



Safer Recruitment Policy

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Community Inclusive Trust – **Safer Recruitment Policy**

Version:

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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 (Trust 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 UK General Data Protection Regulation (UK GDPR)
- Education Act 2002
- Equality Act 2010
- Amendments to the Exceptions Order 1975, 2013 and 2020

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

- DfE (2020) 'Governance handbook'
- DfE (2022) 'ID checking guidelines for standard/enhanced DBS check applications from 1 July 2021'
- DfE (2021) 'Staffing and employment advice for schools'
- DfE (2021) 'Right to work checks: employing EU, EEA and Swiss citizens'
- DfE (2023) 'Keeping children safe in education 2023' (KCSIE)
- DfE (2023) 'Recruit teachers from overseas'
- Disclosure & Barring Service (2018) 'Regulated activity with children in England'
- Home Office (2022) 'Employer's guide to right to work checks'
- Safer Recruitment Consortium (2022) 'Guidance for safer working practice for
ngchildren safä Ä i nc Ä

2. Definitions

2.1. **Regulated activity** includes:

- Being responsible, on a regular basis in a school or college, 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), or in connection with the purposes of the establishment, with the opportunity for contact with children, but not including work undertaken by supervised volunteers.
- Engaging in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

Regulated activity does not include:

- Paid work in specified places which is occasional and temporary and does not involve teaching or training.
- Supervised activities which are paid in non-specified settings.
- A supervised volunteer who regularly teaches or looks after children.

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 they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out.

2.4. **Enhanced DBS** – this provides the same information as the standard DBS, plus any additional information, e.g. interviews and allegations, 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 and/or vulnerable adults. This check allows for additional checks to be made as to whether the person appears on the children’s or adults’ barred lists.

2.6. – the DBS maintains a ‘barred list’ of individuals who are unsuitable to work with children. 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.

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- 2.7. – the DBS also maintains a 'barred list' of individuals who are unsuitable to work with vulnerable adults. This check should only be applied for if the person will be in regulated activity with vulnerable adults.
- 2.8. **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). or Multi Academy Trust.
- 2.9. **Safer recruitment** – this is the safeguarding and protection of pupils during the

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 Trust will allow an appropriate amount of time for planning and structuring the recruitment process. A suitable recruitment manager will be assigned and will oversee the recruitment process.

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.
- Contact and provide feedback to the unsuccessful candidates – feedback will be verbal where possible and

microphone features enabled at all required times

- 10.10. The candidate will participate in the interview in a suitable setting – a quiet area with a neutral background
- 10.11. The candidate will keep personal information which is not relevant to the recruitment process private, e.g. their email password, and will not ask the staff members conducting the interview to share any such private information
- 10.12. Where necessary, the candidate will be aware that the Trust will record the online interview, and that they will be required to consent to this in order for the interview process to continue
- 10.13. When recording an online interview, prior permission will be acquired from the candidate in writing via email and all members of the interview will be notified before the interview commences via email, and again once they have joined the interview before recording commences.
- 10.14. If the candidate does not provide consent to recording the interview, the Trust will consider whether the online interview can still take place in line with the Trust's safeguarding and records management responsibilities.
- 10.15. The Trust will not discriminate against candidates who are recruited remotely; they will be considered fairly alongside any candidates who are not recruited remotely.
- 10.16. If a candidate refuses to interview remotely, the Trust will consider whether alternative arrangements for an in-person interview are possible, having due regard to the Trust's equality duties at all times. If this is not possible, then the Trust will sensitively inform the candidate that the remote interview process is a requirement of the application process and have a considerate and good-natured discussion with the candidate as to whether they can continue with the recruitment process at this time.
- 10.17. The Trust will direct candidates towards the DfE's advice on 'Attending your first remote interview' prior to the interview.

11. Pre-appointment checks

- 11.1. All appointments will be conditional on satisfactory completion of the necessary pre-appointment checks. These checks seek to identify whether there is anything that would make the candidate an unsuitable appointment for working with children or as a teacher.

checks.

- Verify professional qualifications, as appropriate
- For those in management, trustee or governor roles, a section 128 check will be carried out
- A prohibition order or any sanction or restriction imposed (that remains current) by the GTCE before its abolition in March 2012.
- On online background and social media search

11.3. If the Trust 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 Trust to allow the individual to carry out any form of regulated activity.

11.4. Checks for all prohibitions, directions, sanctions and restrictions will be carried out by using the secure access portal on the Teacher Services' web page.

may decide to conduct a repeat DBS check.

13. Candidates who have lived or worked outside the UK

- 13.1. For candidates who have lived or worked outside the UK, all mandatory checks outlined in this policy will be carried out, along with additional checks where necessary.
- 13.2. For candidates who have lived or worked outside the UK, the Trust will make further checks where necessary, including, but not limited to:
 - Obtaining an enhanced DBS certificate with barred list information, including for candidates who have not been to the UK before.
 - For teaching staff, obtaining proof of their past conduct as a teacher from the professional regulating authority in the country in which they worked, where available.
- 13.3. Requesting additional references which cover the time spent outside the UK
- 13.4. Requesting candidates to obtain the relevant overseas Police Criminal Record Check.

14. Agency and third-party staff

- 14.1. In the case of any employee working at the Trust 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.
- 14.en completed.

- 16.4. The Trust 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.
- 16.5. Referrals to the DBS will be made on conclusion of an investigation where an individual has been removed from regulated activity.
- 16.6. Referrals to the DBS will be made as soon as possible after the resignation, removal or redeployment of the staff member.

17. Contractors

- 17.1. The Trust 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).
- 17.2. For all other contractors who are not engaging in regulated activity, but whose work

18.3. 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 Trust will ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

18.4. If the activity undertaken by the child or work experience takes place in a 'specified place', such as a 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 or young person in question. DBS checks cannot be requested for children or young people under the age of 16.

19. Children staying with host families

19.1. The Trust may make arrangements for children to have learning experiences where,

22. Single central record (SCR)

- 22.1. Each school will maintain and regularly update the SCR. The SCR will be accessible to the Trust leadership and audited at regular intervals.
- 22.2. All new employees will be added to the record, which will include:
- All staff (including supply staff) who work at the Trust.
 - All others who work in regular contact with children within the Trust, including volunteers.
 - All members of the proprietor body.
- 22.3. 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
 - 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
- 22.4. For supply staff, the Trust 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.
- 22.5. If checks are carried out on volunteers, this will be recorded in the SCR.

23. Safer recruitment training

- 23.1. At least one member of the recruitment panel will have completed formal safer recruitment training.
- 23.2. As a measure of good practice, the Trust will ensure that this training is renewed every five years.**

24. Monitoring and review

- 24.1. This policy is reviewed annually by the HR Director.
- 24.2. Any changes made to this policy will be communicated to all members of staff and relevant stakeholders.

Appendix A Flowchart of Disclosure and Barring Service Criminal Record Checks and Barred List Checks



