



# Safer Recruitment Policy

## September 2018

Office use

<b>Published:</b> September 2016	<b>Next review:</b> June 2019	<b>Statutory/non:</b> Statutory	<b>Lead:</b> Clare Caseley – HR Manager
<b>Reviewed:</b> September 2018			
<b>Associated documents:</b>			
<ul style="list-style-type: none"> <li>▪ <a href="https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check">https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check</a></li> <li>▪ Immigration Act 2016</li> </ul>			
<b>Links to:</b>			
<ul style="list-style-type: none"> <li>▪ The Equality Act 2010</li> <li>▪ Data Protection Act 2018</li> <li>▪ Childcare Act 2016</li> <li>▪ Code of Practice for Disclosure and Barring Service Registered Persons November 2015</li> <li>▪ Protection of Freedoms Act 2012</li> <li>▪ Keeping Children Safe in Education 2018</li> <li>▪ Safeguarding Vulnerable Groups Act 2006</li> </ul>		<ul style="list-style-type: none"> <li>▪ Keeping Children Safe in Education part 4 – Allegations of Abuse made against Teachers and Other Staff</li> <li>▪ Supervision of activity with children 2014</li> <li>▪ The School Staffing (England) Regulations 2009</li> <li>▪ DALP Safeguarding and child protection policy 2018</li> <li>▪ Rehabilitation of Offenders Act 1974</li> </ul>	

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## 1. Introduction

- 1.1 This policy sets out the approach that Diverse Academies Learning Partnership (DALP) will take when recruiting members of staff and volunteers to posts involving work with children and vulnerable young adults.

All external vacancies will be posted on the DALP website <http://dalp.org.uk>. Existing members of staff are encouraged to apply for vacant posts if they possess the appropriate qualifications, experience and skills for the role.

Any candidate with a disability will not be excluded unless it is clear that the candidate is unable to perform a duty that is intrinsic to the role, having taken into account reasonable adjustments. Reasonable adjustments to the recruitment process will be made to ensure that no applicant is disadvantaged because of their ability.

DALP will comply with its legal obligations in relation to recruiting people to work and volunteer with children and vulnerable young adults in England and Wales

- a) Recruiting the right staff in the right place at the right time is vital for our continued success in providing the highest standards of education to our students.
- b) Not appointing the right people to our roles can have a negative impact on the performance of our organisation.
- c) The Principal of each academy (in conjunction with the Human Resource department) is responsible for deciding on the arrangements to recruit to any post within the academy. This is with the exception of the Principal, Vice Principal and Executive Principal roles where the Chief Executive Officer, Chief Executive Officer and the Governing Body of the academy will take responsibility.
- d) In carrying out our recruitment processes we are committed to the creation of a safe environment for our students by operating safer recruitment practices in line with the statutory requirements and guidance.
- e) We are also committed to ensuring that throughout our recruitment and selection processes no applicant is disadvantaged or discriminated against because of the protected characteristics of age, disability, gender, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief and sexual orientation.
- f) In the very exceptional cases where we are required to discriminate due to an occupational requirement this must be approved by DALP who will provide reasons for this requirement.
- g) Recruitment will be solely on the basis of the applicant's abilities and individual merit as measured against the criteria for the job. Qualifications, knowledge, experience and skills will be assessed at the level that is relevant to the job.
- h) If an applicant makes the academy aware, at any stage of the recruitment process, that they have a disability then reasonable adjustments must be considered to ensure the applicant is not disadvantaged by the process.

## 2. Scope and Purpose

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.

The purpose of safer recruitment is ultimately to:

- a) **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.
- b) **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.
- c) **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 DALP will all help to prevent abuse or identify potential abusers.

2.2 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 students within the organisation. The policy and the practical implementation of recruitment and selection processes also aim to meet all legislative requirements as highlighted 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 Roles and Responsibility

DALP has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. DALP has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Principal or Senior Executive Lead of each academy.

## 4. Regulated Activity and Disclosure and Barring Service Checks

4.1 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 members of staff and workers, as well as Governors and Trustees.

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

DALP will act in accordance with the statutory requirements relating to **'Regulated Activity' relating to children which can be defined as follows:**

- a) Unsupervised activities in any setting – including teaching, training, instructing, caring for supervising, providing advice/guidance on well-being or driving a vehicle only for children
- b) 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 (a) and (b) 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.
- c) 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).
- d) Registered child-minding and foster carers.

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

- 4.2 All members of staff and paid workers in DALP and similar educational establishments providing education are in regulated activity.** DALP will ensure that an Enhanced DBS with Barred List check is in place. 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 supply workers in RA, it is for the providing organisation to carry out checks - the 'hirer' DALP then obtains written confirmation for our Single Central Register (SCR).
- 4.3 Supervised volunteers, including Governors, trustees, etc.** are not normally in RA. However, it is for DALP to decide and will depend upon whether they are being 'adequately supervised' in accordance with statutory supervision guidance published by the DfE. 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 volunteers, including Governors and others who are not in RA, an Enhanced DBS check WITHOUT a Barred List check may be obtained.
- 4.4 Contractors carrying out work of a temporary or occasional nature, e.g. maintenance** (but not teaching, training etc) are not normally in RA. However, for long-term regular contracted work a decision needs to be made about whether individuals have the opportunity for contact (e.g. 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. Generally, contractors not checked by their employers must be supervised.
- 4.5 As trainee teachers** can undertake regulated activity, sometimes unsupervised, an enhanced DBS certificate and 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.
- 4.6 Barred List checks by the DBS will be required on some people who supervise a child under the age of 16 on a work experience placement.** Consideration will 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.

- 4.7 If an activity undertaken by a child on work experience takes place within a DALP establishment,** 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.

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.

- 4.8** 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 F within the document 'Keeping Children Safe in Education'.

- 4.9** DALP will take appropriate steps to ensure that all those members of staff, 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 students 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 below 'Use of Agency Workers' and use of 'Volunteers').

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 students 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.

## **5. Safer Recruitment**

- a) All recruitment must be in line with this policy to ensure that we identify, deter and prevent people who pose a risk of harm from working with our students.
- b) The recruitment of all applicants and volunteers to DALP must, without exception, follow the processes of safer recruitment. All offers of employment will be subject to us being satisfied that the applicant or volunteer is a suitable person to work with children and young people.
- c) Any person involved in recruiting to DALP must read the 'Keeping Children Safe in Education' (2018) guidance or updated statutory guidance produced by the Department for Education (DfE) .
- d) All recruitment must be planned to ensure that there is adequate time available to recruit safely.

- e) Any person who becomes aware that this policy is not being followed during recruitment must inform the Principal or Executive Lead immediately.
- f) All of the checks described in Sections 11 and 12 must be carried out and have been determined as satisfactory before an applicant can start their employment with DALP.

## 6. Advertising

- a) Any vacant position will normally be advertised via the appropriate channels to ensure the most appropriate field of applicants is obtained.
- b) All advertisements will have the following statement about safeguarding children and young people and the requirement to have a DBS check:

*'The Diverse Academies and its Governors are committed to safeguarding and promoting the welfare of its students and expects everybody working for the organisation to share this commitment. We actively seek DBS enhanced clearance checks and any application for employment will automatically include the active pursuit of all safeguarding procedures.'*

## 7. Job Description

### 7.1 Job Analysis

- a) When a vacancy arises due to a member of staff 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.
- b) A job description will be required for all posts which describes the duties and responsibilities of the post. It must be up to date, accurate and specific to the role; it may need to reflect any local or national requirements e.g. the statutory School Teachers' Pay and Conditions document sets out the contractual framework for all teachers in terms of their professional responsibilities and duties. The job description must also include a person specification which outlines all of the necessary skills, experience, qualifications and knowledge requirements for the post.

#### Person Specification

- a) 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 to draw up the advertisement, shortlist and the interview 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.
- b) Person specifications 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

**7.2** All job descriptions and person specifications must make reference to the

responsibility for safeguarding, health and safety at work and promoting the welfare of children.

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

- a) Essential – relating only to those areas without which the job cannot be performed; or
- b) 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.

## **8. Application form**

**8.1** All applicants are required to fill out our online application form ensuring detailed information, critical to the recruitment process, can be gathered from all applicants in a consistent format.

**8.2** A suitably-structured, pre-defined application form will be used for recruitment to all posts requiring specific information from all applicants. CVs will not be accepted.

**8.3** 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.

**8.4** Application forms used for all external recruitment will include:

- a. Personal details including name, former names, current address, NI number and, for teachers, teacher reference number
- b. Qualifications
- c. Present (or last) employment and reason for leaving
- d. Full history since leaving school - education, employment and any voluntary work, as well as an explanation of any gaps
- e. Request for details of appropriate referees
- f. The requirement for a personal statement addressing the criteria set out in the person specification
- g. 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 below\*\*\*\*)
- h. The requirement for a declaration that all information provided is true

**8.5** 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 signed declarations about any criminal record and the accuracy of information provided.

### **\*\*\*\* 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>

## 9. Shortlisting

- a) Applicants will be short-listed against the requirements of the person specification. This will be carried out by the interview panel. The outcome of the short-listing process will be recorded and retained.
- b) The short listing panel are responsible for scrutinising the application forms and identifying any gaps in employment or other areas that may affect an applicant's suitability to work with children and young people. A satisfactory explanation for any concerns must be obtained from the applicant during the interview process.

## 10. References

**10.1** All offers of employment will be conditional upon receipt of at least two satisfactory written references. References will:

- a) be requested for all shortlisted applicants for a teaching role
- b) include the applicant's current or most recent employer and where an applicant for a teaching post is not currently employed as a teacher, will include the applicant's most recent employer as a teacher
- c) ask the current employer for details of any disciplinary warnings which were current at the time of leaving
- d) any disciplinary/capability action that is/was pending or unresolved
- e) details of any expired warnings that relate to the safety and welfare of children or young people or behaviour towards children or young people

- f) reason(s) for leaving if no longer in that employment
- g) any convictions the referee may be aware of
- h) whether the referee would re-employ and whether the applicant is recommended for the post
- i) be directly from the referee
- j) not be accepted if they are 'to whom it may concern' letters
- k) request information on the applicant's suitability to work with children and young people
- l) be requested before the interview; and be explored further with the referee and with the applicant during the interview if necessary
- m) 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 further information from referees may be made at that stage
- n) where it has not been possible to obtain references before the interview any concerns that are subsequently raised will need to be resolved before the appointment is confirmed
- o) in order to comply with the Equality Act 2010, information relating to sickness absence will only be requested after a conditional offer of employment has been made

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

**10.3** Sometimes, a referee may not be willing to complete a standard reference questionnaire. This may be because a particular organisation has a policy of providing references only in a certain format, or because a standard reference has been agreed as part of a settlement (previously known as compromise) agreement. In these circumstances, it is at the discretion of DALP to decide whether to accept this situation or to not proceed any further with the application. This may depend upon other information received or other checks that can be carried out.

**10.4** 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:

- 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

**10.5** 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:

- a) 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
- b) The interview panel will 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.
- c) And compare the information provided by the applicant with that provided by referees.

**10.6** 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.

## **11. Interviews**

- 11.1** A face to face interview must take place for all applicants to all posts. The use of video conferencing, Skype, Facetime or other similar technologies is acceptable for a preliminary interview. However, candidates must be asked to attend a second interview in person.
- 11.2** All those involved in interviewing must be properly trained. At least one person on the interview panel must have successfully passed the appropriate 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.
- 11.3** The purpose of the interview is to assess the merits of each applicant against the job description and person specification to establish their suitability for the post and to work with children and young people.
- 11.4** Interviews should be conducted with a minimum of three interviewers on the panel to enable one interviewer to ask questions while other panel members assess the applicant, observe and complete the score sheets.
- 11.5** Before the interview commences the interview panel should have:
- prepared appropriate questions for the role
  - prepared appropriate questions to test the applicant's suitability to work with children and young people
- 11.6** Identified any areas for further probing, e.g. if a criminal record or caution has been declared or if there are gaps in employment and to assess interaction and responsiveness to questions.
- 11.7** Agreed assessment criteria which reflects the person specification.
- 11.8** Decided a structure to the interview and established which member of the panel will ask which questions.
- 11.9** A set of common questions relating to the requirements of the post will be asked of each applicant. Their response will determine whether that is followed up with further questioning.

## **12. Other selection methods**

- 12.1** 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 - adults and students - team work, skills and abilities to carry out particular tasks. In addition to a face to face interview with the interview panel a variety of other selection methods may be used, such as:
- One or more additional panel interviews (for example, a panel made up of students from one or various academies)
  - A presentation
  - In tray exercises, written tests and psychometric testing
  - Role play

- Group exercises
- Data analysis exercises
- Observation (of teaching or an activity with a class or group of students or colleagues)
- Those responsible for deciding the arrangements for recruitment to a specific post will determine the selection method(s). They will be relevant and appropriate to the role and will be based on the requirements for the particular post as set out in the job description and person specification
- Candidates will be informed in advance if any selection methods are to be used in addition to a face to face interview and what these are

### **13. Pre- employment checks**

An offer of appointment to the successful applicant will be conditional upon the following:

- receipt of at least two satisfactory written references (one of which must be their current or most recent employer)
- verification of the applicant's identity, preferably from current photographic ID and proof of address
- verification of the applicant's medical fitness
- verification of qualifications where relevant
- verification of professional status where applicable. For teachers, this will include checking that the individual has the required teaching qualification and has successfully completed any statutory induction, if required, through the Teaching Regulation Agency (TRA) Employer Access Online System
- satisfactory enhanced DBS check
- for teachers, verification that they are not subject to a prohibition order by checking the TRA's Employer Access Online System
- a clear children's barred list check (except supervised volunteers)
- verification of right to work in the United Kingdom
- any further checks where the applicant has lived or work outside of the UK including receipt of criminal record information from overseas
- confirmation that the applicant is not disqualified or disqualified by association from providing childcare

### **14. Disclosure and Barring Service:**

The criminal record checking service allows employers to access the criminal record history of people working, or seeking to work in certain positions, especially those that involve working with vulnerable groups.

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. It replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA). The creation of the vetting and barring service was introduced under the Safeguarding Vulnerable Groups Act 2006.

## 14.1 Types of Disclosure and Barring Service check

These are the types of checks available to those working with children.

Type of check	What the check involves	Positions eligible for this level of check
<b>Standard check</b>	Check of the Police National Computer records of convictions, cautions, reprimands and warnings.	The position being applied for must be covered by an exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.
<b>Enhanced check</b>	Check of the Police National Computer records <b>plus</b> additional information held by police such as interviews and allegations. Additional information will only be disclosed where a chief police officer reasonably believes it to be relevant and considers that it ought to be disclosed.	The position being applied for must be covered by an exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and by provisions in the Police Act 1997 (Criminal Records) Regulations 2002.*
<b>Enhanced criminal record check with children's and/or adult's barred list information</b>	Check of the Police National Computer records <b>plus</b> additional information held by police <b>plus</b> check of the DBS Children's Barred List <b>plus</b> check of the DBS Adults' Barred List.	The position must be eligible for an enhanced level criminal record check as above and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check.

## 15. Process for DBS checks

### 15.1 Where the successful applicant has been working in a school or academy without a break in employment

- If they already have a DBS certificate they will not need to obtain another one as long as there has not been a gap in their attendance at their current school or academy. They have to declare any convictions or cautions they may have received since the DBS took place.

### 15.2 Where the successful applicant is moving from a different sector or has a break in employment

- To enable the job applicant to carry out the DBS check the HR team will arrange for a link from Nottinghamshire County Council to be sent to the individual to complete an online application for DBS clearance. The individual is required to provide 3 forms of their identification for the HR team to verify their identity and to complete the process.
- Once the check has been carried out, the DBS should send the certificate to the applicant. The organisation will ask the job applicant for sight of the DBS certificate and will retain the certificate number on our records.
- Where the job applicant for the post is a member of the DBS update service, the organisation will, with permission, carry out a status check on any current certificate.

## 16. Disclosure and Barring Service (DBS) checks – new members of staff and volunteers

DALP will carry out DBS checks as follows for new appointments, before the employee or volunteer starts work:

Who?	Definition	Type of check
Employees who will be engaging in regulated activity	<p>As an educational institution which is exclusively or mainly for the provision of full-time education to children, of DALP is an establishment specified in the relevant legislation. Activity carried out in this establishment will therefore be regulated activity relating to children if it meets the definition in the relevant legislation, including that it is carried out:</p> <ul style="list-style-type: none"> <li>▪ frequently (for example once a week or more); or</li> <li>▪ on more than three days in any period of 30 days.</li> <li>▪ or overnights</li> </ul> <p>Note – personal care of a child because of age, illness or disability including physical help with eating, toileting, washing, bathing or dressing is always regulated activity regardless of how frequently it is carried out.</p>	An enhanced DBS check with children’s barred list check will always be obtained
Unsupervised volunteers	As above	An enhanced DBS check with children’s barred list check will always be obtained

- In exceptional circumstances a new member of staff or unsupervised volunteer may be able to start before the enhanced DBS check has been received, but not before the children’s barred list check has been completed and the Principal of each academy has authorised for the employee or volunteer to commence. The academy must ensure that appropriate supervision is in place until the DBS check has been received.
- DBS certificates will only be issued to the applicant. All applicants must produce the disclosure when requested to do so. The disclosure will be scrutinised to ensure it is authentic and to detect any fraud. The DBS disclosure number and date of the check must be recorded in the Single Central Record (SCR). With the applicants consent we will photocopy their certificate which will be held for no longer than necessary and processed in line with the Data Protection Act 2018.
- Any applicant who refuses to produce their DBS disclosure will not be able to start work at the academy and the conditional offer will be withdrawn as satisfactory checks are not in place. Any volunteer who refuses to produce their disclosure will not be able to volunteer within any DALP academies.
- Applicants (free for volunteers) can have their DBS certificate kept up to date and take it with them from role to role where the same type and level of check is required. Applicants or volunteers should be asked if they have subscribed to this service. The cost of this service is £13 per year. The expectation is that individuals personally fund this if required. Where the applicant or volunteer has subscribed they should provide DALP with the original disclosure document to be verified which will be checked online for any changes.
- Information relating to an individual’s criminal record will only be shared with the relevant people to enable the trust to make a decision about their suitability to work with children and young people. It will be held for no longer than is necessary and will be processed in line with the Data Protection Act 2018.

## **17. Disclosure and Barring Service (DBS) checks - existing members of staff and volunteers**

An enhanced DBS check and a children's barred list check will be carried out for all existing staff and unsupervised volunteers where their contact with children or young people has increased from that at their time of appointment.

- An enhanced DBS and children's barred list check may be carried out on any staff member or unsupervised volunteer where the trust has concerns about an individual's suitability to work with children and young people. An enhanced DBS (no barred list check) may be carried out on any supervised volunteer where the academy has concerns about their suitability to work with children and young people.
- DBS certificates will only be issued to the applicant. DALP expects all applicants to produce the disclosure when requested to do so. Any existing member of staff who does not produce their DBS disclosure will be managed through the disciplinary procedure.
- All existing members of staff are required to inform the academy of any change in their criminal record. This includes convictions, cautions, arrests and police investigations. DALP may require all members of staff to sign a declaration on an annual basis that there has been no change in their criminal record. Action may be taken as a result of any change or any failure to inform the trust of any change.

## **18. Offers of employment**

- An offer of employment for a post involving work with children/vulnerable adults will be conditional on the job applicant satisfying the DALP's usual requirements for employment (for example to provide two satisfactory references and produce documentation establishing their identity and right to work in the UK).
- In addition, the offer of employment will be conditional, where required, on satisfactory completion of DBS checks, depending on the post in question. Where the job applicant refuses to agree to an application to the DBS or a DBS check is completed but the job applicant refuses to allow DALP to see the DBS certificate, they will be treated as not having satisfactorily completed the DBS check.
- No job applicant will be permitted to commence employment with DALP until all specified conditions are satisfied.
- A satisfactory medical assessment is required.
- The prospective member of staff 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 current photographic identification for example passport, driving licence and proof of address except where, in exceptional circumstances, none is available.
- Receipt of evidence to meet the requirements of the Immigration Act 2016.
- Not all criminal convictions will be a bar to employment. The results of a DBS check will be considered on an individual basis and DALP will act in a proportionate manner when deciding whether or not to proceed with the appointment to the post in question. However, the protection of children/vulnerable adult is the organisation's primary concern
- A satisfactory Enhanced with Barred List check through the Disclosure and Barring Service (DBS) for the existence and content of any criminal record.
- 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 will be asked if they subscribe to the DBS Update Service, in which case, following sight of the certificate and with their express permission, a real-time check online will normally be made to ascertain whether or not their status has changed. However, they may not subscribe to this service, so details of the application process will also be stated, together with a request that the candidate makes the certificate available for viewing by DALP as soon as it is received by them. 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.
- For teachers only - the prospective member of staff 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)
- Verification of other professional qualifications, where appropriate
- Successful completion of the Statutory Induction period for Newly Qualified Teachers
- All checks must be confirmed in writing, retained on the personnel file and recorded in the single central record (SCR). The Senior Designated Person for Safeguarding in each Academy will liaise with the HR team on a regular basis
- Prospective members of staff 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 the requirement for a certificate or letter of good conduct and extra care will be exercised in taking up references
- Any verbal offer that may be made prior to a written conditional offer will also clearly state that the offer is conditional

## **19. Additional note relating to Executive Lead, Principal and Vice Principal appointments**

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.

## **20. Agency staff**

In the case of agency staff, DALP must ensure that the arrangement with the agency imposes an obligation on the agency to carry out all recruitment checks including DBS and children's barred list checks, that DALP would otherwise complete for its staff. DALP must obtain written confirmation from the agency that these checks have been carried out and are satisfactory. Agencies will be required to complete a standard checklist before workers will be allowed in academies. The individual academy will check the identity of the person presenting themselves for work on arrival.



## **21. Use of Volunteers**

The principles of safer recruitment are the same. Students and young people will see volunteers within DALP in the same way as members of staff will assume they are safe and trustworthy adults. Volunteers will also be subject to a checking process to ensure that they are safe to be in contact with students. The principles of safer recruitment will be applied whether an individual is paid or unpaid ie whether it is regular contact or 'one-off', whether they are supervised or unsupervised. If a volunteer is likely to have an on-going role that includes regular contact with students

## **22. Single Central Register (SCR) of checks**

**22.1** DALP 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 staff members in regular contact with children, including volunteers.

The information recorded on these persons is whether or not the following checks have been carried out or certificates obtained, and the date which clearance was obtained and completed, comprising of:

- Identity check
- Barred List check
- Enhanced DBS check
- Check to establish the person's right to work in the United Kingdom
- Prohibition from teaching check
- Check of professional qualifications
- Additional checks on people that have lived or worked outside the UK

**22.2** There is no requirement to keep copies of DBS certificates, but the certificate number will be retained on the SCR. 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. 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.

## **23. Record keeping and Data Protection**

All written records of interviews, application forms and reasons for appointment or non-appointment will be kept by the HR team for six months, unless a longer period can be justified by the Principal/Executive Lead. Records will be treated as confidential and kept for no longer than necessary in accordance with the Data Protection Act 2018.

## **24. Handling of data**

- DALP is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and is stored and handled appropriately and in accordance with the provisions of the Data Protection Act 2018.
- Data held on file about an individual's criminal convictions will be held only for as long as is required for employment purposes and will not be disclosed to any unauthorised person.

- DALP is also committed to going through the proper DBS channels to establish whether or not an individual has a criminal record. DALP will not require job applicants or existing members of staff to use their subject access rights under data protection provisions to provide criminal record details, unless this is required by law.

## 25. Retention of Data for Successful Applicants

**25.1** The personnel records of all staff members will be retained for 7 years after they have left the employment. However, where a member of staff 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 the longer. Following appointment data kept in personnel files will consist of, application form, references, pre-employment check data, job description and contract of employment.

**25.2** Details of allegations that are found have been malicious will be removed from personnel records. However, for all other allegations a clear and comprehensive summary of the allegation, 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 record will be retained until the accused has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

## 26. Induction

Induction is an extension of the recruitment process and will apply on commencement of employment. A general Induction Programme is required for all new recruits, including those already within DALP but appointed to new roles.

- **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.
- **All Staff** who are 'new staff members' whether new entrants, newly appointed staff, new starters or existing staff transferring to a new or different role will have a one month, three month and six month review with their line manager to ensure that they have everything they need to perform well in their new role.
- The induction programme will include **for all** information on professional standards and boundaries in respect of child protection and safeguarding and promoting the health, safety and welfare of students. Reference will be made to statutory requirements and/or local guidance in these areas. ie DfE documents:
  - a) 'Keeping Children Safe in Education' 2018
  - b) 'Working Together to Safeguard Children' 2018
  - c) DALP policies, procedures and practices adhering to code of conduct for DALP.
  - d) Supply, teachers and other supply workers, including agency workers and volunteers will receive information and guidance to enable them to carry out their temporary work in accordance to statutory requirements, alongside DALP's policies, procedures and practices essential to their role.

## **27. Safe culture and on-going vigilance**

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

DALP 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 members of staff, workers, volunteers, stakeholders are aware and understand them
- Setting acceptable standards of behaviour
- Having in place clear procedures for reporting concerns, ensuring that all staff members and workers know what their responsibilities are
- Taking concerns seriously and providing support to individuals raising them
- Taking appropriate action to concerns raised
- Ensuring robust and appropriate induction arrangements are in place
- Ensuring that all staff members and workers undertake child protection and other relevant training on a regular basis

## **28. Breaches of the Policy**

- Any instances of this policy not being adhered to will be taken very seriously and appropriate disciplinary action will be taken.
- Any complaint in relation to this policy, including its application will be managed through the DALP complaints policy or grievance policy (for existing members of staff)

## **29. Review of policy**

This policy is reviewed annually by DALP in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

