



Elmlea Schools' Trust

Safer Recruitment - Recruitment Selection Policy and Procedures

Document History Record of recent Policy changes

Date	Version	Author/Owner	Change	Origin of Change e.g. TU request, change in legislation
1 September 2019	1.0	Clare Sanders	New Policy for Elmlea Schools' Trust	Elmlea Junior School/EPM
August 2022	2.0	Andrea Bizley	Replaced with updated Judicium policy	Judicium

Trustees1971 'Committee	Staffing
Statutory/Non Statutory	Non Statutory
Policy Adopted	September 2022
Review cycle	Three Yearly
Review date	Autumn Term 2025

Introduction

In line with the Trust statutory duties under the Safeguarding Vulnerable Groups Act 2006, the DfE Keeping Children Safe in Education guidance and the Protection of Freedoms Act 2012 to safeguard children, we are required to carry out a number of checks on all staff, whether they are permanent, temporary, casual, voluntary, Trust-based supply or agency-based supply.

This policy does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the Trust who are required to familiarise themselves and comply with its contents. We reserve the right to amend this policy at any time.

Aims of this Policy

The aims of our Safeguarding in Recruitment Policy are as follows, to:

- ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- ensure safeguarding and promoting the welfare of children and young people is an integral factor at each stage of the recruitment and selection process;
- adopt a safer recruitment process, which helps to promote a safe culture and complements other 'safety' elements such as health and safety and Trust security;
- attract and recruit suitably skilled and motivated staff to help raise standards and reduce the risk to children and young people;
- ensure that those that are responsible for each stage of the recruitment process demonstrate a professional approach by dealing honestly, efficiently and fairly with all applicants;
- ensure that no job applicant is treated unfairly on any grounds including sex, sexual orientation, marital or civil partner status, pregnancy or maternity, gender reassignment, race, religion or belief, disability or age;
- ensure compliance with all relevant recommendations and guidance including the recommendations of the DfE in the "Keeping Children Safe in Education" guidance and the Code of Practice published by the Disclosure and Barring Service;
- ensure that we meet our commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves, and complying with, the provisions of this policy.

The measures described in this policy will be applied to all who are employed to work at the Trust and incorporated within the scope of this policy are staff employed by contractors, supply staff, volunteers and the like who work at the Trust.

Personal Data – Single Central Record

We hold a central record incorporating all employed staff (and others) that have contact with children. The record is available to the Senior Leadership Team and Board of Trustees.

The record details a range of checks as set out by the DfE, and the responsibility for the maintenance of this record is with the Executive Headteacher, but this function can be delegated to a member of the Senior Leadership Team.

Equal Opportunities

Fairness in how we recruit and select our staff plays a significant part in creating an equal opportunities environment. Our aim is that every internal and external applicant who applies for a position within the Trust is considered against criteria, which relates only to the requirements of the job.

The Recruitment and Selection Procedure - Prior to the Recruitment Process

1. Documents confirming Identification

In accordance with the recommendations of the DfE, we carry out a number of pre-employment checks in respect of all prospective employees to ensure effective safeguarding.

All applicants who are invited to an interview will be required to bring the following evidence of identity, address and qualifications in order for us to verify their name, date of birth and current address:

- current driving licence (including photograph) or passport or full birth certificate;
- two utility bills or statements (from different sources) less than three months old showing their name and home address;
- documentation confirming their National Insurance number (P45, P60 or National Insurance card); and
- documents confirming any educational and professional qualifications referred to in their Application Form.

These identification documents will also be sufficient to enable a Disclosure and Barring Service (DBS) check to be carried out (see below).

Where an applicant claims to have changed their name by deed poll or any other mechanism (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change. In all cases original documents (not photocopies) must be provided.

Original documentation in respect of any specific qualifications relevant to the post (e.g. academic qualifications, vocational qualification such as the QTS or in relation to a specific subject field, First Aid or Food Hygiene) that has been entered on the application will also be required.

In the case of teaching staff and many support staff roles, references will have been sought prior to an interview and in other cases shortly thereafter. This applies to all internal applicants as well as external applicants.

Trust appointments are always subject to receipt of satisfactory references and satisfactory screening and vetting.

2. Advertising

Adverts for vacancies will demonstrate our commitment to safeguarding in recruitment, promoting the welfare of children and vetting procedures, protecting every potential applicant from unfair practice and ultimately safeguarding children as much as possible. Promoting commitment to safeguarding and child protection can act as a deterrent to would-be abusers. Thought will be given to wording, pictures and images used to ensure that they could not be considered discriminatory.

The following information will usually be included within the text of the advert:

- name of the Trust
- post title
- hours of work
- grade or scale
- salary (actual salary for part time)
- permanent or fixed term (stating duration if fixed term).
- brief details about what the job entails and the type of skills and experience required, including responsibility for safeguarding children.
- confirmation that an Enhanced DBS Disclosure will be required.
- confirmation of whether the post is exempt from the Rehabilitation of Offenders Act 1974.
- contact details
- closing date

3. Job Descriptions & Person Specification

Job descriptions and/or person specifications will define the purpose, duties and responsibilities of the post, as well as the qualifications, skills, abilities, attitude, behaviours and experience needed to perform the job, with particular attention to working with vulnerable groups. The Job Description and Person Specification will make reference to our commitment to the safeguarding of students and include the extent that the role will involve contact with children and whether it engages in regulated activity.

All posts at the Trust will require an **Enhanced** DBS Disclosure where an individual is likely to come into direct contact with pupils.

4. Application Pack

The importance of safeguarding and protecting children at the Trust will be promoted throughout the recruitment process in order to deter unsuitable candidates and make it clear that where the role involves regulated activity, it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

Our Application Pack will normally include the following:

- Application Form;
- Job Description and Person Specification;
- Information Sheet;
- Equal Opportunities Policy;
- Child Protection Policy Statement and information on an Enhanced DBS check; and
- Recruitment of Applicants with a Criminal Record Policy or a link to this.

During the Recruitment Process

1. Interview

The interview will assess the merits of each candidate against the job requirements and will explore their suitability to work with children. A face-to-face interview will always be carried out as part of the recruitment process unless exceptional circumstances apply.

The Interview panel will consist of a minimum of **two** interviewers, one of whom will be the safeguarding representative who will have completed their safer recruitment training. Where the interview is for a teaching post, the Executive Headteacher and Deputy Headteacher will form part of the interview panel. Where the interview is for a support staff post, the Executive Headteacher or a Deputy Headteacher will form part of the selection panel.

Interviews Conducted by Video Conference:

In exceptional circumstances, interviews via video conferencing may take place. Such interviews should not be recorded or stored. The interviewee should be informed of this in the invitation to interview.

Candidates should be sent a request for ID (including photo ID) prior to the video interview to ensure that the person who is applying is the person who is interviewed.

2. English Fluency

Employees working in any role that requires them to communicate with pupils, parents, guardians, staff and / or members of the community, must be able to speak fluent English to enable the effective performance of the role and to ensure that they are able to abide by their safeguarding responsibilities.

The fluency duty does not create a higher standard than already required for Teachers at the Trust who are already annually appraised against the Teachers Standards.

3. Conditional Offer of Employment

Any offer of employment with the Trust will be conditional on the satisfactory completion of the following:

- the receipt of at least two satisfactory references;
- satisfactory Enhanced DBS Disclosure and where the appointee has lived outside the United Kingdom, a certificate of good conduct (or equivalent) if applicable;
- where applicable, satisfactory DBS checks in respect of the Children's and Adult's Barred List;
- confirmation of the candidate's medical fitness (through a pre-employment health check);
- verification of qualifications by the individual by providing original certificates;
- verification of professional status where required;
- verification that the candidate has not been prohibited from teaching or carrying out teaching work and has no sanctions or restrictions against them, by the Teaching Regulation Agency where relevant;
- verification that the candidate has not been prohibited from carrying out management work where relevant;
- verification that the candidate has not been disqualified under the Childcare Disqualification Regulations 2018, where applicable to their role;
- Letter of professional standing from the overseas professional regulating authority where relevant;
- verification of the candidate's identity;
- verification of the candidate's right to work in the UK.

A record will be kept to show that the above checks have been carried out for all employees.

The details of checks will be reported to the police and/or the Disclosure and Barring Service (DBS) if:

- the DBS disclosure shows that an applicant has been disqualified from working with children;
- an applicant has provided false information in, or in support of, their application; or
- there are serious concerns about an applicant's suitability to work with children gained from other legitimate information sources (e.g. references).

Pre-employment Checks

1. Online Searches

We will carry out an online search against you, for information that is publicly available online. This will include social media accounts you may hold. This will only be carried out on shortlisted candidates and usually before interview.

2. References

The purpose of obtaining a reference is to ensure that we have objective and factual information to support appointment decisions. References will normally be taken up on shortlisted candidates prior to interview including staff who may already be employed by the Trust.

All offers of employment will be subject to the receipt of a minimum of two references which we deem satisfactory, one of which must be from the applicant's current or most recent employer. If the current/most recent employment does/did not involve work with children, then the second referee should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. All referees will be sent a copy of the Job Description and Person Specification for the role that the applicant has applied for. If the referee is a current or previous employer, they will also be asked to confirm the following:

- the applicant's dates of employment, salary, job title/duties, the reason for leaving, performance, sickness and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired);
- the facts of any substantiated safeguarding allegations or concerns that meet the harm threshold
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people;
- We will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials;
- we will ensure the person providing the reference is sufficiently senior and has appropriate authority to provide it;
- We will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant before any appointment is confirmed.

3. Criminal Record Check

Due to the nature of the work, we apply for criminal record certificates from the Disclosure and Barring Service ("DBS") in respect of all prospective staff members and volunteers.

The type of check that may be requested from the DBS will depend on the nature of the position. If the individual is applying for a position that may provide them with an opportunity to engage in regulated activity with children, then an Enhanced Check with Barred List will be required. This check will contain details of all convictions, adult cautions, reprimands or warnings (except those which are "protected" as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 and amended in 2020) held on the Police National Computer.

The Enhanced Check with Barred List will also reveal whether the individual is barred from working with children by virtue their inclusion on the lists of those considered unsuitable to work with children.

An Enhanced Check may also contain non-conviction information from local police records and/or protected information (as defined above) which the police consider may be relevant to the work the individual will be undertaking.

Applicants with recent periods of overseas residence and those with little or no previous UK residence may also be asked to apply for the equivalent of a Disclosure if one is available in the relevant jurisdiction(s).

Should DBS clearance be delayed and employment commence before it is received, we may agree to the individual commencing work but before doing so shall obtain a barred list check (where required), undertake a Risk Assessment on the prospective member of staff concerned, ensure all other checks are completed and make arrangements as appropriate for the member of staff to be paired with or supervised by another member staff who has received DBS clearance.

Contractors, Volunteers, Agencies and Agency Staff

We expect supply, temporary worker agencies, and contractors that are used by the Trust, to register with the Enhanced DBS Disclosure on their own account and to follow this policy or their own comparable policy. **Proof of registration will be required before we will commission services from any such organisation.**

The agency must provide evidence of the checks carried out on their central record so we can satisfy itself that they have carried out the checks on the individual that we would otherwise perform.

The agency or contractor must also ensure that the individual is aware that they have to bring in their DBS Certificate, proof of qualifications (e.g. QTS Certificate) and identification documents (proving their name, date of birth and address) on the first day of their supply work for us. A Barred List check (where applicable) must be obtained before the individual is appointed.

We reserve the right to terminate the contract with the agency or contractor and send home the individual without notice should these terms of safer recruitment practice be breached. In this instance, we will not be liable for any charges connected to the booking.

All Volunteers who have direct contact with children on a regular basis will be required to have a DBS check and a Barred List check, where applicable. The Executive Headteacher or Deputy Headteacher will apply a risk assessment to assess the need for an enhanced DBS check on an individual basis.

Suitability declaration form (disqualification)

In accordance with the DfE Disqualification under the Childcare Act 2006 guidance regarding the Childcare Act 2006 schools are specifically required to establish that members of staff are not disqualified from working with children who have not yet reached the age of 8 in order to comply with the Childcare Act 2006 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.

Individuals employed within one of the 'relevant settings' listed below, will be required to complete and submit a Suitability Declaration Form upon, declaring that they are not disqualified from undertaking such work upon appointment:

- Staff providing childcare to a child from birth until 1 September following a child's fifth birthday. This will include staff who provide education in nursery and reception classes and/or any supervised activity for these children, which occurs during or outside of school hours, such as breakfast clubs, lunchtime supervision and after school care provided by us.
- Individuals providing childcare to children aged between 5 and 8 years old outside of an education setting. This means staff providing breakfast club or after school provision for children within this age bracket. It does not include staff who teach these children during the school day, nor does it include any extended school hours for co-curricular learning activities such as the Trust's choir or a sports team.
- Staff directly concerned with the management of the above childcare. This includes the Executive Headteacher and may also include other members of the Trust's leadership team and any manager, supervisor, leader to volunteer responsible for the day-to-day management of the provision.

Should you need to, you can find out more about disqualification in the Department for Education's guidance: <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

We will also undertake checks, where applicable to the post, to ensure the individual has not been disqualified.

Rehabilitation of Offenders Disclosure

We will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. We make appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically debar them from employment within the Trust. Instead, each case will be decided on its merits in accordance with the objective assessment criteria.

In view of the fact that all positions within the Trust will amount to "regulated positions", all applicants for employment must declare all previous convictions and adult cautions (except those which are "protected" as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 and amended in 2020). A failure to disclose a previous conviction or adult caution may lead to an application being rejected or, if the failure is discovered after employment has started, may lead to summary

dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

Under the relevant legislation, it is unlawful for us to employ anyone who is included on the lists, maintained by the DfE and the Department of Health, of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for us to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence.

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the Trust. If:

- we receive an application from a disqualified person;
- is provided with false information in, or in support of an applicant's application; or
- we have serious concerns about an applicant's suitability to work with children,

we will report the matter to the Police, DBS and/or the DfE.

1. Assessment Criteria

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, we will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is our normal policy to consider it high risk to employ anyone who has been convicted at any time of any the following offences:

- against adults: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence;
- against children or adults: serious class A drug-related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is our normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is our normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last 10 years.

2. Assessment Procedure

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, we will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Executive Headteacher of the Trust before a position is offered.

If an applicant wishes to dispute any information contained in a Disclosure, they can do so by contacting the DBS directly. In cases where the applicant would otherwise be offered a position were it not for the disputed information, we will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the Disclosure information.

3. Retention and Security of Disclosure Information

Our policy is to observe the guidance issued or supported by the DBS on the use of Disclosure information.

In particular, we will:

- store Disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the Trust's Senior Leadership Team and the Executive Headteacher's personal assistant;
- not retain Disclosure information or any associated correspondence for longer than is necessary. In most cases, we will not retain such information for longer than 6 months, although we will keep a record of the date of a Disclosure, the name of the subject, the type of Disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any Disclosure information is destroyed by suitably secure means such as shredding; and
- prohibit the photocopying or scanning of any Disclosure information.

We comply with the provisions of the DBS Code of Practice, a copy of which is available on request.

Retention of Records

If an applicant is appointed, we will retain any relevant information provided on their application form (together with any attachments) on their personnel file. This file will be stored by us for up to 6 years following termination of employment.

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after 6 months, unless the applicant specifically requests us to keep their details on file.

Any queries relating to the policy above should be directed to Director of Finance and Operations andrea.bizley@elmleaschoolstrust.com.