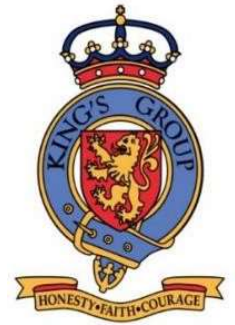


# King's Group Academies

## Safer Recruitment Policy



**Date adopted:** 10 December 2019 by KGA Board

**Date of last review:** 14 December 2022

**Date of review:** Annually

### Document summary

The safe recruitment of staff in schools is the first step to the safeguarding and promoting the welfare of children in education. This policy sets out the processes by which this academy will enable safe recruitment.

### 1. Aims & Objectives

The aims of the Safer Recruitment policy is therefore to help deter, reject or identify people who might abuse learners or are otherwise unsuited to working with them by having appropriate procedures for appointing staff. In addition, it seeks to protect candidates for employment against unfair treatment and discrimination. Specifically, the objectives are;

- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education, the Prevent Duty Guidance for England and Wales and any guidance or code of practice published by the Disclosure and Barring Service (DBS);
- to ensure that the Academy meets its commitment to safeguarding and promoting the welfare of our learners by carrying out all necessary pre-employment checks
- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age;

## **2. Scope and application**

This policy applies to all employees and all voluntary appointments. Where recruiting managers are referred to this extend to governing body members who take part in recruitment and selection panels

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy and for assuring themselves that at least one member of the panel has undertaken up to date Safer Recruitment Training.

The Academy has a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the job. The recruitment and selection process should ensure the identification of the person best suited to the job at the Academy based on the applicant's abilities, qualification, experience and merit as measured against the job description and person specification. The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment

If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant they must declare it as soon as they are aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process

## **3. Principles**

- The school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. All posts within school are exempt for the Rehabilitation of Offenders Act 1974 and therefore all applicants will be required to declare spent and unspent convictions, cautions and bind-overs, including those regarded as spent and complete an Enhanced Criminal Records Disclosure via the Disclosure and Barring Service (DBS).
- The school will ensure that every appointment panel includes one member who has received accredited safer recruitment training. There are a number of accredited providers of on-line and face to face Safer Recruitment training:  
<https://www.educare.co.uk/courses/safer-recruitment/>  
<https://learning.nspcc.org.uk/training/schools/safer-recruitment-in-education-training/>
- The academy will implement robust recruitment procedures and checks for appointing staff and volunteers to ensure that reasonable steps are taken not to appoint a person who is unsuitable to work with children, or who is disqualified from working with children, or does not have the suitable skills and experience for the intended role.
- The academy will keep and maintain a single central record of recruitment and vetting checks in line with DfE (Statutory guidance Keeping Children Safe in Education) requirements.
- The academy will ensure the terms of any contract with a contractor or agency requires them to adopt and implement measures described in this policy. The school will monitor compliance

with these measures.

- Staff who are convicted or cautioned for any offence during their employment are required to notify the school in writing, including both the offence and the penalty.

#### **4. Roles and responsibilities**

It is the responsibility of the governing board to:

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

It is the responsibility of the Principal and other managers involved in the recruitment and selection process to:

- Ensure that the school operates safer recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the school
- Monitor contractors' and agencies' compliance with this document.
- Promote safeguarding of children and young people at every stage of the recruitment and selection process.

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

It is the responsibility of all contractors and agencies to comply with safer recruitment pre-employment checks.

It is the responsibility of the academy to administer the disclosure system using the Disclosure and Barring Service (DBS) for maintained schools.

In accordance with the School Staffing Regulations, the governing board has delegated responsibility to the Principal to lead in all appointment outside of the leadership group.

Local Governing Bodies (LGBs) may be involved in staff appointments, but the final decision will rest with the Principal. The Principal may delegate the selection process of staff outside of the leadership group to other managers in the academy, but it is the Principal who remains responsible for the final decision to appoint.

For Principal and Vice Principal/Assistant Principal posts, the responsibility for recruitment and selection is delegated to an appointment panel of nominated governors. They are required to shortlist and interview candidates and make a recommendation to the full Governing Board who make the final appointment decision.

It is the responsibility of all staff to read and understand Part 1 and Annex A of Keeping Children Safe in Education and keep up to date with content changes each year, and to sign to this effect:

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

This record is then retained for inspection purposes and as part of the Safeguarding Checklist for Governors.

The recruitment and selection process

Recruiting managers in schools need to be aware of the following information in relation to managing the recruitment and selection process in schools, these documents are available from the DfE website:

[Governance Handbook – Section 6.6](#)

The School Staffing (England) Regulations 2009:

<http://www.legislation.gov.uk/ukxi/2009/2680/made>

[Staffing and Employment Advice for Schools – 2021](#)

## **5. Advertising**

To ensure equality of opportunity, the school will advertise all vacant posts to encourage as wide a field of candidates as possible, normally this will entail an external advertisement. However, where there is a reasonable expectation that there are sufficient qualified internal candidates or where staff are at risk of redundancy, an internal advertisement may be considered appropriate.

All advertisements will contain the school's safeguarding statement and be accompanied by a job description.

## **6. Application forms**

Candidates will need to complete an application form containing questions about their academic and full employment history and their suitability for the role. In the case of internal applications where a full application form is already held on file, a written statement or expression of interest is sufficient, demonstrating how the candidate meets the requirements of the job. Incomplete applications will not be shortlisted and CVs will not be accepted. The academy requires candidates to account for any gaps or discrepancies in employment history on this application form. Where an applicant is shortlisted, these gaps will be discussed at interview.

Applicants should be aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the application has been *selected*, and where appropriate a referral to the police and other professional bodies.

## **Self-declaration of convictions by job applicants**

Applicants for all post (including volunteers) are required to declare all criminal convictions whether “spent” or “unspent” and include any cautions and pending prosecution.

Such declarations will be made on the appropriate section of the application form, which the academy administrator will remove and keep confidential prior to the selection panel shortlisting process. The chair of the panel/Principal will discuss relevant, positive declarations confidentially with the applicant at interview

The disclosure of convictions, cautions or pending cases will not necessarily prevent employment but will be considered in the same way as positive DBS disclosures.

## **7. Interviews**

The selection process for both internal and external applications will always include a face to face interview with at least one selection panel which will include questions relating to safeguarding children (in line with Safer Recruitment Training).

For some vacancies, it may be appropriate for the selection process to include a panel of young people of an appropriate activity with pupils.

## **8. Proof of Identity and Right to Work in the UK, and Verification of Qualifications and/or Professional Status**

Shortlisted applicants for all posts will be required to provide proof of identity by producing documents on the day of interview in line with those set out in The Immigration, Asylum and National Act 2006. Similar information is also required to undertake a DBS check on the preferred candidate.

Shortlisted candidates will also be required to provide original proof of their qualifications and professional status by producing documentation on the day of the interview. The academy will verify that candidates have actually obtained any qualifications legally required or deemed essential for the job and claimed in their application by asking to see the relevant certificate. If the original documents are not available, the academy will require sight of a properly certified copy. Where candidates have obtained qualifications abroad, a certified comparability check by UK NARIC will also be required. UK NARIC is the UK’s National Agency responsible for providing information and opinion on academic, vocational and professional qualifications from across the world: <https://www.naric.org.uk/naric/individuals/compare%20qualifications/default.aspx>

Proof of identity and other documentation will be verified by the chair of the panel/Principal.

## **9. Commencement of employment prior to DBS check being received**

In exceptional circumstances it is permitted to commence employment prior to receiving a DBS check. However a Barred List check and risk assessment must be carried out by the Principal. The risk assessment should include that the employee must not be unsupervised or left alone with pupils until a DBS check has been received and the decision is taken that the DBS check meets the requirements of the post.

## **10. Employment offer**

When the offer of employment is made (verbally and in writing) this should only be made subject to the successful completion of all pre-employment checks.

In all but exceptional circumstances, candidates should not commence employment prior to DBS disclosure. When it is deemed critical that a provisional start date be agreed with the preferred candidate, the exception of DBS disclosures, all pre-employment checks (see below) must be completed **before** a person's appointment is confirmed. In the case of DBS disclosures, the certificate must be obtained before or as soon as practicable after appointment. Where the certificate is not obtained before appointment, a risk assessment should be undertaken. All employees and volunteers working in a relevant setting (see the Disqualification under the Childcare Act Policy) are required to complete a Childcare Disqualification Self -Declaration Form a Statutory guidance published by DfE provides further information:

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

Once all pre-employment checks have been satisfactorily completed, an offer of employment will be made and the contract of employment issued in accordance with employment legislation.

## **11. References**

References should be taken up immediately after shortlisting and prior to interview wherever it is practicable to do so and always for teaching and leadership positions. Any discrepancies in a reference should be discussed with the referee, and where appropriate, the offer of employment may be withdrawn.

Where an employee has indicated on the application form that they do not wish their current employer to be contacted prior to interview, in such cases, the reference will be taken up immediately after interview and prior to any offer of employment being substantiated.

References must be in writing and on letterhead, and be specific to the job for which the candidate has applied – open reference or testimonials are not acceptable. Upon receipt reference sources must be verified via telephone confirmation. The academy will not accept references from relatives or people writing solely in the capacity of a friend. Wherever possible, only references from a trusted authoritative source will be acceptable. Reference requests should specifically ask:

- About the referee's relationship to the candidate.

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

Referees will also be asked to confirm:

- The applicant's current post, employment dates, reason for leaving and salary
- Performance history and conduct including details on any situation where any formal action has been taken using capability procedures within the last 2 years.
- Any disciplinary procedures in which the sanction is current.
- Any disciplinary procedures involving issues relating to the safety and welfare of children, including any in which the sanction has expired and the outcome of those.

KCSIE provides further statutory guidance employment history and references)

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

## **12. Pre-employment checks**

The following pre-employment checks will be undertaken:

- Receipt of at least two satisfactory references, one of which will be from the current, former or most recent employer, and where the candidate has previously worked with children, their most recent employer where they worked with children.
- Verification of the candidate's identity in line with the requirements of The Immigration, Asylum and Nationality Act 2000.
- Verification of right to work in the UK (see the GOV.UK website for more information)
- A satisfactory enhanced DBS clearance with a barred list information check where the person will be engaging in regulated activity.
- A health assessment carried out by the Trust Occupational Health provider.
- Verification of (professional) qualifications as appropriate.
- Verifications of qualified teacher status, successful completion of NQT/ECT induction and confirmation that the teacher is not subject to any prohibition orders (all accessed from the school via the DfE Employer Access or Teacher Services online check) as required by law for teachers – see : <https://www.gov.uk/guidance/teacher-status-checks-information-for-employers>
- A check for a section 128 direction (for management positions in independent schools including academies and free schools) and governors in maintained schools. Checks can be carried out by logging onto the Secure Access Portal via the Teacher Services' webpage: <https://teacherservices.education.gov.uk/>

## **13. Online Searches**

Online searches are recommended as part of pre-employment screening for successful candidates.

It is essential that academies have a robust process for undertaking such checks. Consideration must be paid to equality and data protection legislation. The following points must be followed in order to ensure fair and consistent use of online searches which support rather than hinder the recruitment process:

- Only do an online search after a conditional job offer has been made rather than prior to interviews. This is to ensure that findings from the search do not introduce bias to the selection process.
- Candidates must be informed that online searches will take place for the candidate offered the position and you must add this to your recruitment privacy notice and application form
- Online search' doesn't necessarily mean searching social media. The first level of searching would be to enter the candidate name into search engines. Searching social media requires more resources, consideration and record keeping. Social media profiles are most likely to contain irrelevant personal information, including protected characteristics, and risk accusations of bias in the hiring process. If you use social media searches you should keep this to checking that profiles are private as opposed to openly accessible.
- The academy must set out and be consistent with where and with what parameters searches will be undertaken (i.e which websites/search engines) and do the same searches for all candidates.
- Only public profiles/information can be checked. No attempts will be made to gain access to private information in a covert way.
- A record must be kept of searches undertaken for each candidate
- Where the academy notes, as a result of the search, something of concern, this should be discussed with the recruiting manager who will seek advice as necessary and discuss with the candidate for further explanation/resolution. Job offers should only be withdrawn in exceptional circumstances and only after HR advice.

#### **14. Record retention and data protection**

The academy will retain all interview notes on all applicants for a 6 month period, after which time notes for unsuccessful candidates will be confidentially destroyed (shredded). The 6 month retention period will allow the academy to deal with any data access requests, recruitment complaints or to respond to any complaints made to the Employment Tribunal. For successful candidates, interview notes will normally be held as part of their personnel file.



Under data protection law, applicants have a right to request access to notes written about them during a recruitment process. Applicants who wish to access their interview notes must make a written subject access request in writing to the academy at any point while the record is still held by the academy.

In gathering information to make recruitment decisions academies must ensure that they act proportionately and minimise wherever possible the intrusion into the private lives of their staff. Accordingly academies must ensure that they handle information fairly and lawfully and take care not to breach:

- The Data Protection Act
- The General Data Protection Regulations
- The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) (“the Exceptions Order”)
- The Human Rights Act 1988.

### **15. Personnel file records**

The academy must retain the following information which will make up part of the personnel file, for the successful candidate:

- Application form
- References
- Disclosure of convictions form
- Proof of identification
- Eligibility to work in the UK, (see the GOV.UK website for more information)
- Evidence of qualifications
- Evidence that the Employer Access online checks have been made – teaching qualification, successful completion of induction year and no prohibition orders in place (and section 128 checks for academies).
- Proof of professional qualifications (e.g. QTS, NPQH etc.).
- Evidence that fitness to work -assessment has been undertaken
- Confirmation of sight of evidence of the DBS clearance should be recorded on the Single Central Register but the actual DBS form or certificate should not be retained due to data protection requirements.
- Certificate of Good Conduct (where applicable to overseas candidates in respect of DBS checks).
- Copy of any risk assessment for any positive disclosure made
- Copy of self-declaration form – Disqualification under the Childcare Act (for relevant positions).
- Section 128 checks for Governors should be recorded on the Single Central Register

#### **16. Single Central Record of Barring and Recruitment Pre-employment checks**

In line with DfE requirements, the academy will keep and maintain a single central record of recruitment and pre-employment checks. The central list will record all staff who are employed at the school including casual staff, supply agency staff whether employed directly or through an agency, volunteers, governors, and those who provide additional teaching or instruction for pupils but who are not staff members, e.g. peripatetic music teachers, sports coach or artist etc.

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

- Identity checks
- Qualification checks for any qualification legally required for the job (e.g. QTS)
- Prohibition from teaching checks
- Barred list checks
- DBS enhanced disclosure
- Further overseas checks where appropriate
- Disqualification under the childcare act
- Section 128 checks for governors

The single central record will also indicate who undertook the check and the date on which the check was completed or the relevant certificate obtained.

In order to record supply provided through an agency on the record, the academy will require written confirmation for the supply agency that it has satisfactorily completed the checks described above. The academy does not need to carry out checks itself except where there is information contained within the disclosure. However, confirmation of these checks should be entered on the Single Central Register and identity checks must be carried out by the academy to check the person arriving is the person the agency intends to refer to them.

Academy management staff will be given a copy of the DfE guidance on Working Together to Safeguard Children – July 2018: <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2> and asked to sign a declaration that they have read and understood the document and will follow the guidelines required to maintain professional boundaries at all times.

### **17. Whistleblowing**

All KGA staff are subject to KGA's Whistleblowing Policy, which is published on the Trust's website.

### **18. Safeguarding culture and vigilance**

The academy adopts a culture of vigilance where all concerns are listened to and taken seriously.

### **19. Allegations**

The academy will follow DfE Safeguarding Children Board allegations procedures and refer any allegation for initial consultation to the Local Authority Designated Officer (LADO).

### **20. Section 128 checks for Governors**

Members of LGBs are required to have an Enhanced DBS Check.

A section 128 direction will also be disclosed where an enhanced DBS check with barred list information is requested, provided that 'children's workforce independent schools' is specified in the parameters for the barred list check. (Para 131 KCSIE)

A section 128 direction disqualifies a person from holding or continuing to hold office as a governor of a maintained school or academy. (Para 128 KCSIE)

Section 128 checks will be undertaken for all prospective governors as part of the application process for joining the governing Board.

KCSIE para 173 sets out the information on how schools should undertake the section 128 check using the free Teaching Regulation Agency's (TRA) portal.

### **21. Designated Safeguarding Lead**

In KGA academies the role of the Designated Safeguarding Lead (DSL) and Deputy Safeguarding Lead (DDSL) is referred to explicitly in the job description of the relevant staff.

This is a statutory requirement as set out in Keeping Children Safe in Education .