



Wade Deacon Trust

Safer Recruitment Policy

Policy & Procedure Number: 82

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Trust Link: Mr B Fisher

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Adopted by Trust following consultation: 21st November 2019

I SCOPE AND PURPOSE

- I.1 This policy outlines our commitment to safeguarding and promoting the welfare of all pupils who are part of Wade Deacon Trust by ensuring we have implemented procedures designed to prevent unsuitable people working with our pupils. This policy applies to the whole Trust, including EYFS.
- I.2 These procedures are designed to comply with the guidance;
 - I.2.1 given by the DfE as defined in 'Keeping Children Safe in Education September 2018' in conjunction with 'Working Together to Safeguard Children 2018';
 - I.2.2 given by the Disclosure and Barring Service (DBS) regarding the recruitment of ex-offenders and the handling of DBS certificate information.
- I.3 The purpose of this policy is:
 - I.3.1 to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
 - I.3.2 to ensure that all job applicants are considered equally and consistently;
 - I.3.3 to ensure that no job applicant is treated unfairly on any grounds including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation;
 - I.3.4 to ensure compliance with all relevant legislation including Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975, Safeguarding Vulnerable Groups Act 2006, Protection of Freedoms Act 2012, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education (KCSIE) as amended, the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
 - I.3.5 to ensure that the Trust meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

- 1.4 Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.
- 1.5 This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation with the recognised Trade Unions.

2 WHO IS RESPONSIBLE FOR THIS POLICY?

- 2.1 The Board of Trustees has overall responsibility for;
 - 2.1.1 the effective operation of this policy;
 - 2.1.2 the appointment of posts in the Trust central team, including those based at schools;
 - 2.1.3 the appointment of Principals at each school.
- 2.2 The Board has delegated to each Local Governing Body responsibility for;
 - 2.2.1 monitor the school's compliance with this policy;
 - 2.2.2 appointments at each school other than the Principal.
- 2.3 Each Local Governing Body has delegated responsibility to the Principal to lead in all appointments. Governors may be involved in staff appointments but the final decision will rest with the Principal.
- 2.4 It is the responsibility of the Principal and other managers involved in recruitment to:
 - 2.4.1 ensure that the school operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the Trust;
 - 2.4.2 monitor contractors' and agencies' compliance with these safer recruitment procedures;
 - 2.4.3 promote the welfare of children and young people at every stage of the recruitment process.

3 RECRUITMENT AND SELECTION PROCEDURE

3.1 Advertising

- 3.1.1 All advertisements will make clear the Trust's commitment to safeguarding and promoting the welfare of children and that the successful applicant will need to undertake an enhanced DBS check (including a check of the Barred List).
- 3.1.2 The advertising strategy will be planned to attract suitable applicants in the most cost effective way. Consideration will be given to the nature of the post, the circumstances of the school at the time, the type of person required, and budgetary implications.
- 3.1.3 All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act (DPA) 2018.

3.2 Application Forms

- 3.2.1 The Wade Deacon Trust uses its own application forms and all applicants for employment will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role. In addition, all applicants are required to account for any gaps or discrepancies in employment history. Incomplete application forms will not be shortlisted.
- 3.2.2 CVs will not be accepted in place of the application form.

3.3 Job Descriptions and Person Specifications

- 3.3.1 A job description is a key document in the recruitment process, and must be finalised prior to taking any other steps in the recruitment process. It will clearly and accurately set out the duties and responsibilities of the job role.
- 3.3.2 The person specification is of equal importance and informs the selection decision. It details the skills, experience, abilities and expertise that are required to do the job.

3.4 References

- 3.4.1 References for shortlisted applicants may be sent for prior to interview unless the applicant has expressly indicated on their application form that they do not wish their current employer to be contacted at that stage. In any event, references will be taken up before any offer of employment is confirmed.
- 3.4.2 All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the Trust. One of the references must be from the applicant's current or most recent employer. If the current / most recent employment does / did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children if possible. References will always be sought and obtained directly from the referee and their purpose is to provide objective and factual information to support appointment decisions.
- 3.4.3 Two referees from the same school or organisation will not be accepted.
- 3.4.4 All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. Referees will also be asked to confirm that the applicant has not been radicalised so that they do not support terrorism or any form of extremism.
- 3.4.5 No questions will be asked about health or medical fitness prior to any offer of employment being made.
- 3.4.6 Any discrepancies or anomalies will be followed up. Direct contact by phone may be undertaken with the referee to verify the reference.
- 3.4.7 The Trust does not accept open references, testimonials or references from relatives.

3.5 Interviews

- 3.5.1 There will always be a face-to-face interview except in extreme circumstances (for example recruitment of a teacher from overseas), and wherever possible, a minimum of two interviewers will see the applicants for the vacant position. The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will enable the Trust to explore any anomalies or gaps have been identified in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training).
- 3.5.2 At least one member of any interviewing panel will have undertaken safer recruitment training or refresher training as applicable.
- 3.5.3 Notes of the interviews will be made by the recruiting panel.
- 3.5.4 All applicants who are invited to an interview will be required to bring evidence of their identity, address and qualifications. Original documents only will be accepted and photocopies will be taken. Unsuccessful applicants' documents will be destroyed six months after the recruitment process is concluded.

4 OFFER OF APPOINTMENT AND NEW EMPLOYEE PROCESS

- 4.1 The Trust carries out a number of pre-employment checks in respect of all prospective employees. If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:
- 4.1.1 the agreement of a mutually acceptable start date and the signing of a contract incorporating the Trust's standard terms and conditions of employment;
- 4.1.2 verification of the applicant's identity (where that has not previously been verified);
- 4.1.3 the receipt of two references (one of which must be from the applicant's most recent employer) which the Trust considers to be satisfactory;

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- 4.1.4 for positions which involve teaching:
 - 4.1.4.1 the Trust being satisfied that the applicant is not, and has never been, the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency, or any predecessor or successor body, or by a regulator of the teaching profession in any other European Economic Area country which prevents the applicant working at the Trust or which, in the Trust's opinion, renders the applicant unsuitable to work at the Trust; and
 - 4.1.4.2 the Trust being satisfied that the applicant is not, and has never been, the subject of any proceedings before a professional conduct panel or equivalent body in the UK or any other country for any reason which prevents the applicant working at the Trust or which, in the Trust's opinion, renders the applicant unsuitable to work at the Trust;
- 4.1.5 where the position amounts to "regulated activity" the receipt of an enhanced disclosure from the DBS which the Trust considers to be satisfactory;
- 4.1.6 where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List;
- 4.1.7 confirmation that the applicant is not subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a school, taking part in the management of an independent school or working in a position which involves regular contact with children;
- 4.1.8 confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school;
- 4.1.9 verification of the applicant's medical fitness for the role;
- 4.1.10 verification of the applicant's right to work in the UK;
- 4.1.11 any further checks which are necessary as a result of the applicant having lived or worked outside of the UK;

- 4.1.12 verification of professional qualifications which the Trust deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified).
- 4.2 A personal file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personal files.
- 4.3 All support staff appointments are subject to a probationary period during which time a reduced notice period applies enabling termination of the employment for whatever reason, by either the employee or the Trust in a shorter time frame than would normally apply under the standard terms of their contract. The Trust's disciplinary and capability procedures do not apply during this probationary period. The Trust also reserves the right to extend this probationary period should it deem this necessary.

5 DBS (DISCLOSURE AND BARRING SERVICE)

- 5.1 The Trust applies for an enhanced disclosure from the DBS and a check of the Children's Barred List in respect of all positions at the Trust which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information.
- 5.2 It is the Trust's policy that the DBS disclosure must be obtained before the commencement of employment of any new employee, as it is assumed that all staff could have the opportunity to be in regulated activity, regardless of their role.

5.3 Portability of DBS Certificates Checks

Staff are informed of the opportunity to join the DBS Update Service if they are likely to require another check in the future, but it is their own responsibility to do so.

5.4 **Copies of DBS Checks**

- 5.4.1 The DBS no longer issues Disclosure Certificates to employers, therefore all new employees must bring the original certificate into the Trust for verification on or before their first day of employment, before any regulated activity commences.
- 5.4.2 If employment commences before the DBS certificate is verified, this may take place provided all other recruitment checks have been satisfactorily completed, and the new employee is kept under supervision at all times whilst on site. This situation may occur if the DBS process is delayed to such an extent that, in the opinion of the Principal, further delay to the start date of the new employee would be to the serious detriment of the Trust.

5.5 **Policy on Recruitment of Ex-offenders**

- 5.5.1 The Trust will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. The Trust makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically debar them from employment within the Trust. Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:
- 5.5.1.1 the nature, seriousness and relevance of the offence;
 - 5.5.1.2 how long ago the offence occurred;
 - 5.5.1.3 one-off or history of offences;
 - 5.5.1.4 changes in circumstances,
 - 5.5.1.5 the explanation(s) offered by the convicted person.
- 5.5.2 A formal meeting will take place face-to-face to establish the facts with the Principal. A decision will be made following this meeting. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Principal will evaluate all of the risk factors above before a position is offered or confirmed.

5.5.3 In the event that a disclosure is obtained relating to a potential Governor, the matter will be referred to the Chair of Governors.

5.5.4 If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the Trust may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

5.5.5 Under the relevant legislation, it is unlawful for the School to employ anyone who is included on the lists maintained by the Disclosure and Barring Service of individuals who are considered unsuitable to work with children. It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the Trust. If;

5.5.5.1 the Trust receives an application from a disqualified person;

5.5.5.2 is provided with false information in, or in support of an applicant's application; or

5.5.5.3 the Trust has serious concerns about an applicant's suitability to work with children,

it will report the matter to the Police, and the Disclosure and Barring Service.

5.6 **Handling of DBS certificate information**

5.6.1 Certificate information is kept securely with access strictly controlled and limited to those who are entitled to see it as part of their duties.

5.6.2 Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

5.6.3 Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary. This

is for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints.

5.6.4 Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

5.6.5 Notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificates and the details of the recruitment decision taken.

6 PROOF OF IDENTITY, RIGHT TO WORK IN THE UK & VERIFICATION OF QUALIFICATIONS AND/OR PROFESSIONAL STATUS

6.1 All applicants invited to attend an interview at the Trust will be required to bring their identification documentation such as passport, birth certificate and driving licence with them as proof of identity/eligibility to work in UK in accordance with those set out in the Immigration, Asylum and Nationality Act 2006.

7 MEDICAL FITNESS

7.1 The Trust is legally required to verify the medical fitness of anyone to be appointed to a post at the Trust, after an offer of employment has been made but before the appointment can be confirmed.

7.2 All applicants are requested to complete a medical questionnaire and where appropriate a doctor's medical report may be required. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role

7.3 The Trust is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical

evidence, considering reasonable adjustments and suitable alternative employment.

8 OVERSEAS CHECKS

8.1 Applicants with recent periods of overseas residence and those with little or no previous UK residence may also be asked to apply for the equivalent of a Disclosure, if one is available in the relevant jurisdiction(s) or confirmation from overseas authorities/police forces.

9 SINGLE CENTRAL RECORD

9.1 In addition to the various staff records kept in Trust and on individual personnel files, each school keeps a single centralised record of recruitment and vetting checks (known as the “SCR”) in accordance with KCSIE requirements. The SCR will contain details of the following:-

9.1.1 all employees who are employed to work at the Trust;

9.1.2 all employees who are employed as supply staff to the Trust;

9.1.3 all staff of contractors who are in Trust on a frequent basis (catering and cleaning contract staff)

9.1.4 all peripatetic music teachers working at the Trust

9.1.5 coaches (such as sports coaches) brought in by the Trust to work with pupils

9.1.6 volunteers who may be in regulated activity and for whom therefore checks have been completed

9.1.7 all Governors

9.2 A designated Governor will be responsible for auditing the SCR and reporting their findings to the Local Governing Body.

9.3 Record Retention / Data Protection

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The Trust is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the Trust will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to help the Trust to discharge its obligations as an employer e.g. so that the Trust may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

- 9.4 This documentation will be retained by the Trust for the duration of the successful applicant's employment with the Trust, plus 6 years.
- 9.5 The same policy applies to any suitability information obtained about volunteers involved with Trust activities.
- 9.6 In accordance with the Data Protection Act 1998, the Trust will retain the recruitment documentation on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed.

10 CONTRACTORS AND AGENCY STAFF

- 10.1 Contractors engaged by the Trust must complete the same checks for their employees that the Trust is required to complete for its staff. The Trust will confirm that these checks have been completed before employees of the Contractor can commence work at the Trust.
- 10.2 Agencies who supply staff to the Trust must also complete the pre-employment checks which the Trust would otherwise complete for its staff. Again, the Trust will confirm that these checks have been completed before an individual can commence work at the Trust.
- 10.3 The Trust will independently verify the identity of staff supplied by contractors or an agency on their first day of working at the Trust.
- 10.4 Contractors who come on site only to carry out emergency repairs or service equipment and who are not expected to be left unsupervised on the Trust's premises do not need a DBS Disclosure.

11 VISITING SPEAKERS

- 11.1 The Prevent Duty Guidance requires the Trust to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by pupils, are suitable and appropriately supervised.
- 11.2 The Trust is not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity at the Trust or perform any other regular duties for or on behalf of the Trust.
- 11.3 All visiting speakers will be subject to the Trust's usual visitors signing in protocol. This will include signing in and out at Reception, the wearing of a visitors badge at all times and being escorted by a fully vetted member of staff between appointments.
- 11.4 The Trust will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend the Trust. In doing so the Trust will always have regard to the Prevent Duty Guidance and the definition of extremism set out in KCSIE which states:
 - 11.4.1 "‘Extremism’ is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas."
- 11.5 In fulfilling its Prevent Duty obligations the Trust does not discriminate on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

12 VOLUNTEERS

- 12.1 The Trust will request the following checks on all volunteers who are involved on a regular basis, undertaking regulated activity or accompanying children on an overnight trip :-
 - 12.1.1 Identity checks

- 12.1.2 Enhanced DBS Disclosure
 - 12.1.3 Barred List check
 - 12.1.4 Qualifications, if applicable
 - 12.1.5 References
 - 12.1.6 An informal interview and confirmation of no contrary indications from the Trust community.
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- 12.2 Appropriate Risk Assessments and/or additional supervision will be planned to ensure safety as necessary.
 - 12.3 Under no circumstances will the Trust permit an unchecked volunteer to have unsupervised contact with pupils.
 - 12.4 It is the Trust's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the Trust for three consecutive months or more. If the volunteer has signed up to the DBS Update Service, the Trust will obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates if the three month period has elapsed.
 - 12.5 Volunteers or parents who accompany staff on one-off outings or trips and do not have unsupervised access to children will not need to be vetted.