



## SAFER RECRUITMENT POLICY

Updated September 2018  
Approved by the Principal

**This policy links to and should be read in conjunction with the following policies:**

- Safeguarding and Child Protection Policy
- Guidance for Staff on Appropriate Conduct and Behaviour
- Staff Induction Policy
- General Data Protection Regulation (GDPR) Policy

### 1. Introduction and Statutory Requirements

- 1.1 Section 175 of the Education Act 2002 requires Governing Bodies of maintained schools and further education (FE) colleges to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children.
- 1.2 Regulations made under Section 157 of that Act state that Proprietors of Independent schools, which include Academies and Free schools, must make arrangements to safeguard and promote the welfare of pupils.
- 1.3 The Department for Education (DfE), has issued statutory guidance *Keeping Children Safe in Education* under Section 175, Education Act 2002, the Education (Independent School Standards) (England) Regulations 2010 as amended by SI 2012/2962 and the Education (Non- Maintained Special Schools) (England) Regulations 2011. Schools and Colleges must have regard to the guidance when carrying out their duties to safeguard and promote the welfare of children. 'School' means all schools whether maintained, non-maintained or independent schools, including academies and free schools, alternative provision academies and pupil referral units. 'School' includes maintained nursery schools. 'College' means further education colleges and sixth-form colleges, as established under the Further and Higher Education Act 1992, and relates to their responsibilities towards children under the age of 18, but excludes 16-19 academies and free schools (which are required to comply with relevant safeguarding legislation by virtue of their funding agreement).
- 1.4 *Keeping Children Safe in Education* (2018) is for Governing Bodies of maintained schools (including maintained nursery schools), non-maintained special schools, and colleges, proprietors of independent schools (including academies, free schools and alternative provision academies) and management committees of pupil referral units (PRUs), further education colleges and sixth form colleges. It also applies to staff in all schools and colleges. The document states that Governing Bodies, Proprietors, PRU management committees and colleges should ensure that all staff read at least part one of the guidance 'Safeguarding information for all staff'. The document contains information on what schools and colleges should do and sets out the legal duties with which schools and colleges must comply. It includes safeguarding information for all staff, the management of safeguarding and responsibilities of governing bodies and proprietors, safer recruitment and dealing with allegations of abuse made against teachers and other staff.

1.5 *Keeping Children Safe in Education* should be read alongside the DfE's statutory guidance *Working Together to Safeguard Children* (2018) which applies to all the schools referred to above, including maintained nursery schools. *Working Together to Safeguard Children* covers action by all organisations, including schools, to protect children from risks of harm in the home or in the community. However, statutory guidance on *Keeping Children Safe in Education*, *Working Together to Safeguard Children* and child protection policies and procedures in place within individual establishments are inextricably linked. Safer recruitment is a vital factor in keeping children safe within the education environment.

1.6 There is also legislation governing those persons in 'regulated activity' (see below) and requirements to carry out criminal records and barred list checks. The main legislation in this respect is contained within the:

- Safeguarding and Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012
- Equality Act 2010
- Police Act 1997, the Police Act 1997 (Criminal Records) Regulations 2002, as amended, the Police Act 1997 (Criminal Records) No 2 Regulations 2009, as amended
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended
- Sexual Offences Act 2003

Any subsequent amendments will also apply as relevant.

1.7 Requirements relating to the appointment, discipline, capability, suspension and dismissal of staff, use of supply staff/workers, checks and information to be held on the establishment's single central register (SCR), as well as information on teacher capability to be provided in references are specified within the School Staffing (England) Regulations 2009, as amended in 2012, 2013 and 2014 (applied to Pupil Referral Units through the Education (Pupil Referral Units) (Application of Enactment) (England) Regulations 2007), the Education (Pupil Referral Units) (Management Committees etc) (England) Regulations 2007, as amended by the Pupil Referral Units (Miscellaneous Amendments) (England), and any subsequent Regulations and/or amendments applicable to maintained schools and PRUs.

1.8 Separate regulations apply to FE providers and Independent schools. These include for:

- Independent schools, (including academies and free schools and alternative provision academies and free schools) further details are within the Education (Independent School Standards) Regulations 2014
- Colleges - within the Further Education (Providers of Education) (England) Regulations 2006; any subsequent amendments and other relevant regulations.

## **2. Purpose of the Safer Recruitment Policy**

2.1 It is essential that, as part of the responsibilities highlighted above, all organisations that employ staff or engage volunteers to work with children adopt a consistent and rigorous approach in their recruitment and selection processes with the aim of ensuring that those recruited are suitable for such an important and responsible role.

2.2 The purpose of safer recruitment is ultimately to:

- **Deter.** From the beginning of the recruitment process, it is important to send the right message – that the organisation has a rigorous recruitment process and does not

tolerate any form of abuse. Wording in adverts and recruitment information must aim to deter potential abusers.

- **Identify and Reject.** It will not always be possible to deter potential abusers. Therefore, careful planning for the interview and selection stage, in terms of asking the right questions, setting appropriate tasks and obtaining the right information can assist in finding out who is suitable for the role and who is not.
- **Prevent and Reject.** There are no guarantees that even the most robust safer recruitment process will prevent an inappropriate appointment. However, this does not mean it is too late to act. Ensuring that comprehensive induction processes are in place, together with appropriate policies and procedures, raising awareness through staff training and generally developing and maintaining a safe culture within the organisation will all help to prevent abuse or identify potential abusers.

2.3 The intention of this policy is to ensure that all stages of the recruitment process contain measures to deter, identify, prevent and reject unsuitable people from gaining access to pupils within the organisation. The policy and the practical implementation of recruitment and selection processes also aim to meet all legislative requirements as highlighted in 1. above, any statutory or other guidance that may from time to time be issued in order to keep children safe and safer recruitment in education, as well as principles of general good practice.

### 3. 'Regulated Activity' and Disclosure and Barring Service Checks

3.1 Organisations providing 'Regulated Activity' in relation to children and young people have specific responsibilities for carrying out appropriate pre-employment checks, including Enhanced Disclosure and Barring Service (DBS) with Barred List check, when recruiting paid employees and workers. They must also ensure that they receive written confirmation that similar checks have been carried out by Agencies and other employers who may deploy or hire workers to them where such individuals will be in Regulated Activity.

3.2 Other people coming into such an organisation (e.g. volunteers, including Governors) with access to children may not be in regulated activity - if they are 'adequately supervised' when carrying out an activity with children which would be regulated activity when unsupervised.

3.3 The organisation is responsible for continuing vigilance in relation to staff, workers and any others coming onto the premises, and/or with access or opportunity for contact with the pupils, at all times.

3.4 Big Creative Academy will act in accordance with the statutory requirements relating to 'Regulated Activity' relating to children which can be defined as follows:

- (i) Unsupervised activities in any setting – including teaching, training, instructing, caring for (see iii) below), supervising, providing advice/guidance on well-being, driving a vehicle only for children
- (ii) Work for a limited range of establishments (specified places) with the opportunity for contact, e.g. schools, colleges, children's homes, children's centres, childcare premises (but not work by supervised volunteers).

Work/activities in (i) and (ii) above must be carried out 'regularly' to be included within regulated activity. 'Regular' means carried out by the same person frequently (once a week or more

often) or intensively (on 4 or more days in a 30-day period) or overnight (if carried out – even once - at any time between 2am and 6am and with an opportunity for face-to-face contact with children). Day to day management or supervision on a regular basis of a person providing the above regulated activity for children is also within the definition of regulated activity for children.

- (iii) Relevant personal care or health care by or supervised by a professional, even if done only once. ('Personal care' means helping a child, due to age, illness or disability, with eating, drinking, toileting, washing, bathing or dressing; 'Health care' means care for children provided by, or under the direction or supervision of, a regulated health care professional).
- (iv) Registered child-minding and foster carers.

(Regulated Activity excludes family and personal, non-commercial arrangements).

### 3.5 The following applies in relation to particular groups of staff, workers and others.

- (i) All employees and paid workers (e.g. supply workers engaged directly) in schools, colleges, PRUs and similar educational establishments providing education are in regulated activity and the employer must ensure that an Enhanced DBS with Barred List check is carried out. This will include all categories of staff and workers, as all, even if not directly involved in teaching or supervising children, will have the opportunity for contact. This will also normally include Agency supply workers. For visiting staff/workers, such as Agency supply workers in RA, it is for the providing organisation to carry out checks - the 'hirer' then obtains written confirmation for their Single Central Register (SCR).
- (ii) Supervised volunteers, including Governors, trustees, etc. are not normally in RA. However, it is for the organisation to decide and will depend upon whether they are being 'adequately supervised' in accordance with statutory supervision guidance published by the DfE (see overleaf\*\*). If such persons are adequately supervised when carrying out an activity that would fall within RA if not so supervised, then they will not be in RA. Otherwise, if not adequately supervised, they are in RA. For regular volunteers, inc. Governors and others who are not in RA, an Enhanced DBS check WITHOUT a Barred List check should be obtained. (There is no entitlement to ask for a Barred List check for volunteers who are not in RA).
- (iii) Schools and Colleges should ensure that any contractor, or employee of a Contractor, who is to work at the school or college has been subject to the appropriate level of DBS check. Contractors carrying out work of a temporary or occasional nature, e.g. maintenance (but not teaching, training etc.) are not normally in RA. However, where contractors are engaging in RA, an Enhanced DBS certificate, including Barred List information will be required. For others who are not engaging in RA, but whose work provides them with an opportunity for regular contact with children, an Enhanced DBS check (WITHOUT Barred List information) will be required. For longer term, regular contracted work, a decision needs to be made about whether individuals have the opportunity for contact in a similar way to school site staff and can be deemed to be in RA. Decisions must be made on a case- by-case basis, taking into account the relevant and prevailing circumstances at the time. Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity. Schools and colleges are responsible for determining the appropriate level of supervision depending upon the circumstances. If a contractor is self-employed, the school/college should consider obtaining the DBS

check, as self-employed people are not able to make an application directly to the DBS on their own account. The identity of contractors and their staff should always be checked on arrival.

- (iv) As trainee teachers are likely to be engaging in regulated activity an enhanced DBS certificate with barred list check must be obtained. Where trainees are salaried (employed) this is the responsibility of the employer. Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks and schools should obtain written confirmation from the training provider that checks have been carried out and suitability to work with children assessed.

3.6 When organising work experience placements, policies and procedures need to be put in place to protect children from harm. Barred List checks by the DBS may be required on some adults who supervise a child under the age of 16 on a work experience placement. Consideration would need to be given to the specific circumstances of the work experience, in particular whether the person providing the teaching/ training/ instruction/supervision to the child will be unsupervised and providing the teaching/training/instruction frequently (at least once a week or on more than three days in a 30 day period, or overnight). 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. If so, the employer providing the work experience should be asked to ensure that the person providing the instruction or training is not a barred person. Schools and colleges are not able to request an enhanced DBS check with Barred List information for staff supervising children aged 16 to 17 on work experience. If an activity undertaken by a child on work experience takes place in a 'specified place', such as a school or college, and gives the opportunity for contact with children, this may itself be considered to be regulated activity. In such cases, where the child is 16 or over, the work experience provider should consider whether an Enhanced DBS check should be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.

3.7 There is no entitlement to request DBS or Barred List checks on Visitors (e.g. children's relatives or other visitors attending a sports day). A professional judgement must be made at the relevant time about the need to escort or supervise them.

3.8 The DfE's factual notes on 'Regulated Activity in relation to Children: Scope' and 'Statutory Guidance: Regulated Activity (Children) – Supervision of Activity with Children which is Regulated Activity when Unsupervised' are available on the website [www.gov.uk](http://www.gov.uk) to provide full information and guidance on Regulated Activity and Supervision. Supervision guidance is also included as Annex D within the document 'Keeping Children Safe in Education'.

3.9 In accordance with the above requirements and guidance, Big Creative Academy will take appropriate steps to ensure that all those employees, paid workers and any others deemed to be in regulated activity, are subject to the highest level of checks including, for new recruits, a full Enhanced DBS with Barred List Check, or as required at the time of recruitment. Others not in regulated activity will normally be required to undergo an Enhanced DBS without Barred List check if they have regular involvement with pupils but are adequately supervised. However, if they are carrying out ad hoc or one off volunteering activities etc., they will not normally be subject to an Enhanced DBS check. (See also 12. below 'Use of Agency Workers' and 13. 'Use of Volunteers').

3.10 For any persons deemed not to be in regulated activity, steps will be taken to ensure

that adequate supervision and/or protocols to ensure the safety of pupils at all times, are in place, in accordance with statutory guidance and general good practice. An appropriate level of checks, in addition to the requirements set out above, will be carried out in relation to all new recruits.

#### **4. Recruitment Panel Members**

- 4.1 Panel members will be appointed or selected in accordance with any requirements set out in the School Staffing, Further Education Providers, Independent School Standards or other relevant Regulations and/or as otherwise determined by the Governing Body.
- 4.2 The recruitment and selection process, in particular interviews, will be carried out by two or more people. Wherever possible, Appointments Panels will consist of an odd number of at least three people.
- 4.3 Panel members will be appropriately trained or briefed. In accordance with statutory requirements, at least one member of the Panel will have successfully completed safer recruitment training. Wherever possible, all Panel members will be involved throughout all stages of the recruitment and selection process but, in any event, a Panel member trained in safer recruitment will be involved throughout.

#### **5. Job Descriptions & Person Specifications**

- 5.1 When a vacancy arises due to an employee leaving or moving to a different role, it cannot be assumed that a 'like for like' replacement is required. A review of the job description may highlight the fact that the existing role no longer meets current needs. Therefore, the requirements for any replacement or new role will be analysed prior to drawing up the Job Description and Person Specification which define the role.
- 5.2 The general layout of job descriptions for all posts including support staff and teachers will be very similar but may also need to reflect any local or national requirements. For example, the statutory School Teachers' Pay and Conditions Document sets out the contractual framework for all teachers in terms of their professional responsibilities and duties. However, additions may be made, for example, in terms of any generic requirements such as equal opportunities and responsibilities for safeguarding, and specific requirements relating to TLR payments or other job requirements where applicable.
- 5.3 In general, all Job descriptions will normally contain:
  - The post title and grade
  - The main purpose of the job
  - The main tasks or duties to be carried out
  - The scope of the job to indicate its position within the organisation
  - General statements relevant to all positions, such as requirements relating to equal opportunities and health and safety
- 5.4 As all work in a school or similar setting involves responsibility for the safeguarding of children, the job description will also make clear –
  - The extent of the post holder's contact with children and young people and, in line with the establishment's commitment to the health, safety and welfare of children, the general

responsibility for safeguarding.

5.5 The person specification describes the profile of the ideal person to fill the job requirements. It is essential to the recruitment and selection process as it is used for the drawing up the advertisement, long/shortlisting and the interviewing and selection process. It sets out the criteria against which candidates will be assessed and includes the core areas for the focus of interview questions.

5.6 Person specifications drawn up will outline:

- Any qualifications required for the post
- Knowledge, skills and abilities required to carry out the duties of the post
- Any specific training requirements
- The need for awareness of, and commitment to, equal opportunities issues
- The need for commitment to the promotion of health and safety at work and to the protection and safeguarding of children.

5.7 The person specification will clearly indicate whether the stated criteria are:

- Essential – relating only to those areas without which the job cannot be performed; or
- Desirable – not essential to carrying out the duties, but which would be valuable. They may assist in the final selection process if several candidates all meet the essential criteria.

It will also indicate how the criteria will be tested, i.e. on the application form, at interview and/or through a task set as part of the selection process.

5.8 Person specifications will also include statements to the following effect:

*“Applicants called for interview should note that the interview itself (and/or any additional tasks to be performed, if applicable) will, as appropriate to the role:*

- Focus on the requirements to carry out the duties of the job, as described*
- Explore issues relating to the safeguarding and promoting the welfare of children, including:*
  - *Motivation to work with children and young people*
  - *Ability to form and maintain appropriate relationships and personal boundaries with children and young people*
  - *Emotional resilience in working with challenging behaviours*
  - *Attitudes to use of authority and maintaining discipline.*
- Be used to explore any relevant issues arising from references received.”*

5.9 Profiles for volunteer roles will also be drawn up according to the principles set out above.

## **6. Application Forms**

6.1 A suitably-structured, pre-defined application form will be used for recruitment to all posts. CVs will not be accepted. Application forms are employer-led, requiring specific information from all applicants. CVs are left to the discretion of individual applicants and contain only information that they choose to provide.

6.2 The use of application forms will help to ensure that detailed information, critical to the

recruitment process, can be gathered from all applicants in a consistent format.

6.3 Application forms to be used for all external recruitment will include as a minimum:

- (i) Personal details including name, former names, date of birth, current address, NI number and, for teachers, teacher reference number
- (ii) Qualifications
- (iii) Present (or last) employment and reason for leaving
- (iv) Full history since leaving school - education, employment and any voluntary work, as well as explanation of any gaps
- (v) Request for details of appropriate referees (see also '9. References' below)
- (vi) The requirement for a personal statement addressing the criteria set out in the person specification
- (vii) Explanation that the post is exempt from the provisions of Section 4 (2) of the Rehabilitation of Offenders Act 1974 by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and the requirement for a 'self-disclosure' – a signed declaration of any unspent and relevant spent criminal offences (see Appendix A)
- (viii) The requirement for a signed declaration that all information provided is true

6.4 Separate application forms may be used for internally advertised posts which will require, as a minimum, further details to update the above information, as originally provided, and new signed declarations.

6.5 Volunteers will be required to complete an application form in order to provide personal details, details of previous employment, voluntary work and other activities, general information about their reasons for applying for voluntary work and a signed declaration about any criminal record, for relevant roles a declaration to meet childcare disqualification requirements under the Childcare Act 2006, and declaration to confirm the accuracy of information provided.

## **7. Advertising and Recruitment Materials**

7.1 The job advertisement provides potential applicants with their first impression of the organisation. An important part of the message of the advert is to inform anyone viewing it that the organisation is fully committed to safeguarding and protecting the welfare of children and young people. In these circumstances, all advertisements will include a statement to the effect that:

*“Big Creative Academy is committed to safeguarding and promoting the welfare of children and young people. Therefore, all workers and employees are expected to share this commitment.”*

7.2 Other general statements applicable to all posts may also be included in the wording of advertisements, e.g.

*“All appointments are subject to satisfactory pre-employment checks, including a satisfactory Enhanced criminal records with Barred List check through the Disclosure and Barring Service (DBS).”*

And/Or

*“CVs will not be accepted.”*

The above are examples only. Alternative wording may also be used.

7.3 Prospective applicants for posts will receive the following materials in recruitment packs:

- Application form
- Job description
- Person specification
- Safer Recruitment Policy (this document) or relevant information from it – for example, completion of application forms, references, interviews/tasks and pre-employment checks etc., as relevant and appropriate
- Safeguarding and Child Protection Policy
- Guidance for Staff on Appropriate Conduct and Behaviour
- Interview arrangements and/or selection procedure for the post
- Any relevant general information relating to the organisation, area etc.
- Any other relevant details or documentation.

## **8. Longlisting & Shortlisting**

8.1 Recruitment to some positions will involve a two-stage process requiring first longlisting, then shortlisting following a first round of selection. Whether a position requires longlisting and shortlisting processes, or just shortlisting, the principles to be applied will be the same.

8.2 Long/shortlisting will be conducted by the interview panel, or one or more members of the Panel. It will always be carried out by at least two people.

8.3 The criteria to be used for long/shortlisting will be based on the person specification and job description applicable to the post. This will ensure that the process includes criteria specific to working with children as well as other essential requirements for carrying out the specific duties of the post.

8.4 Those carrying out the long/shortlisting process will, as appropriate:

- To ensure consistency, assess each application against the criteria, including criteria specific to working with children – use of a grid is recommended for this purpose
- Take time to properly scrutinise the applications
- Consider whether each application is fully completed – if not, it may be returned to the applicant or discarded from the process
- Highlight any gaps (in employment etc) to be explored further should the candidate be long/shortlisted
- Look for evidence provided against the criteria set out in the person specification and the job description
- Apply the long/shortlisting criteria equally
- Normally only long/shortlist those applications that meet all the essential criteria set out in the person specification. However, if this is not clear in relation to any applications, it may be decided to long/shortlist and explore the issues further at interview.
- If a greater than anticipated number of applicants all meet the essential criteria for the post, it may be decided to use any specified desirable criteria to make a selection for the long/shortlist.

## 9. References

9.1 References are an important part of the process of gathering as much information as possible about potential new recruits.

9.2 Testimonials from applicants will not be accepted. Two references will always be obtained directly from the referees. Application forms will normally request the following in relation to referees provided:

- One referee must be the current or last employer
- If the employer is/was a School, then the referee provided must be the Head teacher
- Where the applicant is not currently working with children but has done so in the past, the second referee should be the employer by whom s/he was most recently employed in work with children.

9.3 References will normally be obtained following the long/shortlisting process (as applicable) and prior to interview. This will enable comparisons to be made with the information provided on the individual's application form and for any issues to be explored at interview. The application form will ask applicants if they are willing to allow referees to be contacted prior to interview and warned that they may not be shortlisted if not. This decision is at the discretion of Big Creative Academy.

9.4 Reference requests will normally be made by requiring the completion of a standard questionnaire. Use of a questionnaire helps to ensure that the prospective employer has the opportunity to obtain information in respect of all areas essential to the role. A letter from a referee may not cover all areas or provide all relevant information that the prospective employer requires.

9.5 A standard Reference Questionnaire, or other reference request, will normally ask about:

- Capacity in which the applicant is/was employed, dates, quality of work, relationships with colleagues, parents and pupils, strengths, areas for development, honesty, punctuality and reliability
- Any current disciplinary/capability warnings, or such warnings which were current at the time of leaving
- Any disciplinary/capability action that is/was pending or unresolved
- Where the request relates to a teacher, any capability proceedings within the last two years
- The details of any expired warnings that relate to the safety and welfare of children or young people or behaviour towards children or young people
- Reason(s) for leaving if no longer in that employment
- Whether the referee would re-employ and whether the applicant is recommended for the post.

9.6 Referees will be provided with a copy of the job description and person specification for the post.

9.7 The questionnaire will normally also include appropriate alternative questions for circumstances where an applicant is not known to a referee as an employee/worker or trainee.

9.8 References requested prior to interview, or prior to a conditional job offer being made, will NOT ask about attendance or health-related matters. However, health-related questions may be asked of referees when a conditional offer of the post has been made. Therefore,

a supplementary request for such further information from referees may be made at that stage, with an applicant's express permission.

9.9 It should be noted that the Equality Act 2010 limits the circumstances in which a prospective employer can ask health-related questions of either a referee or the applicant before a conditional job offer is made. Questions may only be asked at an early stage to help to:

- Decide whether any reasonable adjustments need to be made for the applicant to be able to participate in the selection process
- Decide whether an applicant can carry out a function that is essential (intrinsic) to the job
- Monitor diversity among people making applications for jobs
- Take positive action to assist disabled people
- Clarify that a candidate does have a disability where the job genuinely requires the jobholder to have a disability.

Where any of these circumstances apply, information will be provided in the recruitment materials, requested as part of the application form/process and/or requested of referees, only as relevant to the circumstances.

9.10 References will be obtained prior to interview wherever possible and, on receipt, the Interview Panel and/or those who carried out the long/shortlisting will scrutinise the references to:

- Confirm whether or not all questions have been answered satisfactorily and whether there are any statements or issues that need to be further explored with the referee e.g. if answers provided are vague.
- Compare the information provided by the applicant with that provided by referees.

9.11 Any inconsistencies, discrepancies or concerns will be followed up with referees and/or applicants prior to interview, or as part of the interview process, as appropriate.

9.12 Sometimes, a referee may not be willing to complete a standard reference questionnaire or may not be willing to provide a reference at all. This may be because a particular organisation has a policy of simply not providing references, only providing basic standard information such as dates of employment or they may be restricted by what can be provided because a standard reference has been agreed as part of a settlement agreement. In these circumstances, it is at the discretion of Big Creative Academy to decide whether to accept this situation or to not proceed any further with the application. This may depend upon other information received and/or other checks that can be carried out.

9.13 If a candidate short-listed for a teaching post is not currently employed as a teacher, a check will normally be made with the school, college or local authority at which they were most recently employed, to confirm details of their employment and reasons for leaving. This applies regardless of whether or not the candidate has given that employer as a referee.

## **10. Interviews & Other Assessment Tools**

10.1 Recruitment to all posts will involve an interview due to the essential requirement to question applicants about the job requirements and understanding/awareness of safeguarding issues, to explore any gaps, issues or inconsistencies with the application and to assess interaction and responsiveness.

10.2 The Panel will meet prior to the interviews in order to carry out the necessary preparation for conducting the interview, which will normally include the following:

- A set of basic questions to ask of all long/shortlisted candidates, prepared in advance. However, additional follow-up questions are likely to be needed at the interview itself as a means of probing for additional information. These questions will depend upon initial responses given by individual candidates
- Inclusion of appropriate questions relating to the safeguarding and welfare of children. This will depend upon the type and level of the post but all posts have responsibility in this area and it is important, therefore, to test motives, attitudes, awareness and understanding in this area.
- Preparation of any additional questions that the Panel will need to ask of individual applicants about their applications, for example, gaps in employment history or any other concerns.
- Agreement by Panel members on the responses they are seeking to their questions and the type of responses that would cause concern.
- Agreement by panel members of who is to ask questions, take notes etc. Questions may be asked by one or all Panel members, with notes being taken of responses.

A grid will normally be used for the purpose of questions to be asked, expected and actual responses.

10.3 Other assessment and selection methods, in addition to an interview, may also be used. The nature of these additional tools will depend upon the type and level of the post. Other assessment methods may include, for example:

- Presentations
- Role plays
- Group exercises
- Observation (of teaching or activity with a class or group of pupils)
- Written tests
- Other data analysis exercises, In-tray exercises etc.

10.4 Assessment and Selection methods in addition to an interview are useful in obtaining a range of information about individuals, including assessing their interaction with others, both adults and pupils, team work, skills and abilities to carry out particular tasks etc. Appropriate selection methods will be discussed and considered by the Panel, as relevant. Panel members will be well-briefed and/or trained in their use.

10.5 Interview invitations to long/shortlisted candidates will normally include the following:

- Details of date, time, venue
- Direction and/or map, together with details of parking arrangements
- Where to report on arrival
- Likely length of the interview and information about any tests or exercise to be included in the process
- Details of the scope of the interview (to be based on the person specification and to include exploration of each candidate's suitability to work with children, together with any issues arising from the application form or references)
- Details of documents that candidates will need to bring with them, e.g. proof of identity, documents for the Immigration, Asylum and Nationality check, qualification certificates.
- A request that candidates let Big Creative Academy know should they have any special

requirements, or need any adaptations, to enable them to participate in the interview and selection process.

- A request that candidates inform Big Creative Academy of their intention to attend, or otherwise, together with the necessary contact details.

## **11. Conditional Offers of Employment**

11.1 Any job offer made must be conditional as it will be subject to a variety of pre-employment checks and other conditions. Some checks will apply to all potential new employees, others will apply only to certain categories of employee. Receipt of completion of the following will, therefore, be required in some or all cases and the 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.

- two satisfactory references, one of which should be the current or most recent employer (If the candidate is not currently working with children but has done so in the past, the second referee should be the employer by whom s/he was most recently employed in work with children. This applies in circumstances where it has not been possible to obtain references prior to interview and also where supplementary reference requests are made at this stage in relation to obtaining further information about health and absences);
- a satisfactory medical assessment (the relevant forms will be enclosed, to be completed and returned as quickly as possible);
- the prospective employee not at any time being barred, either totally or to a limited extent, from employment or work involving regular contact with children, young persons or other vulnerable people, nor to any other relevant prohibition or restriction being applied to your employment;
- proof of identity (normally from current photographic ID and proof of address except where, in exceptional circumstances, none is available);
- receipt of evidence to meet the requirements of the Immigration, Asylum and Nationality Act 2006. (The relevant lists of acceptable documents will be enclosed);
- a satisfactory Enhanced with Barred List check through the Disclosure and Barring Service (DBS) for the existence and content of any criminal record. (It will be emphasised that the Enhanced check includes a check on Barred Lists of those considered to be unsuitable to work with children or other vulnerable people, as relevant, in regulated activity. The candidate may be asked if s/he subscribes to the DBS Update Service, in which case, following sight of the certificate and with his/her express permission, the school/PRU may decide to carry out a real-time check online to ascertain whether or not his/her status has changed. However, as the candidate may not subscribe to this service, and/or the school/PRU may require a full new check to be carried out, details of the application process will also be stated, together with a request that the candidate makes the certificate available for viewing by the school/service as soon as it is received by him/her. If in exceptional circumstances, an individual is required to start work before the full DBS check is completed, a separate Barred List check will be obtained prior to commencement. It should be noted that the Academy WILL normally require that a full, new satisfactory DBS check has been received prior to commencing work);
- for relevant posts, completion of a declaration to ensure that the person is not disqualified under childcare disqualification requirements set out in the Childcare Act 2006 and the Childcare (Disqualification) Regulations 2009 from:
  - working in early years provision, including education, childcare and/or any

supervised activity, both during and outside of school hours, with children up to and including reception age (i.e. from birth to the 1<sup>st</sup> September following a child's 5<sup>th</sup> birthday);

- working in later years childcare settings outside of school hours for children above reception age but who have not attained the age of eight; or
- being directly concerned in the management of such early or later years provision.
- Valid Home Office (UK Visas and Immigration) permission to work in the post.
- For teachers only - the prospective employee not being subject to a prohibition order or interim prohibition order by the Secretary of State, pre-existing General Teaching Council for England or any other authorised body;
- For teachers only (other than where appointed specifically as an unqualified teacher) - initial and continued recognition as a qualified teacher (original copies of all relevant certificates will be required, including confirmation of the award of Qualified Teacher Status, as issued by the Department for Education (DfE) or other authorised Body; OR confirmation of the award of Qualified Teacher Learning and Skills status and membership of the Institute for Learning, as appropriate);
- For teachers only – checks against the EEA teacher sanctions database via NCTL.
- Verification of other professional qualifications, where appropriate
- A section 128 check
- Successful completion of the Statutory Induction period for Newly Qualified Teachers (teachers) or completion of a successful probation and assessment period (support staff).

11.2 Prospective employees who have lived or worked overseas will first undergo the same checks as all others. In addition, further additional check(s) considered necessary will normally include (for example) the requirement for a certificate or letter of good conduct and extra care will be exercised in taking up references.

11.3 Any verbal offer that may be made prior to a written conditional offer will also clearly state that the offer is conditional.

11.4 The School Staffing (England) Regulations 2009 applicable to maintained schools require that any candidate selected by a Panel for a Head teacher or Deputy Head teacher position must be recommended to the full Governing Body for appointment. In these circumstances, no conditional offer, verbal or otherwise, will be made to the preferred candidate until the full Governing Body has formally approved the appointment.

11.5 The majority of checks must be satisfactorily completed before a prospective new employee starts work. Apart from the requirement to satisfactorily complete an induction or probationary period during the initial stages of employment in relevant cases, the only other check that may still be pending on starting work is the full Enhanced DBS with Barred List check. In exceptional circumstances, where the full check has not been received, the employee will be supervised until it has been received and deemed satisfactory. However, the Barred List part of the check must have been obtained prior to an individual starting work. Big Creative Academy *is under a specific duty not to allow a barred person to work in regulated activity.*

11.6 All employees and workers engaged by Big Creative Academy are deemed to be in 'Regulated Activity' whatever their role and are, therefore, subject to a full Enhanced with Barred List Check through the DBS.

11.8 Conditional offer letters will include the following:

- Job title/role and start date
- Relevant details relating to the position, e.g. type of contract and hours, if fixed term details of expiry date and/or circumstances/conditions
- Pay and conditions of service applicable
- Payment arrangements and a request for account details, P45 and National Insurance number
- Pre-employment checks that need to be satisfactorily carried out before the offer can be finally confirmed (see above)
- Any other relevant action to be taken or information to be provided.

11.9 In circumstances where any of the pre-employment checks prove to be unsatisfactory, a conditional offer will be withdrawn where Big Creative Academy considers it appropriate to do so.

11.10 A candidate receiving a conditional offer, whether verbal or written, should not, therefore, assume this to be a guarantee of employment.

11.11 Governors will not be officially appointed until the Teaching Regulation Agency Teacher Services has been contacted to check if the proposed governor is barred from educational organisations as a result of being subject to a section 128 direction.

## **12. Use of Agency Workers**

12.1 On occasion it may be necessary to utilise workers provided by an external Agency, for example to cover short to medium-term absences or vacancies.

12.2 In order to ensure the safety and welfare of children and young persons, it is essential that Agencies supplying workers to the education sector also adopt robust recruitment and vetting procedures that minimise the risk of employing people who may abuse them, or who are otherwise unsuited to such work.

12.3 In these circumstances, Agencies will be required to provide written assurances about their recruitment and selection practices and, in particular, that workers supplied by them have been subject to similar checks and safeguards in place for new employees and workers taken on directly by Big Creative Academy. For this purpose, Agencies will normally be required to complete a standard questionnaire to the satisfaction of the Head teacher before workers will be accepted from a particular organisation.

12.4 The standard questionnaire issued to Agencies for written confirmation that all necessary checks are carried out before their workers are deployed will include all essential areas of the checking process, i.e. relating to Enhanced DBS and Barred List checks, checks to meet the childcare disqualification requirements under the Childcare Act 2006 and Childcare (Disqualification) Regulations 2009, Prohibition Order checks, identity and Immigration, Asylum and Nationality Act checks, as well as checks of medical fitness, qualifications, references, reasons for leaving previous positions, pay and conditions, Employer's Liability, equal opportunities and compliance with Agency Worker Regulations.

12.5 Big Creative Academy will check the identity of the person presenting themselves for work

on arrival.

### **13. Use of Volunteers**

- 13.1 Children and young people will see volunteers within a school or other educational service in the same way as its other employees. They will not know that they are unpaid and will assume they are safe and trustworthy adults, just like anyone else within their educational environment. Therefore, volunteers should also be subject to a checking process to ensure that they are indeed safe to be in contact with pupils. The principles of safer recruitment should be applied whether an individual is paid or unpaid.
- 13.2 Volunteers may be used in a variety of different roles. Safer recruitment principles will be adapted and/or applied with common sense depending upon an individual's involvement and interaction with pupils, whether it is regular contact or 'one-off', whether they are being supervised etc.
- 13.3 For example, if a parent volunteers as part of a group helping out on a one-off basis such as a fete, school disco or a day trip, there is no need for a formal recruitment or checking process.
- 13.4 However, if a volunteer is likely to have an on-going role that includes regular contact with children, then a similar recruitment and selection process will be applied as would be used to recruit an employee. The process will be presented in a less formal manner but the principles of safer recruitment are the same. In these cases, the recruitment process will include:
- Provision of information about Big Creative Academy's commitment to the safeguarding of children
  - The requirement to complete an application form specially designed for volunteers
  - Obtaining references
  - A face-to-face interview
  - Where the individual is deemed to be in 'regulated activity', an Enhanced DBS with Barred List check OR where the individual will be adequately supervised and, therefore, not in regulated activity, an Enhanced Disclosure without Barred List check (see also 3. above, 'Regulated Activity')
  - Where the individual will be working in a relevant role, a check to ensure that s/he is not disqualified under childcare disqualification requirements set out in the Childcare Act 2006 and the Childcare (Disqualification) Regulations 2009
  - Any other checks considered to be relevant to the role.
- 13.5 Where volunteers are recruited from another Institution or Organisation, assurances will be obtained from the establishment concerned that the individual has been subject to a proper recruitment process that includes the necessary safeguards.
- 13.6 Volunteers will be provided with an appropriate induction as referred to in 16. below.

### **14. Single Central Register (SCR) and Checks**

- 14.1 Big Creative Academy will ensure that it complies with statutory requirements for information to be recorded and retained on its SCR of pre-employment checks carried out in relation

to employees and workers employed or engaged directly, as well as others who work in regular contact with children, including volunteers.

- 14.2 Generally, the information that will be recorded on these persons is whether or not the following checks have been carried out or certificates obtained, and the date on which the checks were completed:
- an identity check;
  - a check to establish the person's right to work in the United Kingdom;
  - a Barred List check;
  - an Enhanced DBS check;
  - a check of professional qualifications;
  - additional checks on people living or working outside the UK;
  - for relevant posts, a check to meet childcare disqualification requirements set out in the Childcare Act 2006 and the Childcare (Disqualification) Regulations 2009;
  - for teaching posts, a prohibition from teaching check.
- 14.3 Full details of records that must be kept are contained within the relevant Regulations as applicable to maintained schools, PRUs, Independent schools and Colleges. (See 1. above 'Introduction and Statutory Requirements').
- 14.4 There is no requirement to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record. However, where Big Creative Academy, with an individual's express permission, chooses to retain a copy this will not be retained for longer than six months. A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications will be kept for the personnel file.
- 14.5 Written confirmation that the necessary pre-employment checks have been carried out will also be obtained from any Employment Agencies/Businesses and other Organisations supplying workers and attached to the SCR.

## **15. Other Record Keeping and Retention of Personal Data**

- 15.1 All application forms, long/shortlisting grids, interview notes and any other documentation used in relation to unsuccessful candidates will be securely retained on a recruitment file for a period of one year from the end date of the selection process (i.e. from the date when a conditional offer has been made and other candidates informed that they have been unsuccessful).
- 15.2 The information will be destroyed in a confidential manner after this period of time.
- 15.3 All application forms, long/shortlisting grids, interview notes and any other documentation used in relational to successful candidates will be securely retained on a personnel file. This information forms part of the individual's personal record and on-going employment history.
- 15.4 The personnel file will normally contain the following information:
- Application form
  - Other paperwork related to the recruitment process, i.e. Interview and other notes, letters forming part of the process etc.
  - Offer letter

- Pre-employment vetting documents, i.e. photographic identification, documentation to meet the requirements of the Immigration, Asylum and Nationality Act, Disclosure details (not the full certificate – but see 14. above in relation to short-term retention), documentation to meet the requirements of childcare disqualification legislation (personal and/or personal sensitive data will not be stored about an employee/worker's other household members without their consent), evidence of right to work and remain in the UK, as relevant and applicable
- Copies of original vocational or academic qualification certificates, as applicable
- Two satisfactory references
- Confirmation of satisfactory medical assessment
- Copy of contract
- Other relevant employment documentation throughout the individual's period of service.
- Details of any allegation(s) against an employee found to be malicious will be removed from the personnel record. However, information relating to any other allegation(s) will be retained in accordance with statutory guidance issued by the DfE (see below\*).

15.5 The personnel records of all employees will be retained for a minimum of 7 years after they have left the employment. However, where an employee has been the subject of an allegation(s) the record will be retained at least until the accused has reached normal retirement age or for a period of 10 years if that is longer.

*\*DfE statutory guidance 'Keeping Children Safe in Education' in Part 4 on dealing with 'Allegations of Abuse made against Teachers and Other Staff' states that "details of allegations that are found to have been malicious should be removed from personnel records. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned. The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS checks reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time." The guidance also requires that "the record should be retained at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer".*

*Note also that the DfE guidance referred to above states in relation to references "Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated or malicious should also not be included in any reference".*

15.6 All personal data will be handled in a confidential manner at all times and retained and disposed of securely. Any information that is provided to the Academy that is not relevant will be destroyed. Please refer to the Academy's Data Protection Policy for full details.

15.7 Similar principles will be applied in relation to the retention and handling of records relating to volunteers.

## 16. Induction

16.1 Induction is an extension of the recruitment process. Good recruitment and selection procedures help to ensure that the best person is appointed to the role, but it is equally important to induct him or her properly on commencement.

16.2 A general Induction Programme is required for all new recruits (see Staff Induction Policy), including those already within the organisation but appointed to new roles. This should be seen as additional to the more formal induction or probationary periods also required in relation to certain new appointments, as summarised below:

- Newly Qualified Teachers (NQTs) are required to satisfactorily complete a statutory Induction period. Where applicable, the induction period will be applied in accordance with the relevant Regulations and statutory guidance issued by the DfE.
- Support Staff who are 'new employees' will be subject to a 'Probation and Assessment Period' of 21 weeks. 'New Employees' for this purpose include:
  - 'new entrants' who are staff newly appointed by Enfield Council or the Governing Body of a Voluntary Aided or Foundation School (this includes those who have previous Local Authority/School experience); and
  - 'new starters' who are existing staff transferring to a new or different role (but not including those who have been matched to a job, or obtained a position under the redeployment procedure).

Where applicable, the probation and assessment period will be applied in accordance with local procedures adopted for the purpose.

16.3 A more general induction applicable to all will include a variety of arrangements and areas. The specific arrangements put in place will reflect the differing needs of individuals and job roles, e.g. whether already employed in a different role, whether full time, part time, fixed term, employee or volunteer, type and seniority of the post and level of contact or involvement with pupils.

16.4 The general induction programme will also include, **for all**, information on professional standards and boundaries in respect of child protection and safeguarding and promoting the health, safety and welfare of pupils. Reference will be made to relevant statutory requirements and/or local guidance in these areas. Statutory guidance includes, in particular, the DfE documents:

- 'Keeping Children Safe in Education' - all staff will be required to read at least 'Part One – Safeguarding Information for All Staff'; and
- 'Working Together to Safeguard Children' - which should be read and followed by all staff.

16.5 The importance of adhering to school policies and procedures in these and all other areas will also be emphasised. Care will be taken to ensure that all new employees, including those in new roles, are aware of and understand school policies, procedures and practices and are clear about their responsibilities in following them at all times. All employees and workers will be required to read and adhere to the Academy's Guidance for Staff on Appropriate Behaviour and Conduct.

16.6 Supply teachers and other supply workers, including agency workers, as well as volunteers,

will receive all necessary information and guidance to enable them to carry out their temporary role effectively and in accordance with statutory requirements, as well as the establishment's policies, procedures and practices. This will include in relation to child protection and safeguarding arrangements, the Guidance for Staff on Appropriate Behaviour and Conduct and any other relevant protocols essential to their role.

## **17. A Safe Culture and Ongoing Vigilance**

17.1 It is never sufficient to assume that a safer recruitment and selection process and robust induction arrangements are enough to ensure that the pupils are safe and that there is no risk to them within the educational environment. Creation of a safe culture, with ongoing vigilance is essential.

17.2 Big Creative Academy will continue to strive to create and maintain a safer culture by:

- Having in place, and putting into practice, clear policies and procedures and ensuring that all employees and workers are aware of and understand them
- Setting acceptable standards of behaviour
- Having in place clear procedures for reporting concerns, ensuring that all employees and workers know what the procedures are and their responsibility for following them
- Taking concerns seriously and providing support to individuals raising them
- Taking appropriate action in relation to concerns raised
- Having in place robust and appropriate induction arrangements
- Ensuring that all employees and workers undertake child protection and other relevant training on a regular basis
- Keeping the commitment to safeguarding and child protection on the agenda through regular discussion and/or reminders at staff meetings, training sessions etc.
- Learning from experience
- Never thinking that enough has been done to ensure a safe culture.

## APPENDIX A: Declaration of Unspent and Relevant Spent Criminal Offences

The purpose of requiring a self-disclosure as part of the application is to give candidates an opportunity to share relevant information about any convictions or cautions at an early stage. Disclosed information will not be used as a criterion for short-listing. Fair and objective assessment criteria will be applied. Information on self-disclosures will only be used in relation to short-listed candidates and will not automatically rule someone out. A full DBS check will still be carried out on making a conditional offer and the two sets of information compared. Note that applicants will only be asked about 'unspent and relevant spent' convictions, cautions, reprimands and warnings and these will be the only ones appearing on Disclosure certificates. Other minor, older offences will be filtered out after the relevant time period. Those offences to be declared include:

- Cautions relating to an offence from a list (see below) agreed by Parliament
- Cautions given less than 6 years ago (where the individual was over 18 years old at the time of the caution)
- Cautions given less than 2 years ago (where the individual was under 18 years old at the time of the caution)
- Convictions relating to an offence from a prescribed list (see below)
- Convictions that resulted in a custodial sentence (regardless of whether served)
- Convictions given less than 11 years ago (where the individual was over 18 years old at the time of the conviction)
- Convictions given less than 5.5 years ago (where the individual was under 18 years old at the time of the conviction)
- Irrespective of the above list, if individuals have more than one conviction then ALL convictions must be declared.
- The list referred to above includes a range of offences which are serious and which relate to sexual offending, violent offending and/or safeguarding. It is never appropriate to withhold details of offences on this list. A list of offences which must always be declared has been derived from the legislation and can be accessed using the following link:

<https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

## **Recruitment of Ex-Offenders**

It is a requirement that all registered bodies must treat DBS applicants who have a criminal record fairly and do not discriminate because of a conviction or other information revealed. It also obliges registered bodies to have a written policy on the recruitment of ex-offenders; a copy of which can be given to DBS applicants at the outset of the recruitment process.

### **Policy Statement**

1. As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, Big Creative Academy complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.
2. The Academy is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
3. We have a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the outset of the recruitment process.
4. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
5. A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.
6. Where a DBS check is to form part of the recruitment process, we encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. We request that this information is sent under separate, confidential cover, to a designated person within the Academy and we guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
7. Unless the nature of the position allows the Academy to ask questions about your entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.
8. We ensure that all those at the Academy who are involved in the recruitment process are suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
9. At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
10. We make every subject of a DBS check aware of the existence of the Code of Practice and make a copy available on request.
11. We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.