

# Swift Academies

## Safer Recruitment & Selection Policy and Procedure for Teaching & Non-Teaching Staff

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## **RECRUITMENT AND SELECTION POLICY AND PROCEDURE**

### **1. INTRODUCTION**

- 1.1 People are our principal asset and it is through their individual and collective performance that the Academy is able to achieve its aims. Good quality recruitment and selection is, therefore, essential, whether filling short-term temporary posts or the most senior key position.
- 1.2 Recruitment and selection should be approached systematically, ensuring that not only is the most suitable person selected, but that statutory requirements in relation to matters of safeguarding and equality are adhered to.
- 1.3 This policy incorporates relevant legislation such as the Equality Act 2010 and guidance from the Department for Education (DFE) on Keeping Children Safe in Education (September 2018), the English Language Requirement for Public Sector Workers (the Immigration Act 2016), the General Data Protection Regulations (GDPR) 2018 and The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.
- 1.4 Recruitment and selection records will be retained and used in accordance with the General Data Protection Regulations (GDPR) 2018 and other legislative provisions.

### **2. TRAINING**

- 2.1 In order to comply with both The Equality Act 2010 and DFE safeguarding requirements the individuals who will be involved in the recruitment and selection process should have undertaken relevant training to ensure that the process reflects the importance of safeguarding children and complies with employment legislation.
- 2.2 At least one member of the interview panel should have undertaken accredited Safer Recruitment Training.

### **3. POLICY COMMITMENT TO SAFE RECRUITMENT**

- 3.1 Any documentation issued by the Academy relating to the recruitment and selection process will include an explicit statement about our commitment to safeguarding and promoting the welfare of children that links to the Academy's Child Protection Policy and Procedures.
- 3.2 The following statement will be included in publicity materials, adverts, candidate information packs, person specifications, job descriptions and induction training materials: -

***Swift Academies is committed to safeguarding and promoting the welfare of children and expects all staff and volunteers to share this commitment.***

## 4. EQUALITY

- 4.1 The Academy recognises its responsibility for ensuring equality and avoiding unlawful discrimination, both direct and indirect, as required by the Equality Act 2010.

The 9 “protected characteristics” identified in the Equality Act 2010 of

- Age
- Disability
- Gender Reassignment
- Pregnancy and maternity
- Race (including ethnic or national origins, colour and nationality)
- Religion and belief
- Sex
- Sexual Orientation
- Marriage and civil partnership will not be used as the basis of shortlisting, appointment or promotion.

- 4.2 All employees will be appointed, trained and promoted on the basis of ability and the requirements of the job. Any exception will be by virtue of legislation or an Occupational Requirement.

- 4.3 Reasonable adjustments/and or supportive measures will be considered where a known disability exists to allow equality of access and opportunity. In addition all applicants who consider themselves disabled and who meet the essential criteria of the person specification will be granted an interview.

- 4.4 It is the responsibility of all of those involved in the recruitment and selection process to ensure that equality legislation is adhered to and unlawful discrimination is avoided.

- 4.5 Further details regarding this can be found in our Single Equality Scheme.

## 5. ENGLISH LANGUAGE REQUIREMENT FOR PUBLIC SECTOR WORKERS IN CUSTOMER FACING ROLES

- 5.1 Part 7 of the Immigration Act 2016 creates a duty to ensure that all public authority staff working in customer-facing roles speak fluent English to an appropriate standard.

- 5.2 This includes relevant staff working in Schools/Academies.

- 5.3 The government has produce a **statutory** Code of Practice to help employers comply with this requirement (this can be viewed at [www.gov.uk](http://www.gov.uk) “Code of practice on the English language requirement for public sector workers”). Further advice and guidance on how the requirement will apply to recruitment and selection is provided at **Appendix A**.

## 6. DISQUALIFICATION UNDER THE CHILDCARE ACT 2006 – AMENDED REGULATIONS

- 6.1 New legislation (The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.) **is effective from the 31<sup>st</sup> August 2018 and the government has released revised guidance.** Download the guidance [here](#).
- 6.2 The main change in the new legislation is that schools/academies are no longer required to establish if staff, including those working with under 5s or under 8s in wrap around, extended hours or childcare, are disqualified by association. That is if they share a house with someone who would be disqualified from working with children. This means that schools no longer have to ask their staff questions about cautions or convictions of anyone living or working in their household. However schools/academies will still need to satisfy themselves that staff working in a relevant setting are themselves not disqualified under the Childcare Act. Further information and guidance on this requirement is provided at **Appendix B & C**.

## 7. RECRUITMENT AND SELECTION CAMPAIGNS

- 7.1 The Trust will include issues to do with child protection, safeguarding and promoting the welfare of children at every stage of the process.

### RECRUITMENT AND SELECTION PROCEDURE

#### 7.1 JOB DESCRIPTION

The job description and person specification are essential pre-requisites for effective recruitment and selection. Without these statements showing what the job entails, how and where it fits into the organisation and the personal requirements for it to be performed to a satisfactory standard, no further steps such as advertising or shortlisting should be taken.

##### 7.1.1 Preparing job descriptions

It is important that job descriptions are written in sufficiently wide terms to cover not only the work which an employee will undertake immediately upon appointment, but also the range of work which may be involved in the longer term. It is good practice for job descriptions to be reviewed every time a vacant post is to be filled.

##### 7.1.2 The format of a job description should include:

- job title;
- grade;
- responsible to (i.e. the person to whom the post holder reports);
- responsible for (i.e. staff for whom the post holder is responsible);
- a brief statement of the main purpose or function of a job (preferably in one sentence);

- main job duties (this should be concise and always include provision for “such other duties as may be allocated from time to time, commensurate with the grade of the post” and “the post holder may also be required to undergo training in order to undertake duties of the post in an efficient manner”).

7.1.3 It must also include the following main duty/responsibility for posts that involve working with children.

***To safeguard and promote the welfare of children for whom you have responsibility or come into contact with, to include adhering to all specified procedures***

7.1.4 The job description should also clearly set out the extent of the relationships and contact with children and the degree of responsibility for children that the person will have in the position to be filled.

It should also include the following paragraphs:

- The post holder must carry out his/her duties with full regard to the Academy’s Child Protection, Equalities and other relevant policies in the terms of employment and service delivery to ensure that colleagues are treated and services delivered in a fair and consistent manner.
- That the post holder is required to comply with health and safety policy and systems, report any incidents/accidents/hazards and take a pro-active approach to health and safety matters in order to protect both yourself and others.
- Any other duties of a similar nature related to the post, which may be required from time to time.
- That the post holder will be required to comply with all Academy policies, including the no smoking policy.

## **7.2 PERSON SPECIFICATION**

7.2.1 Once the duties of a job have been identified by means of a job description, then the requirements necessary to do the job can be defined in a person specification. A person specification **must** be produced for **all** posts. Any existing specification should be reviewed and amended every time a vacant post is to be filled to take into account any changes to the job.

7.2.2 Person specifications fulfil a number of purposes, including the following:

- Listing the essential and desirable criteria which will be considered in the selection process
- Assisting the preparation of job advertisements
- Enabling prospective applicants to self-select by assessing themselves against the requirements for the job
- Providing a basis for determining selection methods (e.g. professional tests, interviews etc)
- Providing a basis for determining core interview questions

7.2.3 The person specification also needs to:

- include the qualifications, experience and any other requirements needed to perform the role in relation to working with children
- include a specific reference to an applicant's suitability to work with children e.g.

***Interest in working with children to promote their development and educational needs***  
***Ability to form and maintain appropriate relationships and personal boundaries with children***  
***Emotional resilience in working with challenging behaviours and attitudes to use of authority and maintaining discipline***

7.2.4 These criteria will be assessed from the application form, at interview and via references and an Enhanced Disclosure and check of the Children's Barred list via the Disclosure and Barring Service, where relevant.

7.2.5 Requirements should be broken down to those which are essential and those which are desirable. The essential criteria should be the minimum criteria, which a candidate must have to undertake the duties of the post and failure to meet all of the essential criteria will constitute a valid ground for exclusion from a shortlist. Desirable criteria are those which although not essential could enhance job performance.

7.2.6 The person specification should ensure that the essential and desirable criteria do not directly or indirectly discriminate on the grounds of any of the protected characteristics contained within in the Equality Act 2010 unless these can be legally justified by an Occupational Requirement. Care must be taken to ensure that only criteria which genuinely affect job performance are included and unnecessary or unjustifiably high standards (particularly in relation to qualifications and experience) are not included.

### **7.3 ADVERTISING**

7.3.1 The prime purpose of the job advertisement is to attract a suitable number of appropriately qualified people to apply for a vacancy and to achieve this in a cost effective way. The content of adverts must be factual, non-discriminatory and should include:

- Job title and location
- Hours of work
- Description of the job
- The essential/desirable qualifications and experience
- The rate of pay/appropriate pay scale for the post including the pro rata salary for part time posts
- Details of any additional payments or allowances applicable
- Inform as to any career or training opportunities where appropriate
- Closing date for applications and if known the date of interview
- Contact details for queries or further information

7.3.2 In **addition** to the above adverts for **Teaching** staff should also include:

The Academy's position on matching existing salaries for Teaching staff and the salary range of the post (in accordance with the Academy's pay policy for Teaching Staff).

## 7.4 APPLICATION FORM

7.4.1 An application form is required for all posts (Curriculum Vitae will not be accepted), and should include full identifying details of the applicant including: -

- Current and former names (including 'known as' names)
- Current address
- National Insurance Number
- A statement of any academic and/or vocational qualifications that the applicant has obtained that are relevant to the position, along with details of the awarding body and date of award
- A full history since leaving secondary education (in chronological order), including: -
  - Periods of any post-secondary education/training
  - Part time and voluntary work as well as full time employment (with start and end dates)
  - Explanations for periods not in employment, education or training and reasons for leaving employment
- A declaration of any family or close relationship to existing employees or employers (including members of the Board of Directors/Governing Body).
- Details of referees. Two referees should be sought; one referee should be the applicant's current or most recent employer. Where an applicant who is not currently working with children has done so in the past, a reference should be obtained from the employer by whom the person was most recently employed to work with children. The form should make clear that references will not be accepted from relatives or people writing solely in the capacity of friends
- A statement of the personal qualities and experience that the applicant believes are relevant to his or her suitability for the post advertised and how s/he meets the person specification.
- An explanation that all convictions cautions and reprimands or final warnings that are not protected as defined by the Rehabilitation of Offenders Acts 1975 (as amended in 2013) should be declared.

7.4.2 The form should require a signed statement that the person has no convictions, cautions, or bind-overs, or has attached details of dates of their record in a sealed envelope marked confidential. The form should also record:

- Confirmation in the post is subject to a satisfactory Enhanced Disclosure with Barred list via the DBS where appropriate.
- References on short-listed candidates will be sought and the Academy may approach previous employers for information to verify particular experience and qualifications before the interview.
- If the applicant is currently working with children, on either a paid or voluntary basis, this employer will be asked about disciplinary offences (or suspensions) relating to children, including any in which the penalty has expired and whether the applicant has been the subject of any child protection concerns – if so, the outcome of these. If the applicant is not currently working, the Academy will ask this of the last employer for whom the employee worked with children.
- That providing false information is an offence and could result in the application being rejected or in due course summary dismissal and possible referral to the police.
- That if the applicant is short listed, any relevant issues arising from references may be taken up at interview.

7.4.3 In **addition** to the above, applicants for **Teaching** posts should also be asked:

- his/her teacher number
- whether s/he has Qualified Teacher Status (QTS)
- whether s/he is registered with the National College for Teaching and Leadership (registration is optional)

## 7.5 APPLICATION PACK

7.5.1 When applying for a post with the Academy all candidates should receive an application pack. This should include: -

- the application form
- information and explanatory notes for completion – including closing date for receipt of applications
- the job description and person specification
- relevant information about the Academy, the recruitment process and relevant policy statements in terms of equal opportunities and the recruitment of ex-offenders
- the Child Protection Policy Statement

7.5.2 In **addition** to the above application packs for **Teaching** posts should also include:

- the Academy's Career Stage Expectations
- the Academy's Pay Structure and a statement of how pay progression is linked to performance and annual appraisal



- The Academy's position on salary matching and probationary salaries. An example statement is included at **Appendix D**.

7.5.3 A checklist of what to include in application packs is attached at **Appendix E**.

7.5.4 Recruitment documentation will clearly specify which jobs are categorised under the Exceptions Order of the Rehabilitation of Offenders Act 1974 and (NI) Exceptions Order 1975 and which posts will be subject to disclosure and vetting via the DBS. It should also be made clear that the personal information provided on application forms will be retained and used in accordance with the General Data Protection Regulations (GDPR) 2018 and other legislative provisions.

7.5.6 Acknowledgement of Applications

For reasons of economy, applicants may be informed that acknowledging receipt of their application is only possible if they provide a pre-paid envelope or an e-mail address for this purpose. For similar reasons, it is acceptable to inform applicants they should regard their application as having been unsuccessful should they not be contacted after a certain date.

7.5.7 Late Applications

The advertised closing date for receiving applicants should be carefully set to allow a reasonable time in which potential applicants can respond. Applications received after the closing date has expired should, therefore, not normally be considered.

However there may be some limited cases where an exception can be considered such as postal service disruptions, or other similar impediments.

## **7.6 SHORT LISTING**

7.6.1 After the closing date for the receipt of applications has been reached, a preliminary assessment of all applications is necessary to establish those applicants who are to be interviewed. This should be done by comparing the applications against those elements of the person specification that have been specified as being essential. If, after doing this there are still more potential candidates than could reasonably be interviewed, applications should then be assessed against the desirable qualities of the person specification. If there are too few suitable candidates, consideration needs to be given to the person specification and the advert to establish if they were too restrictive, alternatively the method of attracting candidates may not have been adequate.

7.6.2 It is essential that shortlisting is an objective procedure. It may be necessary to demonstrate such objectivity at a later date should a claim be made on discrimination grounds. All records will be retained and used in accordance with the General Data Protection Regulations (GDPR) 2018 and other legislative provisions.

7.6.3 The decision on who is/isn't shortlisted should not be based on any of the protected characteristics as specified under the Equality Act 2010, except for posts where an occupational requirement applies.

7.6.4 All candidates should be assessed equally against the criteria in the person specification without exception or variation.

7.6.5 All applications should be scrutinised carefully to ensure they are fully and properly completed. The information provided needs to be consistent and should not contain any discrepancies. Any gaps in employment should be identified.

7.6.6 Incomplete applications should not be accepted.

7.6.7 Shortlisting should be conducted by a panel of no less than two people, who will have been appropriately trained.

- The shortlisting panel should consist of the Head Teacher/Head of School, the relevant Line Manager e.g. Head of Department, Assistant Head Teacher, School Manager etc. and where in accordance with the Scheme of Delegation the appropriate member of the LGB or Board of Directors. Individuals involved in the shortlisting process will wherever possible also be in attendance at the formal interview stage.
- Every application form, together with any other supporting documentation, should be seen by all those on the short listing panel.
- The short listing panel should work separately when assessing applications and establishing their draft shortlist.
- The panel should then meet and agree a final shortlist of applicants to interview.
- Only applicants who, in the opinion of the panel, meet all essential criteria in the person specification should be shortlisted.
- If there are too many applicants who meet the essential criteria, the desirable criteria in the person specification should be considered. The panel can agree the desirable criteria that candidates will be matched against if they do not wish to use all desirable criteria.

7.6.8 Having shortlisted, a panel may decide that no applicant meets the essential requirements for the post. In this situation the job description and person specification should be reviewed before a decision is made to re-advertise.

7.8.9 In the event that only one applicant meets the essential requirements for the post, selection may continue as planned, or a decision may be taken to re-advertise. Whichever decision is taken, all shortlisted applicants should be appropriately informed, and advised whether they need to re-apply or not.

## 7.7 REFERENCES

7.7.1 The purpose of references is to obtain objective and factual information to support appointment decisions, including an applicant's suitability to work with children and young people. It is important to obtain independent professional and character references that seek objective and justifiable information and not subjective opinion. A reference should always be sought from the applicants' current or most recent employer.

7.7.2 References should always be sought and obtained directly from the referee.

7.7.3 Ideally, references should be sought on all short listed candidates and obtained prior to interview. This allows issues to be explored with the referee in advance and with the candidate at interview. In any case, it is important that the job offer is subject to receipt of satisfactory references. In accordance with the Equality 2010 information asking about sickness absence and health should not be included on reference requests, this information will be picked up for the successful candidate at the pre-employment health screening stage.

7.7.4 A copy of the job description and person specification should be included with reference requests.

7.7.5 Once received references will be checked to ensure that all the specific questions have been answered satisfactorily. If not, or if the reference is vague or unspecific, the referee will be contacted and asked to provide written answers or amplification as appropriate

### 7.7.6 Reference Requests

All reference requests will ask:

- about the referee's relationship with candidate i.e. if it is a working relationship, how long has the referee been working with the applicant and in what capacity.
- whether the referee is satisfied that the applicant has the ability and is suitable to undertake the job in question, specific comments about applicant's suitability for the post and how s/he has demonstrated that s/he meets the person specification.
- whether the referee is completely satisfied that the candidate is suitable to work with children. If not, specific details of the referee's concerns and reason(s) why the referee believes that the person might be unsuitable.

### 7.7.7 Referees will be reminded that:

- they have a responsibility to ensure that the reference is accurate and does not contain any material misstatement or omission.
- any relevant factual content of the reference may be discussed with the applicant

7.7.8 In addition, requests to the candidate's current/previous employer in work with children should ask for:

- confirmation of details relating to the applicant's post, salary.
- specific verifiable comments about the applicant's performance history and conduct.
- details of any disciplinary procedures to which the applicant was subject for which the disciplinary sanction is still current.
- details of any disciplinary procedures (or suspensions) involving issues related to child safety (including any for which the sanction has expired) and the outcome.
- details of allegations/concerns raised about the applicant regarding the safety and welfare of children, or behaviour towards children and the outcome of those concerns e.g. whether the allegations were investigated and the conclusion(s) reached, or how the matter was resolved.

7.7.9 In **addition** to all of the above reference requests for **Teaching** posts will also ask for details of any capability procedures, to which the applicant has been subject to within the last two years and the outcome.

7.7.10 Once received references will be checked to ensure that all the specific questions have been answered satisfactorily. If not, or if the reference is vague or unspecific, the referee will be contacted and asked to provide written answers or amplification as appropriate

## **7.8 INVITATION TO INTERVIEW LETTER**

7.8.1 The letter should include the relevant arrangements for the interview, i.e. the arrangements, directions to the venue and panel membership. Applicants should also be asked if they have any special requirements for the interview i.e. assistance with access etc.

7.8.2 It should also remind candidates how the interview will be conducted and the areas it will explore and should include details of the selection methods to be used i.e. children's panel, presentation and what facilities will be available on the day e.g. laptop, projector etc. This letter should also specify that issues relating to safeguarding and promoting the welfare of children at work will be covered i.e.: -

- Interest in working with children to promote their development and educational needs.
- ability to form and maintain appropriate relationships and personal boundaries with children.
- emotional resilience in working with challenging behaviours, and attitudes to use of authority and maintaining discipline

- 7.8.3 All candidates should be asked to bring their photo card driving licence or passport or full birth certificate, plus other documents i.e. a utility bill or financial statement showing the candidate's current name and address and any documentation relating to a change in name, where appropriate, for verification. The letter should stress that the identity of the successful candidate will be checked thoroughly and that they will be required to complete an Enhanced Disclosure with Barred List application (where appropriate).
- 7.8.4 Candidates will also be asked to bring documents confirming any educational or professional qualifications relevant to the post and specified as essential or desirable (if used in shortlisting) on the person specification.
- 7.8.5 A copy of any documents used to verify the successful candidate's identity and qualifications will be kept on the personal file.

## **7.9 THE INTERVIEW**

- 7.9.1 The interview should assess the merits of each candidate against the job requirements, and explore their suitability to work with children. The selection process for people who will work with children should always include a face-to face interview even if there is only one candidate.
- 7.9.2 The interviewing panel should consist of at least two interviewers, and in some cases, e.g. for senior or specialist posts, a larger panel might be appropriate. A panel of at least two people allows one member to observe and assess the candidate, and make notes, while the other is talking to the candidate.
- 7.9.3 The members of the panel should:
- have the necessary authority to make decisions about the appointment in accordance with the Academy's scheme of delegation.
  - be appropriately trained, one member of interview panel should have undertaken Safer Recruitment Training.
- 7.9.4 Panel members should meet before the interviews to:
- agree the assessment criteria in the person specification
  - agree the questions and key responses that are expected in advance based on the criteria in the person specification
  - agree the issues to be explored with each candidate at interview based on information provided (especially any gaps in employment history and any concerns/discrepancies arising from the information provided by the candidate or his/her referee)
  - agree which panel member will ask each question and that notes will be taken by panel members to act as a record

### 7.9.5 Scope of the Interview

In addition to assessing and evaluating the applicant's suitability for the particular post, the interview panel should also explore:

- the candidate's attitude toward children and young people
- the candidate's ability to support the Academy's agenda for safeguarding and promoting the welfare of children
- gaps in the candidate's employment history; and
- concerns or discrepancies arising from the information provided by the candidate and/or a referee
- if the candidate wishes to declare anything in light of the requirement for a DBS Disclosure.

7.9.6 Pupil involvement, or observing short listed candidates' interaction with pupils, is common and recognised good practise i.e. asking candidates to teach a lesson, arranging for pupils to show candidates around the academy (accompanied) or allowing pupils to meet short listed candidates.

### 7.9.7 Determining Teachers' Salaries on Appointment

On appointment the starting salary will be determined for the successful candidate taking into account;

- The Equality Act 2010, Equal Pay Act and other relevant employment legislation
- The nature of the post
- The Academy's Career Stage Expectations for the post
- The Academy's position on matching existing salaries for Teaching staff
- Market conditions and any recruitment/retention or additional allowances to be attached to the post
- The wider school context

7.9.8 Further advice is available from the Academy's external HR provider.

## **7.10 CONDITIONAL OFFER OF APPOINTMENT: PRE EMPLOYMENT CHECKS**

7.10.1 Any job offer must be conditional based on the following: -

- receipt of at least two satisfactory references (to confirm the successful applicant's previous employment history and experience).
- verification of the successful applicant's identity.
- verification that the successful candidate has the academic or vocational qualifications that were specified as essential or desirable criteria on the job specification. If the successful candidate cannot produce original documents or certified copies, written confirmation of his or her relevant qualifications must be obtained from the awarding body.

- verification of the successful candidate's professional status where required e.g. QTS status. The Teacher Services' system will be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation.
- verification of successful completion of the induction period for teaching posts (before being awarded QTS and for those gaining QTS after 7 May 99)
- Obtaining a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available.
- Verification that the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role; in line with the Equality Act and requirement to consider reasonable adjustments for a disabled applicant.
- a certificate of good conduct from relevant embassy for overseas staff.
- checks to confirm the right to work in the UK
- If working in a relevant setting confirmation that the person is not disqualified under the Child Care Act 2006. Please refer to Appendix B for further information.
- A check for a Section 128 direction which prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. This can be done through Teaching Regulations Agency (TRA). From 1<sup>st</sup> April 2018 The National College of Teaching and Leadership (NCTL) no longer exists and the TRA now has responsibility for many of its functions

7.10.2 In **addition** a check should be made to see if a candidate for a **Teaching post** has;

a prohibition check to see if a teacher has been issued with a prohibition or interim prohibition order.

- been the subject of a suspension or conditional order imposed by the GTCE (prior to abolition) that is still current.
- failed to successfully complete their induction or probation period .

7.10.3 The above checks must be completed **before** the successful applicant starts work.

## 7.11 INDIVIDUALS WHO HAVE LIVED OR WORKED OUTSIDE THE UK

7.11.1 Individuals who have lived or worked outside the UK will undergo the same checks as all other staff. In addition, the Academy will make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. Overseas checks should be undertaken for individuals who have lived/worked overseas

for 3 months or more in the last 10 years. It is the individual's responsibility to obtain a Certificate of Good Conduct. Further information can be obtained from [www.safeguardinghandbook.co.uk/overseas](http://www.safeguardinghandbook.co.uk/overseas) and GOV.UK

7.11.2 These further checks will include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed, using the TRA Teacher Services' system. Although restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, the Academy will consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

## 7.12 DBS Certificates/Disclosure

7.12.1 The level of DBS certificate required, and whether a check for any prohibition, direction, sanction, or restriction is required will depend on the role that is being offered and duties involved.

7.12.2 The DBS will only issue a certificate to the individual and it is therefore the responsibility of the Academy to verify that the certificate is valid once it has been received. An Update Service has also been launched which allows individuals to subscribe to the service and re-use their DBS certificate for the same level and type of roles. Academies can also access the service for free, with the individual's permission, and check the status of the certificate on line.

7.12.3 For all posts where a DBS certificate is required the Academy **must** ensure that they see the certificate once the individual has received it and check that the certificate is valid.

7.12.4 Where an enhanced DBS certificate is required, it must be obtained from the individual before, or as soon as practicable after, the person's appointment.

7.12.5 A job offer can be withdrawn if the results of DBS checks/and or other pre-employment checks show anything that would make the individual unsuitable for the post that they have been offered.

7.12.6 Enhanced DBS checks on all members of the Academy Trust, individual charity trustees, and the chair of the board of charity trustees will be required. Where the trust delegates responsibilities to any delegate or committee (including a local governing body), the Academy will require DBS checks on all delegates and all member of such committees. The Academy will also check that members are not barred from taking part in the management of the school as a result of a section 128 direction.

7.12.7 Where a trainee teacher are fee funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. The Academy should obtain written confirmation from the provider that it has carried out all pre-appointment checks.

7.12.8 All checks should be:



- Followed up where they are unsatisfactory, or where there are discrepancies in the information provided;
- Recorded, retained and used in accordance with the General Data Protection Regulations (GDPR) 2018 and other legislative provisions.

### **7.13 Single Central Record**

7.13.1 The Academy will maintain a Single Central Record which will cover the following people:

- all staff, including teacher trainees on salaried routes, and supply staff (who work at the Academy).
- for independent schools, all members of the proprietor body. In the case of academies and free schools, this means the members and trustees of the academy trust.

7.13.2 The bullet points below set out the minimum information that must be recorded in respect of staff members (including teacher trainees on salaried routes). The record must indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- an identity check. Identification checking guidelines can be found on the GOV.UK website;
- a barred list check;
- an enhanced DBS check/certificate;
- a prohibition from teaching check;
- a section 128 check;
- further checks on people who have lived or worked outside the UK (this would include recording checks for those European Economic Area (EEA) teacher sanctions and restrictions).
- a check of professional qualifications, where required; and
- a check to establish the person's right to work in the United Kingdom.

7.13.3 For supply staff, the Academy must also include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, and the date that confirmation was received and whether any enhanced DBS certificate check has been provided in respect of the member of staff

7.13.4 Whilst there is no statutory duty to include on the single central record details of any other checks, schools are free to record any other information they deem relevant. For example, checks for childcare disqualification, volunteers, and safeguarding and safer recruitment training dates. The Academy may also record the name of the person who carried out each check

7.13.5 There is no requirement for multi-academy trusts (MATs) to have separate single central records, but schools should ensure the record is securely stored and easily accessible to those who need to see it, including Ofsted inspectors.

7.13.6 The single central record can be kept in paper or electronic form.

7.13.7 Any concerns about an applicant's suitability to work with children, must be reported to the police and/or the Department for Education (DFE) and the Disclosure and Barring Service (DBS).

## **8. RISK ASSESSMENTS**

8.1 The Academy recognises that there may be some limited exceptional occasions when it is appropriate for an employee (or volunteer) to start in post prior to the return of the DBS certificate.

8.2 In cases where this is appropriate, the Academy must ensure that a DBS application form has been completed for the person concerned and submitted to the DBS, if required for the post they have been appointed to. The Academy should ensure that all other pre-employment checks are satisfactory and that appropriate supervision arrangements are in place for the individual until a satisfactory disclosure is received, taking into account the duration, frequency and nature of contact with children. The DBS certificate must be verified by the Academy once it has been received by the individual.

8.3 In addition the Academy should complete a risk assessment form, which will document the above measures and any other deemed necessary for the period that the disclosure is pending.

### **DBS Positive Disclosure Risk Assessment**

8.4 When a positive disclosure is identified on a Disclosure and Barring certificate a risk assessment, **Appendix F**, must be used when considering candidates with offences for positions working with children.

8.5 Further information on risk assessments is available from the Academy's external Health and Safety provider.

## **9. REJECTION LETTERS**

9.1 All the remaining shortlisted applicants should receive a courteous letter thanking them for their interest in the post and the time they made available during the appointment process. Alternatively, the unsuccessful candidates can be spoken to by a member of the Panel at the conclusion of the interview process.

## **10. RECORD KEEPING**

10.1 The importance of accurate record keeping has been emphasised throughout this procedure and Panel members should ensure adequate notes are made at each stage

and retained for reference in the event of a later enquiry. Information, which should be retained, is as follows:

- Job Description;
- Person Specification;
- Job Advertisement;
- Information Pack for Applicant;
- Core interview questions;
- Details of any other selection methods and criteria for assessment;
- Application forms;
- Shortlisting and other assessment forms;
- Interview notes;
- Applicants assessment forms;
- References;
- Any correspondence with candidates (except correspondence with the successful candidate which should be kept in their personal file).

10.2 All records and information relating to appointments should be kept for at least six months (the period in which a claim can be made in respect of discrimination). This should include all notes made at the initial interview stage, all of which should be kept secure and confidential.

## **11. PROBATIONARY PERIOD**

### **11.1 Non-Teaching Staff**

Appointments of new non-Teaching staff are subject to a probationary period, normally of six months, although this can be extended in exceptional circumstances by mutual agreement. At the end of the probationary period and subject to a satisfactory report, the employee's appointment should be confirmed in writing.

### **11.2 Newly Qualified Teaching Staff**

Newly qualified Teachers are required to undergo an induction period of supported development where performance against the Teaching Standards is assessed. The induction period is the equivalent of three school terms after which a recommendation is made on whether induction has been satisfactorily completed.

## **12. INDUCTION**

12.1 The Academy will provide an induction programme for all newly appointed staff and volunteers, including teaching staff, regardless of previous experience. This is in addition to the statutory induction period required for Newly Qualified Teaching Staff. The purpose of induction is to:

- provide training and information about the Academy's policies and procedures;

- support individuals in a way that is appropriate for the role for which they have been engaged;
- confirm the conduct expected of staff within the Academy
- provide opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role or responsibilities; and
- Identify any concerns or issues about the person's ability or suitability at the outset and address them immediately.

12.2 The content and nature of the induction process will vary according to the role and previous experience of the new member of staff or volunteer, but as far as safeguarding and promoting the welfare of children is concerned the induction programme should include information about, and written statements of:

- policies and procedures in relation to safeguarding and promoting welfare e.g.
- child protection, anti-bullying, anti-racism, physical intervention or restraint, intimate care, internet safety and any local child protection and safeguarding procedures;
- safe practice and the standards of conduct and behaviour expected of staff and pupils in the establishment;
- how and with whom any concerns about those issues should be raised; and other relevant personnel procedures e.g. disciplinary, capability and whistle blowing.

12.3 The programme should also include attendance at child protection training appropriate to the person's role.

12.4 In accordance with KCSIE 2018 all staff should be aware of systems within the Academy which support safeguarding and these should be explained to them as part of staff induction. This should include:

- the child protection policy;
- the behaviour policy;
- the staff behaviour policy (sometimes called a code of conduct);
- the safeguarding response to children who go missing from education; and
- the role of the designated safeguarding lead (including the identity of the designated safeguarding lead and any deputies).

12.5 Copies of policies and a copy of part one of the KCSIE 2018 document should be provided to staff at induction.

12.6 All staff should receive appropriate safeguarding and child protection training which is regularly updated. In addition, all staff should receive safeguarding and child protection updates (for example, via email, e-bulletins and staff meetings), as required, and at least annually, to provide them with relevant skills and knowledge to safeguard children effectively.

12.7 All staff should be aware of their local early help process and understand their role in it.

12.8 All staff should be aware of the process for making referrals to children's social care and for statutory assessments under the Children Act 1989, especially section 17 (children in need) and section 47 (a child suffering, or likely to suffer, significant harm) that may follow a referral, along with the role they might be expected to play in such assessments.

12.9 All staff should know what to do if a child tells them he/she is being abused or neglected.

### 13. VOLUNTEERS

13.1 DBS checks are only required for Volunteers who have regular and unsupervised access to children and young people. Where this is the case the same recruitment measures for paid staff will be followed including identity checks, application for an Enhanced Disclosure, checking of barred list and checking the DBS certificate once the volunteer has received it. When considering whether the volunteer can start work before the DBS certificate is received a risk assessment should be made and documented taking into account;

- the duration, frequency and nature of contact with children
- what is known about the volunteer, including formal/informal information offered by staff, parents and other volunteers
- whether the volunteer is well known to others in the academy community who are likely to be aware of any behaviour that would give cause for concern
- whether the volunteer has other employment, or undertakes voluntary activities where referees would advise on suitability and
- any other relevant information about the volunteer, or work s/he is likely to do

13.2 If the Academy approaches a parent who is well known to take on a particular role, the following procedures can be adopted i.e.

- seek references
- check to ensure that others in the Academy community know of no concerns
- conduct an informal interview
- ensure an application for an enhanced disclosure and checking of barred list has been made
- appropriate supervision arrangements are in place until a satisfactory disclosure is received by the individual and checked by the Academy

13.3 Where the role is one-off (i.e. accompanying teachers and pupils on a day outing/helping at a concert or academy fete,) the above measures may prove unnecessary ***provided that the volunteer is not to be left alone and unsupervised in charge of children.***

13.4 Where volunteers have been recruited by another organisation to work in an academy (i.e. sports coaches from a local club), the Academy should obtain assurance from that organisation that the person has been properly vetted and these details should be recorded on the Single Central Record.

## 14. AGENCY/SUPPLY WORKERS

### 14.1 Directly employed Supply workers

Supply staff directly employed by the Academy will be subject to the same safer recruitment practices as other staff.

### 14.2 Agency workers

Confirmation will be made with the supply agency that the appropriate checks have been carried out and that they are satisfactory **before** the supply worker starts to work at the Academy including:

- identity check
- enhanced check from the Disclosure and Barring Service and verification of the DBS certificate
- confirmation of qualifications, including QTS and Teaching Agency registration where relevant
- medical fitness requirements
- right to work in the UK
- that satisfactory references have been obtained and the person's previous employment history has been checked.

14.3 The DBS check carried out on the supply worker will be checked to see if it contains any disclosed information and a copy of this will be obtained from the agency. Checks will be made to ensure the person who is supplied by the Agency is actually the person they have referred by carrying out identity checks (i.e. birth cert, driving licence, passport, evidence of address).

## 15. CHECKS FOR INDIVIDUALS OTHER THAN EMPLOYEES/VOLUNTEERS AND AGENCY STAFF

### 15.1 Board of Directors/Local Governing Body

The Academy will carry out checks on all new Directors/Governors including Enhanced Disclosure /Barred list checks who;

- regularly work in the presence of, or care for ,children
- train, or supervise children
- are in sole charge of children

### 15.2 Articles of Association - Article 78

A person shall be disqualified from holding or continuing office as a Director if he/she has not provided a Criminal Records Certificate at an enhanced disclosure level under Section113B of the Police Act 1997. In the event that the certificate discloses any information which would in the opinion of either the Chair or CEO confirm their unsuitability to work with children that person shall be disqualified. If a dispute arises as

to whether a person shall be disqualified, a referral shall be made to the Secretary of State to determine the matter. The determination of the Secretary of State shall be final. Article 80 states that Article 78 shall also apply to any members of any committee including a Local Governing Body, who is not a Director.

### 15.3 Contractors

The Academy will ensure that contractors who provide services to them that give rise to contact with children carry out appropriate checks. The contractor is responsible for ensuring that the same procedures are also followed by sub-contractors.

All contractors must provide a list of direct employees and those of any subcontractors at least 20 days before they start work on site.

### 15.4 Visitors to the Academy

Visitors will be required to sign in and out of the Academy and they will be escorted by a member of staff or an appropriately vetted volunteer whilst on the premises.

DBS Disclosures are not required for visitors who will only have supervised contact with children on an ad hoc or irregular basis for short periods of time, or secondary pupils undertaking voluntary work or work experience in other Academies. This also applies to: -

- visitors who have business with the CEO, Head Teacher, Head of School or other staff, or who have brief contact with children with a member of staff present
- visitors or contractors who come on site only to carry out emergency repairs or to service equipment and who would not be expected to be left unsupervised on Academy premises
- volunteers or parents who only accompany staff and children on one-off outings or trips that do not involve overnight stays, or who only help at specific one-off events (e.g. a sports day, academy fete, open day etc.)
- secondary pupils on Key Stage 4 work experience in other academies etc; secondary pupils undertaking work in another academy as part of voluntary service etc., Key Stage 5 or 6th form pupils (although the Academy is responsible for ensuring that each pupil is suitable for the placement in question)
- people on site before or after Academy hours, or when children are not present e.g. local groups who hire premises for community or leisure activities, cleaners who only come in to the Academy after the children have gone home, or before they arrive

## 16. **EXTENDED SCHOOLS/ACADEMIES**

16.1 Where services or activities are provided by the Academy which are directly under the supervision or management of the Academy staff, the same arrangements for appointments, recruiting and vetting checks and record keeping will apply (i.e. for staff and volunteers).

- 16.2 Where a third party is responsible for running the services or is using the Academy site, there should be clear lines of accountability and written agreements setting out who is responsible for carrying out recruitment and vetting checks on staff and volunteers.
- 16.3 The written agreement should set out the respective responsibilities of the Academy and those of the provider or group in terms of health and safety, recruitment and vetting checks.
- 16.4 Child and user safety is paramount. Providers will need to demonstrate that they have effective procedures, training and vetting arrangements for their staff, appropriate child/adult ratios and contingency arrangements in place for emergencies or unexpected occurrences.

## **17. PUPILS STAYING WITH HOST FAMILIES (HOMESTAY)**

- 17.1 The Academy quite often make arrangement for their pupils to have learning experiences where, for short periods, the pupil may be provided with care and accommodation by a host family to whom they are not related. This might happen, for example, as part of a foreign exchange visit or sports tour, often described as 'homestay' arrangements **(see Appendix G)**.

## **18. FURTHER INFORMATION**

- 18.1 If there are any further queries on this policy, please contact the Academy's external HR provider.



### English Language Requirement for Public Sector Workers in Customer Facing Roles

#### What is the requirement?

Part 7 of the Immigration Act 2016 creates a duty to ensure that all public authority staff working in customer-facing roles speak fluent English to an appropriate standard. The Government has issued a statutory Code of Practice to help employers comply with this regulation. The code can be found at [www.gov.uk](http://www.gov.uk) "Code of practice on the English language requirement for public sector workers".

#### Who is covered?

**Members of staff who, as a regular and intrinsic part of their role, are required to speak to members of the public in English are considered as working in a customer-facing role.** This means that they must have a command of spoken English which is sufficient to enable the effective performance of their role. Either face-to-face or telephone conversations can bring a role within the scope of the act.

Reception staff, teaching staff and teaching assistants are likely to be covered. Facilities staff are unlikely to be. A higher level of competence may be required depending on the nature of the role and the profession of the employee. There is already a requirement under the Teachers Standards for Teachers to be fluent in English.

The fluency duty applies in respect of existing staff as well as to new recruits, permanent and fixed-term employees, apprentices, self-employed contractors and agency temps.

#### What is meant by fluency?

Employers must satisfy themselves that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether an existing or a potential new member of staff.

Fluency relates to a person's language proficiency and their ability to speak with confidence and accuracy, using accurate sentence structures and vocabulary. In the context of a customer-facing role, a person should be able to choose the right kind of vocabulary for the situation at hand without a great deal of hesitation. They should listen to their customer and understand their needs. They should tailor their approach to each conversation appropriate to their customer, responding clearly with fine shades of meaning, even in complex situations. **Fluency does not relate to regional or international accents, dialects, speech impediments or the tone of conversations.**

The Code of Practice refers to **The Common European Framework of Reference for Languages (CEFR)** as a useful descriptor of fluency levels.

## **Recruitment and selection - How can fluency be measured?**

When recruiting for a post that has been identified as meeting the fluency requirement Schools/Academies can, but are not required to, specify a minimum spoken English qualification as long as it is above the Common European Framework of Reference for Languages, Level B1 (**more information on this is provided in the statutory Code of Practice**).

Many non-EEA migrants may have already passed a similar qualification for the purpose of their visa application and would therefore be able to provide evidence of this. Nevertheless, employers are free to satisfy the requirement through other means, such as a test or formal interview.

There are a number of ways a job applicant could demonstrate their fluency, including, but not limited to:

- competently answering interview questions in English;
- passing an English spoken language competency test or possessing a relevant spoken English qualification at CEFR Level B1 or above, taught in English by a recognised institution abroad;
- possessing a relevant qualification for the role attained as part of their education in the UK or fully taught in English by a recognised institution abroad;

**Where job applicants are clearly fluent to the necessary standard for the role in question, no further action is necessary.**

## **Job Adverts, Job Descriptions and Person Specifications**

When recruiting for a role where the requirement will apply, Schools/Academies should specify this in the advert, job specification and job description. The example wording below is provided in the Code of Practice.

*“The ability to converse at ease with customers and provide advice in accurate spoken English is essential for the post.”*

*And*

*“An ability to fulfil all spoken aspects of the role with confidence through the medium of English.”*

Schools/Academies could change customers to read members of the public/pupils.

## **What about the Equality Act?**

Schools/Academies must take into account their obligations under the Equality Act when considering their duty to ensure that each person in a customer-facing role speaks fluent English. The processes and methods used to determine whether a person has a command of spoken English for effective performance in the role must be fair and transparent.

It is unlawful to discriminate directly or indirectly against a person on grounds of race. Schools/Academies should ensure that people from particular nationalities or ethnic backgrounds, in a recruitment process or whilst at work, are treated in the same way as people from an English background.

The interview panel members will need to ensure that they understand the spoken language requirements for the role and that they evaluate candidates against clear criteria set out in the role specification.

### **What happens if the requirement is not met?**

Members of the public can complain if they feel that a customer-facing employee has insufficient fluency in spoken English. A pupil and or their parent/carer or could complain. The complaint would then need to be investigated and responded to.

A complaint about a member of staff's accent, dialect, manner or tone of communication, origin or nationality would not be considered a legitimate complaint about the fluency duty.

Members of staff who are the subject of a complaint should be notified of the complaint and the action being taken in relation to it. They should be given the opportunity, as soon as practicable, to give their own account of the facts leading to the complaint.

### Disqualification Under the Childcare Act 2006 – Amended Regulations

The government is introducing new legislation (The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018.) The legislation comes into force on the 31st August 2018 and the government has released revised guidance. The guidance can be viewed at:

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

There are a number of reasons that a person may be disqualified from working with children under the Childcare Act 2006. Staff can be disqualified by

- inclusion on the Disclosure and Barring Service (DBS) Children's Barred List;
- being found to have committed certain violent and sexual criminal offences against children and adults which are referred to in regulation 4 and Schedules 2 and 3 of the 2018 Regulations (note that regulation 4 also refers to offences that are listed in other pieces of legislation);
- certain orders made in relation to the care of children which are referred to in regulation 4 and listed at Schedule 1 of the 2018 Regulations;
- refusal or cancellation of registration relating to childcare, or children's homes, or being prohibited from private fostering, as specified in Schedule 1 of the 2018 Regulations;
- being found to have committed an offence overseas, which would constitute an offence regarding disqualification under the 2018 Regulations if it had been done in any part of the United Kingdom.
- Also, under the legislation a person is disqualified if they are 'found to have committed' an offence which is included in the 2018 Regulations (a 'relevant offence') this includes:
  - being convicted of a relevant offence;
  - on or after 6 April 2007, being given a caution for a relevant offence; or
  - on or after 8 April 2013, given a youth caution for a relevant offence.

Previously people had to declare if they themselves were disqualified from working with children, and/or if somebody they lived with or shared a household with was disqualified. The latter is known as disqualification by association. The main change in the new legislation is that schools/academies are no longer required to establish if staff, including those working with under 5s or under 8s in wrap around, extended hours or childcare, are disqualified by association. That is if they share a house with someone who would be disqualified from working with children. This means that schools no longer have to ask their staff questions about cautions or convictions of anyone living or working in their household.

However, staff can still be disqualified on their own behalf if they work with under 5s or under 8s in childcare provided by the school/academy outside of normal school hours or the management of such staff or provision. Schools/academies need to be certain that none of these staff have a conviction or caution for any of the relevant offences or have been subject to any of the listed court orders.

The new legislation also makes other changes in some of the relevant offences. The new offences added to the list since the June 2016 guidance are:

- Criminal Justice and Courts Act 2015 – including care workers ill-treating or wilfully neglecting an individual
- Female Genital Mutilation Act 2003 – including conducting FGM and assisting a girl to conduct FGM on herself
- Modern Slavery Act 2015 – including holding a person in slavery or servitude and requiring a person to perform forced or compulsory labour
- Psychoactive Substances Act 2016 – supplying or offering to supply a psychoactive substance to a child
- Serious Crime Act 2015 – possessing a paedophile manual and engaging in controlling or coercive behaviour in an intimate or family relationship
- Terrorism Act 2000 – including belonging to a proscribed organisation and committing an act of terrorism
- Terrorism Act 2006 – including encouraging terrorism, circulating a terrorist publication and directing a terrorist organisation

An academy must not continue to employ an individual who is disqualified in connection with early or later years childcare provision, nor should a disqualified individual provide or be directly concerned in the management of such provision unless they have received a waiver from Ofsted, which covers the role that they wish to undertake. This does not imply that individuals are prevented from working in a school/academy in any other setting.

### **Applying for a Waiver**

If an individual is disqualified under the legislation they can apply for this to be waived via Ofsted, information of how to apply are provided in the guidance at page 14.

### **Staff covered**

Staff are covered by this legislation if they are employed or engaged to provide early years childcare (this covers the age range from birth until 1 September following a child's fifth birthday i.e. up to and including reception year) or later years childcare (this covers children above reception age but who have not attained the age of 8) in nursery, primary or settings, or if they are directly concerned with the management of such childcare. This includes:

Early years provision - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during the normal school day and outside of school hours for children in the early years age range; and

Later years provision (for children under 8) - staff who are employed to work in childcare provided by the school/academy outside of the normal school day for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended

school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.

Staff who are directly concerned in the management of early or later years provision are covered by the legislation. Schools/academies will need to use their judgement to determine who is covered, but this will include the headteacher, and may also include other members of the leadership team and any manager, supervisor, leader or volunteer responsible for the day-to-day management of the provision.

In relation to staff employed by childcare providers (i.e. not employed by the school/academy) who hire or rent school facilities or premises (for example a private, voluntary or independent childcare provider), schools/academies should ensure that such providers have appropriate policies and procedures in place in regard to safeguarding children, including under the 2018 Regulations.

Where schools/academies use staff from any agency, or third-party organisation (e.g. supply teacher, music teacher or sports coach) to work in relevant childcare provision, or contract out such childcare, they must obtain confirmation that the agency or organisation providing the staff has informed them that they will be committing an offence if they are deployed to work in relevant childcare, or are directly concerned in the management of such provision, if they are disqualified under the 2018 Regulations. This should include the provider requesting that their staff inform them if they consider that they could be disqualified under the legislation.

Where the school/academy deploys a person who is self-employed (e.g. music teacher or sports coach) to work in relevant childcare provision, the school/academy must ensure that they are compliant with the requirements of the legislation explained in this guidance.

Volunteers and casual workers (including individuals on work experience) who are directly concerned with the management of childcare provision, and/or who work on a regular basis, whether supervised or not, in relevant childcare, are within the scope of the legislation and are covered by this guidance.

### **Staff who may be covered**

Staff who are not employed to directly provide childcare, are not covered by the legislation. Similarly, most staff who are only occasionally deployed and are not regularly required to work in relevant childcare will not automatically come within the scope of the legislation. Schools/academies should exercise their judgement about when and whether such staff are within scope, evaluating and recording any risks and control measures put in place, and taking advice from their HR provider, the designated officer, safeguarding lead officer or adviser when appropriate. A record of the assessment should be retained on the employee's personnel file and a copy supplied to the individual concerned. In general individuals undertaking the following roles would normally be excluded:

- caretakers;
- cleaners;
- drivers;
- transport escorts;

- catering; and
- office staff.

School governors and proprietors are not covered by the legislation, unless they volunteer to work in relevant childcare on a regular basis, or they are directly concerned with the day-to-day management of such provision. Further guidance on the safeguarding arrangements covering governors and the safeguarding responsibilities of governing bodies and proprietors is provided in KCSIE.

Additionally, it should be noted that, whilst out of scope of these regulations, school governors in maintained schools are also subject to additional arrangements and can also be disqualified from holding office (i.e. being a governor in maintained schools) under regulation 17, schedule 4 of the School Governance (Constitution) (England) Regulations 2012.

#### Staff not covered

This means that staff employed who work in the following roles are not covered, i.e. staff who:

- only provide education, childcare or supervised activity during school hours to children above reception age; or
- only provide childcare or supervised activities out of school hours for children who are aged 8 or over; and
- have no involvement in the management of relevant provision.

#### What should schools/academies be doing?

An up to date enhanced DBS certificate or a check against the DBS update service will help schools/academies establish whether the offences committed by that individual are relevant offences.

Schools/academies must ensure that they are not knowingly employing a person who is disqualified under the 2018 Regulations in connection with relevant childcare provision. In gathering information to make these decisions schools/academies must ensure that they act proportionately. Accordingly, schools/academies must ensure that they handle information fairly and lawfully and take care not to breach:

- Data Protection Act 2018 (DPA);
- General Data Protection Regulation (GDPR) (EU) 2016/679;
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) ('the Exceptions Order');
- Rehabilitation of Offenders Act 1974 (ROA); and
- Human Rights Act 1998.

Personal data, including any details of the criminal record should not be held without consent from the individual. In instances where an individual does not consent, schools/academies should only record the date the declaration was made, details of any additional safeguarding restrictions, and whether or not an Ofsted waiver has been granted if relevant.

Schools/academies should keep a record of all staff who are employed to work in or manage relevant childcare provision and record the date on which the information about qualification was provided. This can be recorded on the Single Central List. This will be checked by OFSTED and the Independent School Inspectorates as part of their schools' inspections.

Schools/academies will need to review any historic data collected and destroy any information which is no longer required i.e. disqualification by association information or information for people not working with these groups.

Schools/academies do not need to use a self-declaration form to obtain information about whether a staff member is disqualified. If they choose to do so they must ensure the questions are relevant and limited to the requirements of the legislation and are only asked of the relevant staff, so they are not in breach of data protection legislation, including General Data Protection Regulation 2018 (GDPR). A sample form is included at **Appendix C**. This form can be used for new starters, existing staff and volunteers. For existing staff/volunteers it is recommended that it is updated on a regular basis e.g. annually.

In accordance with the GDPR Personal data, including any details of the person's criminal record, should not be held without consent from the individual. In instances where an individual does not consent, schools should only record the date the declaration was made, details of any additional safeguarding restrictions, and whether or not an Ofsted waiver has been granted



**Childcare Disqualification Self-declaration Form**

The post for which you have applied involves regularly providing relevant childcare to children under 8 years of age. As part of our pre-employment safeguarding vetting checks you are required to provide the information requested on this form to enable a determination to be made regarding your suitability for employment in this role. This forms part of our overall commitment to safeguarding.

The legislative provisions which allow us to request this information from you are as follows:

- The Childcare Act 2006
- The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (“the 2018 Regulations”)
- Rehabilitation of Offenders Act 1974
- Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)
- Keeping Children Safe in Education

Please note you are only required to declare any cautions issued as below:

**Cautions** – issued on or after 6 April 2007.

**Youth cautions** – issued on or after 8 April, 2013

Staff are covered by this legislation if they are employed or engaged to provide **early years childcare** (this covers the age range from birth until 1 September following a child’s fifth birthday i.e. up to and including reception year) or **later years childcare** (this covers children above reception age but who have not attained the age of 8) in nursery, primary or settings, or if they are directly concerned with the management of such childcare.

A person may be disqualified through

1. having certain orders or other restrictions placed upon them
2. having committed certain offences

A disqualified person is not permitted to continue to work in a setting providing care for children under age 8, **unless they apply for and are granted a waiver from OFSTED.**

You are required therefore to sign the declaration below confirming that you are not disqualified under the Regulations from working in this Academy.

Please return this form in a sealed envelope, to (Insert details)

Name		Post	
Please circle one option for every question			
<b>Section 1 – Orders or other restrictions</b>			
Have any childcare orders or other determinations been made in respect of you?			YES / NO
Have any childcare orders or other determinations been made in respect of a child in your care?			YES / NO
Have any orders or other determinations been made which prevents you from being registered in relation to childcare, children’s homes or fostering?			YES / NO
Are there any other relevant orders, restrictions or prohibitions in respect of you as set out in the 2018 Regulations? Download the guidance <a href="#">here</a> .			YES / NO
Are you barred from working with Children (Disclosure and Barring DBS)?			YES / NO
<b>Teaching Staff Only</b>  <b>Are you prohibited from teaching by the Teaching Regulation Agency (TRA)</b>			YES / NO

<b>Section 2 – Specified and Statutory Offences</b>		
Have you been cautioned (including a reprimand or warning) or have you ever been convicted of:		
<ul style="list-style-type: none"> <li>• Any offence against or involving a child? (A child is a person under the age of 18)?</li> </ul>	YES / NO	
<ul style="list-style-type: none"> <li>• Any violent* or sexual offence against an adult? *a violent offence in this context is murder, manslaughter, kidnapping, false imprisonment, ABH, GBH</li> </ul>	YES / NO	
<ul style="list-style-type: none"> <li>• Any offence under the Sexual Offences Act?</li> </ul>	YES / NO	
Any other relevant offence? Download guidance <a href="#">here</a> .		YES / NO
Have you ever been cautioned, reprimanded, given a warning for or convicted of any similar offence in another country?		YES / NO

**Section 3 – Provision of Information**

If you have answered YES to any of the questions above you should provide details below. You may supply this information separately if you so wish, but you must do so without delay.\*

Details of the order, restriction, conviction, caution

The date(s) of these

The relevant court(s) or body(ies)

**Section 5 – Declaration**

In signing this form, I confirm that the information provided is true to the best of my knowledge and that:

- I understand my responsibilities to safeguard children.
- I understand that I must notify my Principal/Headteacher immediately of anything that affects my suitability including any pending court appearances, cautions, warnings, convictions, orders or other determinations made in respect of me that may render me disqualified from working with children

Signed

Print Name

Date

\*In accordance with the GDPR Personal data, including any details of the person's criminal record, should not be held without consent from the individual. In instances where an individual does not consent, schools should only record the date the declaration was made, details of any additional safeguarding restrictions, and whether or not an Ofsted waiver has been granted.

**Salary on Appointment for Teachers**

It is the policy of the Academy to appoint Teaching staff on the following basis – (Insert statement taken from schools pay policy from section on appointments)

The Trusts's pay structure is as follows:-  
(Insert pay structure)

The post you have applied for is:

(Insert type of post i.e., Accomplished Teacher Band 2 Grades M4 - M6 salary range from £x to £x)

Please find enclosed a copy of the Academy's Career Stage Expectations/Professional Skills Level Descriptors (whichever is used). The CSE/PSLD are based upon the Teacher Standards and set out clearly the skills and expectations required for appointment to, as well as movement within and between, bands.

**Application Pack Check List**

When applying for a post within the Academy each applicant should receive a pack containing the following information:

- The application form
- Information and explanatory notes for completion of the application form – including closing date for receipt of applications, that personal information will be held in accordance the Data Protection Act etc.
- Information on the recruitment process e.g. interview, teaching observation etc.
- A job description and person specification for the post applied for
- The Trusts's Career Stage Expectations (for Teaching Posts)
- Relevant information about the Trust/Academy
- Relevant policy statements in terms of equal opportunities and the recruitment of ex-offenders
- The Trusts's Child Protection Statement
- The Trust's Pay Structure and a statement of how pay progression is linked to performance and annual appraisal, as well as the Trust's position on salary matching and probationary salaries (for Teaching Posts)

**STRICTLY CONFIDENTIAL****DISCLOSURE & BARRING SERVICE - DISCLOSURE CHECKS  
RISK ASSESSMENT**

(to be used when considering candidates with offences for positions working with children)

<b>Applicant Name</b>	
<b>DBS No</b>	
<b>Position</b>	
<b>Date of Caution/ Conviction</b>	
<b>Date of Previous Risk Assessment if applicable</b>	

<b>1.</b>	When and by whom was the Disclosure information discussed with the applicant?
<b>2.</b>	Was the disclosure information declared on the application form?
<b>3.</b>	Are the cautions/offences relevant to the post applied for?
<b>4.</b>	Do the offences involve: sexual, violence, drugs, fraud/dishonesty, other relevant issues?
<b>5.</b>	Is there a plausible explanation relating to the offence/offending behaviour?
<b>6.</b>	Is there a significant gap between the last offence and the application for the post?
<b>7.</b>	Is there a clear pattern of offending behaviour?
<b>8.</b>	Have the applicant's circumstances changed significantly since the offending behaviour? i.e. is the applicant now in a more stable position/lifestyle?
<b>9.</b>	Has the applicant demonstrated a reasonable level of remorse?

<b>10.</b>	Is the applicant able to demonstrate effective learning from the offending?
<b>11.</b>	Has the applicant been open about their offending behaviour?
<b>12.</b>	Has the applicant demonstrated a level of honesty in relation to their offending behaviour?
<b>13.</b>	What is your assessment of the nature and severity of cautions/offences?
<b>14.</b>	Decision/Recommendations:
<b>15.</b>	Proceed with application? Y/N

<b>Signed:</b>		Head Teacher/Head of School	<b>Date:</b>	
<b>Signed:</b>		School Manager	<b>Date:</b>	
<b>Signed:</b>		CEO	<b>Date:</b>	

<b>Hold on file until DBS renewed</b>		
<b>Copy to Personnel File:</b>	(please initial)	
<b>Copy to Trust Business Manager for Trust DBS Risk Register:</b>	(please initial)	

**Pre-employment Checks**

Pre-employment checks are performed as part of the recruitment process and also for existing staff requiring DBS re-checks and job movers. Pre-employment screening seeks to verify the credentials of job applicants and to check that the applicants meet preconditions of employment.

A number of checks may be required when commencing a new job with the Academy and when moving to a new job within the Academy. The checks required will depend on the requirements of the post detailed in the job person specification.

Successful candidates receive an offer of appointment letter, which details the required pre-employment checks and documentation. They are advised to contact the appointing manager to arrange a meeting to produce their documentation.

All pre-employment checks must be complete prior to agreeing a start date with the new employee. The pre-employment checks procedure applies to all permanent, temporary and casual appointments.

Copies of relevant original documentation will be retained on the employee’s personal file held within the Academy.

**Types of checks required**

Check	Documents/Info Required	Post requirements	Stage required
Proof of right to work in the UK to comply with the Asylum and Immigration Act 1996	Passport <u>or</u> full birth certificate issued in the UK which includes the names of parents <u>and</u> P45, P60 or NI card. Marriage certificate to link surnames.	All posts	Prior to start date
Disclosure and Barring Service Check	Identity documents as specified on the DBS application form and guidance notes	All posts working in regulated activity	Prior to start date and if moving within the Academy to a job requiring disclosure



Medical check	Requirement to complete a pre-employment medical questionnaire	All posts	Prior to start date and if moving within the authority to a role where risks have been identified
TWO satisfactory written references (including post offer sickness history)	Contact details for two referees one of which <b>MUST</b> be the current/last employer	New appointments	Prior to start date
ONE satisfactory written reference	Contact details for current line manager	Internal appointments	Prior to start date in new role
Qualification certificates	Evidence of qualifications attained	All posts if identified in the person specification	Prior to start date and prior to all new appointments within the academy
Regulatory checks	Evidence of registration with the relevant professional body  Check for prohibition or interim prohibition order	All posts if identified in the person specification  Teaching posts	Prior to start date and prior to all new appointments within the authority academy

### **Host families - homestay during exchange visits**

Schools and colleges often make arrangements for children to take part in exchange visits, either to other parts of the UK or abroad. Exchanges can benefit learning across a range of subjects. In particular, foreign visits can enrich the languages curriculum and provide exciting opportunities for pupils to develop their confidence and expertise in the use of other languages.

Schools and colleges have a duty to safeguard and promote children's welfare, as defined at paragraph 4. This extends to considering their safety and how best to minimise risk of harm to those children during any exchange visit the school or college arranges, and when organising for the care and accommodation of a child with a host family (known as homestays) as part of the exchange.

### **School/college arranged homestay – suitability of adults in UK host families**

When arranging a homestay, schools should consider the suitability of the adults in the respective families who will be responsible for the visiting child during the stay.

In circumstances where a school or college arrange for a visiting child to be provided with care and accommodation in the UK (including where they engage a company to make those arrangements) in the home of a family to which the child is not related the responsible adults will be engaging in regulated activity for the period of the stay. In such cases and where the school or college has the power to terminate such a homestay the school or college would be the regulated activity provider.

A regulated activity provider commits a criminal offence if it knows, or has reason to believe that, an individual is barred by the Disclosure and Barring Service (DBS) from engaging in regulated activity but allows that individual to carry out any form of regulated activity.

Where the child's parent(s) or a student themselves arranges their own homestay, this would be a private arrangement therefore the school or college would not be the regulated activity provider.

This includes where a person has parental responsibility for the visiting child. Where an adult is

providing homestay in circumstances other than as described in this section, the school or college should seek advice from the DBS about whether the individual will be in regulated activity.

Where it is a private arrangement, the school or college are not entitled to obtain a standard or enhanced DBS check.

When a school or college arrange a homestay, it should consider what intelligence/information will best inform its assessment of the suitability of the adults in those families who will be responsible for the visiting child during the stay. It will be for the school or college to use their professional judgement to decide what it considers what will be relevant. However, to help inform that assessment, schools and colleges should obtain a DBS enhanced certificate with barred list information. This check will not only establish whether the adults are barred from engaging in regulated activity relating to children, but where criminal record information is disclosed it will also allow the school or college to consider, alongside all other intelligence that it has obtained, whether the adult would be a suitable host for a child.

DBS enhanced certificates with barred list information for volunteer roles<sup>120</sup> can be obtained free of charge.

In addition to those engaging in regulated activity, schools and colleges are free to decide whether they consider it necessary to obtain a DBS enhanced certificate in respect of anyone aged 16 or over in the household where the child will be staying.

### **Homestay – suitability of adults in host families abroad**

It is not possible for schools and colleges to obtain criminality information from the DBS about adults who provide homestays abroad. Schools and colleges should liaise with partner schools abroad, to establish a shared understanding of, and agreement to the arrangements in place for the visit. They should use their professional judgement to satisfy themselves that the arrangements are appropriate and sufficient to safeguard effectively every child who will take part in the exchange. Parents should be aware of the agreed arrangement. Schools and colleges are also free to decide whether they consider it necessary to contact the relevant foreign embassy or High Commission of the country in question to discuss what checks may be possible in respect of those providing homestay outside of the UK.

In respect of an adult who provides UK homestay and receives no remuneration in respect of the stay or where schools reimburse families only for expenses incurred, to enable a DBS application to be considered as a volunteer role the 'Position Applied For' field will need to make clear that the position is unpaid.

### **During the visit**

Pupils should understand who to contact during a homestay should an emergency occur or a situation arise which makes them feel uncomfortable.

### **Additional action for extended homestays**

Where a period of UK homestay lasts 28 days or more, for a child aged under 16 years of age (under 18 years of age if the child has disabilities), this may amount to private fostering under the Children Act 1989. In these cases the school or college should notify the local authority of the arrangements. Private fostering legislation places a duty on local authorities to satisfy themselves that the welfare of a child who is being, or proposed to be, privately fostered in their area is being or will be satisfactorily safeguarded and promoted. By notifying the local authority, the school and college will be assisting the local authority in discharging its duty.