

Atwood Primary Academy

Safer Recruitment and Selection Policy



Date: September 2021

Review Date: September 2022

(or to meet new legislation and practices)

Signed By: _____

Position: _____

Date: _____

Recruitment and Selection Process

The recruitment steps outlined below are based on part 3 of Keeping Children Safe in Education.

To make sure we recruit suitable people, we will ensure that those involved in the recruitment and employment of staff to work with children have received appropriate safer recruitment training.

We have put the following steps in place during our recruitment and selection process to ensure we are committed to safeguarding and promoting the welfare of children.

Advertising

When advertising roles, we will make clear:

All advertisements for posts, paid or unpaid, will include the following statements:

“Atwood Primary Academy is committed to safeguarding and promoting the welfare of children and young people and requires all staff and volunteers to share and demonstrate this commitment”

“The successful candidate will have to meet the requirements of the person specification and will be subject to pre-employment checks including a health check, an enhanced DBS check and satisfactory references.”

- Our school’s commitment to safeguarding and promoting the welfare of children
- That safeguarding checks will be undertaken
- The safeguarding requirements and responsibilities of the role, such as the extent to which the role will involve contact with children
- Whether or not the role is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. If the role is exempt, certain spent convictions and cautions are ‘protected’, so they do not need to be disclosed, and if they are disclosed, we cannot take them into account

Application Forms

Our application forms will:

- Include a statement saying that it is an offence to apply for the role if an applicant is barred from engaging in regulated activity relevant to children (where the role involves this type of regulated activity)
- Include a copy of, or link to, our child protection and safeguarding policy and our policy on the employment of ex-offenders

Shortlisting

Our shortlisting process will involve at least 2 people and will:

- Consider any inconsistencies and look for gaps in employment and reasons given for them
- Explore all potential concerns

Once we have shortlisted candidates, we will ask shortlisted candidates to:

- Complete a self-declaration of their criminal record or any information that would make them unsuitable to work with children, so that they have the opportunity to share relevant information and discuss it at interview stage. The information we will ask for includes:
 - If they have a criminal history
 - Whether they are included on the barred list
 - Whether they are prohibited from teaching
 - Information about any criminal offences committed in any country in line with the law as applicable in England and Wales
 - Any relevant overseas information
 - Sign a declaration confirming the information they have provided is true

Seeking References and Checking Employment History

We will obtain references before interview. Any concerns raised will be explored further with referees and taken up with the candidate at interview.

When seeking references we will:

- Not accept open references
- Liaise directly with referees and verify any information contained within references with the referees
- Ensure any references are from the candidate's current employer and completed by a senior person. Where the referee is school based, we will ask for the reference to be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations
- Obtain verification of the candidate's most recent relevant period of employment if they are not currently employed

- Secure a reference from the relevant employer from the last time the candidate worked with children if they are not currently working with children
- Compare the information on the application form with that in the reference and take up any inconsistencies with the candidate
- Resolve any concerns before any appointment is confirmed

Interview and Selection

When interviewing candidates, we will:

- Probe any gaps in employment, or where the candidate has changed employment or location frequently, and ask candidates to explain this
- Explore any potential areas of concern to determine the candidate's suitability to work with children
- Record all information considered and decisions made

Pre-Appointment Vetting Checks

We will record all information on the checks carried out in the school's single central record (SCR). Copies of these checks, where appropriate, will be held in individuals' personnel files. We follow requirements and best practice in retaining copies of these checks, as set out below.

New Staff

All offers of appointment will be conditional until satisfactory completion of the necessary pre-employment checks. When appointing new staff, we will:

- Verify their identity
- Obtain (via the applicant) an enhanced DBS certificate, including barred list information for those who will be engaging in regulated activity (see definition below). We will obtain the certificate before, or as soon as practicable after, appointment, including when using the DBS update service. We will not keep a copy of the certificate for longer than 6 months, but when the copy is destroyed we may still keep a record of the fact that vetting took place, the result of the check and recruitment decision taken
- Obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available
- Verify their mental and physical fitness to carry out their work responsibilities
- Verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards

- Verify their professional qualifications, as appropriate
- Ensure they are not subject to a prohibition order if they are employed to be a teacher
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. Where available, these will include:
 - For all staff, including teaching positions: [criminal records checks for overseas applicants](#)
 - For teaching positions: obtaining a letter of professional standing from the professional regulating authority in the country where the applicant has worked
- Check that candidates taking up a management position* are not subject to a prohibition from management (section 128) direction made by the secretary of state

* Management positions are most likely to include, but are not limited to, headteachers, principals and deputy/assistant headteachers.

We will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we take a decision that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment on the individual's personnel file. This will include our evaluation of any risks and control measures put in place, and any advice sought.

Regulated Activity means a person who will be:

- Responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children; or
- Carrying out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- Engaging in intimate or personal care or overnight activity, even if this happens only once and regardless of whether they are supervised or not

Existing Staff

In certain circumstances we will carry out all the relevant checks on existing staff as if the individual was a new member of staff. These circumstances are when:

- There are concerns about an existing member of staff's suitability to work with children; or
- An individual moves from a post that is not regulated activity to one that is; or
- There has been a break in service of 12 weeks or more
- We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:
- We believe the individual has engaged in [relevant conduct](#); or

- We believe the individual has received a caution or conviction for a relevant (automatic barring either with or without the right to make representations) offence, under the [Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria and Miscellaneous Provisions\) Regulations 2009](#); or
- We believe the 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and
- The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

Agency and Third-Party Staff

We will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

Contractors

- We will ensure that any contractor, or any employee of the contractor, who is to work at the school has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract). This will be:
 - An enhanced DBS check with barred list information for contractors engaging in regulated activity
 - An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children
- We will obtain the DBS check for self-employed contractors.
- We will not keep copies of such checks for longer than 6 months.
- Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.
- We will check the identity of all contractors and their staff on arrival at the school.
- For self-employed contractors such as music teachers or sports coaches, we will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought.

Trainee/Student Teachers

Where applicants for initial teacher training are salaried by us, we will ensure that all necessary checks are carried out. Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

In both cases, this includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

Volunteers

We will:

- Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity
- Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in regulated activity
- Carry out a risk assessment when deciding whether to seek an enhanced DBS check without barred list information for any volunteers not engaging in regulated activity. We will retain a record of this risk assessment
- Ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought

Governors and Members

All governors will have an enhanced DBS check without barred list information.

They will have an enhanced DBS check with barred list information if working in regulated activity.

The chair of the board will have their DBS check countersigned by the secretary of state.

All proprietors, trustees, local governors and members will also have the following checks:

- A section 128 check (to check prohibition on participation in management under [section 128 of the Education and Skills Act 2008](#)). Section 128 checks are only required for local governors if they have retained or been delegated any management responsibilities.
- Identity
- Right to work in the UK
- Other checks deemed necessary if they have lived or worked outside the UK

Staff Working in Alternative Provision Settings

Where we place a pupil with an alternative provision provider, we obtain written confirmation from the provider that they have carried out the appropriate safeguarding checks on individuals working there that we would otherwise perform.

Adults who Supervise Pupils on Work Experience

When organising work experience, we will ensure that policies and procedures are in place to protect children from harm.

We will also consider whether it is necessary for barred list checks to be carried out on the individuals who supervise a pupil under 16 on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity.

Pupils Staying with Host Families

Where the school makes arrangements for pupils to be provided with care and accommodation by a host family to which they are not related (for example, during a foreign exchange visit), we will request enhanced DBS checks with barred list information on those people.

Where the school is organising such hosting arrangements overseas and host families cannot be checked in the same way, we will work with our partner schools abroad to ensure that similar assurances are undertaken prior to the visit.

Appendix I

Regulated activity = people who work with or have access to children between 2 a.m. and 6 a.m., or more than 3 times in a 30 day period, or once a week or more (or who carry out personal care or health care (carried out on behalf of, or by, a health care professional) at any time))

In unregulated activity = people who work with or have access to children fewer than 3 times in 30 days ...or less than once a week

Staff can start work before DBS clearance but need a risk assessment and barred list check before commencing and appropriate supervision

Volunteers who need to be supervised (in non-regulated activity): we would need to carry out a risk assessment as to the level of supervision needed – needs to be supervision by a DBS-enhanced-and-barred-checked person, ‘day to day’ and ‘reasonable in the circumstances to ensure the protection of children’.

Clarified as someone fully DBS checked ‘in the vicinity, most of the time’....

Category	Checks needed:				
	DBS enhanced check?	DBS barred list check?	Prohibition check?	Other:	Subsequent DBS checks needed?
Existing Teachers (including those on maternity leave or long term sick)	Already have	Already have	Already have		Not required - only if we have concerns
New teachers (who have worked in another school or FE institution in regulated activity in the 3 months prior to appointment)	Check existing	Yes	Yes		Not required but can if we want
New teachers (who have not worked in another school during the last 3 months)	Yes	Yes	Yes		Only if we have concerns
Existing TAs	Already have	Already have			Only if we have concerns
New TAs (who have worked in another school or FE institution in regulated activity in the 3 months prior to appointment)	Check existing	Yes			Not required but can if we want

New TAs (who have not worked in another school in regulated activity in the 3 months prior to appointment)	Yes	Yes			Only if we have concerns
Other existing staff <i>in regulated activity</i>	Already have	Already have			Only if we have concerns
Other new staff <i>in regulated activity</i>	Yes	Yes			Only if we have concerns

Category	Checks needed:				
	DBS enhanced check?	DBS barred list check?	Prohibition check?	Other:	Subsequent DBS checks needed?
Existing Volunteers <i>in regulated activity</i>	Already have	Already have			Only if we have concerns
Existing Volunteers <i>in unregulated activity</i>	Already have	Already have		Need to be supervised	Only if we have concerns – but not barred list
New Volunteers <i>in regulated activity</i>	Yes	Yes			Only if we have concerns
New Volunteers <i>in unregulated activity</i>	Yes	Not allowed to request this		Need to be supervised	Only if we have concerns – but not barred list
Existing Governors <i>in regulated activity</i>	Already have	Already have			Only if we have concerns
Existing Governors <i>in unregulated activity</i>	Already have	Already have		Need to be supervised	Only if we have concerns – but not barred list

New Governors in regulated activity	Yes	Yes			Only if we have concerns
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New Governors in unregulated activity	If we want	Not allowed to request this		Need to be supervised	Only if we have concerns – but not barred list
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Supply teachers	Yes agency/third party to confirm	Yes agency/third party to confirm			
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Students on placement in regulated activity	Yes	Yes			Only if we have concerns
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Work experience in regulated activity	Yes	Yes			Only if we have concerns
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Work Experience in unregulated activity	If we want	Not allowed to request this		Need to be supervised	Only if we have concerns – but not barred list
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Club coaches in regulated activity	Yes agency/third party to confirm	Yes agency/third party to confirm			
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Health care professionals in regulated activity	Yes agency/third party to confirm	Yes agency/third party to confirm			
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Visitors in unregulated activity	Not allowed to request this	Not allowed to request this		Need to be supervised	Not allowed to request this
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Category	Checks needed:				
	DBS enhanced check?	DBS barred list check?	Prohibition check?	Other:	Subsequent DBS checks needed?
Cleaners <i>in regulated activity</i>	Yes agency/third party to confirm	Yes agency/third party to confirm			
Contractors <i>in unregulated activity</i>	No (unless they have the opportunity for regular contact with children in which case an enhanced DBS check will be requested)	Not allowed to request this		Need to be supervised	

**Appendix II
Staff Suitability Declaration**

It is all employees' responsibility to safeguard children. You must therefore provide notification should you receive any convictions, cautions, court orders, reprimands or warnings since the date of your last DBS clearance with the school or since joining the school whichever is later. You must also inform the school of any changes to your health that may impact upon your ability to work with children or any changes to your own circumstances that we should be aware of.

New employees only

Do you have any criminal convictions, cautions, court orders, reprimands or warnings? (please read Appendix A before answering this question)	YES/NO
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Staff who are employed and/or provide early years childcare (up to and including reception age) or later years childcare (children above reception age who have not attained the age of 8)

Have you received any criminal convictions, cautions, court orders, reprimands or warnings since your last declaration to the school?	YES/NO
Do you have any health concerns that may affect your ability to work with children?	YES/NO
Have your own children been taken into care?	YES/NO
Have/are your own children the subject of a child protection order	YES/NO

If you have answered **YES** to the above, please provide further information below (you may provide an additional information sheet if necessary):

Disqualification by Association

Staff who are employed and/or provide early years childcare (up to and including reception age) or later years childcare (children above reception age who have not attained the age of 8) are required to provide relevant information about a person who lives in the same household as them, who may have influence over the employee working with children and who may therefore pose a risk to children i.e. "by association".

You are therefore required to disclose:

- Details of any order, determination, conviction, or other ground for disqualification from registration under the Childcare (Disqualification) Regulations 2009. You are required to declare whether anyone living in your household is disqualified from working with children under the childcare Act 2006. This covers the following offences:
 - offences against a child
 - against an adult (e.g. rape, murder indecent assault, actual bodily harm etc.)
- The date of the order, determination or conviction, or the date when the other ground for disqualification arose;
- Information about the body or court which made the order, determination or conviction, and the sentence (if any) imposed; and
- A certified copy of the relevant order (in relation to an order or conviction).

Has anyone living in your household been barred from working with children by the DBS?	YES/NO
Has anyone living in your household been disqualified from working with children under the childcare Act 2006?	YES/NO

Employees living in a shared household

To the best of your knowledge, is anyone living at your address subject to the above?	YES/NO
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If you have answered **YES** to any of the above, please provide further information below (you may provide an additional information sheet if necessary):

Any relevant information will be passed to OfSTED to make a decision as to whether the offence would lead to disqualification by association and you will be notified of their decision accordingly.

Declaration

I confirm that the information I have declared above is correct and understand that I have duty to inform the Headteacher should any of this information change at any time during my employment with the school.

Name (in capitals): _____

Signed: _____

Date: _____

Appendix iii (to be read by new employees)

A check as to the existence and content of any relevant criminal record will be requested from the Disclosure and Barring Service after a person has been selected for appointment. Refusal to agree to a check being made could disqualify you from being considered for the appointment.

Under the Rehabilitation of Offenders Act 1974, you have the right not to disclose details of 'spent' convictions. However, for certain jobs, employers are allowed to ask about these offences. The Rehabilitation of Offenders Act 1974 (Exception Amendment) Order 1986 sets out details of all jobs to which this applies and the job you have applied for is included in the list. The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account.

FILTERING OF CAUTIONS AND CONVICTIONS

The filtering rules (which remove certain old and minor convictions and cautions, reprimands and warnings from a DBS Certificate) were developed by the Home Office and the Ministry of Justice and introduced with new legislation:

The legislation is:

- Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2013
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013.

The Filtering Rules.

For those 18 or over at the time of the offence:

An adult **conviction** will be removed from a DBS Certificate if,

- 11 years have elapsed since the date of conviction; and it is the person's only offence, and it did not result in a custodial sentence.

Even then, it will only be removed if it does not appear on the range of offences which will never be removed from a certificate, which include serious sexual and violent offences. (see *Exceptions to the Rules*). If a person has more than one offence, then details of all their convictions will always be included.

An adult **caution** will be removed after six years have elapsed since the date of the caution – and if it does not appear on the list of offences relevant to safeguarding.

For those under 18 at the time of the offence:

For convictions, the same rules apply as for adult convictions, except that the elapsed time period is five and a half years.

For cautions, the same rules apply as for adult cautions, except that the elapsed time period is two years.

Exceptions to the Rules

Some offences will never be removed from a DBS Certificate. These include the most serious sexual and violent offences. You can view this specified list of offences at:-

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

Further information is also available from:-

www.gov.uk/government/organisations/disclosure-and-barring-service

If you are unable to access the internet please contact the school who will be able to send this information to you direct.

You must provide details of any relevant criminal convictions that you may have. The disclosure of a criminal record may not necessarily prevent you from being appointed. The nature of the offence, how long ago it took place, your age at the time and any other relevant factors may be considered when a decision is made. Please note that some convictions are never considered 'spent' under the terms of the Act.