Safer Recruitment Policy

May 2019

Approved by the Governing Body Strategy Group 16/05/19

This Policy is due for renewal in Term 5

2019-20

Godinton Academy Trust is a charitable company limited by guarantee and registered in England and Wales

SAFER RECRUITMENT POLICY

OF

GODINTON PRIMARY SCHOOL

SECTION 1 – INTRODUCTION

The safe recruitment of staff in schools is the first step to safeguarding and promoting the welfare of the children in education. The school is committed to this principle and expects all staff and volunteers to share this commitment. It is recognised that this can only be achieved through sound procedures, good inter-agency cooperation and the recruitment and retention of competent, motivated employees who are suited to, and fulfilled in the roles they undertake.

The Governing Body of Godinton Academy Trust will 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) 2018, Disqualification under the Childcare Act (DUCA) 2006 and related updates including Childcare (Disqualification) Regulations 2009, the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS).

The Governing Body of Godinton Academy Trust is committed to ensuring that the recruitment and selection of all who work within the school is conducted in a manner that is systematic, efficient, effective and promotes equality of opportunity. The school will uphold its obligations under law and national collective agreements to not discriminate against applicants for employment on the grounds of on the grounds of race, religion or belief, disability, age, pregnancy and maternity, gender reassignment, marriage and civil partnership, sex or sexual orientation.

SECTION 2 – SUITABILITY FOR EMPLOYMENT

All posts within school are exempt from the Rehabilitation of Offenders Act 1974, therefore all convictions, cautions and bind-overs (including those regarded as 'spent') must be declared unless they are considered a protected offence under the Exceptions Order 1975 (2013). All posts are subject to an Enhanced Disclosure Application to the Disclosure and Barring Service (previously known as an Enhanced Criminal Records Disclosure, CRB).

The school is committed to ensuring people who have been convicted are treated fairly and given every opportunity to establish their suitability for positions. Having a criminal record will not necessarily be a bar to obtaining a position.

The school will:

1. ensure that appropriate staff who undertake recruitment have received safer recruitment training accredited by the Safer Recruitment Consortium. This is currently the Headteacher, (Miss Jillian Talbot), the Assistant Head (Mrs Hayley Partridge) and the Chair of Governors (Mr Steve King).
2. Ensure that every appointment panel includes one member who has received safer recruitment training.
3. Implement robust recruitment procedures and checks for appointing staff and volunteers to ensure that reasonable steps are taken not to appoint a person who is unsuitable to work with children, or who is disqualified from working with children, or does not have the suitable skills and experience for the intended role.
4. keep and maintain a single central record of recruitment and vetting checks in line with DfE requirements
5. require staff who are convicted or cautioned for any offence during their employment with the school to notify the school, in writing of the offence and the penalty.

The following pre-employment checks will be undertaken:

- Receipt of at least two satisfactory references, one of which will be from the former or most recent employer
- Verification of the candidate's identity in line with the requirements of The Immigration, Asylum and Nationality Act 2006
- Verification of right to work in the UK
- A satisfactory Disclosure and Barring Service Check – DBS (previously known as a CRB clearance)
- Verification of the candidate's medical fitness
- Verification of qualifications
- Verification of professional registration as required by law for teachers
- Verification of successful completion of induction period (for those who obtained Qualified Teacher Status (QTS) after 7 May 1999)
- Disqualification under the Child Care Act (where appropriate – see section 4.7 below)
- A Prohibition check for Teachers and those with previous teaching experience (including unqualified teachers, HLTA's etc)
- A section 128 direction check (Academy Management and Heads of Mini-Schools only)

SECTION 3 – ROLES AND RESPONSIBILITIES

It is the responsibility of the governing body to:

- Ensure the school has effective policies and procedures in place for the recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements
- Monitor the school's compliance with them

It is the responsibility of the Headteacher and other managers involved in recruitment to:

- Ensure that the school operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the school
- Promote welfare of children and young people at every stage of the procedure

It is the responsibility of all potential and existing workers, including volunteers to comply with this document.

It is the responsibility of the School's Personnel provider (Capita) to deal with the administration of the disclosure system for the school in accordance with the School Staffing Regulations.

School governors may be involved in staff appointments, but the final decision will rest with the Headteacher. The Headteacher may delegate the selection process of staff outside of the leadership group to other managers in the school, but remains responsible for the decision to appoint.

SECTION 4 – SAFER RECRUITMENT PROCEDURES

4.1 Advertising

To ensure equality of opportunity, the school will advertise all vacant posts to encourage as wide a field of candidates as possible, normally this will entail an external advertisement.

However, where there is a reasonable expectation that there are ***sufficient*** qualified internal candidates or where staff are at risk of redundancy, an internal advertisement may be considered appropriate.

Advertisements for all positions will include the wording: *'The Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. This post is subject to an enhanced DBS Disclosure, satisfactory references and pre-employment health screening.'*

Adverts will allow a reasonable amount of time for candidates to apply. There should be no less than 2 weeks from the position being advertised to the closing date for applications being received by the school.

4.2 Applications

The school uses a standard Kent Teach application form for applications made via Kent-Teach. Where advertisements are not made via Kent-Teach, candidates must use the school's application form. This can be done online or as a hard copy.

The school requires candidates to account for any gaps or discrepancies in employment history on this application form. Where an applicant is shortlisted, these gaps will be discussed at interview.

The application form makes applicants aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and possible referral to the police and other professional regulatory bodies e.g.: Teaching Regulation Agency (formerly National College for Teaching & Leadership – NCTL).

4.3 References

References for shortlisted candidates will be sent for immediately after shortlisting. The only exception to this is where candidates have indicated on their application forms that that they do not wish their current employer to be contacted. In such cases, this reference will be taken up immediately after interview and prior to any offer of employment being made. One reference will be sought prior to interview wherever possible.

References must be in writing, either by letter or email, and be specific to the job for which the candidate has applied – open references or testimonials are not acceptable. Only references from a trusted authoritative source will be acceptable. One reference should be taken up from the applicant's last employer.

Reference requests will specifically ask:

- About the referee's relationship with the candidate
- Whether the referee is completely satisfied that the candidate is suitable to work with children and, if not, for specific details of the concerns and the reasons why the referee believes that the person might be unsuitable.

Referees will also be asked to confirm details of:

- The applicant's current post and salary
- Performance history and conduct
- Any disciplinary procedures in which the sanction is current or relating to the safety and welfare of children.
- Details of any allegations or concerns that have been raised that relate to the safety and welfare of children or behaviour towards children and the outcome of these concerns

In order to comply with the Equality Act 2010, reference requests sent prior to an offer of employment will not request details of attendance or absence however; further information may be requested and compared with the medical questionnaire following the applicant's acceptance of an offer of employment.

Where a candidate is not currently working in a school or childcare setting but has done so in the past, one reference should be from their most recent children's workforce employer in line with Safer Recruitment guidelines.

References will be compared to the application form to ensure that the information provided is consistent. Any discrepancies will be taken up with the applicant at interview.

Any information about past disciplinary action or allegations will be considered in the circumstances of the individual case. Cases in which an issue was satisfactorily resolved some time ago, or an allegation was determined to be unfounded or did not require formal disciplinary sanctions, and which no further issues have been raised, are not likely to cause concern. More serious or recent concerns or issues are more likely to cause concern. A history of repeated concerns or allegations over time is also likely to give cause for concern.

4.4 Self-declaration of convictions by job applicants

The school's application process requires applicants for all posts to declare all convictions, cautions and bind-overs (including those regarded as 'spent') unless they are considered a protected offence under the Exceptions Order 1975 (2013)

Such declarations will be made on an appropriate form. The chair of the interview panel / Headteacher will discuss relevant, positive declarations confidentially with the applicant at interview.

The disclosure of convictions, cautions or pending cases will not necessarily prevent employment but will be considered in the same way as positive Disclosure and Barring Service Checks.

4.5 Interviews

The selection process will always include the following:

- Face to face professional interview including a question related to safeguarding children (in line with Accredited Safer Recruitment Training)
- The size of the interview panel will be dependent on the position. The Headteacher will decide on the members of staff and/or Governors who will make up the interview panel.
- Activity with children (for all posts that involve working with children)
- The interview panel will ensure equality of the interview experience for all candidates.
- A specific panel of Governors will be constructed for the purpose of Headteacher interviews

4.6 Proof of Identity and Right to Work in the UK & Verification of Qualifications and/or Professional Status.

Shortlisted applicants for all posts will be required to provide proof of identity. Similar information is also required to undertake a Disclosure and Barring Service Check on the preferred candidate.

Short-listed candidates will also be required to provide proof of their qualifications and professional status by producing documentation on the day of interview. The school will verify that candidates have actually obtained any qualifications legally required or deemed essential for the job and claimed in their application by asking to see the relevant certificate, or a letter of confirmation from the awarding body / institution. If the original documents are not available, the school will require sight of a properly certified copy. Where candidates have obtained qualifications abroad, a certified comparability check by NARIC will also be required.

In order to comply with the Asylum and Immigration Act 1996 – Prevention of Illegal Working – interview candidates will be asked to bring certain documentation to the interview which shows their eligibility to work in the UK. No offer of employment can be made unless one of the original documents listed on the Home Office Right to Work Checklist is produced.

The candidate's original documents must be checked, and a signed and dated copy retained. Documents relating to unsuccessful candidates will be retained with the interview papers and destroyed six months from the date on which the position was offered and accepted.

The Home Office Right to Work Checklist shows the acceptable identity documentation as currently defined by the Home Office and further information on establishing an individual's right to work can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/378926/employers_right_to_work_checklist_november_2014.pdf

Proof of identity and other documentation will be verified by a member of the Senior Management Team.

4.7 Childcare (Disqualification) Regulations 2009

These regulations apply specifically to

- Staff working directly with children under the age of 5 within the Early Years Foundation Stage or
- Staff providing 'wrap around care' (ie breakfast and afterschool clubs) with children up to the age of 8

For individuals who work with, or manage the education of, early years pupils (under the age of five) during school hours, and children up to the age of eight in relation to activities outside of the school day (for example breakfast club employees), the following legislative provisions also apply.

In accordance with the Childcare (Disqualification) Regulations 2009 (Section 75 of the Childcare Act 2006) any prospective employee should immediately disclose to the Headteacher (or Chair of Governors in the case of the Headteacher) if, they:

- Are disqualified from providing childcare provision or being involved in the management of such provision, including where any application for an Ofsted waiver from disqualification has been made, regardless of whether such an application was successful

Such employees have a duty to ensure that they are fully aware of their obligations and will be asked by the school to confirm that they understand and comply with these provisions at the point of application and again at Induction.

Further guidance relating to Employee's obligations under the Childcare (Disqualification) Regulations 2009 including details of the relevant offences which must be disclosed is available at:

https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006;

Employees should seek clarification from the Headteacher (or Chair of Governors in the case of the Headteacher) if they are unclear whether they are required to disclose certain information under this provision.

4.8 How the school will respond to Employee disclosures

Disclosures will be handled sensitively and discretely, and with regard to data protection considerations.

The Headteacher will consider carefully any disclosure which is made and the appropriate response.

This may result in an offer of employment being withdrawn, or where employment has been taken up, suspension from duties while an investigation / risk assessment takes place or Ofsted waiver application made (where applicable).

In instances where the information disclosed constitutes a risk to the safeguarding of children / young people or is incompatible with an Employee's job role or their suitability to work with children/young people in a School setting, termination of employment may be considered.

Failure to disclose any information required in the course of employment or any other information that may have a bearing on an individual's suitability to carry out their job role or work with children may be the subject of disciplinary action which could lead to dismissal.

4.8 Commencement of Employment prior to a Disclosure and Barring Service Check being received

In unusual circumstances, and where an employee **will not** be undertaking **unsupervised** regulated activity, it is permitted to commence employment prior to receiving a DBS check. However a Vetting and Barring scheme check and risk assessment **must** be completed.

4.9 Pre-Employment Checks

An offer of employment to a successful candidate. Including one who has lived or worked abroad, must be conditional upon satisfactory completion of pre-employment checks as outlined in the DfE document 'Keeping Children Safe in Education' (September 2018).

4.10 Employment Offer

It may be possible to negotiate a provisional start date with the preferred candidate, however, with the exception of DBS disclosures, the checks detailed above must all be completed BEFORE a person's appointment is confirmed. In the case of DBS disclosures, the certificate must be obtained before or as soon as practicable after appointment.

Once all pre-employment checks have been satisfactorily completed / received, an offer of employment will be made and the contract of employment issued. The contract will be issued as soon as possible.

SECTION 5 – RECORD KEEPING

5.1 Record Retention / Data Protection

The school will retain all interview notes on all applicants for a 6 month period, after which time the notes will be destroyed (i.e.: shredded). The 6 month retention period will allow the school to deal with any data access requests, recruitment complaints or to respond to any complaints made to the Employment tribunal. Under the General Data Protection Regulation (GDPR), applicants have a right to request access to notes written about them during the recruitment process. Applicants who wish to access their interview notes must make a subject access request in writing to the chair of the panel / Headteacher within 6 months of the interview date.

5.2 Personal file records

The school will retain the following information which will make up part of the personal file, for the successful candidate:

- Application form
- References
- Proof of identification
- Proof of academic qualifications
- Evidence of medical clearance from Occupational Health (where applicable)
- Evidence of the DBS clearance (i.e. the notification form from Capita or the DBS certificate reference number, NOT the actual DBS form or certificate)
- For Teaching staff only – Proof of registration with the Teaching Regulation Agency (formerly National College for Teaching & Leadership – NCTL).

SECTION 6 – SINGLE CENTRAL RECORD OF RECRUITMENT VETTING CHECKS

In line with DfE requirements, the school will keep and maintain a single central record of recruitment and vetting checks. This data will be collated, used and stored and deleted in line with GDPR.

The central list will record all staff who are employed at the school, including casual staff, supply agency staff whether employed directly or through an agency, volunteers, governors who also work as volunteers, and those who provide additional teaching or instruction for pupils but who are not staff members, e.g.: specialist sports coach or artist. The central list will also contain a record of known contractors, and confirmation of whether the appropriate level of DBS checks have been obtained for the contractor and/or their employees. Those not providing confirmation that DBS checks have been carried out will be treated as visitors when on-site (i.e. Must be supervised at all times when in the presence of pupils).

The central record will indicate whether or not the following have been completed:

- Identity checks
- Qualification checks for any qualifications legally required for the job including registration checks with the TRA where appropriate
- Checks of right to work in the United Kingdom
- DBS Enhanced Disclosure
- Further overseas records where appropriate
- Prohibition Checks (Teachers and those with previous teaching experience – unqualified teachers, HLTA's etc)
- Section 128 checks (Academy Management and Heads of Mini-School only)

It shall also indicate who undertook the check and the date on which the check was completed or the relevant certificate obtained.

In order to record supply staff provided through an agency on the record, the school will require written confirmation from the supply agency that is has satisfactorily completed the checks described above. The school does not need to carry out checks itself except where

there is information contained within the disclosure. However identity checks must be carried out by the school to check the person arriving is the person the agency intends to refer to them.

SECTION 7 – COMPLAINTS

An individual who feels that their treatment during the recruitment and selection process is unfair may raise a formal complaint. This can be done by writing to the Chair of Governors setting out the key points of their complaint. The complaint will be investigated in line with Godinton Academy Trust's Complaints Procedure.

Existing employees of the school should raise their concerns through the Grievance Procedure.

SECTION 8 – INDUCTION

Induction is essential in ensuring that new employees are properly equipped for work, their role in the life of the school and feeling part of the school community.

Godinton Academy Trust will put in place an induction programme for all staff joining the school. This will vary taking into account previous experience and the nature of the role but will ensure that all staff and volunteers receive guidance on safe working practices and the safeguarding policies of the school.

SECTION 9 – RELATED POLICIES AND GUIDANCE MATERIALS

This policy should be read in conjunction with the school's policies on:

- Child Protection
- Equal Opportunities
- Whistleblowing
- Induction
- Racial Equality
- Staff Discipline

The school follows the DfE guidance '**Keeping Children Safe in Education**' (2018) and '**Working Together to Safeguard Children**' (DfE 2018). Some of this guidance is underpinned by statutory requirement, whilst some is strongly recommended.

SECTION 10 – IMPLEMENTATION, MONITORING AND REVIEW

- The Headteacher and Governors are responsible for ensuring that this Policy is monitored.

- All school policies have an explicit aim of promoting equality and are reviewed in terms of their contribution and effectiveness in achieving this aim. Please refer to the school's equal opportunities policy for further information.
- This Policy is reviewed annually.

SECTION 11 – EQUAL OPPORTUNITIES

At Godinton Primary School, we are committed to ensuring equality of opportunity for all members of our school community irrespective of race, religion or belief, gender, gender reassignment, disability, sexual orientation, age, pregnancy or maternity, marriage and civil partnership or socio-economic background. We are determined to develop a culture of inclusion and diversity in which all those connected to the school feel proud of their identity and ability to participate fully in school life.

We tackle discrimination through the positive promotion of equality by challenging stereotypes and by creating an environment that champions respect for all. At Godinton Primary School, we believe that diversity is a strength that should be respected and celebrated by all those who learn, teach and visit us.

All school policies have an explicit aim of promoting equality and will be reviewed in terms of their contribution and effectiveness in achieving this aim.