



**MARTIN PRIMARY SCHOOL**

# **Safer Recruitment and Employment Policy**

Reviewed, updated and ratified: autumn 2020

Reviewed every year

## Contents:

### [Statement of intent](#)

1. [Legal framework](#)
2. [Definitions](#)
3. [Roles and responsibilities](#)
4. [Equal opportunities](#)
5. [Planning, advertising and shortlisting](#)
6. [Invitation to interview](#)
7. [Pre-interview checks](#)
8. [Digital footprints](#)
9. [The interview](#)
10. [After the interview](#)
11. [Pre-appointment checks](#)
12. [After the pre-appointment checks](#)
13. [Single central record \(SCR\)](#)
14. [Safer recruitment training](#)
15. [Monitoring and review](#)

## Appendices

- a) [Flowchart of Disclosure and Barring Service Criminal Record Checks and Barred List Checks](#)

## Statement of intent

**Martin Primary School** has implemented this policy to assist with recruitment and employee selection. It outlines the school's recruitment procedure and how the school ensures safer recruitment is considered at all levels of the recruitment process.

The safety and protection of the school's pupils is always at the forefront of the school's concerns, which is why this policy aims to embed a robust safeguarding culture into the recruitment practices of the school.

### 1. Legal framework

1.1. This policy has due regard to all relevant legislation including, but not limited to, the following:

- Children Act 1989
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- The Education (School Teachers' Appraisal) (England) Regulations 2012 (as amended)
- Sexual Offences Act 2003
- The School Staffing (England) Regulations 2009
- Rehabilitation of Offenders Act 1974
- Education and Skills Act 2008
- Data Protection Act 2018
- The General Data Protection Regulation (GDPR)
- Education Act 2002
- Equality Act 2010

1.2. This policy has due regard to guidance including, but not limited to, the following:

- DfE (2019) 'Keeping children safe in education'
- DfE (2018) 'Staffing and employment advice for schools'
- DfE (2019) 'Governance handbook'

1.3. This policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy
- Data Protection Policy
- Equality Policy

### 2. Definitions

2.1. Regulated activity – includes:

- Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children.
- Working 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 undertaken by supervised volunteers.

The above definitions are classified as regulated activity if they are undertaken regularly. Some activities are always regulated activities, regardless of

frequency or whether they are supervised or not. This includes relevant personal care, or health care provided by, or under the supervision of, a health care professional. Personal care includes helping a child with eating or drinking for reasons of illness or disability, or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability. Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

A supervised volunteer who regularly teaches or looks after children is **not** in regulated activity.

- 2.2. **Teaching role** – refers to a role involving planning and preparing lessons and courses for pupils; delivering lessons to pupils; and assessing and reporting on the development, progress and attainment of pupils. These activities are **not teaching work** for the purposes of 'Keeping children safe in education' (KCSIE) if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher or other person nominated by the headteacher to provide such direction and supervision.
- 2.3. **Standard DBS** – this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer, regardless of whether or not they are spent under the Rehabilitation of Offenders Act 1974.
- 2.4. **Enhanced DBS** – this provides the same information as the standard DBS, plus any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed.
- 2.5. **Enhanced DBS with barred list check** – this check is required for when people are working or seeking to work in regulated activity with children. This check allows for additional checks to be made as to whether the person appears on the children's barred list.
- 2.6. **Children's barred list** – the DBS maintains a 'barred list' of individuals who are unsuitable to work with children and vulnerable adults. In addition, where an enhanced DBS including a barred list check is obtained, the certificate will also detail whether the applicant is subject to a direction under section 128 of the Education and Skills Act 2008 or section 167A of the Education Act 2002.
- 2.7. **Section 128 check** – this provides for the Secretary of State to direct that a person may be prohibited or restricted from participating in the management of an independent school (which includes academies and free schools). A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a maintained school.
- 2.8. **Safer recruitment** – this is the safeguarding and protection of pupils during the recruitment and selection process. Its overall purpose is to help identify and deter or reject individuals who are deemed to be at risk of abusing children.

### 3. Roles and responsibilities

3.1. The Governing Body is responsible for:

- agreeing and monitoring effective policies to ensure recruitment at the school is in accordance with the legislation outlined in [section 1](#)
- ensuring that staff recruitment is as safe as possible, as well as fair and compliant with the relevant legislation
- ensuring appropriate checks have been carried out on staff, volunteers, contractors and agency workers working within the school
- ensuring that all recruitment panel members have undertaken appropriate training before the selection process begins
- appointing an appropriate recruitment panel
- ensuring that at least one member of the recruitment panel has undergone safer recruitment training
- ensuring that all members of the recruitment panel understand their role, i.e. advisory or decision making
- monitoring the advertising of vacancies, assessing how they are being advertised and whether the adverts are maximising all of the opportunities to attract the appropriate candidates
- benchmarking the success of any advertising methods used, as well as the overall success of the recruitment process
- ensuring a member of the Governing Body is on the recruitment panel for a new headteacher
- ensuring that all members of the recruitment panel are familiar with their obligations with regards to safer recruitment, as set out in KCSIE
- monitoring the school's SCR to ensure that the necessary vetting checks for employees are carried out
- ensuring that equal opportunities are established and implemented throughout the recruitment process
- ensuring that the salary of the successful candidate is determined
- accommodating the needs of new employees and making reasonable adjustments when necessary
- ensuring that the DPO reviews this policy and that any recruitment data that is kept is in accordance with the Data Retention Policy.

3.2. The recruitment panel is responsible for:

- creating the advert and ensuring it meets all the necessary requirements
- shortlisting the potential candidates with the aim of reducing the application field and identifying those with the potential to effectively undertake the role
- appropriately delegating responsibility for recruitment to the headteacher
- ensuring that the interview addresses leadership ability, team working skills, reasons for interest in joining the school, integrity, understanding of the school's ethos and vision, and why the candidate believes they would be a good fit for the school
- ensuring that the interview addresses safeguarding practices

- agreeing with the successful candidate when other members of the school community will be informed about their appointment, including staff members and parents.
- 3.3. The headteacher is responsible for:
- ensuring appropriate checks have been carried out on prospective staff, volunteers, contractors and agency workers working within the school
  - ensuring that appropriate supervision of employees/volunteers is organised, and for promoting the safety and wellbeing of pupils generally and throughout the recruitment process
  - leading the interview when the candidate is at a lower level than headteacher.
- 3.4. During the recruitment process, and especially during the initial stages, the recruitment panel and the headteacher will be watchful of candidates displaying the following characteristics:
- no understanding or appreciation of children's needs
  - expressing that they want the role to meet their needs at the expense of children
  - using inappropriate language in relation to children
  - expressing extreme views or views that don't support safeguarding practices
  - displaying unclear boundaries with children
  - providing vague answers when asked about their experience and being unable to explain gaps in their employment.

## **4. Equal opportunities**

- 4.1. When recruiting, the school will adhere to its Equality Policy.
- 4.2. The school will not discriminate against any protected characteristics, such as disability or gender, and will always promote difference and inclusion throughout the school.
- 4.3. The school will, where necessary, make reasonable adjustments to ensure the interview is accessible to all candidates. Candidates should inform the school of any reasonable adjustments that they need when they receive the invitation for an interview.
- 4.4. The Governing Body will review recruitment procedures every three years to ensure they are accessible and do not directly or indirectly discriminate against candidates.
- 4.5. Candidates will not be asked about their health or any disabilities before a job offer is made, unless one of the following exemptions applies:
- questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments)
  - questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment
  - positive action to recruit people with disabilities

- equal opportunities monitoring (which will not form part of the decision-making process).

## **5. Planning, advertising and shortlisting**

- 5.1. Once a vacancy has been identified, the school will allow an appropriate amount of time for planning and structuring the recruitment process.
- 5.2. The headteacher and the Governing Body, where appropriate will:
  - decide on the recruitment timeframe
  - decide who will be involved in the process and what their roles will be, e.g. who forms the recruitment panel and who will lead interviewing
  - prepare the documents that will be provided to applicants, including the job description, person specification and application form – ensuring that these documents contain a clear message about safeguarding, the checks that will be carried out and that references will be sought
  - ensure that application packs, where relevant, state that applicants must be willing to sign the staff disqualification declaration.
- 5.3. The job information and associated documents will be published online.
- 5.4. The full requirements of the role will be clearly explained, including any employment vetting requirements such as a DBS check.
- 5.5. The recruitment panel will usually be an odd number so majority votes can be cast.
- 5.6. At least one member of the recruitment panel will have successfully completed up-to-date safer recruitment training.
- 5.7. The recruitment panel will create the advertisement.
- 5.8. The recruitment panel will ensure the advertisement includes the following requirements:
  - Information specific to the role on offer and the school as a whole
  - The benefits of the role are highlighted
  - The advertisement is relevant to the target audience
  - The advertisement is communicated directly and concisely, and includes a clear call to action
  - Applications can be submitted electronically
- 5.9. Requests for further information from applicants are replied to promptly.
- 5.10. All applications are replied to notifying candidates whether they have been shortlisted or not.
- 5.11. Interviews are arranged for the shortlisted candidates.
- 5.12. Advertisements will contain a statement of commitment to ensuring equal rights.

- 5.13. Advertisements will include a job description, person specification and detail the closing date.
- 5.14. The contact details of the school and details of the application process will be clearly outlined.
- 5.15. Application forms will be accessible on the school's website.
- 5.16. The school may utilise social media for recruitment, and if doing so, will create a social media recruitment strategy to ensure that the advertisement is reaching the right people and is communicating the ethos of the school effectively.
- 5.17. When an advert receives a response, the recruitment panel will ensure that candidates receive the application pack.
- 5.18. The school will never accept a CV alone, only completed application forms.
- 5.19. When shortlisting candidates for an interview, all application forms will be considered.
- 5.20. At least two members of the recruitment panel will be involved in the shortlisting process
- 5.21. Candidates who are shortlisted will meet all the essential aspects of the person specification requirements.
- 5.22. The school will ensure that the shortlisting process is as systematic as possible, and that the recruitment panel read through all applications. Each member of the panel will create their own shortlist which will then be collated and discussed.
- 5.23. Applicants will be assessed against the same shortlisting criteria to ensure a fair process.

## **6. Invitation to interview**

- 6.1. Before interview invitations are sent, the recruitment panel will ensure that every candidate has received the following:
  - a comprehensive job description
  - a comprehensive person specification
  - any equal rights material, e.g. an equal opportunities statement
  - a brief outline of the school, its values and aims.
- 6.2. Once a shortlist has been confirmed, the applicants to be invited for interviews will be contacted by the appointing officer and suitable interview times will be decided.
- 6.3. The recruitment panel will ensure that all shortlisted candidates receive information about the interview arrangements, how they will be conducted, the areas that will be explored and what documents they should bring.

- 6.4. Upon inviting candidates to interview, the recruitment panel will state that the successful candidate's identity will be checked and, where appropriate, the necessary pre-appointment checks will be carried out.
- 6.5. Where possible and practical, the recruitment panel will obtain two references before interviewing candidates to allow for any concerns to be explored with the referee and discussed with the candidate.
- 6.6. One of the references will be from the candidate's most recent employer.
- 6.7. Where a candidate is not currently employed, verification of their most recent period of employment and reasons for leaving will be obtained from the employer.
- 6.8. References will be from a senior member of staff and not a colleague.
- 6.9. Open testimonials will not be relied upon, nor will information that has been provided by the candidate without verifying the information.
- 6.10. Electronic references will be vetted to ensure they originate from a credible source.
- 6.11. References from internal candidates will also always be scrutinised before interview.
- 6.12. Permission will be sought from the candidates before the recruitment panel contacts referees.
- 6.13. Information about past disciplinary action or allegations that are disclosed will be considered carefully when assessing the applicant's suitability for the post.
- 6.14. The candidate's current employer will be asked for details of any capability history in the previous two years, including the reasoning.

## **7. Digital footprints**

- 7.1. The school is committed to ensuring that safeguarding is a top priority; therefore, where appropriate, the school may check candidates' social media or other online activity prior to interview.
- 7.2. This process may include a search for the candidate via:
  - Google
  - Facebook
  - LinkedIn
- 7.3. Any concerns will be addressed during the interview process.

## **8. The interview**

- 8.1. During the interview process, candidates will be asked standard questions and their responses will be recorded for ease of comparison.

- 8.2. Any concerns raised through any contact with referees will be discussed with the candidate at this stage.
- 8.3. The recruitment panel will ask open questions to assess the candidate's experience and suitability for the post, and to explore the candidate's motivation towards safeguarding and their suitability to work with children.
- 8.4. The candidate will be given the opportunity to discuss any concerns or ask any questions.
- 8.5. The interview will always comprise a face-to-face interview; however, the recruitment panel may also request that candidates complete one of the following exercises:
  - role play exercises
  - presentations
  - group exercises
  - written exercises
  - aptitude/ability tests
  - personality questionnaires
  - teaching a lesson
  - getting the candidate to work in supervised activity with pupils.

## **9. After the interview**

- 9.1. After the interview has been completed, the recruitment panel will:
  - assess all candidates' performance using the same agreed criteria
  - request any references not obtained prior to interview
  - ask the successful candidate to provide proof of identification and qualifications, and to complete the DBS check as soon as possible
  - contact and provide feedback to the unsuccessful candidates if requested – feedback will be verbal and based on evidence of their performance against the person specification for the role.
- 9.2. Interview notes and assessment materials will be held securely for an appropriate amount of time after the interviews, in line with the Data Retention Policy, in case any aspect of the recruitment process is challenged.
- 9.3. After choosing a successful candidate, the school will:
  - make a conditional offer of employment to the candidate
  - ask the successful candidate to provide identification and proof of qualifications, if this has not already been done
  - complete the relevant pre-appointment checks.
- 9.4. Once an offer of employment has been made, the candidate's self-declaration form will be reviewed. If a conviction has been declared, and it is spent or filtered, the offer of employment will not be retracted based on this; however, the school will undertake the relevant assessments to determine whether the candidate is suitable to work in the school.

## **10. Pre-appointment checks**

- 10.1. All appointments will be conditional on satisfactory completion of the necessary pre-appointment checks.
- 10.2. When appointing new staff, the school will complete the following checks:
  - verify the candidate's identity
  - obtain an enhanced DBS certificate (via the applicant) and, for candidates engaging in regulated activity, barred list information
  - obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available
  - verify a candidate's mental and physical fitness to carry out their role
  - verify the person's right to work in the UK
  - make further checks on any individual who has lived or worked outside the UK
  - verify professional qualifications, as appropriate
  - for those in management, trustee or governor roles, a section 128 check will be carried out.
- 10.3. The recruitment panel will ensure any candidate employed to carry out teaching work is not subject to a prohibition order or any sanction or restriction imposed (that remains current) by the GTCE before its abolition in March 2012.
- 10.4. If the school has reason to believe that an individual is barred, it is an offence under section 9 of the Safeguarding Vulnerable Groups Act (SVGA) 2006 for the school to allow the individual to carry out any form of regulated activity.
- 10.5. The school will use the Employer Secure Access sign-in portal via the Teaching Regulation Agency Teacher Services web page to check if a proposed governor is barred as a result of being subject to a section 128 direction.
- 10.6. Checks for all prohibitions, directions, sanctions and restrictions will be carried out by using the secure access portal on the Teacher Services' [web page](#).
- 10.7. There is no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the applicant has worked:
  - in a school in England in a post which brought them into regular contact with children or young persons; or
  - in any post in a school since 12 May 2006 which did not bring the person into regular contact with children or young persons.

### **Volunteers**

- 10.8. For volunteers, if they are not engaging in regulated activity, an enhanced DBS check will be obtained – a barred list check will not be required.
- 10.9. If volunteers are engaging in regulated activity and are new to the school, an enhanced DBS check with a barred list check will be required.

- 10.10. Existing volunteers in regulated activity do not need to be re-checked if they have already had a DBS check (including barred list information); however, the school may decide to conduct a repeat DBS check.
- 10.11. If a volunteer is not in regulated activity, the school will use its professional judgement, after conducting a risk assessment, to determine whether to seek an enhanced DBS check, but no barred list check will be required.

#### **Candidates who have lived outside the UK**

- 10.12. No exceptions will be made for candidates who have lived outside of the UK. All mandatory checks outlined in this policy will be carried out, along with additional checks where necessary.
- 10.13. The DfE's [guidance on the employment of overseas-trained teachers](#) will be consulted should an overseas candidate apply for a teaching position.

#### **Agency and third-party staff**

- 10.14. In the case of any employee working at the school who is sourced from an agency or third-party organisation, confirmation must be obtained from the organisation, in writing, that all necessary checks have been completed.
- 10.15. Confirmation will also be obtained that the individual who presents for work is the same person on whom all checks have been completed. A copy of photographic identification will generally be kept where appropriate.

#### **Trainee/student teachers**

- 10.16. The school will ensure that enhanced DBS certificates and barred list checks are obtained on all salaried applicants for initial teacher training who are in regulated activity.
- 10.17. Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks.
- 10.18. The school will obtain written confirmation from the agency that the checks have been carried out.

#### **Existing staff**

- 10.19. If a member of staff moves from a post that was not regulated activity to one that is, the relevant checks will be carried out.
- 10.20. The recruitment panel will carry out further checks where there is a concern about a member of staff's suitability to work with children.
- 10.21. An investigation will be carried out to gather enough evidence to establish if an allegation has a foundation. The employer of the school will ensure they have sufficient information to meet the referral duty criteria in 11.23 of this policy.

- 10.22. The school will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:
- The harm test is satisfied in respect of that harm.
  - The individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence.
  - The individual is deployed to another area of work not in regulated activity, or where they have been suspended.
- 10.23. Referrals to the DBS will be made on conclusion of an investigation where an individual has been removed from regulated activity.
- 10.24. Referrals to the DBS will be made as soon as possible after the resignation, removal or redeployment of the staff member.

### **Contractors**

- 10.25. The school will ensure that any contractor, or any employee of the contractor, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information).
- 10.26. For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required.
- 10.27. Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity.
- 10.28. If a contractor is self-employed, the school will consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.
- 10.29. The school will always check the identity of contractors and their staff on arrival.

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

- 10.30. If the school is organising work experience placements, the school will ensure that the placement provider has policies and procedures in place to protect children from harm.
- 10.31. Barred list checks by the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement. In such cases, the school will consider the specific circumstances of the work experience. Consideration will be given in particular to the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations will include whether the person providing the teaching/training/instruction/supervision to the child on work experience will be:
- unsupervised themselves

- providing the teaching/training/instruction/supervision frequently (more than three days in a 30-day period or overnight).
- 10.32. If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity. In this case, the school will ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.
- 10.33. If the activity undertaken by the child on work experience takes place in a 'specified place', such as the school, and gives the opportunity for contact with children, this may itself be considered regulated activity. In these cases, and where the child is 16 years of age or over, the work experience provider will consider whether a DBS enhanced check should be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.

#### **Children staying with host families**

- 10.34. The school may make arrangements for a child to have learning experiences where, for short periods, the child may be provided with care and accommodation by a host family to whom they are not related. In these circumstances, the LA will be consulted.

#### **Governors**

- 10.35. Governors will have an enhanced criminal records certificate from the DBS. Governance is not a regulated activity and so governors will not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.
- 10.36. Governors will be subject to a section 128 direction check.

### **11. After the pre-appointment checks**

- 11.1. Once the pre-employment checks have been completed, the **recruitment panel** will:
- agree a start date with the candidate.
  - submit contractual paperwork, including the completed DBS check, copies of identification, references, proof of qualifications, pre-employment medical enquiry form, P45, application/equal opportunities and emergency contacts
  - add the required details of the checks carried out to the school's SCR.

### **12. Single central record (SCR)**

- 12.1. The school will maintain and regularly update the SCR.
- 12.2. All new employees will be added to the record, which will include:
- all staff (including supply staff) who work at the school
  - all others who work in regular contact with children in the school or college, including volunteers.
- 12.3. The bullet points below set out the minimum information that must be recorded in respect of staff members (including teacher trainees on salaried

routes). The record will indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- an identity check
- a barred list check
- an enhanced DBS check
- a prohibition from teaching check
- further checks on people living or working outside the UK, including checks for European Economic Area (EEA) teacher sanctions and restrictions
- a check of professional qualifications
- a section 128 check
- a check to establish the person's right to work in the UK
- for those in management, trustee or governor roles, a section 128 check.

12.4. For supply staff, the school will include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, and the date that confirmation was received and whether any enhanced DBS check certificate has been provided in respect of the member of staff.

12.5. If checks are carried out on volunteers, this will be recorded in the SCR.

### **13. Safer recruitment training**

13.1. At least one member of the recruitment panel will have completed formal safer recruitment training.

13.2. As a measure of good practice, the school will ensure that this training is renewed every five years.

### **14. Monitoring and review**

14.1. This policy is reviewed annually by the Governing Body and the headteacher.

14.2. Any changes made to this policy by the Governing Body and headteacher will be communicated to all members of staff.

14.3. All members of staff are required to familiarise themselves with all processes and procedures outlined in this policy as part of their induction programme.

## Flowchart of Disclosure and Barring Service Criminal Record Checks and Barred List Checks (minimum expectation)

