



PIONEER ACADEMIES COMMUNITY TRUST

Policies and Procedures

Safer Recruitment

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1. Purpose

1.1. The purpose of this policy and procedure is to ensure that the academies in the trust conduct a safe, transparent and fair recruitment and selection process at all times. Safeguarding and promoting the welfare of its pupils is an integral factor in recruitment and selection within the trust and is an essential part of creating a safe and secure environment. In addition, the trust recognises the importance of appointing staff in a manner that is open, transparent and fair and the processes followed comply with 'good employment practices' and legislation.

1.2. In doing so this policy and procedure has been developed to ensure that:

- the trust appoints staff of a high calibre
- the processes deter, reject and identify people who may pose a risk to our children
- legislative and equality duties are met and appointees are not discriminated against on the grounds of race, nationality, gender, religion, age, disability, marital status, and sexual orientation
- there is compliance with good practice in employment and recruitment and selection processes across the trust, ensuring a consistent and equitable approach to the appointment of all staff
- the trust will be able to apply certain flexibilities in their decision making in order to ensure the needs of the pupils and/or trust are fully met at that particular time

2. Applicability

2.1. This guidance applies to all who work in the trust, including staff, governors, volunteers, and others engaged by the academy to work with pupils.

3. Roles and Responsibilities

3.1. The trust board and the local governing bodies are responsible for ensuring the health, safety and welfare of pupils across the trust. They also have responsibility for determining who should work at the academies within the trust.

3.2. The headteachers and SLT are responsible for the day-to-day organisation, management and control of the academy. In most cases, the head and SLT have a significant role in the appointment of staff to work in the academies within the trust.

3.3. All staff and volunteers have a responsibility to ensure that the academy environment is safe and secure for children and that appropriate procedures are followed.

4. The Law – Key Points

4.1. There are key legislative requirements to be considered when assessing candidates and checks that are required by law before any employment commences.

4.2. Those involved in recruitment must be aware that, under the Race Relations Act 1976 and Employment Equality (Religion or Belief) Regulations 2003 when selecting for appointment, it is unlawful to discriminate against another person on the grounds of race or religion/belief.

4.3. Under the Sex Discrimination Act 1975 and 1986 and Employment Equality (Sex Discrimination) Regulations 2005, it is unlawful to discriminate against a person on the grounds of sex or marital status or gender reassignment.

4.4. The Disability Discrimination Act 1995 (DDA) requires employers to eliminate discrimination against disabled people at all levels. Disability is defined as a physical or mental impairment having a substantial and long-term (lasting longer than or likely to last longer than 12 months) adverse effect on the ability of the person to carry out normal day-to-day activities.

4.5. The main provisions of the Equality Act came into force in October 2010. This brings together all of the different strands of discrimination legislation, in particular:

- making clear that costs of 'Reasonable Adjustments' cannot generally be passed onto a disabled person. Reasonable Adjustments will be a legal requirement for the trust to consider for any employee covered under the DDA definition;
- making it unlawful to ask job applicants disability and health questions before job offers, except in prescribed circumstances;
- strengthening the protection for disabled people taking or being awarded qualifications;
- making clear the need to take account of disabled people's disabilities in the public sector equality duty;
- making clear that a claimant of discrimination can compare his or her pay with a predecessor in the job as well as with colleagues at work;
- clarifying the need to justify differential pay based on factors that involve indirect discrimination.

4.6. Age-related criteria must not be used in advertisements or person specifications. The Employment Equality (Age) Regulations 2006 impacts on the definition and criteria for professional experience; European Court judgements on the matter make career advancement and reward-by length of tenure much harder to justify.

4.7. The trust must also undertake several vetting checks for all new appointments before employment can commence. Academies must comply with specific legislation in this respect and the government publication *Keeping Children Safe in Education and Safer Recruitment in Education* offers clear advice.

5. Equal Opportunities Statement

5.1. Pioneer Academies Community Trust is committed to providing equality of opportunity for all and ensuring that all stages of recruitment and selection are fair. Recruitment and selection procedures will be reviewed on a regular basis to ensure that applicants are not discriminated against on the grounds of protected characteristics which include:

- age
- disability
- gender reassignment
- marital or civil partnership status
- maternity or pregnancy
- race
- religion or belief
- sexual orientation
- criminal history

6. Principles

6.1. Appointments to the trust will be made on the basis of the knowledge, experience and skills needed for the job following a fair and transparent recruitment process that meet the needs of the trust at that particular time. The trust has a duty to its pupils and parents to appoint the best person for any vacant role.

6.2. Safer recruitment of staff is the first step to safeguarding and promoting the welfare of pupils. The trust is committed to safeguarding and promoting the welfare of pupils and expects all staff and volunteers to share this commitment. This can 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.

6.3. The trust recognises the value of and seeks to achieve a diverse workforce, which includes people from different backgrounds, with different skills and abilities.

6.4. The trust is committed to ensuring that the recruitment and selection of all who work within its academies is conducted in a manner that is systematic, efficient, and effective and promotes equality of opportunity. It will uphold its obligations under law.

6.5. All posts within the academy are exempt from the Rehabilitation of Offenders Act 1974 and so all applicants will be required to declare *spent and unspent convictions, cautions and bind-overs, including those regarded as spent and to have an enhanced DBS (Disclosure Barring Service) disclosure. The trust is committed to ensuring that people who have been convicted are treated fairly and given the opportunity to establish their suitability for positions.

6.6. Having a criminal record may not necessarily be a barrier to obtaining a position. This will depend on the background, nature and circumstances of the offence(s). The trust is committed to ensuring that it meets the requirements of the DBS in relation to the processing, handling and security of disclosure information.

6.7. The trust will implement robust recruitment procedures and checks for appointing staff and volunteers to ensure that all reasonable steps are taken not to appoint a person who is unsuitable to work in an academy or is disqualified from working with children or does not have the suitable skills and experience for the intended role.

6.8. All posts will be advertised externally unless there is '*Good Reason*' not to do so. Circumstances where the trust may not advertise the role may include:

- if there is an academy restructure taking place and the agreement within the restructure rationale is to re-deploy certain staff into a particular suitable post or if a ring- fenced internal recruitment process is agreed;
- where a redundancy situation can be avoided for a member of staff where that person has the required skills to undertake the vacant job in question;
- if the deadline for placing an advert has past resulting in the trust being unable to appoint in time for the new term/academic year. In such circumstances it may be appropriate to consider appointing internal applicants into a specific role via an internal advertising/interview process to avoid a significant impact on the student's education by not having a suitable person in post at the requisite time. This may be done on a temporary or permanent basis dependent upon the circumstances at the time. Any resultant vacancy will be subject to external advert in most situations; or,
- there may be isolated occasions where someone is not offered the post they applied for but another vacancy exists within the trust that the person is considered suitable for. In most situations this post would be subject to external advert and this person may be asked if they wished to be considered for this alternative position and if they do their application previously submitted can be considered for this alternative post. However, as with point 3 above there may be isolated occurrences where such a vacancy exists that could not be recruited to in time due to missing deadlines and in the best interests of the academy an urgent appointment is required. In such situation the person may be offered this alternative post as they have the requisite skills and have already been interviewed for a similar post;

6.9. Staff on temporary contracts for one year or less do not automatically have a right to the post if it subsequently becomes vacant. In most situations the resultant permanent post will be advertised in accordance with normal procedures and the temporary person may apply for the role and will be given consideration for the permanent position alongside other external candidates.

6.10. Staff on temporary contracts with between 12 months and up to 24 months service do not have an automatic right to the role they are undertaking if it subsequently becomes a permanent vacancy. In most situations their application will be considered alongside other external candidates who may apply following advertisement. The academy will normally advertise the post externally, unless there is a 'Good Reason' not to do so.

6.11. Staff with 24 months service or more do not have automatic rights to a permanent job in the trust. If their temporary role subsequently becomes permanent, consideration will be given to them receiving a 'priority interview' for the role if there is a 'Good Reason to do so as they will have acquired certain employment rights. If a priority interview is not being considered by the academy in the first instance, the person will receive 'favourable consideration' for the permanent role i.e. an interview alongside other candidates.

6.12. The job description and person specification are essential tools. They will be used throughout the process and will encompass safeguarding and child protection responsibilities. Job descriptions will include a statement to promote the safety and wellbeing of the children in the academy. Person specifications will state that evidence of working within a child protection culture and promotion of a safeguarding culture is essential.

6.13. Two references must be taken up prior to interview, one of which must be the current, or most recent employer. When requesting references the referee will be asked about the candidate's suitability for working with children.

6.14. A panel will carry out selection with **at least** two members but preferably with three. At least one panel member will have undertaken Safer Recruitment Training. Selection will be based on a minimum of a completed application form, a short listing process and an interview, unless otherwise agreed in the context of other specific circumstances at that particular time.

6.15. The candidate's suitability to work with children will be explored at interview by asking open ended questions, as well as questions which explore the candidate's attitude towards child protection.

6.16. Offers of appointment must be conditional and subject to the receipt of appropriate references, checks and clearances being obtained. They must not be confirmed to the individual until this has been completed to the satisfaction of the recruitment panel.

6.17. The Disability Discrimination Act (DDA) makes it a requirement to make reasonable adjustment to the recruitment process if an applicant makes the employer aware that they have a disability. This applies to the entire recruitment process, from advertisement to appointment.

6.18. Any candidate who provides false or misleading information will not be considered for a position in the trust. In the event that subsequent information in this regard comes to light after an offer has been made, the offer will immediately be withdrawn.

6.19. Any member of the recruitment panel must declare an interest and withdraw from the selection process, if any applicant is a member of family or is considered to be a close friend.

6.20. A probationary period of 6 months will apply to all newly appointed support staff.

7. Stages of the Recruitment Process

7.1. Summary procedure:

- review job description and person specification
- use the checklist for a safe and fair appointment
- identify roles and responsibilities during the process
- plan selection process

8. Preparing to recruit

8.1. It is vital for successful recruitment to plan the whole process from the outset. This will ensure that sufficient time is left for each stage and that applicants are given essential and focussed information about the academy and the post that they are applying for. This is to ensure the right people apply for the role.

8.2. Academies should:

- review the person specification and the job description to ensure they are still relevant;
- consider how and where the post will be advertised and the content of the advertisement;
- plan the interview and selection process; and,
- determine roles and responsibilities during the recruitment process.

8.3. The trust will provide an explicit statement about the organisation's commitment to safeguarding and promoting the welfare of children which should be included in all advertisements for positions and / or candidate information packs. An example is given below:

“PACT and the governors of XX academy are committed to safeguarding children and promoting the welfare of children and young people and we expect all staff and volunteers to share this commitment. The role is exempt from the Rehabilitation of Offenders Act 1974 therefore all successful candidates will be subject to an enhanced Disclosure and Barring Service (DBS) certificate along with other relevant employment checks. Shortlisted applicants will be required to complete a self-disclosure.”

8.4. Candidate application packs (either on paper or on-line) should include:

- application form;
- detailed job description and person specification;
- details about the grade and type of post;
- statement about the trust's commitment to safeguarding children and welfare of children (see above);
- academy/trust information including key policies;
- details of key terms and conditions of employment;
- equal opportunities statement;
- information about the recruitment and selection process, interview dates, other recruitment activities etc; and
- details about what employment checks will be required (see Pre Employment Checklist)

9. Application forms

9.1. Application forms must be completed by all applicants in most situations. It is not acceptable practice to rely on a curriculum vitae produced by a potential employee. Word of mouth recruitment or

unsolicited applicants will be avoided as a means of filling a vacancy. Applicants making speculative contact should be asked to apply for a specific post and complete the relevant application form.

9.2. A completed application form ensures a common set of core data is gathered from all applicants and provides academies with the information that they require in order to shortlist a person for interview. It also acts as an applicant's signed and dated declaration of the qualifications, skills and experience that they possess.

9.3. Posts involving regulated activity with children or young persons are exempt under The Rehabilitation of Offenders Act 1974, by virtue of The Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975 and a DBS check should be obtained for successful applicants. From 29th May 2013 certain old and minor convictions, cautions, reprimands and warnings do not have to be disclosed by the applicant and will not appear on the DBS check. The filtering rules can be found on the DBS website and are mentioned earlier in this document. Some offences will never be removed from a DBS certificate; these include the most serious sexual and violent offences. Filtering means that employers will not be able to take certain old and minor cautions and convictions into account when making decisions about any individual.

9.4. The application forms reflect the filtering changes so that they request the correct information and applicants give the right (legally accurate) answer. The following paragraph will be included in the application forms:

'The amendments to the Exceptions Order 1975 (2013 & 2020) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found on the Ministry of Justice website.'

10. Job descriptions and person specifications

10.1. Time spent at the start of the recruitment process on the production of a full, carefully drawn and objective person specification will invariably avoid later difficulties in interpreting and applying vague and imprecise requirements. The job description and person specification are the documents against which the competence of the applicants is measured it is therefore vital that these documents are accurate and reflective of the required competencies, skills and experience at the time they are provided to candidates. If the recruitment decision is challenged it will prove difficult to defend such a challenge without an accurate and comprehensive person specification.

10.2. The job description should set out clearly the main purpose or function of the job and the key tasks within it.

10.3. For teaching staff, the job description will be built around the duties and responsibilities defined in the Teachers' Pay and Conditions Document. Generic descriptions can be drawn up with specialist areas of responsibility defined as a supplement to the main job description, e.g. curriculum leader, year leader, SENCO etc. Addendums relating to the academy's expectations for progression through the UPS will also be included where appropriate.

10.4. For support staff, the trust will seek to formally evaluate model job descriptions adapted as necessary to reflect local needs. The trust intends to formally evaluate/grade jobs by developing a job evaluation process and toolkit.

10.5. All job descriptions where the post holder is in contact with children will detail the individual's responsibility for promoting and safeguarding the welfare of children and young persons.

10.6. The person specification is crucial in that it will shape how the recruitment process is conducted. It should detail the qualities and competencies required based upon information within the job description and the conditions applying to the post. It is advisable to separate these features into essential and desirable categories.

10.7. The person specification should specifically contain the criterion suitability to work with children.'

11. Advertising

11.1. When advertising a post it is important to consider the following:

- Is the advertisement clear about the nature, the grade and location of the job?
- Does it provide the right key messages?
- Does it state what experience and qualifications are essential?
- Is it consistent with the job description and person specification?
- Where can the post best be advertised to ensure a suitable pool of applicants?
- Does it contain the trust's safeguarding and equal opportunities statements?
- Does it make it clear that the post will be subject to relevant pre-employment checks?

11.2. Advertisements are the first stage of the filtering process. Candidates should be able to make an initial judgment about their own suitability for the post and self-select accordingly.

12. Pre-Employment Checks

12.1. Headteachers and local governing bodies have a responsibility to undertake specific pre-employment checks on every person that they intend to engage or employ to work in the trust. The exact nature of these will depend upon the capacity in which the person will be working. Some of these pre-employment checks are strongly recommended as a matter of best practice while others are a legal requirement.

12.2. It is essential that every offer of appointment is made subject to satisfactory completion of all the relevant pre-employment checks, unless the full range of checks has been undertaken by the time an offer is made. Candidates should be made aware of this.

12.3. It is important that all efforts are made to obtain all pre-employment checks prior to the commencement of employment or engagement particularly in relation to references and Disclosure and Barring Service (DBS) checks. Where this is not possible, appointment should be delayed until satisfactory checks are received or arrangements should be made for supervision of the employee until such time as they are received.

12.4. As the majority of staff will be engaging in regulated activity, an enhanced DBS certificate which includes barred list information will be required for most appointments. In summary, a person will be considered to be engaging in regulated activity if, as a result of their work, they:

- will be responsible, on a regular basis, for teaching, training, instructing, caring for or supervising children; or
- will carry out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- engage in intimate or personal care or overnight activity, even if this happens only once.

For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be

appropriate. This would include contractors who would have the opportunity for contact with children and who work under a temporary or occasional contract.

12.5. A supervised volunteer who regularly teaches or looks after children is not in regulated activity. However, schools and colleges may choose to carry out an enhanced DBS check, without barred list information, in certain circumstances. See appendix E for a Volunteer Risk Assessment.

12.6. In addition to obtaining any DBS certificate as described above, any member of staff who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching. For those engaged in management roles an additional check is required to ensure they are not prohibited under section 128 provisions.

12.7. Academies within the trust are responsible for:

- ensuring that an effective selection process is carried out for each vacancy to ascertain that successful candidates are suitable people to work for the academy and are appropriately qualified;
- checking original documentation at interview to verify identity, the right to work in the UK and qualifications;
- undertaking a DBS check and ensuring that documentation relating to the DBS check is retained securely in a locked container/cabinet and is securely disposed of;
- ensuring that every person appointed to the academy has been subject to the appropriate pre-employment checks, and that evidence is stored on file (electronic or paper based);
- ensuring that consideration is given to reasonable adjustments for disabled employees and that, where appropriate, advice is sought from Occupational Health. Questions about health, attendance and/or disability must **NOT** be asked before a conditional offer of employment has been made;
- following up references that have not been received before interview; and,
- ensuring that all information gathered during the recruitment and selection process is stored securely and used only for its specified purpose.

12.8. Any offer of appointment should be conditional upon:

- receipt of at least two references (one professional from recent employer where appropriate) which are satisfactory to the headteacher;
- verification of the candidate's identity;
- A satisfactory Enhanced DBS check (this includes a barred list check) where the employee will carry out regulated activity;
- for teaching posts – successful completion of the statutory induction year if an NQT, or verification of completion of statutory induction where required for experienced teachers;
- for non-teaching posts – satisfactory completion of a probationary period;
- verification of the candidate's right to work in the UK;
- overseas checks (where applicable); and,
- a medical check satisfactory to the headteacher. Except in certain, very limited circumstances it is unlawful to ask questions about health, disability and/or attendance record until a conditional job offer has been made.

12.9. A pre-employment checklist is available which outlines the appropriate checks that should, and in some cases must, be undertaken on all academy staff and volunteers.

12.10. When a new appointment is made, the appropriate checklist should be completed by the appointing officer, headteacher, head of department, or other relevant person and should be retained in the new employee's personnel file along with their application form, self-declaration and copies of all

documentation given as evidence in relation to the pre-employment checks. All paperwork relating to unsuccessful applicants should be retained for an initial one year period and then confidentially destroyed in accordance with data protection regulations.

13. Types of check

13.1. Three types of DBS checks are referred to in this guidance (see also section 24):

Standard: this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not 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

Enhanced: this provides the same information as a standard check, plus any approved information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed.

Enhanced with barred list check: where people are working or seeking to work in regulated activity with children, this allows an additional check to be made as to whether the person appears on the children's barred list.

13.2. The DBS maintains 'barred lists' of individuals who are unsuitable to work with children and vulnerable adults. Where barred list information is requested, the certificate will also detail whether the applicant is subject to a direction made under section 128 of the Education and Skills Act 2008 or section 167A of the Education Act 2002. Such a direction prohibits an individual from taking part in the management (including governors if the governing body is the proprietor body for the school). A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a maintained school.

13.3. Once the checks are complete, the DBS will send a certificate (the DBS certificate) to the applicant. The applicant must show the original DBS certificate before they take up post or as soon as practicable afterwards.

13.4. In certain limited situations the trust may allow an individual to start work in regulated activity before the DBS certificate is available, they should ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed.

13.5. If the trust knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.

14. Childcare disqualification

14.1. For staff who work in childcare provision or who are directly concerned with the management of such provision, schools need to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations.

14.2. Previously, people working in schools could be disqualified by association if they lived with someone who was disqualified. Since 31 August 2018, disqualification by association no longer applies to schools.

Schools **should not** ask staff questions about cautions or convictions of someone living or working in their household.

14.3. For school's with pupils under the age of 8, you need to make sure that anyone you employ isn't disqualified under the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.

It's an offence if you knowingly employ someone who's disqualified.

To do this:

- make sure your employees know what information will be required of them and how it will be used to make decisions about disqualification;
- ask any new employees for an up-to-date enhanced DBS certificate;
- ask any existing employees if they are disqualified;
- use the DBS Update Service to supplement any self-declarations by existing employees;
- keep a record of when you completed the disqualification checks and process these records in line with the Data Protection Act 2018 (these don't have to be on the single central record, but many schools do add them here); and,
- encourage your staff to be proactive in informing you of any changes to their circumstances.

There's no requirement to repeat these checks. It's up to you how often you decide to do so.

14.4. If you receive information that someone working in a relevant setting is disqualified you should:

- inform Ofsted;
- tell the staff member if they can apply to Ofsted for a waiver, what information they'll need to share, and why;
- decide whether it's appropriate to redeploy staff elsewhere in the school or make adjustments to their role to avoid them working in the relevant settings;
- take advice from your HR provider, designated officer, or safeguarding lead officer; and
- where you can't make alternative arrangements, you should decide whether to grant paid leave or similar, or suspend the member of staff while waiting for the waiver (this should be a last resort).

14.5. If someone decides not to apply for a waiver, or a waiver is declined, you should consider and make decisions about:

- whether the person can be permanently redeployed;
- the appropriateness of redeployment; and,
- whether steps should be taken to legitimately terminate their employment.

The information above is taken from the DfE's guidance on the Childcare Disqualification Act 2006.

15. Pre-appointment checks

All new appointments

15.1. Any offer of appointment made to a successful candidate, including one who has lived or worked abroad, must be conditional on satisfactory completion of the necessary pre-employment checks.

15.2. When appointing new staff, you must:

- verify a candidate's identity;
- obtain (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity);
- obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is 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 whether they have the physical and mental capacity for the specific role;

- verify the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then prospective employers, or volunteer managers, should follow advice on the GOV.UK website;
- if the person has lived or worked outside the UK, make any further checks you consider appropriate;
- verify professional qualifications, as appropriate;
- ensure that a candidate to be employed to carry out teaching work is not subject to a prohibition order issued by the Secretary of State, or any sanction or restriction imposed (that remains current) by the GTCE before its abolition in March 2012; and
- check that a person taking up a management position is not subject to a section 128 direction made by the Secretary of State.

16. Identity checks

16.1. It is vital that headteachers and local governing bodies are certain that the person they intend to employ is the person that they claim to be and they must see sufficient evidence to satisfy themselves of this. Photographic identification that includes a date of birth (such as a passport or photographic driving licence etc) is the most suitable form of identification.

16.2. Certain documentation provided as evidence in relation to one pre-employment check may, in some instances, be acceptable in relation to another. This is particularly relevant to checks relating to identity, right to work in the UK and the DBS disclosure.

16.3. Where an individual is provided by a supply agency a check must be made to verify the identity of the individual on arrival.

17. Right to work in the UK

17.1. It is a criminal offence to employ a person who does not have the right to work in the UK or who do not have the right to undertake the type of work that they are being offered.

17.2. The Immigration, Asylum and Nationality Act 2006 sets out the law on the prevention of illegal working and requires that employers make basic document checks on every person that they intend to employ. The trust will have a statutory defence against a conviction for employing an illegal worker if they check and retain copies of acceptable documentation in accordance with Act.

17.3. The UK Borders Agency website provides a comprehensive guidance document for employers which includes lists and images of documents that can be accepted as evidence of an applicant's right to work in the UK, and information on how these should be copied.

17.4. It is important that employers do not directly, indirectly or inadvertently discriminate against people on grounds of their race or ethnic origin by refusing to accept any documents from the list, by failing to carry out checks on **every** new employee or by making assumptions about a person's nationality or right to work in the UK.

18. Employment History

18.1. The trust should gain as much information as possible on the employment history of any person that they intend to employ. At interview, reasons for leaving previous posts must be sought and any gaps in employment should be thoroughly explored.

19. Academic and Professional Qualifications

19.1. The trust must verify that a potential employee has achieved the qualifications that they claim in their application by viewing each original qualification certificate or diploma or a properly certified copy

of those documents. If there is any doubt about the authenticity of a qualification, they can check by contacting the relevant awarding institution.

19.2. Copies of documents should be made and kept on the employee's personnel file. Particular care must be taken to ensure that documentary evidence is seen, and copies retained, of professional qualifications that are required to carry out the job role, either by statute or under the trust's policies.

20. Qualified Teacher Status

20.1. Anybody appointed or engaged to teach in a maintained academy or non-maintained special academy in England must be a qualified teacher, as defined by The Education (Academy Teachers' Qualifications) (England) regulations 2009 (as amended), or satisfy the requirements of persons not qualified under schedule 2 of The Education (Specified Work and Registration) (England) Regulations 2009. Although this is not a legal requirement for academies, the trusts policy will be to appoint qualified teachers to teaching roles across the trust. Other appointments may be made to the trust at certain times for specific roles where specific expertise or knowledge is required to support and enhance the role of teachers e.g. sports coaches.

20.2. Teachers who are qualified in Australia, Canada, New Zealand and the USA now have automatic QTS. However, they still need to apply to the Teaching Agency before they can be recognised as qualified teachers. They also still need to satisfy any Border Agency requirements.

20.3. Teachers in FE who have Qualified Teacher Learning and Skills (QTLS) and who are members of the Institute for Learning (IfL) are now recognised as qualified teachers in academies.

20.4. Candidates for headteacher or deputy headteacher posts must, without exception, hold QTS.

20.5. Teachers should produce a certificate confirming QTS.

21. Induction Standards

21.1. Anybody appointed or engaged to teach in the trust must have satisfactorily completed their induction year and met the induction standards, in accordance with The Education (Induction Arrangements for Academy Teachers) (Consolidation) (England) Regulations 2012, or be subject to the exceptions in Schedule 2 of those regulations.

22. Health

22.1. Anybody appointed to a post that involves regular contact with children should have the appropriate health and physical capacity to undertake the duties of that post, in accordance with The Education (Health Standards) (England) Regulations 2003.

22.2. The Equality Act 2010 prohibits all those involved in the recruitment process (except in specific very limited circumstances) from:

- asking applicants questions relating to their health, attendance record and/or disability;
- asking referees to comment on an applicant's health, attendance or disability; or
- asking an applicant to complete a pre-employment medical questionnaire prior to having made the applicant a conditional offer of employment.

22.3. Once a candidate has been made a conditional offer of employment or placed in a pool of successful candidates to be offered a job, the trust must ensure that candidates complete a medical screening form.

22.4. Where appropriate, the applicant will be referred to Occupational Health to seek advice.

22.5. Where the applicant has a disability the headteacher must consider whether there are any reasonable adjustments that can be made to enable the applicant to perform the role, and should put these in place.

22.6. No employee may start work until medical clearance has been received.

23. Driving Licence

23.1. If an employee will be required to drive on trust business or may be required to escort children in their own transport in an emergency, academies should ask for evidence that the employee holds the appropriate and valid driving licence to do so and is insured to undertake business journeys

24. Disclosure and Barring Service checks

24.1. DBS Disclosures provide details of a person's criminal record including convictions, cautions, reprimands and warnings held on the Police National Computer. The Disclosure includes a check of local police records. Since 29th May 2013 certain old and minor convictions, cautions, reprimands and warnings will not be included

24.2. From 10 September 2012 the government has a new definition of 'Regulated Activity'. The law still requires academies to carry out DBS and Barring checks on all academy employees on their establishment. However, some positions and types of activities are no longer regulated. The trust has a duty to consider the implications for various posts including governors, contractors and volunteers

24.3. DBS disclosures will be sought for staff who are employed by the academy and volunteers who undertake 'regulated activity' (i.e. regularly teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children) which is unsupervised. The following provides further clarity:

Academy Employees: All academy employees are still eligible for enhanced DBS checks including a check on the barred list.

Volunteers: If a volunteer is supervised they do not require a DBS check. If a volunteer is unsupervised but does not undertake the work regularly (i.e. once per week or more or on 4 days in a 30 day period) they do not require a DBS check.

A volunteer is eligible for enhanced DBS checks including the barred list, if they are unsupervised and undertaking activities that involve the follow (provided that this activity is done 'regularly'):

- teaching, training, instructing, caring for or supervising pupils, providing advice/guidance on well-being or driving a vehicle only for pupils; or;
- working in a specified place with opportunity for contact with pupils.

Academy Local Governors: Governors will no longer need a DBS check unless they are undertaking activities on a regular basis that fit the description above for Volunteers.

The trust has the provision to request an enhanced DBS check with barred list information if it decides to do so.

Supply Teachers: Supply teachers are still required to have an enhanced DBS check. Before taking on a member of supply staff provided by a supply agency, the academy must obtain written confirmation from the agency that all necessary pre-employment checks have been carried out and are

satisfactory. In relation to DBS Disclosures the **written notification** from the agency must confirm that a relevant DBS check has been requested, whether the agency has received a notification email from the DBS and whether this email stated that the check was complete with 'no content' (which means that the check is clear), or check is 'complete with content' (which means the check is not clear). Where there is content on the certificate, the academy must be shown the DBS Disclosure by the individual before he/she starts work. The academy must decide whether or not to accept the agency worker. The individual must not undertake any work until this process has been followed.

Contractors: Organisations that provide occasional or temporary services to the trust (but not related to teaching, training or supervision of pupils) are no longer eligible for DBS checks. It is not the expectation that maintenance workers for example are asked for evidence of DBS checks.

Where organisations provide services where their employees are unsupervised and are activities that fit the description above for Volunteers they are eligible for enhanced DBS checks including the barred list, provided that this activity is done 'regularly' (i.e. once a week or more or on 4 days in a 30 day period).

If a contractor is unsupervised but they do not undertake the work regularly, they do not require a DBS check however it is expected they are supervised where possible. If a contractor is supervised they do not require a DBS check.

Checks on Under 16's: DBS checks should not be requested for young people under the age of 16. It is not the expectation that persons under 16 will be left in an unsupervised capacity with pupils, therefore DBS checks are not required.

24.4. Online DBS applications should be completed by all successful applicants who require a DBS check.

24.5. For new employees, DfE guidance states that an academy can accept a previous DBS check carried out for another local authority or FE college, provided that:

- the individual, in the 3 months before appointment was employed in a academy or FE college (see below);
- there has been no break in service; or,
- the individual will not have significantly more access to children or greater safeguarding responsibilities

24.6. Thus, for academy employees, a DBS is only required when an individual who within the 3 months before appointment has not been employed in;

- A school/academy in England which brought him or her into contact with children; or,
- An FE college in England in a position which involved the provision of education and regularly caring for, training, supervising or being in sole charge of children/young people under the age of 18.

Academies are not required to recheck existing staff in post unless;

- an individual moves to a new position that involves responsibilities not previously checked (e.g. moving from adult services to an academy); or,
- there is cause for concern about the person's suitability to work with children arising during employment.

Applicants who have lived outside the UK

24.7. Newly appointed staff that have lived outside the United Kingdom must undergo the same checks as all other staff in academies. This includes a DBS Disclosure.

24.8. Applicants who have lived outside the UK in the past five years will need to provide Criminal Convictions Clearance from the country or countries they were residing in, because the DBS cannot generally trace individuals abroad. If the academy recruits an individual from overseas, or an individual who has lived abroad in recent years prior to appointment, and needs to check their overseas criminal record, a DBS check may not provide a complete picture of the criminal record.

24.9. Not all countries provide a similar service but the DirectGov website now includes a list of those countries that do and details of how information can be obtained from other countries at:

www.gov.uk/dbs-checks-requests-guidance-for-employers#overseas-applicants

24.10. For applicants that have lived or worked outside of the UK, schools must make any further checks they think appropriate. See appendix A for advice on applicants from overseas.

DBS certificates

24.11 Since June 2013 DBS certificates have been sent directly to the individual on whom the check has been carried out. Once the check is complete the academy will receive email notification from the Registered Body. This will either state:

- the check is complete with 'no content'; which means the check is clear; or
- the check is 'completed with content, please wait to view applicant certificate'; which means the check is not clear.

24.12. If the DBS check is clear the academy can arrange a start date and ask the applicant to bring the certificate with them on their first date of employment. The academy must see an original copy of the certificate and record the details on their single central check.

Positive Disclosures (disclosures with content)

24.13 A positive disclosure (i.e. 'with content') from the Disclosure and Barring Service is a certificate that shows cautions, warnings or convictions. spent convictions and also unspent convictions, and for Enhanced checks, it will also show other information that a police force deems relevant to disclose based on the nature of the job that the individual will be employed to do.

24.14. If the certificate has 'content' the applicant must be asked to bring the certificate into the academy as soon as possible so that the headteacher can make a decision and complete a positive disclosure form. The academy must see an original copy of the disclosure certificate and record the details on the single central record if the academy decides to employ the applicant. A start date must not be confirmed until the positive disclosure form has been completed.

21.15. Before a decision is reached on whether to offer or confirm employment to an individual, the individual should be offered the opportunity to discuss the contents of the disclosure with the headteacher. A balanced decision to appoint should be based on:

- whether they are barred from appointment;
- whether the conviction is relevant to the position;
- the circumstances surrounding the offence, and any explanations provided by the applicant;
- the seriousness of the offence;
- the length of time since the offence occurred;

- whether there is a pattern to the offending behaviour, or whether it was a one-off; or
- whether the applicant's circumstances have changed.

24.16. Further discussion should take place regarding:

- whether the applicant disclosed the conviction(s)/cautions, warnings or reprimands at application or at interview stage;
- what level of supervision will the post-holder receive;
- whether the post involves responsibility for finance or items of value; and,
- whether the nature of the role allows the applicant to potentially re-offend.

24.17. The headteacher will make the overall decision about whether or not to employ the person. All positive disclosures should be discussed with the HR adviser to the trust and those which raise child protection issues may be discussed with the Local Authority Designated Officer (LADO) before a decision is taken. Where a decision to appoint is taken for the receipt of a positive disclosure the information will be recorded on a Positive Disclosure Decision Sheet and be stored on the person's file.

24.18. If an applicant has made a false declaration on the application form, or anywhere else, about convictions and cautions (or lack of them), this will render the offer of a contract of employment void.

25 Children's Barred List Checks (previously List 99)

25.1. Checks of the Children's Barred List are undertaken as part of a DBS check, where the post is eligible.

25.2. Barred list checks must not be requested for posts that are not eligible for a DBS check. Academies can no longer request checks of the Children's barred list for anyone else e.g. parents assisting on academy trips

26 Single Central Record of Recruitment Vetting Checks

26.1 Schools in the trust must maintain a single central record of pre-appointment checks, referred to in the Regulations as the register and more commonly known as the single central record. The single central record must cover the following people:

- all staff, including teacher trainees on salaried routes, agency and third party supply staff who work at the school; and
- for independent schools, all members of the proprietor body. In the case of academies and free schools, this means the members and trustees of the academy trust.

26.2 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 single central record must 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 (identification checking guidelines can be found on the GOV.UK website)
- a barred list check;
- an enhanced DBS check/certificate;
- a prohibition from teaching check;
- further checks on people who have lived or worked outside the UK
- a check of professional qualifications, where required;
- a check to establish the person's right to work in the United Kingdom: and,
- a section 128 check (for management positions for independent schools (including academies and free schools).

26.3 For agency and third party supply staff, schools and colleges must also 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 certificate check has been provided in respect of the member of staff.

26.4 Whilst there is no statutory duty to include on the single central record details of any other checks, the trust may record any other information they deem relevant. For example, checks for childcare disqualification, volunteers, and safeguarding and safer recruitment training dates. The trust may also wish to record the name of the person who carried out each check. The single central record can be kept in paper or electronic form.

27. References

27.1. References should be taken up on all short listed candidates, including internal ones, before interviewing so that any concerns can be explored further with referees and investigated further at interview. At least two references should be taken up for external candidates, and at least one for internal candidates.

27.2. It is strongly advisable not to rely on testimonials or open references. On receipt, references should be verified with the person who provided the reference and this should be logged.

27.3. Reference requests should contain details of the post on offer and should be structured to ask a referee to comment on specific areas relating to the post. The trust will ask a referee to comment on the prospective employee's suitability to undertake the post on offer, to work with children and should specifically request any information on criminal convictions or disciplinary offences.

27.4. The purpose of collecting references is to obtain objective and factual information to support the appointment decision. Job descriptions and person specifications should always be provided so that the referees can comment on the individual's suitability for the specific post in question.

27.5. Every reference request should consider covering the following:

- referee's relationship to the candidate – how they know them, how long they have known them and in what capacity;
- whether the referee is satisfied that the person has the ability and is suitable to undertake the job in question, based on the information provided in the job description and person specification;
- confirmation of person's current job title and salary;
- specific verifiable comments about applicant's performance and conduct;
- details of any disciplinary procedures in which the sanction is current;
- details of any disciplinary procedures the applicant has been subject to involving issues related to safety and welfare of children or young people, including any in which the sanction has expired;
- details of any formal capability procedures within the past two years; and,
- if any concerns or allegations about the candidate's suitability to work with children have arisen, what these were and how they were dealt with.

27.6. On receipt of these references any anomalies or areas that are vague should be thoroughly investigated further. Where necessary, clarification should be sought by telephone and referees asked to confirm in writing any key extra information provided. A written record of any telephone conversation must be kept with the personnel notes.

27.7. Any information about past disciplinary action, allegations or concerns (including those with child protection connotations) should be considered in the circumstances of the individual case. Where there is a history of repeated concerns or allegations, it is advised that you contact the trust's HR Adviser for more advice.

28. Recording, Retaining and Sharing Information

28.1. All paperwork relating to unsuccessful applicants should be retained for an initial one year period and then confidentially destroyed in accordance with data protection regulations.

28.2. All information relating however indirectly to child protection concerns must be fully recorded and retained on the personal file. This includes even those cases relating to child protection concerns that are deemed to have been completed and resolved or have been assessed as unfounded. This is essential in the process of identifying patterns of behaviour.

28.3. Records of such cases must be kept until the individual has reached normal retirement age or for a period of ten years from the date of the allegation.

28.4. Any disciplinary or capability warning relating to child protection concerns must be retained beyond their expiry date as part of recording patterns of concern.

28.5. Quality of information and willingness by all parties to share information is crucial in safeguarding children's welfare. This information should be comprehensive and accurate.

28.6. The Data Protection Act **DOES** allow sharing of personal information where that is required in order to fulfil a statutory requirement, such as child protection. A high degree of confidentiality is required and information handled and stored within the best practice principles of the Data Protection Act. Information must be retained in a secure locked cabinet with access controlled by the headteacher.

29. Scrutinising and Short listing

29.1. All applications should be carefully scrutinised to ensure they are fully and properly completed. Any anomalies or discrepancies or gaps in service employment should be accounted for and checked. Reasons for repeated and regular changes in employment should be explored.

29.2. All candidates should be assessed equally against the criteria in the person specification without exception or variation. This should be recorded on a short listing matrix.

29.3. A minimum of two people should carry out the short listing process, one of whom should have completed appropriate safer recruitment and selection training. The persons involved in the short listing of candidates for interview should be the same people who will be involved in the interviews for consistency throughout the process.

30. Interviews and other selection processes

30.1. It is essential that a face to face interview takes place prior to any appointment. Interviews should assess the merits of each candidate against the requirements in the person specification and the job description. Interviews must also explore each individual's suitability to work with children by assessing attitudes and behaviours.

30.2. A robust selection process should not rely solely on the interview. A range of selection activities should be designed in order to help assess who is the most suitable candidate for the job.

30.3. Invitations to interview should:

- detail all the arrangements such as date, time, panel members, length of the selection process, selection activities;
- remind candidates that the interview is assessing their suitability to work with children; and,
- remind them to bring all relevant documents, such as self-declarations where available, proof of qualifications, proof of identity.

30.4. Only originals of the required documentation can be accepted; copies should not be accepted. The academy should take a copy of original documents to be kept on the academy file.

31. Selection and Interview Panel

31.1. At least one panel member must be appropriately trained to participate in recruitment and selection activities.

31.2. Panels of at least two people (ideally three) should be involved in interviews. This allows one member to observe and assess the candidate and make notes while the other is talking and asking questions. Alternatively panels may find it helpful to have someone present who can focus on taking notes.

31.3. Panel members should meet beforehand to agree a relevant set of questions that will enable the candidate's suitability against the selection criteria to be assessed. They will also need to identify any issues they want to explore further from the candidate's application form and employment checks.

31.4. The trust will ensure that sufficient staff and governors are trained in advance of recruitment activities to form interview panels when necessary.

32. Scope of Interview

32.1. To assess the suitability of the candidate to work in the academy the interview panel should also examine:

- the candidate's attitude toward children. This may be assessed through their personal statement and through interview questions that probe their values, belief and ethics;
- the candidate's motivation to work with children. Questions on their vision for education and learning and development of the child and young person and what their role is in contributing towards achieving this vision can help you assess their motivation;
- their ability to form relationships and respect professional boundaries. This should be assessed through focused questions and complementary activities, such as group exercises or occupational personality questionnaires;
- their emotional resilience in working with challenging behaviours and their attitudes in managing discipline and towards authority. Questions asking them to draw on previously difficult situations and how they managed these will help assess this;
- their ability to support the academy's agenda for safeguarding and promoting the welfare of children. Clarify their understanding of the academy's approach towards child protection policies and procedures;
- gaps in the candidate's employment history and explanation of repeated changes in career. These must be discussed and clarified, as should concerns or discrepancies arising from the information provided by the candidate and or referees; and,
- if for any reasons references have not been provided before the interview the candidate should be given the opportunity to declare/discuss anything that may come to light on the collection of references.

33. Questioning technique

33.1. The ability to ask questions that probe deeper and get beneath superficial answers is a skill that takes time to develop and practice. Those who wish to deceive are practiced in the art of deception. They may rehearse model answers to questions about safeguarding or areas of their past and it is essential that the questions asked unpick these responses so that there can be confidence in the validity of the answers.

33.23. Some questions will need following up. By asking a follow up question you start to unpick the initial answer and investigate the validity of the answers. By using other tests and assessments activities you can increase the level of confidence you have when making the final selection decision.

34. Ground rules for interviewing

- Be properly prepared
- Have all relevant paperwork for all interviews
- Have an agreed set of questions but ask additional questions to explore a specific and relevant issue relating to individual candidates
- Avoid telephone interviews
- Make notes on candidate responses and record judgements and the basis for them
- Use Interview Questions Matrix to record all interviews
- Probe to find out about any issues around attendance, capability and employment history
- Ensure all your questions are relevant to the job and justifiable
- Avoid any question or statement that discriminates unlawfully
- Ask questions that are based on actual experiences and behaviour
- Conduct the interview in a relaxed and non-threatening way
- Base final selection decision on criteria previously defined and evidence collated

35. Offers of Employment

35.1. A statement of the main terms and condition of employment should be sent to the candidate. Wherever possible, employment checks should be complete and the headteacher satisfied with the information received before the statement is issued.

35.2. Where any checks are outstanding the offer should make it clear that employment is subject (conditional) to satisfactory outcomes of the remaining checks. All offers should be subject to satisfactory medical clearance and a medical screening form should be enclosed.

36. Induction

36.1. All new starters, permanent or temporary, should have an induction programme. Equally, volunteers and contract staff should be appropriately introduced to the academy.

36.2. The content and nature of the induction will vary according to the role and the previous experience of the new member of staff or volunteer.

36.3. The purpose of an induction programme is to:

- help the new employee to settle quickly in the job;
- demonstrate the importance the trust attaches to the individual's development;
- provide training and information about policies and procedures;

- provide appropriate support;
- confirm and share code of conduct and expectations and provide examples of behaviour that would not be acceptable;
- familiarise the new employee with the academy's safeguarding policies and procedures;
- provide opportunities for new member of staff to raise concerns; and,
- enable the person's line manager or mentor to recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately.

36.4. Induction programmes should include information about:

- policies and procedures in relation to safeguarding and promoting welfare of pupils e.g. anti-bullying, racism, internet safety, health and safety etc.
- safe practice and standards of conduct and behaviour expected of staff and pupils in their establishment
- how and with whom any concerns should be raised
- other relevant procedures (disciplinary, capability, whistle blowing)
- appropriate level of child protection training according to the role

36.5. The induction process should support new staff by exploring the issues of child protection so that they do not place themselves or pupils at risk. It will confirm the individual fully understands what the academy expects of them, leaving no room for any claim that they were unsure of the boundaries of acceptable and unacceptable behaviour or were unaware of established procedures.

37. Code of Conduct

37.1. The trust's code of conduct should be given to each new employee and sign they have received it. It should cover all staff who work in the academy on a paid or voluntary basis.

38. Probationary Period

38.1. All support staff appointed will be subject to a 6 month probationary period.

Appendix A

Applicants from overseas

All elements of the recruitment process and the pre-appointment checks should be applied to applicants from overseas in the same way as to applicants resident in the UK, but extra time will need to be allocated to obtaining references, checking applicants' qualifications and possible criminal records. In addition, as noted above, overseas applicants will need to establish that they have the right to live and work in this country.

The DBS can only provide information that is held by police forces in the UK. That may include details of offences committed abroad by UK citizens or residents but almost invariably will not include details of any offences committed abroad by foreign nationals who have never lived or worked in the UK. The DBS barred lists are also primarily made up from referrals about people living or working in this country. Consequently DBS certificates and Barred List checks are unlikely to provide any information on applicants from overseas who have not previously lived in the UK. Nevertheless, those checks have to be carried out to meet statutory requirements. In all cases where an applicant has worked or been a resident overseas in recent years, the employer should where possible, obtain a check of the applicant's criminal record.

Not all countries provide that service, but the DirectGov website now includes a list of those countries that do and details of how information can be obtained from other countries at: www.gov.uk/dbs-check-requests-guidance-for-employers#overseas-applicants

The nature and detail of the information provided varies from country to country. The DBS does not have any involvement in applications by individuals to overseas authorities. Employers should also be aware that they would have to arrange for information returned from overseas authorities to be translated into English and they may need to obtain advice about the precise nature of criminal offences in other countries. Offences in other countries do not necessarily correspond to offences in the UK.

The DfE does not issue guidance on which circumstances require these overseas checks, stating that it is for schools to determine. However, with effect from April 2017 the Home Office has confirmed that an overseas criminal check will be completed for everyone in an education role applying for a visa to work in the UK (i.e. from countries outside the EU). The requirement is mandatory to applicants from overseas applying under certain Standard Occupational Classification (SOC) codes, including teaching and school leadership. The requirement to provide an overseas criminal record certificate applies to anyone that has lived abroad for 12 months or more in the last 10 years. Since April 2017 schools have had a statutory duty to inform Tier 2 skilled worker applicants of the need to source and submit overseas criminal certificates as part of their visa application. A FAQ document about obtaining overseas criminality information can be found here: Obtaining Overseas Criminal Record Checks <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

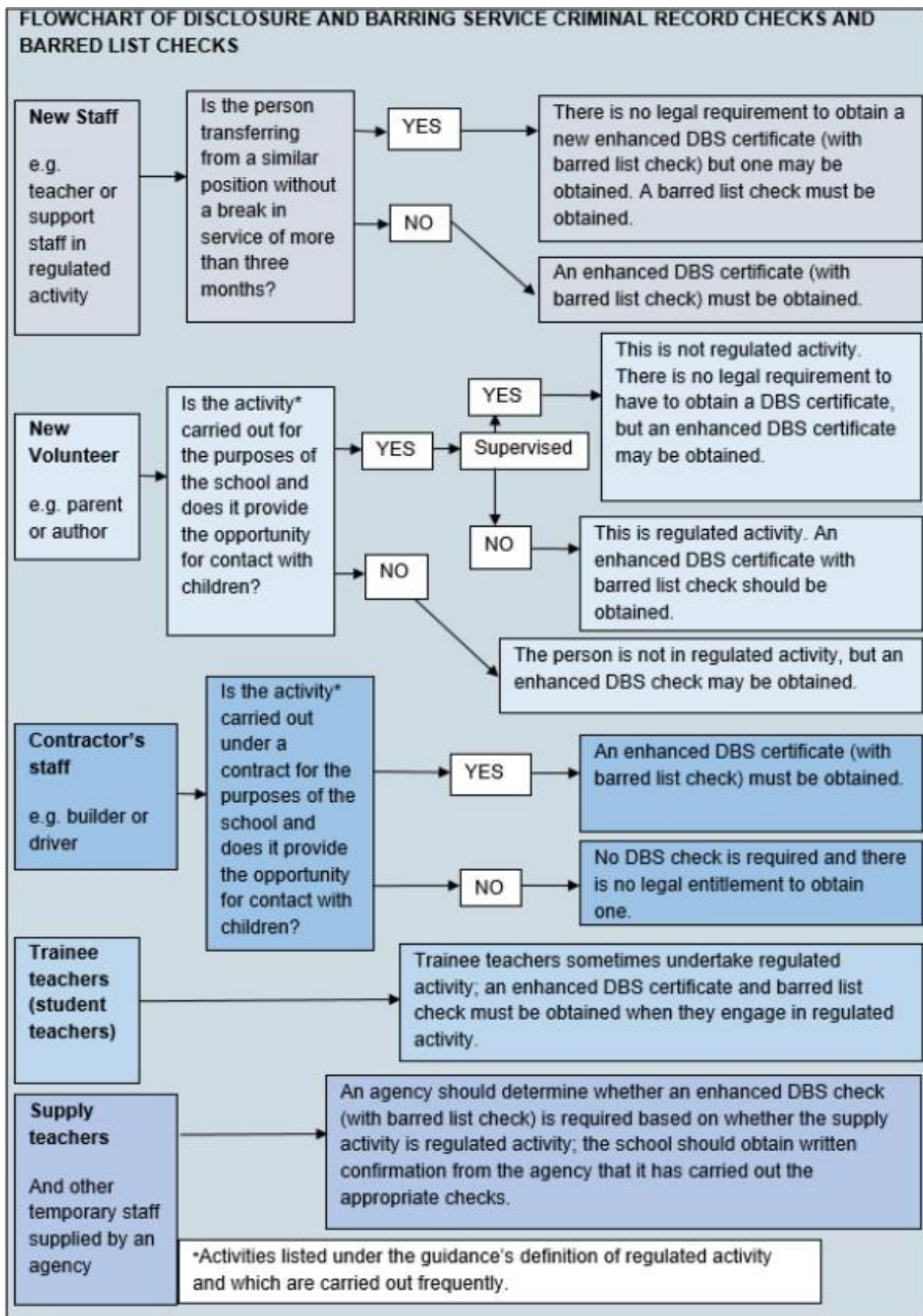
NOTE In cases where an overseas criminal record check or certificate of good conduct is not possible, particular care must be taken with the other required checks, especially those of identity and qualifications and obtaining satisfactory references. Schools must continue to carry out safer recruitment checks on all applicants.

For applicants that have lived or worked outside of the UK, schools must make any further checks they think appropriate so that relevant events that occurred outside the UK can be considered, including obtaining an enhanced DBS certificate with barred list information (even if the teacher has never been to the UK).

Teachers will be requested to provide proof of their past conduct as a teacher. This should be a letter of professional standing issued by the professional regulating authority in the country in which they worked. Such evidence can be considered alongside other information obtained through other pre-appointment checks to help assess their suitability.

APPENDIX B

Flowchart of DBS checks and barred list



Appendix C

Self-Declaration Form

Congratulations on being shortlisted. Please return this disclosure to the school **at least one day prior to interview**. If we have not received this, we reserve the right to withdraw the offer of interview.

POST APPLIED FOR:		Date:	
Surname:		Previous name(s) (if any):	
Forename(s):		Preferred title:	Date of birth
National Insurance No:	Teacher Ref. No (if applicable):	Date of recognition as qualified teacher, QTS (if applicable):	

We are committed to safeguarding and promoting the welfare of children and we expect all staff to share this commitment. This post is exempt from the Rehabilitation of Offenders Act 1974; pre-employment checks will be carried out, references will be sought and successful candidates will be subject to an enhanced DBS check and other relevant checks with statutory bodies.

We comply with the Disclosure & Barring Service (DBS) code of practice. As you have been shortlisted, you are required to declare any relevant convictions, adult cautions or other matters which may affect your suitability to work with children. As a result of amendments to the Rehabilitation of Offenders Act 1974 (exceptions order 1975) in 2013 and 2020, some minor offences are now protected (filtered) and should not be disclosed to potential employers, and employers cannot take these offences into account.

Please read the information [Ministry of Justice - GOV.UK \(www.gov.uk\)](http://www.gov.uk) before answering the following questions. If you are unsure whether you need to disclose criminal information, you should seek legal advice or you may wish to contact Nacro or Unlock for impartial advice. There is more information on filtering and protected offences on the Ministry of Justice website.

Nacro - <https://www.nacro.org.uk/criminal-record-support-service/> or email helpline@nacro.org.uk or phone 0300 123 1999

Unlock – <http://hub.unlock.org.uk/contact/> phone 01634 247350 text 07824 113848

1. Do you have any convictions or adult cautions that are unspent? Yes / No
If yes, please provide details here
2. Do you have any other cautions or convictions that would not be filtered? Yes / No
If yes, please provide details here
3. Do you have any cautions or convictions for offences committed in another country which would be relevant to your suitability for this post in line with the law in England / Wales? Yes / No
If yes, please provide details here

4. Are you known to the police or children's social care for any other reason that could affect your suitability for this post? Yes / No

If yes, please provide details here

5. *Only ask if you are recruiting for a post working in regulated activity with children Are you included on the DBS children's barred list? Yes / No

If yes, please provide details here

6. *Only ask if you are recruiting for a post working in regulated activity with adults over the age of 18 years Are you included on the DBS adult barred list? Yes / No

If yes, please provide details here

7. **(TEACHERS ONLY)** Are you, or have you ever been, prohibited from teaching by the TRA or NCTL or sanctioned by the GTCE? Yes / No / Not applicable

If yes, please provide details here

8. Have you been prohibited from management of an independent school (s128)? Yes / No / Not applicable

If yes, please provide details here

9. Have you lived or worked outside the UK for more than 3 months in the last 5 years? Yes / No *

If yes, please provide details here

10. Are you subject to any sanctions relating to work with children in any country outside the UK? Yes / No

If yes, please provide details here

Please complete the declaration below:

I declare that all the information I have provided in this disclosure is full and correct at the time of application and that I have not omitted anything that could be relevant to the appointment of someone who will work with children. I understand that the recruitment panel may be made aware of any relevant information that I have disclosed in order to discuss the matter(s) with me as part of the recruitment process and that, if my application is successful, a risk assessment of the disclosed information will be held securely on my personnel file. I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role.

Signed:

Date:

Please return this form to: [insert name]

APPENDIX D

TRUSTEE/LOCAL GOVERNOR DECLARATION FORM

PLEASE WRITE CLEARLY AND USE BLOCK CAPITALS

PLEASE COMPLETE ALL SECTIONS

Title: _____ Family Name: _____ First Name: _____ Former Name: _____
(all previous names essential)

Date of Birth: ____ / ____ / ____ Tel:(Home) _____ (Mobile) _____

Address: _____

Postcode: _____

Academy: _____

A Director/ Local Governor must be aged 18 or over at the time of their election or appointment and cannot be a registered pupil at the academy.

1. A person is disqualified from holding or from continuing to hold office as a Director/ Local Director or associate member if he or she:

- fails to attend the director/governing body meetings – without the consent of the Board of Directors/governing body – for a continuous period of six months, beginning with the date of the first meeting missed (not applicable to ex officio Director/ Local Governors);
- is subject to a bankruptcy restriction order, an interim bankruptcy restriction order, a debt relief order or an interim debt relief order;
- has had his or her estate sequestrated and the sequestration order has not been discharged, annulled or reduced;
- is subject to:
 - i) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986
 - ii) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989
 - iii) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002
 - iii) an order made under Section 492(2)(b) of the Insolvency Act 1986 (failure to pay under a County Court administration order);
- has been removed from the office of charity trustee or trustee for a charity by the Charity Commissioners or High Court on grounds of any misconduct or mismanagement, or under Section 34 of the Charities and Trustees Investment (Scotland) Act 2005 from participating in the management or control of any body;
- is included in the list of people considered by the Secretary of State as unsuitable to work with children;
- is disqualified from working with children or subject to a direction under Section 142 of the Education Act 2002;
- is disqualified from registration for childminding or providing day care;
- is disqualified from registration under Part 3 of the Childcare Act 2006;
- has received a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months (without the option of a fine) in the 5 years before becoming a Director/Local Governor or since becoming a Director/Local Governor;
- has received a prison sentence of two-and-a-half years or more in the 20 years before becoming a Director/Local Governor;
- has at any time received a prison sentence of five years or more;
- has been fined for causing a nuisance or disturbance on academy premises during the five years prior to or since appointment or election as a Director/Local Governor;
- refuses to allow an application to the Disclosure & Barring Service for a criminal records certificate.

2. Where the academy/academy provides for children under the age of 8 years (which includes after-academy clubs) a person is also disqualified from holding or continuing to hold the office of Director/Local Governor or associate member if any offence against or involving a child (i.e. a person under the age of 18)

- any violent or sexual offence against an adult
- any offence under the Sexual Offences Act
- any similar offence in another country

I have read the above regulations regarding the qualifications and disqualifications and declare that I am not disqualified from serving as an academy Director/Local Governor. I understand that my application to be a Director/Local Governor is subject to checks.

Signature: _____ Date: _____

I, **Chair of Directors/Local Governors/Headteacher** (please delete as appropriate), have seen two forms of identity (one photographic, one address) and I can confirm the identity of the person named above. (NB: This form may be countersigned by the Chair/Headteacher only)

PLEASE WRITE CLEARLY AND USE BLOCK CAPITALS
please delete

Name: _____ Position: _____ **(Chair/Headteacher)**

Signature: _____

Date: _____

(Form must be completed in full before a check can be carried out)

Once completed, this form should **be scanned and emailed** to the Headteacher or Chief Executive Officer

DBS Disclosure risk assessment process and safer recruitment checklist for volunteer

APPENDIX E

This pro-forma should be completed in all cases when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity.

Section 1: Applicant details	
Name:	
Post applied for/Volunteer role:	
Start date	
Day and time	
Section 2: Initial assessment	
<p>2.1 Is the activity carried out for the purpose of the school and does it provide opportunity for contact with children?</p>	<p>Please Choose</p> <p>If no – an enhanced DBS is NOT required.</p> <p>If yes – please complete section 2.2.</p>
<p>2.2 Will the person be supervised by an adult on a day to day basis and has the identified “supervisor/s” had an enhanced DBS and barred list check.</p> <p><i>“Supervised”: This means that supervision must be ongoing and must not, for example be concentrated during the first few weeks of an activity and then tail of thereafter becoming the exception not the rule.</i></p>	<p>Please Choose</p> <p>If you cannot confidently say yes to the person being supervised continually by another who is in regulated activity, please indicate why.</p> <p>An enhanced DBS with a Barred List Check must be carried out in this circumstance.</p> <p>Please complete point 2.3</p> <p>If the answer to this question is yes. Please move onto point 2.4</p>
<p>2.3 In order to clarify why the DBS is being undertaken, please outline below the activity the person will be doing.</p>	
<p>2.4 Please indicate the adult/s responsible for supervising the person</p>	<p>Name/s:</p>

Section 3 Wider Considerations	
<p>3.1 Has the school's insurer confirmed whether a volunteer would invalidate insurance if for example a child was injured under the supervision of volunteer?</p> <p><i>Most insurers would say that a member of school staff must be responsible for the children at all times to be in charge of those children and so a volunteer cannot take charge of children alone. Health and Safety Act places a duty on the member of staff responsible for supervising.</i></p>	<p>Please confirm if the school insurance would cover the volunteer for the activity that they will be engaging in.</p> <p>Please Choose</p> <p><i>Please note that invalidating insurance is not a justifiable reason to undertake an enhanced DBS. Therefore, schools are advised to follow the terms of their insurance policies in respect to engaging volunteers.</i></p>
<p>3.2 Have two references been obtained for the volunteer. Can the volunteer supply at least one reference from someone other than a family member, including a senior person at the employment or voluntary Service?</p>	<p>Please Choose</p>
<p>3.3 Are there any concerns raised about the person's suitability to work with children in any of the references?</p>	<p>Please Choose</p> <p>If there have been concerns raised in the reference about the individual's suitability to work with children, please consult with the volunteer about the concerns raised, and make an informed judgement in consultation with your HR advisor on whether an enhanced DBS may be necessary.</p> <p>Please indicate rationale behind decision making in section 3.4</p>
<p>3.4 Concerns about individual's suitability to work with children raised in reference.</p>	<p>Decision making for undertaking/not undertaking an enhanced DBS and rationale (please include details of professionals consulted with)</p>
<p>3.5 Has the volunteer's identity been verified?</p>	<p>Please Choose</p>
<p>3.6 Is the volunteer aware of any reason why they should not volunteer to work with children?</p>	<p>Please Choose</p>
<p>3.7. Does the volunteer have a connection to the school? i.e. are they a parent/relative of a pupil.</p>	<p>Please Choose</p>

Section 4: Decision Making

	Decision Made	Completed by:
<p>Unsupervised Volunteer: High Risk – the school cannot guarantee the volunteer will be supervised.</p> <p><i>“Unsupervised”: This means that supervision cannot always be guaranteed to be ongoing. Please refer to 2.2</i></p>	<p>Application for an enhanced DBS check with a barred list check must be made.</p>	
<p>Supervised Volunteer: High Risk – the person has no previous connection with the school AND cannot provide references from elsewhere.</p> <p><i>There is no statutory reason why this person needs to apply for an enhanced DBS Certificate. However, the school should consider whether the person’s uncorroborated background would raise an unacceptable risk.</i></p>	<p>Application for enhanced DBS check is/ is not needed. State reason(s) below:</p>	
<p>Supervised Volunteer: Medium Risk – The person can provide suitable references for other work with children (either paid or unpaid), they have a connection to the school, and no issues have come to light that would mean they would be unsuitable.</p> <p><i>There is no statutory reason why this person needs to apply for an enhanced DBS Certificate. However, the school may wish to do so, as no enhanced DBS has been seen.</i></p>	<p>Application for enhanced DBS check is/ is not needed. State reason(s) below</p>	
<p>Supervised Volunteer: Low Risk – The person is signed up to the DBS Update Service and the checks reveal no negative information OR The person is employed or volunteers elsewhere and has a recent enhanced DBS and can provide references OR the school knows the person well (eg. may be a former employee)</p> <p><i>There is no statutory reason why this person needs to apply for an enhanced DBS Certificate. However, unless the person uses the DBS Update service, the school may decide to obtain a new enhanced DBS.</i></p>	<p>Application for enhanced DBS check is/ is not needed. State reason(s) below:</p>	

Outcome of DBS risk assessment	No DBS <input type="checkbox"/>	Enhanced DBS <input type="checkbox"/>	Enhanced DBS with barred list check <input type="checkbox"/>

Section 5: Form completed by.

Name:	
Signature:	
Position in school:	
Date:	
Signature of Headteacher	

This form must be kept in the HR file of the volunteer.