevant authorised person on behalf of the individual concerned, for example by the agency on behalf of an agency worker.

The letter should include a statement of assurance that all of the checks you specified in your contract for services have been undertaken, the date on which they were completed, and that they are satisfactory.

## **A safer culture**

It is never sufficient to assume that a safer recruitment and selection process and robust induction arrangements are enough to ensure that the pupils are safe and that there is no risk to them within the educational environment. Creation of a safe culture, with on-going vigilance is essential.

**Table 1**

<p>Kirklees Council recommend the following information is requested and confirmed in writing by the following parties;</p> <p><u>Agency worker</u> (all staff groups);</p> <p><u>Contractors</u>;</p> <p><u>Third Party Organisations</u> (e.g. Kirklees Council/ NHS/ Locala/ KNH etc)</p>
<ul style="list-style-type: none"> <li>• Written confirmation all Pre employment checks (role dependent) have been satisfactorily carried out</li> </ul>
<ul style="list-style-type: none"> <li>• At least one recruiter on the recruitment panel to be Safer Recruitment trained (refreshed every 3 years)</li> </ul>
<ul style="list-style-type: none"> <li>• Applications forms with complete employment history</li> </ul>
<ul style="list-style-type: none"> <li>• 2 x verified references inc. question disciplinary, substantiated allegations towards children and capability</li> </ul>
<ul style="list-style-type: none"> <li>• DBS (+Barred list) where appropriate</li> </ul>
<ul style="list-style-type: none"> <li>• Prohibition from Teaching</li> </ul>
<ul style="list-style-type: none"> <li>• S128 checks (role dependent)</li> </ul>
<ul style="list-style-type: none"> <li>• Qualifications (role dependant)</li> </ul>
<ul style="list-style-type: none"> <li>• Right to Work in the UK</li> </ul>
<ul style="list-style-type: none"> <li>• Appropriate checks for overseas employees</li> </ul>
<ul style="list-style-type: none"> <li>• Disclosure under Childcare Disqualification Regulations 2018 and Childcare Act 2006</li> </ul>
<ul style="list-style-type: none"> <li>• References (Safer Recruitment)</li> </ul>
<ul style="list-style-type: none"> <li>• Medical clearance</li> </ul>
<ul style="list-style-type: none"> <li>• Any disclosed information/Risk assessments shared with School / Academy</li> </ul>
<ul style="list-style-type: none"> <li>• Safeguarding awareness training</li> </ul>