

**ST VINCENT DE PAUL
CATHOLIC PRIMARY SCHOOL**



SAFER RECRUITMENT POLICY

Changes since last version: Updated to reflect September 2020 Keeping Children Safe in Education and most up to date best practice.

The Professional Associations/Trade Unions have been consulted on this policy, and HfL recommends it for adoption.

**Hertfordshire Model Policy - Schools' HR Advisory Team
Date of issue: October 2020**

This policy will be issued to all those involved in any recruitment process.

*"We are called to be the hands and face of Jesus as we learn,
love and grow together"*

Signature:

A handwritten signature in black ink, appearing to be 'J. Smith', written over a light blue horizontal line.

Chair of Governors

Reviewed: Autumn 2020
To be reviewed: Autumn 2021
Reviewed by: Safeguarding Committee
Ratified at Full Governing Body meeting

Date ratified: 8th December 2020

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1. Introduction

The safe recruitment of staff is the first step to safeguarding and promoting the welfare of children and young people in education. This school is committed to safeguarding and promoting the welfare of the pupils in its care and expects all staff and volunteers to share this commitment.

2. Scope and Objectives

The scope of this policy is to set out the minimum requirements of a recruitment process that aims to:

- attract the best possible applicants to vacancies on the basis of their merit, abilities and suitability
- deter prospective applicants who are unsuitable for work with children or young people
- identify and reject applicants who are unsuitable for work with children and young people.

The objectives of this policy are as follows:

- to ensure that all applicants are considered equally and consistently
- to ensure that no applicant is treated unfairly on any grounds and specifically any protected characteristics as outlined in the Equality Act 2010
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), [Keeping Children Safe in Education](#) (KCSIE), the Prevent Duty Guidance for England and Wales (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Services (DBS)
- to ensure that the school meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

3. Roles and Responsibilities

3.1. Governing Body

- to ensure the school has effective policies and procedures in place for the recruitment of staff and volunteers in accordance with the DfE guidance and legal requirements
- to monitor compliance with the above policies.

3.2. Headteacher/SLT/Recruiting Managers

- to ensure the school operates safe recruitment practices and makes sure appropriate checks are carried out on all staff and volunteers
- to monitor contractors and agencies compliance with this document
- to promote the safeguarding of children and young people at every stage of the recruitment process.

4. Safer Recruitment Implications during Covid 19

The DfE have published interim guidance relating to Safeguarding for schools to adopt during any full or partial school closures due to the Covid 19 crisis, which this school will follow. This guidance can be found at the following link

(<https://www.gov.uk/government/publications/covid-19-safeguarding-in-schools-colleges-and-other-providers/coronavirus-covid-19-safeguarding-in-schools-colleges-and-other-providers>).

It remains essential that people who are unsuitable are not allowed to enter the children's workforce or gain access to children. The school shall continue to use its judgement on whether recruitment is needed and how this can best be done given the circumstances. If the school is recruiting new staff or volunteers, it will continue to follow the relevant safer recruitment processes as outlined in this policy and in Part 3 of Keeping Children Safe in Education.

In response to the crisis, the Disclosure and Barring Service (DBS) has made changes to its guidance on standard and enhanced DBS ID checking to minimise the need for face-to-face contact. The Home Office and Immigration Enforcement have also temporarily adjusted the right to work checks due to the coronavirus outbreak.

For the successful candidate, original copies must subsequently be shown as soon as reasonably possible and no later than the first day of employment.

5. Recruitment Panel

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

6. Advertising posts

Advertisements for posts, whether in newspapers, journals or online, will include the statement:

“The school is committed to safeguarding children and young people. All post holders are subject to a satisfactory enhanced Disclosure and Barring Service (DBS) check.”

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

- job description and person specification
- the school's child protection policy
- the school's safer recruitment policy (this document)
- the selection procedure for the post
- an application form (CES model)
- the CES Model Recruitment Monitoring Information form

- the CES Rehabilitation of Offenders Act 1974 – Disclosure Form (attached at Appendix 2)

7. Application Forms and Shortlisting

All prospective applicants must fully complete an application form (CES model). CVs will not be accepted in isolation.

If shortlisted, candidates will be asked to complete a declaration regarding convictions and working with children as posts in schools are exempt from the provisions of the Rehabilitation of Offenders Act 1974. The relevant declaration form is attached at Appendix 2.

8. References

Where possible, references will be taken up before the interview stage, so that any discrepancies or gaps in employment can be explored during the interview.

Unless otherwise impracticable, references will be obtained from the candidate's current or most recent employer and will be sought directly from the referee.

If a candidate is moving from another school the reference must be from the Headteacher/Principal or another senior colleague (in the absence of a Headteacher) and not from a colleague.

Open references or testimonials provided by the candidate will not be accepted.

Where necessary, referees will be contacted by telephone or email in order to clarify any anomalies or discrepancies and verify the source of the reference. This contact will then be recorded on the school's Single Central Record for successful candidates.

Where necessary, previous employers who have not been named as referees will be contacted in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.

Referees will always be asked specific questions about:

- the candidate's suitability for working with children and young people
- any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children
- the candidate's suitability for this post.

Applicants are not automatically entitled to see their employment references.

9. Secretary of State Prohibition Orders and Section 128 direction (teaching and management roles)

In all cases, where an applicant is to undertake a teaching role of any kind (this may include non-teaching staff if they plan, prepare and deliver lessons and assess and report on pupils without supervision of a qualified teacher) a Prohibition Order check will be made. It is anticipated that this will be performed at the shortlisting stage but will in any case be made before any offer of employment is made.

The above activities do not amount to “teaching work” if they are supervised by a qualified teacher. If in any doubt or if the candidate has taught previously, or may teach in the future, the check will be undertaken.

Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.

Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the Teacher Regulation Agency (TRA). Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

A section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited is unable to participate in any management of an independent school such as:

- a management position in an independent school, academy or free school as an employee
- a trustee of an academy or free school trust; a governor or member of a proprietor body for an independent school
- or a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a school as stated in [Keeping Children Safe in Education](#) and the DfE [Governance Handbook](#).

Checks for all prohibitions, sanctions and restrictions will be carried out by logging into the Secure Access/DfE Sign in Portal via the Teacher Regulation Agency web page. This is a free service available to all schools and colleges.

Where the candidate will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

10. Interviews

Selection techniques will be determined by the nature and duties of the vacant post and may include a variety of methods. The school will conduct interviews in a face-to face manner (which could be via remote methods using video conferencing software, such as Microsoft Teams or similar, if face to face is not practical).

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

Candidates will be required to:

- explain satisfactorily any gaps in employment
- explain satisfactorily any anomalies or discrepancies in the information available to recruiters
- declare any information that is likely to appear on a DBS check

- demonstrate their capacity to safeguard and protect the welfare of children and young people
- demonstrate how they meet the job description and person specification.

At least one member of the interview panel will have undertaken safer recruitment training or refresher training as applicable.

All applicants who are invited to interview will be asked to bring original evidence of their identity, address and qualification. Photocopies will then be taken and destroyed for unsuccessful applicants no later than 6 months after the recruitment process has been concluded.

11. Pre-Employment Checks

Any offer of appointment made to a successful candidate, including anyone who has lived or worked abroad, must be conditional on the satisfactory completion of the necessary pre-employment checks and the school will:

- verify the candidate's identity. Identification checking guidelines can be found on the [Gov.uk website](#).
- obtain (via the applicant) an enhanced DBS certificate (including barred list information for those who will be working in regulated activity (see Appendix 1)
- obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available. The school will also carry out a risk assessment if candidates will be starting work prior to a DBS certificate being available.
- Verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish that they have the physical and mental capacity for the specific role - see paragraph 10.2.
- verify the candidate's right to work in the UK. Advice on this can be found on the [Gov.uk website](#).
- for candidates from an EEA Country, they will be required to provide evidence of having obtained settled status under the Settlement Scheme by 30 June 2021. After this date those without settled status will be required to apply for a VISA which allows them to work in the UK. Where they are already in possession of this candidates must provide original evidence at the earliest opportunity.
- if the candidate has lived or worked outside the UK, make any further checks the school feel appropriate.
- Verify professional qualifications as appropriate by viewing original certificates. The Teachers Services system should be used to verify any award of qualified teacher status (QTS) and the completion of teacher induction or probation.
- ensure the candidate is checked against the prohibition from teaching orders – see paragraph 9 above.
- ensure the candidate is checked against the prohibition from management roles (section 128) check where applicable (part of barred list check for those in regulated activity) - see paragraph 8 above.

- ensure the candidate completes a childcare disqualification declaration (where appropriate) – see paragraph 10.4.
- ensure the candidate has completed a declaration about convictions and working with children (see appendix 2).

11.1. Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status and Criminal Records Declaration.

All shortlisted candidates invited to attend an interview at the school will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in UK in accordance with those set out in the Immigration, Asylum and Nationality Act 2006 and DBS Code of Practice Regulations (including evidence of settled status as required) and to complete the Criminal Records Declaration form.

In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification required for the position and claimed in their application form.

11.2. Fitness to undertake the role

A confidential pre-employment health questionnaire must be completed to verify the candidate's mental and physical fitness to carry out their work responsibilities. A successful candidate can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role **once an offer of employment has been made**. Confidential pre-employment checks will be carried out by the School's Occupational Health provider.

11.3. Individuals who have lived or worked outside the UK

Candidates who have lived or worked outside the UK must undergo the same checks as all other staff in the school. In addition, the school must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

The Home Office guidance on criminal records checks for overseas applicants can be found [here](#). These further checks should include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed, using the Teaching Regulation Agency Services' system. Restrictions imposed by another EEA regulating authority do not prevent a candidate from taking up teaching positions in England, the school will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

11.4. Childcare Disqualification Declaration

Where relevant, applicants must complete a self-declaration form provided by the school in relation to the Childcare Disqualification Regulations 2018. This is to cover circumstances where the individual has a conviction that may result in them being barred from working with children. Where a positive declaration is made a waiver can be applied for from Ofsted, and be satisfactorily granted, before the candidate may commence work.

This **only** applies to staff working in the following settings:

- Early Years Provision - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school

care provided by the school) both during and outside of school hours for children in the early years age range; and

- Later years provision (for children under 8) - staff who are employed to work in childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.

12. Single Central Record

The school will keep a single central record of pre-employment, referred to in the Keeping Children Safe in Education Regulations as the register. The single central record will cover the following people:

- all staff (including teacher trainees on salaried routes, agency and third party supply staff who work at the school)
- confirmation that these checks have been carried out along with the date the check was undertaken/obtained must be logged on this record for all employees of the school.

13. Induction

The school recognises that safer recruitment and selection is not just about the start of employment, but must be part of a larger policy framework for all staff. The school will therefore provide ongoing training and support for all staff.

All staff who are new to the school will receive induction training that will include the school's safeguarding policies and guidance on safe working practices including Child Protection, PREVENT, FGM awareness and online safety.

Regular meetings will be held during the first 6 months of employment between the new employee(s) and the appropriate manager(s).

14. Contractors and Agency Workers

The school will obtain written notification from any agency, or third-party organisation they use that the organisation has carried out the checks (in respect of the enhanced DBS certificate, written notification that confirms the certificate has been obtained by either the employment business or another such business), on an individual who will be working at the school.

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

15. Volunteers

Under no circumstances will a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

Volunteers who, on an unsupervised basis teach or look after children regularly, or provide personal care on a one-off basis in the school, will be in regulated activity. The school will

obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information). However, the school may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns.

There are certain circumstances where the school may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity. This is set out in DBS workforce guides, which can be found on [GOV.UK](https://www.gov.uk). Employers are not legally permitted to request barred list information on a supervised volunteer as they are not considered to be engaged in regulated activity.

The school will undertake a risk assessment and use their professional judgement and experience when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. In doing so they should consider:

- the nature of the work with children
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability
- whether the role is eligible for an enhanced DBS check.

Details of the risk assessment should be recorded.

It is for the school to determine whether a volunteer is considered to be supervised. In making this decision, and where an individual is supervised, to help determine the appropriate level of supervision the school must have regard to the statutory guidance issued by the Secretary of State. This guidance requires that, for a person to be considered supervised, the supervision must be:

- by a person who is in regulated activity;
- regular and day to day; and
- “reasonable in all the circumstances to ensure the protection of children.”

The DBS cannot provide barred list information on any person, including volunteers, who are not in, or seeking to engage in regulated activity.

16. School governors

Governors in maintained schools are required to have an enhanced criminal records certificate from the DBS. It is the responsibility of the Governing Board to apply for the certificate for any of their governors who do not already have one. Governance is not a regulated activity and so governors do not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

Appendix 1 –regulated activity

Regulated activity includes:

- a) Teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children.
- b) Work for a limited range of establishments (known as ‘specified places’, which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under (a) or (b) is regulated activity only if done regularly. Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

- relevant personal care, or health care provided by or provided under the supervision of a health care professional:
- personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability
- health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

Appendix 2 – REHABILITATION OF OFFENDERS ACT 1974 – DISCLOSURE FORM

CONFIDENTIAL



REHABILITATION OF OFFENDERS ACT 1974 – DISCLOSURE FORM

This disclosure form is supplementary to the relevant section relating to the Rehabilitation of Offenders Act 1974, of the relevant CES Application Form.

If you are invited for interview, please bring this form with you to the interview in a separate, sealed envelope marked “Confidential – Rehabilitation of Offenders Act 1974 - Disclosure Form”. You will be asked to hand the form to the interviewer at the end of the interview.

1. In accordance with statutory requirements certain pre-employment checks are conducted for positions that involve work with vulnerable groups, specifically children and vulnerable adults.
2. The information obtained from these checks is used to help safeguard these groups. It will not be used to discriminate unfairly against those with convictions which we consider unrelated to working with vulnerable groups. We ask for this information in order to facilitate an honest and open dialogue with prospective employees and we encourage all prospective employees to provide contextual information regarding any convictions disclosed.
3. Having a criminal record will not automatically bar you from employment or voluntary work with us.

As the position you are applying for gives you privileged access to vulnerable groups, you are required to disclose all spent convictions and cautions under the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 unless it is a “protected” conviction/caution under the amendments made to the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 (in 2013) and, therefore, not subject to disclosure.

This means that you must disclose all spent and unspent convictions on this form other than those which are so “protected”. This may include any driving offences. Guidance on the filtering of

“protected” convictions and cautions can be accessed on the Disclosure and Barring Service website.

Failure to disclose any disclosable criminal convictions could lead either to your application being rejected or, if you are appointed, to summary dismissal if it is subsequently discovered that you have had any criminal convictions and a referral to the Police may be made.

It is an offence to knowingly apply for, offer to do, accept, or do any work in a regulated position if you have been disqualified from working with children.

Any offer of employment will be subject to checks being carried out in order to ensure that you are not subject to a prohibition order or an interim prohibition order.

Failure to complete this form may render your application invalid.

Full Name:

Date of Birth:

Post Applied for:

Please check the appropriate box to indicate whether you have any convictions, cautions, reprimands or final warnings that are not “protected” as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013):

No: Yes:

If you have answered yes to the question above, please set out the following details below:

- Date of each conviction / pending hearing / reprimand / warning;
- The offence;
- The sentence; and
- The Police Force / Court involved.

Declaration: I hereby certify that the information given above is true and accurate:

SIGNATURE :

DATE :

Request for Your Consent to Process Your Data

In compliance with the General Data Protection Regulation (GDPR), we wish to ensure you are aware of the purpose for which we are requesting your consent to collect and process the data we have asked you to provide on this form.

Important information regarding your consent

1. We are *[insert name and address of school and state whether VA, Academy, Independent etc. If you are part of a multi academy trust, state the registered name of the academy trust company and state that the academy trust company is the data controller and explain that the school is part of the multi academy trust]*.
2. To the extent that you have disclosed any criminal records information on this form, your information may be shared with OFSTED/Estyn and the Local Authority Designated Officer for child protection matters (the LADO). As a Catholic education provider, we work closely with *[insert name of Diocese / other relevant third party]* with whom we may be required to share the information you have provided on this form.
3. The person responsible for data protection within our organisation is *[insert name of data protection officer]* and you can contact them with any questions relating to our handling of your data. You can contact them by *[insert method of contact and contact details]*.
4. We require the information requested on this form in order to process your application for employment and to ascertain whether you are a suitable candidate to work with children/in a child centred environment.
5. We require you to complete this form regarding criminal records disclosure as the information is needed in order to assist us in complying with our legal obligation to safeguard and protect children from harm.
6. If your application is successful and you have disclosed criminal records information on this form, we shall retain the form as part of your permanent employment record and afterwards in accordance with the School's data retention policy. In addition, we shall document and retain records of relevant guidance/advice received by OFSTED/Estyn and/or the LADO and any other appropriate third party.¹
7. If you are unsuccessful and you have disclosed criminal records information which could disqualify you from working with children/in a child centred environment, we shall

¹See paragraph 2.

share the information you have provided on this form with OFSTED/Estyn and/or the LADO and any other appropriate third party.²

8. If you are unsuccessful and you have not disclosed criminal records information on this form, this form shall be destroyed after a maximum period of 6 months.
9. We will keep a record of your consent as evidence that we have obtained your consent to collect and process the data you have provided on this form.
10. You have the right to withdraw your consent at any time and can do so by informing our organisation's Data Protection Officer (see paragraph 3 above) that you wish to withdraw your consent.
11. If you fail to complete this form we may not be able to comply with our legal duty to safeguard children. This means that we may not therefore continue to process your employment application or offer you a position within our organisation.
12. To read about your individual rights you can refer to our fair processing notice and data protection policies.
13. To complain about how we have collected and processed the information you have provided on this form, you can make a complaint to our organisation by ***[insert details of the school / academy trust company / multi academy trust company complaints procedure]***. If you are unhappy with how your complaint has been handled you can contact the Information Commissioners Office via their website at www.ico.org.uk.

Request for your consent

Please ensure that you read paragraphs 1-13 above and raise any relevant questions before providing your consent below:

- I confirm that I have read and understood paragraphs 1-13 above and that I have been offered the opportunity to raise any relevant questions: Yes No
- Please check this box if you have any objection to our collecting and processing your personal information as described in paragraphs 1-13 above
- I agree to my personal data being shared as stated in paragraphs 2, 6 and 7 above:
Yes No

²ibid