



# Safer Recruitment Policy

## Calcot Infants and Junior Schools

### 1. Document Control

Adopted / Adopted and Adapted / Schools own: **A&A from WBC model**

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Review Period: **2 years**

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Responsible Committee: **Personnel**

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Statutory: **No**

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Required on website: **Yes**

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Chair of Governors Signature: **Mr Mark Hazelton**

### 2. Change History

Version	Date	Amendment or No Change
1	October 2012	Rewritten
2	January 2013	Amended
3	July 2016	Amended
4	December 2016	Amended
4	October 2018	No changes
5	June 2021	Amended

### 3. Website History

Version	Date on website
2	November 2014
3	December 2016
5	June 2021

# Safer Recruitment – Guidance for Schools

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## Document Control

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## Change History

Version	Date	Description
1	Oct 2012	New document
2	March 2013	Amended to change references to CRB to DBS
3	Feb 2014	Amended to reflect DBS change – disclosures sent to candidate rather than recruiting manager
4	July 2014	Updated to reflect Keeping Children Safe in Education April 2014
5	June 2015	Updated to reflect KCSE March 2015
6	Sept 2015	Updated to reflect change to OH provider
7	March 2016	Updated to reflect change in law requiring enhanced DBS without barred list checks for Governors.
8	March 2017	Updated in line with KCSIE Sept 2016 and the English language requirement for public sector workers
9	Jan 2018	Amended section on single central record to advise schools to also record references, medical clearance and childcare disqualification disclosures.
10	July 2018	Amended section 24 to reflect the requirement to do a section 128 check on maintained school governors set out in s113 of KCSIE September 2018.
11	Sept 2019	Updated in line with the statutory guidance Keeping Children Safe in Education September 2019 and includes other amendments including <ul style="list-style-type: none"> <li>• Guidance on the removal of 'by association' in relation to the Childcare Disqualification Regulations</li> <li>• References –emphasis on scrutiny, suitable referees and to require an additional reference where the applicant is not currently working with children but has done in the past</li> <li>• Good practice advice added re people who have worked with children overseas</li> <li>• Advice on seeking certified translations of documentation not in English and a link to Government advice on certified translations</li> </ul>
12	April 2021	Updated to reflect change in EEA teacher checks following leaving the EU and reflect change in timing record self-disclosures

## Related Documents

Reference	Title	Tier
	Safer Recruitment – model policy for schools	
	Other – see hyperlinks in document	
	<a href="#">Keeping children safe in education - Publications - GOV.UK</a>	
	<a href="#">Disqualification under the Childcare Act 2006 - Publications - GOV.UK</a>	
	<a href="#">HR advice for schools - The Childcare Disqualification Regulations</a>	

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## 1. Purpose

1.1. This guidance will help to ensure that schools follow a robust, rigorous and fair process when recruiting staff to work in schools, minimising the risk of appointing people who pose a risk of harm to children.

1.2. All schools must take account of the statutory guidance published by the Department for Education, [Keeping Children Safe in Education \(KCSIE\)](#), when appointing staff.

## 2. Applicability

2.1. This guidance applies to all who work in schools, including staff, governors, volunteers, and others engaged by the school to work with pupils.

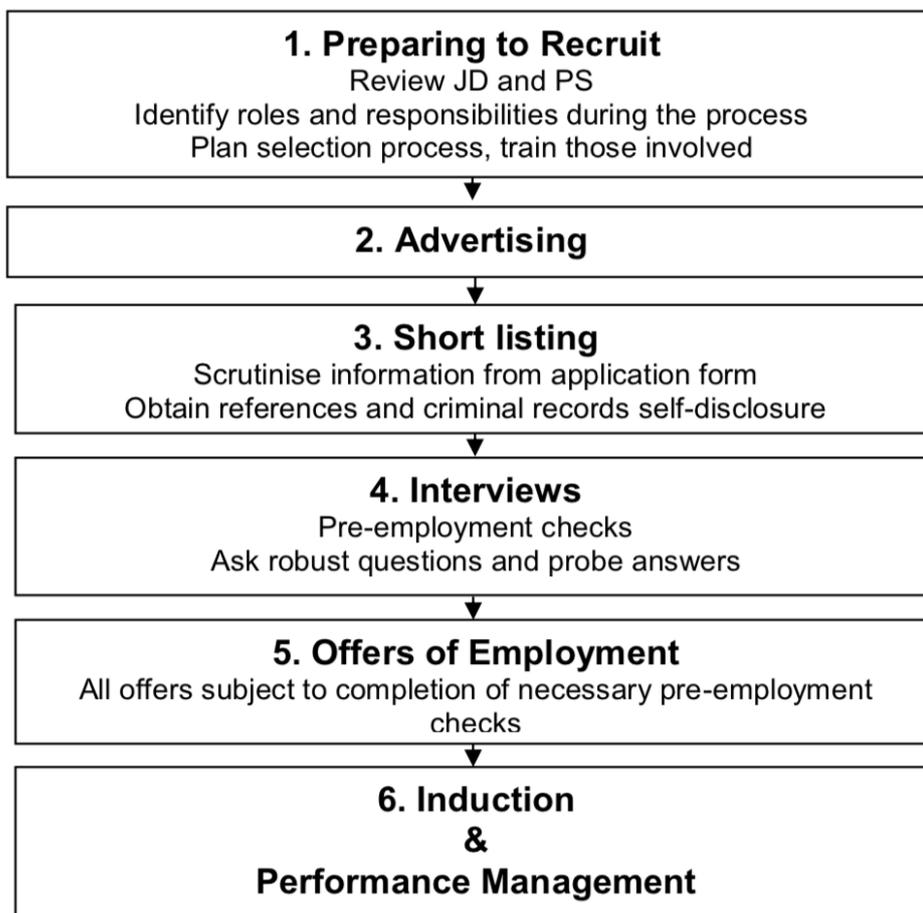
## 3. Roles and Responsibilities

3.1. The governing body is responsible for ensuring the health, safety and welfare of pupils in the school. It also has responsibility for determining who should work at the school.

3.2. The head teacher is responsible for the day-to-day organisation, management and control of the school. In most cases, the head has a significant role in the appointment of staff to work in the school.

3.3. All staff and volunteers have a responsibility to ensure that the school environment is safe and secure for children and that appropriate procedures are followed.

## 4. Stages of the recruitment process



## 5. Preparing to recruit

5.1. It is vital for successful recruitment to plan the whole process from the outset. This will ensure that sufficient time is allowed for each stage and that applicants are given essential and focussed information about the school and the post that they are applying for. This is to ensure the right people apply for the role.

5.2. You should;

- Review the person specification and the job description. Template job descriptions and guidance on writing them is available on SLA Online
- Consider whether the job description needs re-evaluating
- Consider how and where the post will be advertised and the content of the
  - advertisement
  - Plan the interview and selection process
  - Determine roles and responsibilities during the recruitment process
  - Ensure those involved in the process are appropriately trained

5.3. Schools should agree an explicit statement about the organisation's commitment to safeguarding and promoting the welfare of children which should be included in all candidate information packs (all adverts advertised on Teach West Berkshire will have a standard safeguarding statement included automatically). An example is given below;

"This School is committed to safeguarding children and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. We will ensure that all our recruitment and selection practices reflect this commitment. All shortlisted candidates will be asked to complete a criminal records self-disclosure form and successful candidates will be subject to Disclosure and Barring Service (DBS) checks along with other relevant employment checks."

5.4. Candidate application packs (either on paper or on-line) should include;

- Application form
- Detailed job description and person specification
- Details about grade and type of post
- Statement about the employer's commitment to safeguarding children and welfare of children (see above)
- A copy of the school's safeguarding policy, or a link to where this can be found on the school's website.
- A link to any other key information or policies on the school's website.
- Details of key terms and conditions of employment
- Equal opportunities statement
- Information about the recruitment and selection process, interview dates, other recruitment activities etc.
- Details of the pre-employment checks that will be required (see section 9 below).

There are three different application forms (administration/support staff, teacher and head teacher) automatically embedded in Teach West Berkshire which will be automatically emailed to candidates applying for a role through the site.

## 6. Application Forms

6.1. Application forms must be completed by all applicants. It is not acceptable practice to rely on a curriculum vitae produced by a potential employee. Word of mouth recruitment or unsolicited applicants

should be avoided as a means of filling a vacancy. Applicants making speculative contact should be asked to apply for a specific post and complete the relevant application form.

6.2. A completed application form ensures a common set of core data is gathered from all applicants and provides schools with the information that they require in order to shortlist a person for interview. It also acts as an applicant's signed and dated declaration of the qualifications, skills and experience that they possess. Where on-line application forms are used, applicants should be asked to sign a printed copy of their form at interview to confirm that the information they have supplied is correct.

6.3. Application forms should no longer ask applicants to make a criminal records self-disclosure. This will be required from applicants who are shortlisted for interview. The application form should make this clear. Where the post requires an enhanced DBS check with barred list check as it involves regulated activity with children or young persons, or where the post will not involve regulated activity but the school will require an enhanced DBS check without barred list check the application form should state that the post is exempt under The Rehabilitation of Offenders Act 1974, by virtue of The Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975. It should state that shortlisted candidates will be required to complete a criminal records self-disclosure form prior to interview and a DBS check at the appropriate level will be obtained for successful applicants.

6.4. Use of CVs is not acceptable. Where a school goes against this guidance and chooses to accept a CV instead of an application form, the candidate must be asked to sign and date the CV adding a statement that it is a true and complete record of their education and employment history.

## **7. Job descriptions and person specifications**

7.1. Time spent at the start of the recruitment process on the production of a full, carefully drawn up and objective person specification will invariably avoid later difficulties in interpreting and applying vague and imprecise requirements. The job description and person specification are the documents against which the competence of the applicants is measured it is therefore vital that these documents are accurate and reflective of the required competencies, skills and experience at the time they are provided to candidates. If your recruitment decision is challenged it will prove difficult to defend such a challenge without an accurate and comprehensive person specification.

7.2. The job description should set out clearly the main purpose or function of the job and the key tasks within it. A job description template is available on SLA Online for schools to use.

7.3. For teaching staff, the job description will need to be built around the duties and responsibilities defined in the [Teachers' Pay and Conditions Document](#). Generic descriptions can be drawn up with specialist areas of responsibility defined as a supplement to the main job description, e.g. curriculum leader, year leader, SENCO etc.

7.4. For support staff, schools who purchase the WBC HR service can use formally evaluated model job descriptions (available via SLA Online), adapted as necessary to reflect local needs (if significantly adapted advice should be sought from HR as to whether the changes will affect the grade).

7.5. All job descriptions where the post holder is in contact with children should detail the individual's responsibility for promoting and safeguarding the welfare of children and young persons and should include the following statement:

*"The post holder is responsible for ensuring that the school child protection policy is adhered to and concerns are raised in accordance with this policy"*

7.6. The job description for the school's designated safeguarding lead and deputy lead(s) should explicitly state that he/she takes lead responsibility for safeguarding and child protection. (See annex B of [Keeping Children Safe in Education](#)).

7.7. The person specification is crucial in that it will shape how the recruitment process is conducted. It should detail the qualities and competencies required based upon information within the job description and the conditions applying to the post. It is advisable to separate these features into essential and desirable categories.

7.8. The person specification should specifically contain the criterion "suitability to work with children".

7.9. Where the role is public facing (there is regular spoken interaction with the public, including pupils) the job description and person specification must state the requirement for the job holder to be fluent in spoken English to an appropriate level for the role. (See section 40 Spoken English requirement for public sector workers).

## **8. Advertising**

8.1. When advertising a post, it is important to consider the following;

- Is the advertisement clear about the nature, the grade and location of the job?
- Does it provide the right key messages?
- Does it state what experience and qualifications are essential?
- Does it specify the requirement for spoken English for public facing roles?
- Is it consistent with the job description and person specification?
- Where can the post best be advertised to ensure a suitable pool of applicants?
- Does it contain the school's safeguarding and equal opportunities statements?
- Does it make it clear that the post will be subject to relevant pre-employment checks?

8.2. Advertisements are the first stage of the filtering process. Candidates should be able to make an initial judgment about their own suitability for the post and self-select accordingly. Further advice on the content of the advertisement can be obtained from the school's HR advisor.

## **9. Pre-Employment Checks - general**

9.1. Head teachers and governing bodies have a responsibility to undertake specific pre-employment checks on every person that they intend to engage or employ to work in their school.

9.2. When appointing new staff or volunteers the school must:

- Verify the candidate's identity
- Obtain at least two references satisfactory to the head teacher
- Obtain a completed and signed criminal records self-disclosure form for all candidates shortlisted for interview
- Obtain a certificate for an enhanced DBS check with barred list check where the person is to work in regulated activity or obtain a separate Barred List check if a full DBS check is not required in circumstances described in note<sup>1</sup>
- Obtain an enhanced DBS without barred list check for governors who will not be working in regulated activity.
- Complete a risk assessment to decide whether to obtain an enhanced DBS check without barred list check for supervised volunteers and those undertaking work infrequently, which if done frequently, would be regulated activity with children.

- A medical check that is satisfactory to the head teacher; verifying the candidate's mental and physical fitness to carry out their work responsibilities<sup>2</sup>
- Verify the person's right to work in the UK
- If the person has lived or worked outside the UK, make further appropriate overseas checks
- Verify professional qualifications as appropriate to the role
- Driving licence check where the employee will be required to drive for work
- Obtain a Childcare disqualification regulations declaration where appropriate (see section 18 below).
- A s128 check for anyone being engaged in a management role in an Academy (see section 21 below for more details) and for governors in maintained schools (see section 24 below).
- Ensure the appropriate level of English fluency for customer facing roles
- For anyone being engaged to undertake teaching work, check via [Teacher Services' system](#) whether:
  - The teacher has qualified teacher status
  - The teacher has completed their statutory induction (unless they are a newly qualified teacher (NQT) in which case any offer of employment should be made subject to satisfactory completion of the statutory induction year).
  - The applicant is subject to a prohibition order issued by the Secretary of State. (See specific details for maintained schools and academies in section 16 below)
  - Any prohibitions, sanctions or restrictions that might prevent an individual from taking part in certain activities or working in specific positions
  - Whether the teacher has a suspension or conditional order imposed by the General Teaching Council for England (before abolition) that is still current
  - Whether the teacher has a mandatory qualification for teachers of hearing impaired or visually impaired pupils

<sup>1</sup> *If the employee has worked in regulated activity in a school in England within the last 3 months, a new DBS is not required (though the school may choose to do one). However, the school must check that the appointee is not on the Barred List. This may be done via the DBS Update service where the employee is registered, or via Teaching Regulation Agency (TRA) (through HR) if not.*

<sup>2</sup> *Except in certain very limited circumstances it is unlawful to ask questions about health, disability and/or attendance until a conditional job offer has been made*

9.3. Information obtained from the Teacher Services' system should be considered carefully when assessing a candidate's suitability.

9.4. Schools should also obtain additional pre-employment checks for those who have lived and/or worked abroad (see section 23 for details)

9.5. Schools should be aware that certain documentation provided as evidence in relation to one pre-employment check may, in some instances, be acceptable in relation to another. This is particularly relevant to checks relating to identity, right to work in the UK and the DBS disclosure.

9.6. Further information on these checks can be found below.

9.7. Before the applicant starts work/volunteering with the school the school is strongly recommended to ensure all efforts are made to obtain all pre-employment checks required. **The following pre-employment checks must be obtained and deemed satisfactory to the head teacher before an applicant/volunteer is allowed to start work:**

- identity
- right to work in the UK
- where appropriate to the role, a secretary of state prohibition order check
- where appropriate to the role, a childcare disqualification declaration
- medical check (employees only – for volunteers see the Volunteers policy and procedure on SLA online) where appropriate to the role, an enhanced DBS check with barred list.
- Where this is delayed and all other pre-employment checks including a separate barred list check must have been completed and are satisfactory to the head teacher prior to the person being allowed to commence work under supervision

**Where it is not possible to obtain checks other than those listed above**, appointment should be delayed until satisfactory checks are received or arrangements should be made for supervision of the employee until such time as they are received.

9.8. It is essential that every **offer of appointment is made subject to satisfactory completion of all the relevant pre-employment checks**, unless the full range of checks has been undertaken by the time an offer is made. Candidates should be made aware of this.

9.9. **In relation to pre-employment checks head teachers are responsible for:**

- Ensuring that an effective selection process is carried out for each vacancy to ascertain that successful candidates are suitable people to work for the school and are appropriately qualified
- Ensuring that original documentation is correctly checked at interview to verify identity, the right to work in the UK and qualifications
- Undertaking DBS and Barred List checks where appropriate and ensuring that where kept documentation relating to these is retained securely in a locked container/cabinet, retained in accordance with the school's data retention schedule and then securely disposed of.
- Ensuring that every person appointed to the school has been subject to the appropriate pre-employment checks, and that evidence is stored securely on file (electronic or paper based).
- Ensuring that consideration is given to reasonable adjustments for disabled employees and that, where appropriate, advice is sought from Occupational Health. Questions about health, attendance and/or disability must NOT be asked before a conditional offer of employment has been made.
- Following up references that have not been received before interview.
- Ensuring that all information gathered during the recruitment and selection process is stored securely in accordance with the school's data retention schedule and used only for its specified purpose.
- Ensuring that appropriate checks are made on agency, supply, contractors and employees of contractors.

9.10. **When a new appointment is made, the school should retain all information relating to the new employee's recruitment in their personnel file** including their application form, short-listing and interview notes, criminal record self-disclosure form and copies of all documentation given as evidence in relation to the pre-employment checks (except the DBS certificate – for DBS checks the certificate number should be recorded. Schools should not keep a copy of the actual certificate). Note: where documents are provided for more than one purpose e.g. documentation used to process the DBS check and to prove the applicant's identity it should only be destroyed once the retention for both purposes has been reached. (also see point 9.10 below)

9.11. The criminal records self-disclosure must be kept securely, for example in a sealed envelope on the employee's personnel file in a locked cabinet, or electronically with appropriate security measures in place.

#### 9.12. Local authority Human Resources are responsible for:

- Where the local authority will be the employer and the school buys the Council's HR service, and HR produces the school's contracts, HR will check to ensure that the school has obtained the correct evidence to prove right to work in the UK before issuing a contract. All schools who buy back WBC payroll only must confirm they have RTW when submitting new starter info- payroll will not check this documentation advice should be sought from the schools HR advisor.

### 10. Identity checks

10.1. It is vital that head teachers and governing bodies are certain that the person they intend to employ is the person that they claim to be and they must see sufficient evidence to satisfy themselves of this. Section 154 of [KCSIE](#) links to identity checking guidelines on the GOV.UK website, these guidelines should be followed when checking applicants' identity. Documents with photographic identification that includes a date of birth and address (such as a passport, photographic driving licence etc.) are the most suitable form of identification and should be sought in the first instance. Check that the applicant is the same as the person in the photograph, that documents presented do not appear to have been tampered with and that the age of the applicant appears to correspond with the date of birth on the document presented. Where an applicant cannot produce photographic proof of identity schools should follow the GOV.UK guidance mentioned above to ensure acceptable alternative documents are seen.

10.2. The school should keep a copy of documents used to verify identity on the successful candidate's personnel file.

10.3. Where an individual is provided by a supply agency, or third party organisation, schools must check and verify the identity of the individual on arrival.

10.4. A further useful guide to checking whether identity documents may be forged or counterfeit can be found on [the GOV.UK website](#)

### 11. Right to work in the UK

11.1. It is a criminal offence to employ a person who does not have the right to work in the UK or who does not have the right to undertake the type of work that they are being offered.

11.2. The Immigration, Asylum and Nationality Act 2006 sets out the law on the prevention of illegal working and requires that employers make basic document checks on every person that they intend to employ. Schools will have a statutory defence against a conviction for employing an illegal worker if they check and retain copies of acceptable documentation in accordance with Act.

11.3. Following the UK's departure from the EU changes have been made to who has the right to work in the UK and a new points based system introduced for those who want to apply to work in the UK who are not already entitled to. Schools can find information on this on SLA online.

11.4. The [GOV.UK website](#) provides guidance for employers which includes lists of documents that can be accepted as evidence of an applicant's right to work in the UK, and information on how these should be checked and copied.

11.5. The school should keep a copy of documents used to verify the right to work in the UK on the successful candidate's personnel file and for two years after the end of employment.

11.6. It is important that employers do not directly, indirectly or inadvertently discriminate against people on grounds of their race or ethnic origin by refusing to accept any documents from the list, by failing to carry out checks on every new employee or by making assumptions about a person's nationality or right to work in the UK.

## **12. Employment History**

12.1. Schools must gain as much information as possible on the employment history of any person that they intend to employ.

12.2. The application form should be scrutinised to check that information provided about past employment is not contradictory or incomplete.

12.3. At interview, reasons for leaving previous posts must be sought and any gaps in employment and other anomalies should be thoroughly explored.

## **13. Academic and Professional Qualifications**

13.1. Schools must verify that a potential employee has achieved the qualifications that they claim in their application by viewing each original qualification certificate or diploma or a properly certified copy of those documents. If a school is in any doubt about the authenticity of a qualification, they can check by contacting the relevant awarding institution.

13.2. Copies of documents should be made and kept on the employee's personnel file. Particular care must be taken to ensure that documentary evidence is seen, and copies retained, of professional qualifications that are required to carry out the job role, either by statute or under the Council's or school's policies.

## **14. Qualified Teacher Status**

14.1. Anybody appointed or engaged to teach in a maintained school or non-maintained special school in England must be a qualified teacher, as defined by The Education (School Teachers' Qualifications) (England) regulations 2009 (as amended), or satisfy the requirements of persons not qualified under schedule 2 of The Education (Specified Work and Registration) (England) Regulations 2009.

14.2. Teachers who are qualified in Australia, Canada, New Zealand and the USA may apply for QTS without needing to take further training via the [GOV.UK website](#). They also still need to satisfy any Border Agency requirements.

14.3. Teachers in FE who have Qualified Teacher Learning and Skills (QTLS) and who are members of the Institute for Learning (IfL) are now recognised as qualified teachers in schools.

14.4. Candidates for head teacher or deputy head teacher posts in maintained schools in England must, without exception, hold QTS.

14.5. Teachers should produce a certificate confirming QTS. Schools should check the teacher's QTS via the [Teacher Services' system](#) (see below).

## 15. Induction Standards

15.1. Anybody appointed or engaged to teach in a maintained school or non-maintained special school in England must have satisfactorily completed their induction year and met the induction standards, in accordance with The Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2012, or be subject to the exceptions in Schedule 2 of those regulations.

15.2. Schools should check whether a teacher has completed their statutory induction using the Teacher Services' System (see below).

## 16. Secretary of State Prohibition Orders

16.1. Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England.

16.2. Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the Teaching Regulation Agency (TRA). Pending such consideration, the Secretary of State may issue an interim prohibition order if he/she considers that it is in the public interest to do so.

16.3. A person who is prohibited from teaching must not be appointed to work as a teacher or undertake teaching work in such a setting. Schools must check whether anyone that they intend to employ to undertake teaching work has a prohibition order. This is done using the Teacher Services' system (see section 17 below). The requirement for these checks is different in maintained schools and academies:

- **In maintained schools** only certain specified people can carry out 'specified work' under the Education (Specified Work) (England) Regulations 2012, so only those being engaged to undertake specified work must have a secretary of state prohibition check. Maintained schools may, however, choose to complete such a check for Teaching Assistants who have previously worked as a teacher.
- Where a **maintained** school is seeking to employ a Teaching Assistant and it is apparent from the application form that an applicant has previously worked as a teacher the school may decide to (but does not have to) to do a check via the Teacher Services System to see if they are subject to a prohibition order issued by the Secretary of State. The school should inform the applicant of its intention to carry out this check. Prohibition from teaching would not necessarily preclude someone from being considered for a TA role in a maintained school as the reason for prohibition may not relate to safeguarding issues. Where an applicant for a TA role is found to have been prohibited from teaching the school should complete a risk assessment in light of the details of the prohibition to assess whether they are suitable for appointment as a TA. Schools should seek advice from HR before making a decision on whether or not to make an offer of employment.
- **Academies** are not covered to the Specified Work Regulations; therefore they must complete a secretary of state prohibition check **for anyone they propose engaging to carry out teaching work, including TAs who will be teaching**. Where the check shows that the person is subject to a prohibition order they **MUST NOT** be allowed to teach. Where the person is being supplied by a third party organisation the academy should obtain written confirmation from the third party that the third party organisation has carried out a check to see if the person is subject to a prohibition order and that the third party considers that the person being supplied is suitable for the work for which they are being supplied. These checks must be recorded on the single central record.

## 17. Teacher Services System

17.1. The Teacher Services System is a free service that enables schools to check the record of any teacher they employ or are considering employing. The service enables schools to check:

- Qualified teacher status (QTS)
- Completion of induction
- Active teaching restrictions
- Whether the teacher has been the subject of a decision by the Secretary of State **not to impose** a prohibition order for unacceptable professional conduct, conduct that may bring the teaching profession into disrepute or conviction of a relevant offence
- Whether the teacher has been prohibited from teaching
- Whether the teacher has a suspension or conditional order imposed by the General Teaching Council for England (before abolition) that is still current
- Whether the teacher has failed their induction or probation period
- Whether the teacher has a mandatory qualification for teachers of hearing impaired or visually impaired pupils

17.2. Information obtained from the teacher services system should be considered carefully when assessing a candidate's suitability.

## 18. Childcare Disqualification Regulations Declaration

18.1. Individuals with certain cautions or convictions, or childcare orders against them, are disqualified from working with children under the age of eight in school settings in:

18.1.1. early years provision – staff who provide any care for a child up to and including reception age (up to 1 September after the child's fifth birthday) – this includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after schools care provided by the school) both during and outside school hours for children in the early years age range

18.1.2. Later years provision – staff who are employed to work in childcare provided by the school outside school hours for children who are above reception age but who have not yet attained the age of eight

18.1.3. Staff directly concerned with the management of early or later years, including the head teacher and may include other members of the school's leadership team and any manager, supervisor, leader or volunteer responsible for the day to day management of the provision.

18.2. Schools are prohibited from employing (including volunteers) a disqualified person in connection with relevant childcare provision if they have been found to have committed a relevant offence.

18.3. Originally people could also be disqualified 'by association' if someone that they lived with had committed a relevant offence. In 2018 disqualification by association was removed for those working in childcare in non-domestic settings such as schools and nurseries. The DfE has published updated statutory guidance in [Disqualification under the Childcare Act 2006](#).

18.4. **This is a complex issue and it is strongly recommended that head teachers and other school managers read the [DfE guidance](#) in its entirety.**

18.5. Applicants for jobs covered by the regulations must be required to complete a declaration. Schools must not employ anyone who makes a positive declaration (this would be a criminal offence).

18.6. The date that the school receives the signed declaration should be recorded on the Single Central Record.

18.7. More details, including lists of who should complete a declaration and a model declaration form can be found in the HR advice for schools 'The Childcare Disqualification Regulations', this can be found on SLA Online.

## **19. Health**

19.1. Anybody appointed to a post that involves regular contact with children should have the appropriate health and physical capacity to undertake the duties of that post, in accordance with The Education (Health Standards) (England) Regulations 2003.

19.2. The Equality Act 2010 prohibits all those involved in the recruitment process (except in specific very limited circumstances) from the following before having made the applicant a conditional offer of employment:

- Asking applicants questions relating to their health, attendance record and/or disability
- Asking referees to comment on an applicant's health, attendance or disability
- Asking an applicant to complete a pre-employment medical questionnaire.

19.3. Once a candidate has been made a conditional offer of employment or placed in a pool of successful candidates to be offered a job, schools must ensure that candidates complete a medical screening questionnaire. Where the school purchases a recruitment service from HR, this will be completed via an online service which schools have access to as part of their buy back. Schools are responsible for sending invites out to new employees to complete the online questionnaire. Where appropriate, the applicant will be referred to Occupational Health to seek advice.

19.4. Where the applicant has a disability the head teacher must consider whether there are any reasonable adjustments that can be made to enable the applicant to perform the role, and should put these in place.

19.5. No employee may start work until medical clearance has been received.

## **20. Driving Licence**

20.1. If an employee will be required to drive on school business or may be required to escort children in their own transport in an emergency, schools should ask for evidence that the employee holds the appropriate and valid driving licence to do so and is insured to undertake business journeys. This should be flagged up in the pre-employment checks so appropriate consideration can be given to their suitability for the role. (Note: Schools should ensure that all requirements of the school's driving for work policy and procedures, insurance and appropriate risk assessments are complete before allowing an employee to drive).

## **21. Section 128 direction checks**

21.1. This check establishes whether the person is prohibited or restricted from holding a management position within an independent school; including academies and free schools as an employee, a trustee of an academy or free school trust, a governor or member of a proprietor body for an independent school, or a governor on a governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities. These checks are completed via the [Teaching Regulation Agency's website](#) or as part of the DBS check if the person will also be engaged in regulated activity.

21.2. Section 128 checks must also be carried out for governors in maintained schools (see section 24 for more information).

## 22. Disclosure and Barring Service (DBS) checks

22.1. The DBS is responsible for administering three types of checks:

- Standard: a check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings
- Enhanced: a check of the PNC records as above, plus other information held by the police that is considered relevant by the police; and
- Enhanced with barred list information: this adds checks of the DBS Children's Barred List to the enhanced check.

22.2. Since 29 May 2013 filtering rules have been in place that mean certain old and minor cautions and convictions do not have to be disclosed by the applicant, must not be taken into account by employers in the recruitment and selection process and will not appear on the DBS check. From 28 November 2020, following a Supreme Court judgement which highlighted some elements of the existing filtering rules as disproportionate, the applicant and the DBS will no longer disclose youth reprimands, youth warnings or youth cautions, nor automatically disclose all convictions where an individual has more than one conviction. Instead each conviction will be assessed individually against the appropriate rules. Some offences will never be removed from a DBS certificate; these include the most serious sexual and violent offences. The filtering rules can be found on the [GOV.UK website](https://www.gov.uk).

22.3. Enhanced DBS checks with barred list checks should be sought for staff who are employed by the school, and for volunteers who undertake 'regulated activity' (i.e. regularly teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children) which is unsupervised. (Note: **Paid** workers in a school are classed as in regulated activity even if supervised as a school is classed as a 'specified place', and so should be DBS checked).

22.4. Online DBS applications should be completed by all successful applicants who require a DBS check.

22.5. There is no requirement to obtain an enhanced DBS check, if in the three months prior to beginning work in their new appointment, the applicant has worked:

- in a school in England in a post which brought them into regular contact with children or in any post in a school since 12 May 2006; or
- in a college in England in a position which involved the provision of education and regularly caring for, training, supervising or being in sole charge of children or young people under the age of 18.

However the school must check that the applicant is not on the Barred List. This may be done via the DBS update service where the applicant is registered, or via Teaching Regulation Agency (TRA) (or through HR if the school does not have their own licence to do so and buys back WBC HR service) if not.

22.6. In the circumstances described in 22.5, the school may request an enhanced DBS check with barred list check if it has any concerns about the candidate or has a policy of checking all new starters.

22.7. An Enhanced DBS check **without barred list check** should be obtained for governors (unless they also undertake regulated activity in which case an enhanced check with barred list should be obtained).

22.8. Schools can, following an amendment to the Rehabilitation of Offenders Act, choose to obtain an enhanced DBS check **without barred list check** for anyone undertaking work infrequently, which if done frequently, would be regulated activity with children. (For example contractors coming into school when pupils are present to do maintenance work on an infrequent basis).

22.9. The LSCB advice is that schools should repeat DBS checks every three years. Schools should also recheck existing staff in post where;

- an individual moves to a new position that involves responsibilities not previously checked (e.g. moving from working with adults to working with children).
- there is cause for concern about the person's suitability to work with children arising during employment.

### **23. Applicants who have lived outside the UK**

23.1. Newly appointed staff who have lived or worked outside the United Kingdom must undergo the same checks as all other staff in schools, including a DBS Disclosure, even if they have never been to the UK. In addition schools must make any further checks they think appropriate so that anything that has occurred outside the UK can be considered.

23.2. Successful applicants who have lived or worked outside the UK will also need to provide criminal convictions clearance from the country or countries they were residing/working in, because the DBS cannot generally trace individuals abroad. If the school recruits an individual from overseas, or an individual who has lived or worked abroad for three or more months in the last five years they should be required to obtain overseas criminal records checks for each country they have spent time in (i.e. where they have lived or worked for 3 months or more). Where the applicant has lived or worked abroad for three or more months, longer than five years ago, and worked in what would be regarded as regulated activity in the UK with children during that time they will also be required to obtain overseas criminal records checks for the relevant country/countries.

23.3. Any documents not provided in English must be accompanied by a certified translation. Translator credentials should be provided, along with an official declaration that the translation is accurate. For more information see [Certifying a document - GOV.UK](#).

23.4. Advice on criminal record information that may be obtained from overseas police forces is published by the Home Office and can be found on the [GOV.UK website](#). For employees working at community (including special) and voluntary controlled schools the school must send the disclosure to the Human Resources team before full clearance to work is issued. In relation to the above schools West Berkshire Council reserves the right to seek verification of the documents provided.

23.5. The Department for Education has issued [guidance on the employment of overseas-trained teachers](#). This gives information on the requirements to be followed when employing teachers who have trained abroad.

23.6. Applicants for teaching roles who have taught overseas should be asked to provide proof of their past conduct as a teacher. This should be a letter of professional standing issued by the professional regulating authority in the country in which they have worked. Advice about which regulatory or professional body applicants should contact is available from the National Recognition Information Centre for the United Kingdom, UK NARIC. Such evidence can be considered alongside other information obtained through other pre-appointment checks to help assess their suitability. This letter will also be required when teachers apply for QTS – more guidance can be found in the Government guidance [Qualified teacher status \(QTS\): qualify to teach in England - GOV.UK](#)

23.7. Schools should note that from 1<sup>st</sup> January 2021 they can no longer use the Teacher Services System to check information about teacher sanctions or restrictions that a European Economic Area (EEA) professional regulating authority has imposed and should follow the requirements of s172 and 173 of Keeping Children Safe in Education for all individuals who have lived or worked outside the UK.

## 24. Volunteers and Governors

24.1. A similar recruitment process should be used for volunteers, as for employees, including pre-employment checks.

24.2. Volunteers in school should not automatically be subject to DBS checks. An enhanced DBS check with barred list check can only be requested if the volunteer will have **regular unsupervised** access to children (see below for a definition). Requirements for governors are different and are specified at 24.12 and 24.13 below.

24.3. When determining whether to apply for a DBS check for a volunteer, head teachers should decide whether the individual will regularly be undertaking regulated activity on an unsupervised basis.

24.4. The definition of 'regulated activity' is "teach, train, instruct, care for or supervise children, or provide advice/guidance on physical, emotional or educational well-being, or drive a vehicle only for children".

24.5. The definition of 'regular' activity is where a regulated activity is undertaken by the same individual as follows:-

- work undertaken once a week or more;
- work undertaken on four or more days in a 30 day period;
- work undertaken at least once, overnight and with the opportunity for face-to-face contact with children.

24.6. **Some activities are always regulated activities**, regardless of frequency or whether they are supervised or not. This includes relevant personal care, or health care provided by or provided under the supervision of a health care professional:

- Personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing, and dressing for reasons of age, illness or disability (it does not include such activities as, for example, parent volunteers helping with costumes for school plays or helping a child lace up football boots).
- Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

24.7. 'Supervision' must be regular (on-going); day-to-day; reasonable in all circumstances for the purpose of protecting the children concerned; and carried out by an individual who is engaged in regulated activity relating to children and has a DBS disclosure with barred list check.

24.8. Volunteers who are unsupervised and **are** employed in regulated activity **must** have an enhanced DBS with barred list check.

24.9. Volunteers who are supervised are not in regulated activity – an enhanced check with barred list must not be obtained, but the school can obtain an enhanced DBS check **without** barred list check. Schools should undertake and retain a risk assessment to decide whether to obtain an enhanced DBS check without barred list. See the statutory guidance on regulated activity (children) that is contained in

annex F of [Keeping Children Safe in Education](#). This provides the statutory guidance on supervision. Seek HR advice if you are unclear.

24.10. Under no circumstances should a volunteer in respect of whom no enhanced DBS check **with** barred list check have been obtained be left unsupervised or allowed to work in regulated activity.

24.11. Further information about taking on volunteers can be found in Engaging Volunteers in schools - model policy and procedure which is available on SLA Online.

24.12. All governors appointed or elected must have an enhanced DBS without barred list check. **If the governor will engage in regulated activity** they must have an enhanced DBS **with** barred list check.

24.13. Keeping Children Safe in Education September 2019 clarified that it is not a requirement to complete an enhanced DBS check on an associate member appointed by the governing body to serve on one or more governing body committees.

24.14. A person is disqualified from holding or continuing to hold office as a governor of a maintained school if they are subject of a section 128 direction. As maintained school governors are only required to have an enhanced DBS without barred list check (unless they undertake regulated activity) schools must check if a person they propose to recruit as a governor is barred as a result of being subject of a section 128 direction via the [Teaching Regulation Agency's secure access portal](#) on the Teacher Services web page.

## 25. Supply Teachers

25.1. An enhanced DBS with barred list check is required for all supply teachers who are engaged directly by the school and those working via an agency.

25.2. Schools who engage supply teachers directly are responsible for undertaking all of the required pre-employment checks including the DBS check. Where a supply teacher does no supply work for three months or more a new DBS check should be completed (or a check via the update service where the supply teacher has registered for the update service for the correct level of check).

25.3. Before taking on a member of supply staff provided by a supply agency, the school must obtain written confirmation from the agency that all necessary pre-employment checks **for the individual** have been carried out and are satisfactory. In relation to DBS Disclosures the written notification from the agency must confirm that a relevant DBS check, including barred list check where appropriate, has been requested, whether the agency has received a notification email from the DBS and whether this email stated that the check was complete with 'no content' (which means that the check is clear), or check is 'complete with content' (which means the check is not clear). Where there is content on the certificate, the school must be shown the DBS Disclosure by the individual before he/she starts work. The school must decide whether or not to accept the agency worker following the points in section 30 below. The individual must not undertake any work until this process has been followed.

25.4. Schools must check the identity of the person presenting themselves for work to ensure he/she is the same person on whom the checks have been made.

## 26. Service providers, agencies and contractors

26.1. Schools must ensure that contractors, agencies providing temporary staff and all those providing services to the school have clear vetting procedures. Where possible these procedures should be specifically written into a service level agreement or contract.

26.2. The school must obtain written confirmation from the service provider, contractor or agency that all pre-employment checks including the appropriate level of DBS check where required (e.g. where the contractor is carrying out teaching or providing some type of care or supervision of children regularly), have been carried out and are satisfactory **for each individual** that they send to work at the school. Such procedures should include overseas checks for each country that a worker has lived in as set out in section 23 above.

26.3. In relation to DBS Disclosures the **written notification** from the contractor or agency must confirm that a relevant DBS check, including barred list check where appropriate has been requested, whether the contractor/agency has received a notification email from the DBS and whether this email stated that the check was complete with 'no content' (which means that the check is clear), or check is 'complete with content' (which means the check is not clear). Where there is content on the certificate, the school must be shown the original DBS Disclosure by the individual before he/she starts work. The school must decide whether or not to accept the agency worker following points in section 30 below. The individual must not undertake any work until this process has been followed.

26.4. Contractors and contractors' employees, and agency staff for whom a DBS check has not been undertaken should be supervised if they will have contact with children.

26.5. If a contractor working at a school is self-employed, the school should consider obtaining a DBS check as self-employed people are not able to make an application to the DBS on their own account.

26.6. The school must check the identity of each individual sent to work at the school by a contractor or agency on arrival at the school.

## **27. Duty to make a referral to the DBS**

27.1. Schools have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm to a child or a vulnerable adult where:

27.1.1. the harm test is satisfied in respect of the individual (see the DBS guidance linked in 27.4 for information on the harm tests);

27.1.2. the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that he/she has committed a listed relevant offence

27.1.3. the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

27.2. The legal duty to refer also applies where the individual is deployed to another area of work that is not regulated activity.

27.3. The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation, removal or redeployment of the individual.

27.4. Further guidance on when to refer to DBS is found on [GOV.UK](https://www.gov.uk) and advice should be sought from the school's HR advisor.

27.5. Where a teacher's employer, including an agency, ceases to use the services of a teacher because of serious misconduct, or would have dismissed them had they not left, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002. The Secretary of State may investigate the case, and if he/she finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person.

## 28. Working when a DBS Disclosure is delayed or outstanding

28.1. Electronic completion of DBS checks mean it is very unlikely that a school will need an employee to start work before it has received the outcome of the check. In rare cases where a DBS check is required and an application has been submitted but is delayed or outstanding, the individual may be allowed to work in school, subject to the head teacher's discretion and the following requirements:

- The head teacher has conducted a risk assessment and does not have any concerns regarding a person's background
- The risk assessment includes reviewing the individual's employment history and reasons for any broken work history or career changes and checking all references have been received, are satisfactory and have been checked against the work history records.
- **All** other pre-employment checks have been completed.
- A separate barred list check has been completed.
- The individual is **supervised** at all times until full DBS clearance has been received.

28.2. If the head teacher has any doubts regarding a person's background, such as broken service, then the risk must be addressed. For example, arrangements may be made for the member of staff to undertake alternative work or to refrain from starting work. It is recommended that head teachers contact the Human Resources team for clarification and advice. If an individual is asked to refrain from starting work they should be paid as if they had attended work.

28.3. Supervision requires the head teacher to ensure that individuals are not allocated duties that put them in an unsupervised situation with pupils, that they are accompanied when working by a member of staff with DBS clearance, that their whereabouts are known to a senior member of staff when they are not working (e.g. during break times), and that the individual fully understands their personal responsibility not to put themselves in a situation where they are alone with pupils and what to do if this situation arises

28.4. A written record should be made and retained when a head teacher decides it is appropriate to allow an individual to work where a DBS check has been requested but remains outstanding (following a risk assessment by the head teacher).

## 29. DBS certificates

29.1. DBS certificates are sent directly to the individual on whom the check has been carried out. Once the check is complete the school will receive email notification from Capita. This will either state:

- The check is complete with 'no content'; which means the check is clear, or
- The check is 'completed with content, please wait to view applicant certificate'; which mean the check is not clear.

29.2. If the DBS check is clear the school can arrange a start date and ask the applicant to bring the check with them on their first date of employment. The school must see an original copy of the certificate and record the details on its single central record.

## 30. Positive Disclosures (disclosures with content)

30.1. A positive disclosure (i.e. 'with content') from the Disclosure and Barring Service is a certificate that shows cautions, warnings or convictions. It may show spent convictions and also unspent convictions, and for enhanced checks, it will also show other information that a police force deems relevant to disclose based on the nature of the job that the individual will be employed to do.

30.2. If the certificate has 'content' the applicant must be asked to bring it into the school as soon as possible so that the head teacher can make a decision and complete a Positive Disclosure Decision Sheet - available from SLA Online. A copy of the positive disclosure form must be forwarded to HR who will review the content and seek advice from the Head of Children and Family Services. The school must see an original copy of the DBS disclosure certificate. A start date must not be agreed until advice from HR and/or the Head of Children and Family Services has been received.

30.3. The head teacher will make the overall decision about whether or not to employ the person. All positive disclosures must be discussed with Human Resources. Disclosures which raise child protection issues must be discussed with the Head of Children and Family Services before a decision is taken. Where a decision to appoint is taken after receipt of a positive disclosure the information should be recorded on a Positive Disclosure Decision Sheet and this should be stored securely on the person's file in a sealed envelope.

30.4. Before a decision is reached on whether to offer or confirm employment to an individual, the individual should be offered the opportunity to discuss the contents of the disclosure with the head teacher. A balanced decision to appoint should be based on:

- whether they are barred from appointment
- whether the conviction is relevant to the position
- the circumstances surrounding the offence, and any explanations provided by the applicant
- the seriousness of the offence
- the length of time since the offence occurred
- whether there is a pattern to the offending behaviour, or whether it was a one-off
- whether the applicant's circumstances have changed

30.5. Further discussion should take place regarding:

- whether the applicant disclosed the conviction(s)/cautions, warnings or reprimands at application or at interview stage
- what level of supervision the post-holder will receive
- whether the post involves responsibility for finance or items of value
- whether the nature of the role allows the applicant to potentially re-offend

30.6. If an applicant has made a false declaration on the application form, or anywhere else, about convictions and cautions (or lack of them), this may render the offer of a contract of employment void. Human Resources must advise on this if the employment offer is at a Community, Voluntary Controlled, Community Special Schools or Maintained School.

## **31. Single Central Record of Recruitment Vetting Checks**

31.1. The Regulations state that the school must keep a single central record of pre-employment checks. As part of an Ofsted inspection, inspectors will want to view the school's single central record. It is therefore important that such a record is kept and maintained. A school is expected to have a record of:

- All staff employed to work at the school,
- Staff employed as supply whether employed directly or through an agency.
- All others who work in contact with children in the school such as volunteers or specialist instructors on whom vetting checks are carried out.
- Governors
- Contractors
- Agency/Peripatetic

31.2. The record must indicate whether or not the following checks have been completed:

- Identity
- Professional qualifications
- Right to work in the United Kingdom
- Enhanced DBS
- Barred list check
- Prohibition from teaching check where appropriate
- Overseas checks including criminal records checks where appropriate.
- A section 128 check for management positions in independent schools, including academies and free schools, and on governors in maintained schools.
- Written confirmation that agency workers, contractors and supply staff where the school is not the employer have had all required pre-employment checks and that they are satisfactory, including the appropriate level of DBS check and whether or not it had 'content'.

We would also recommend recording the following on the single central record:

- Childcare disqualification declaration if applicable
- Medical clearance
- References

31.3. The record should also indicate the date on which each check was completed or the relevant certificate obtained and who carried out the check. (See suggested pro forma Single Central Record Template on SLA online).

31.4. More details of the records that must be kept for maintained schools can be found in schedule 2 of the School Staffing (England) Regulations 2009 and the School Staffing (England) Amendment Regulations 2013 and 2015. Further details for Pupil Referral Units can be found in the Education (Pupil Referral Units) (Application of Enactment) (England) Regulations 2007.

31.5. The date of the DBS check should be recorded on the central record of pre- employment checks.

## **32. References**

32.1. References are sought to obtain objective and factual information to support appointment decisions. They should always be obtained, scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed.

32.2. References should be taken up on all short listed candidates, including internal ones, before interviewing so that any concerns or discrepancies between the reference and application form can be explored further with referees and investigated further at interview. At least two references should be taken up for external candidates, and at least one for internal candidates. References should be kept on the successful applicant's personal file. References should normally be taken up from the two (one for internal applicants) most recent employers. Where these employments have not involved working with children, but the applicant has previously worked with children, an additional reference should be sought from the employer that most recently employed the applicant to work with children. If references cannot be obtained prior to interview they should be obtained before the candidate starts and any issues discussed prior to starting.

32.3. If a candidate for a teaching post is not currently employed as a teacher, the school should seek a reference from the school, college or local authority at which they were most recently employed, to confirm details of the applicant's employment and reasons for leaving.

32.4. Schools should always seek references directly from the referee and should NOT rely on testimonials or open references (i.e. general references often addressed 'to whom it may concern').

32.5. Schools should check that the referee is the appropriate person within the organisation to give a reference – they must be someone of appropriately senior position within the organisation – the head teacher or a senior manager. References from friends or colleagues should not be accepted.

32.6. Reference requests should contain details of the post on offer and should be structured to ask a referee to comment on specific areas relating to the post. Schools should always ask a referee to comment on the prospective employee's suitability to undertake the post on offer, to work with children and should specifically request any information on criminal convictions, disciplinary offences and non-health related capability issues.

32.7. Use of a pro forma, tailored to the specific needs of the school, and enclosing the job description and person specification will help to ensure the required information is obtained.

32.8. For further guidance please read Writing and Receiving Job References – Guidance for Schools which is available on SLA online.

32.9. Every reference request must ask the following:

- Referee's relationship to the candidate – how they know them, how long they have known them and in what capacity.
- Whether the referee is satisfied that the person has the ability and is suitable to undertake the job in question, based on the information provided in the job description and person specification.
- Confirmation of person's current job title and salary
- Specific verifiable comments about applicant's performance and conduct
- Details of any disciplinary procedures in which the sanction is current
- Details of any disciplinary procedures the applicant has been subject to involving issues related to safety and welfare of children or young people, including any in which the sanction has expired
- Details of any non-health related formal capability procedures within the past two years
- If any concerns or allegations about the candidate's suitability to work with children have arisen, what these were and how they were dealt with

32.10. On receipt, references should be checked to ensure that specific questions have been answered satisfactorily and to check that there are no anomalies with the application form.

32.11. The author should be telephoned to ensure authenticity of the reference and that the reference was provided by someone suitably senior within the organisation. This should be logged. The referee should be asked to provide further clarification as appropriate; for example where the answers are vague. Where clarification is sought by telephone the referee should be asked to confirm in writing any key extra information provided. A written record of any telephone conversation must be kept with the personnel notes.

32.12. Any information about past disciplinary action, allegations or concerns (including those with child protection connotations) should be considered in the circumstances of the individual case. Where there is a history of repeated concerns or allegations, it is strongly advised that you contact Human Resources for more advice. Keeping Children Safe in Education says information on allegations proven to be false, unsubstantiated or malicious should not be included in references. If such information is provided schools should not take allegations into account in recruitment decisions where they have been made aware by the referee that they were proven to be false, unsubstantiated or malicious.

### 33. Scrutinising and short listing

33.1. Where possible all references should be obtained between short listing and interview. By doing this, any information about past disciplinary action, allegations or discrepancies etc. can be followed up at interview. If this is not possible any queries on references should be discussed with candidates once the information has been received.

33.2. Information from references should be compared with information on the application form to ensure that the information provided is consistent. Any discrepancies should be taken up with the applicant at interview or by phone if the reference is received after interview.

33.3. All applications should be carefully scrutinised to ensure they are fully and properly completed. Any anomalies or discrepancies or gaps in employment should be accounted for and checked. Reasons for repeated and regular changes in employment should be explored.

33.4. All candidates should be assessed equally against the criteria in the person specification without exception or variation. This should be recorded on a short listing matrix.

33.5. A minimum of two people should carry out the short listing process, one of whom should have completed appropriate safer recruitment and selection training.

### 34. Criminal records self-disclosures

34.1. All applicants shortlisted for interview should be sent a criminal records self-disclosure form (available on SLA online). This should be completed and returned to the head teacher before the interview.

34.2. The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that applicants do not need to disclose them to employers, and if they are disclosed, employers cannot take them into account. Further information can be found in the [DBS filtering guide - GOV.UK](#).

34.3. The filtering rules are complex. Applicants should be sign posted to the Ministry of Justice website and/or seek advice from the [NACRO](#) website and from NACRO's '[What do I need to disclose guidance](#)' for further advice on whether or not conviction or caution needs to be declared. **It is important that schools allow sufficient time for shortlisted applicants to seek advice from NACRO before completing the form.**

### 35. Interviews and other selection processes

35.1. It is essential that a face to face interview takes place prior to any appointment. Interviews should assess the merits of each candidate against the requirements in the person specification and the job description. Interviews must also explore each individual's suitability to work with children by assessing attitudes and behaviours.

35.2. A robust selection process should not rely solely on the interview. A range of selection activities should be designed in order to help assess who is the most suitable candidate for the job. For teachers and teaching support roles, it is legitimate to involve pupils in the process. Pupils should not take part in assessing candidate suitability but can contribute to the panel's assessment of the ability to interact with children.

35.3. Invitations to interview should;

- Detail all the arrangements such as date, time, panel members, length of the selection process, selection activities
- Remind candidates that the interview is assessing their suitability to work with children
- Remind them to bring all relevant documents required to complete pre-employment checks, such as proof of qualifications, proof of identity and proof of eligibility to work in the UK

35.4. Only originals of the required documentation can be accepted; copies should not be accepted. The school should take a copy of original documents to be kept on the school file.

## **36. Selection and Interview Panel**

36.1. It is a legal requirement that at least one panel member should be appropriately trained to participate in recruitment and selection activities. See the on-line [NSPCC safer recruitment in education course](#) or contact HR for further details of upcoming training courses.

36.2. Panels of at least two people should be involved in interviews. This allows one member to observe and assess the candidate and make notes while the other is talking and asking questions. Alternatively panels may find it helpful to have someone present who can focus on taking notes.

36.3. Panel members should meet beforehand to agree a relevant set of questions that will enable the candidate's suitability against the selection criteria to be assessed. They will also need to identify any issues they want to explore further from the candidate's application form and employment checks.

36.4. Schools should ensure that sufficient staff and governors are trained in advance of recruitment activities to form interview panels when necessary.

## **37. Scope of Interview**

37.1. Candidates should be asked questions to assess their skills and experience in the areas listed in the person specification. This will include questions to assess the suitability of the candidate to work with children.

37.2. In examining the candidate's suitability to work with children the interview panel should examine:

- The candidate's attitude toward children. This may be assessed through their personal statement and through interview questions that probe their values, belief and ethics.
- The candidate's motivation to work with children. Questions on their vision for education and learning and development of the child and young person and what their role is in contributing towards achieving this vision can help you assess their motivation.
- Their ability to form relationships and respect professional boundaries. This should be assessed through focused questions and complementary activities, such as group exercises or occupational personality questionnaires.
- Their emotional resilience in working with challenging behaviours and their attitudes in managing discipline and towards authority. Questions asking them to draw on previously difficult situations and how they managed these will help assess this.
- Their ability to support the school's agenda for safeguarding and promoting the welfare of children. Clarify their understanding of the school's approach towards child protection policies and procedures.
- Gaps in the candidate's employment history and explanation of repeated changes in jobs or career. These must be discussed and clarified, as should concerns or discrepancies arising from the information provided by the candidate and or referees

- If for any reasons references have not been provided before the interview the candidate should be given the opportunity to declare/discuss anything that may come to light on the collection of references.

### **38. Questioning technique**

38.1. The ability to ask questions that probe deeper and get beneath superficial answers is a skill that takes time to develop and practice. Those who wish to deceive are practiced in the art of deception. They may rehearse model answers to questions about safeguarding or areas of their past and it is essential that the questions asked unpick these responses so that there can be confidence in the validity of the answers.

38.2. Example questions designed to examine an interviewee's attitudes toward safeguarding children

- What do you feel are the main drivers that led you to want to work with children?
- How do you motivate young people?
- What has working with children, to date, taught you about yourself?
- Tell me about a time when you have been working with children when your authority was seriously challenged. How did you react? What strategies did you employ to bring things back on course? How did you manage the situation?
- Tell me about a person you have had particular difficulty dealing with. What made it difficult? How did you manage the situation?
- How do you feel when someone holds an opinion which differs from your own? Give me an example. How did you behave in this situation?
- Have you ever had concerns about a colleague? How did you deal with this?
- Tell us about what you have done in the last 12 months to actually improve child protection in the workplace. How did this action arise? Who did you talk to? What were the results?
- What is the safeguarding policy in your workplace? How is it monitored? What steps have you taken to improve things?
- Give me an example of when you have had safeguarding concerns about a child. How did it arise? Who did you speak to? What actions did you take?
- Have you ever had to challenge the views of someone more senior than yourself in relation to safeguarding concerns? What were the circumstances? How did you go about it? What was the outcome?

38.3. Some questions will need following up. By asking a follow up question you start to unpick the initial answer and investigate the validity of the answers. By using other tests and assessments activities you can increase the level of confidence you have when making the final selection decision.

### **39. Ground rules for interviewing**

- Be properly prepared.
- Have all relevant paperwork for all interviews.
- Have an agreed set of questions but ask additional questions to explore a specific and relevant issue relating to individual candidates.
- Avoid telephone interviews.
- Make notes on candidates responses and record judgements and the basis for them
- Use Interview Questions Matrix to record all interviews
- Probe to find out about any issues around capability and employment history
- Ensure all your questions are relevant to the job and justifiable.
- Avoid any question or statement that discriminates unlawfully
- Ask questions that are based on actual experiences and behaviour

- Conduct the interview in a relaxed and non-threatening way
- Base final selection decision on criteria previously defined and evidence collated through the recruitment process.

#### 40. Spoken English requirement for public authority workers

40.1. Under part 7 of the Immigration Act 2016 state funded schools have a statutory duty to ensure that workers in public facing roles, whatever their nationality or ethnic origins, are able to speak English with a level of fluency appropriate to the role they are undertaking. Details and guidance can be found in the Government's [Code of Practice on the English language requirement for public sector workers](#). Schools are recommended to read the Code.

40.2. A public facing role is defined as one that requires the worker (including permanent and fixed term employees, apprentices, self-employed contractors and agency staff) to speak to members of the public (including pupils and their parents), either face to face or by telephone, as a regular and intrinsic part of their role. Members of the public can raise a complaint if they feel a public facing worker is not sufficiently fluent. Further guidance can be found in the Government's Code.

40.3. Fluency relates to a worker's language proficiency and ability to speak with confidence and accuracy, using accurate sentence structure and vocabulary. It does NOT relate to regional or international accents, dialects, speech impediments, the tone of conversations, origin or nationality.

40.4. Schools should determine the appropriate level of fluency required for each public facing role; this will vary depending on the complexity of interactions and any specialist vocabulary required. Points to consider in determining an appropriate level can be found in the Government's Code. Where a level of fluency is already specified in professional standards e.g. the Teaching Standards, the level of fluency required for the role will not normally exceed this.

40.5. Where a role is defined as public facing this should be specified in the job description and person specification. An essential criterion should be included in the person specification. For example 'This role has been identified as public facing in accordance with Part 7 of the Immigration Act, and therefore the ability to fulfil all spoken aspects of the role with confidence in English will be required. Conversing at ease with the public including pupils, answer questions and provide advice, including the use of appropriate specialist terminology relevant to the job role/ profession and where necessary for an extended period of time'.

40.6. Schools should note that many qualifications (e.g. GCSE English) do not provide evidence of English fluency as they do not assess **spoken** English to a sufficient extent. Requiring candidates to hold a qualification in spoken English may indirectly discriminate against those from countries where English is the first language as English fluency tests are not commonly taken. Unless schools decide to use a role appropriate English fluency test for all candidates during the selection process it may be more appropriate to assess fluency as specified in 40.9 below.

40.7. Adverts for public facing roles should state the requirement; for example; 'this role has been identified as public facing in accordance with Part 7 of the Immigration Act 2016, and therefore the ability to converse at ease with pupils/members of the public and provide advice/instruction in accurate spoken English is essential for the post.'

40.8. Schools must ensure that they comply with the Equality Act and avoid discriminating either directly or indirectly. All applicants for public facing roles must be assessed – not just those whose first language is not English, and where appropriate reasonable adjustments must be made for disabled applicants. Further advice can be sought from the school's HR advisor.

40.9. Recruitment panels should assess each candidate's spoken English at interview and keep notes of reasons for decisions made. If the role involves interaction with pupils it may be appropriate to also assess fluency in other activities in the selection process that involve pupils (e.g. observations of applicants undertaking playground duty or running/assisting with a classroom activity/lesson). Assessment should consider the applicants ability to:

40.9.1. Choose the correct kind of vocabulary for the situation at hand without a great deal of hesitation

40.9.2. Listen to the member of the public/pupil and understand their needs

40.9.3. Tailor their approach to conversation appropriately to the member of the public/pupil

40.9.4. Respond to the member of the public/pupil clearly with fine shades of meaning, even in complex situations

## **41. Group exercises and other selection activities**

41.1. Here are some examples of the activities that can help provide evidence that will help a panel in assessing an individual's suitability for a particular post.

- Classroom observation
- Group activities – discussions on relevant topics
- Written work
- Presentations
- Occupational Personality Questionnaire
- Ability Tests e.g. numerical or verbal reasoning
- Assembly slots
- Playground duty

41.2. All activities must be aimed at seeking evidence of candidates' suitability for the post as specified in the job description and person specification. The assessment of each candidate should be recorded in a way that captures this.

41.3. The more information you can collect, and in as many different contexts, the sounder your ultimate selection decision will be. Remember, it is not easy to ensure consistency and equality when managing group activities, particularly when classes of children are involved.

41.4. It is important to be mindful of the equality implications when planning and arranging other assessment activities. Ensure that the criteria on which you are assessing each candidate are the same and measures are put in place to make the foundations of the assessment as similar and equal as possible.

41.5. Here are some example topics for group discussion/written work/presentations;

- What does safeguarding mean to you/ group? Present/ discuss/ write your ideas along with suggestions for monitoring and measuring effectiveness
- Where does the responsibility for safeguarding children lie? Discuss the interrelationships and present your conclusions.
- Present a topical article on child protection and ask them to discuss.
- Present them with the 5 key aims of the Children's Act and ask them to present how they can contribute towards ensuring that they are achieved.
- Present them with a case study of a child with 'difficult behaviour'/ or based on cause for concerns - discuss

- What is abuse? How do you recognise it and how do you manage it?
- Discuss/ present?

## 42. Offers of Employment

42.1. A statement of the main terms and condition of employment should be sent to the candidate. With the exception of medical clearance checks which cannot be made until a conditional offer of employment has been made, wherever possible, employment checks should be complete (see section 9 for pre-employment checks that MUST be complete before employment commences) and the head teacher satisfied with the information received before the statement is issued. Right to Work in the UK checks must be complete before an offer is made.

42.2. Where any checks are outstanding the offer should make it clear that employment is subject to satisfactory outcomes of the remaining checks. All offers should be subject to satisfactory medical clearance and a medical screening form should be enclosed. Note: where an Enhanced DBS with barred list check is outstanding a separate barred list must be obtained before the individual is allowed to start work, and they must be supervised at all times.

42.3. Offers should be made subject to:

- **Support Staff:** Satisfactory completion of a probationary period
- **Teaching staff who are NQTs:** Successful completion of the statutory induction year
- **Teaching staff who are more experienced:** verification of completion of the statutory induction period

42.4. Where the school buys WBC HR services, the principal statement of terms and conditions can be issued by the Human Resources team on receipt of a fully completed ED11 (new starter form) and confirmation that the applicant has the right to work in the UK. It is critical that where one or more pre-employment check is outstanding this is made clear on the ED11 form to ensure that a conditional offer is issued.

## 43. Recording and Retaining Information

43.1. All paperwork relating to unsuccessful applicants should be retained for an initial six month period and then confidentially destroyed in accordance with data protection regulations.

43.2. All paperwork relating to successful applicants (such as application forms, short-listing decisions forms, interview notes and all documentation relating to pre- employment checks with the exception of the DBS certificate) should be retained on the employee's personnel file and archived when the employee leaves the school's employment. The criminal records self-disclosure must be kept securely, for example in a sealed envelope on the employee's personnel file in a locked cabinet, or electronically with appropriate security measures in place. Records should be retained in accordance with the school's retention schedule.

43.3. The head teacher should place a copy of the email received from Capita that confirms whether or not the disclosure is clear on the employee's file. If the disclosure was not clear and a positive disclosure decision sheet was completed, a copy of the positive disclosure decision sheet must be kept securely, for example in a sealed envelope on the employee's personnel file in a locked cabinet, or electronically with appropriate security measures in place. These documents should be retained permanently on file in line with the school's data retention schedule.

43.4. Head teachers are advised not to make copies of the actual disclosure certificate. However if this is done it must be kept securely in a locked container/cabinet for a maximum of 6 months and must then be shredded. It should NOT be left in a waste bin or shredding sack before shredding.

43.5. Schools and colleges have an obligation to keep records containing information about allegations of sexual abuse for the Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry. Further information can be found on the IICSA website. All other records relating to allegations of abuse against staff should be kept at least until the accused has reached normal pension age or for a period of 10 years from the date of the allegation if that is longer.

## 44. Induction

44.1. All new starters, permanent or temporary, should have an induction programme into their new role in the school. Equally, volunteers and contract staff should be appropriately introduced to the school. Schools should take a proportional risk based approach to the level of information provided to temporary staff and volunteers.

44.2. The content and nature of the induction will vary according to the role and the previous experience of the new member of staff or volunteer.

44.3. The purpose of an induction programme is to:

- Help the new employee to settle quickly in the job
- Demonstrate the importance the school attaches to the individual's development
- Provide training and information about policies and procedures
- Support individuals appropriately
- Confirm code of conduct and expectations and provide examples of behaviour that would not be acceptable.
- Familiarise the new employee with the school's safeguarding policies and procedures.
- Provide opportunities for new member of staff to raise concerns
- Enable the person's line manager or mentor to recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately

44.4. Induction programmes should include information about;

- Policies and procedures and systems in place which support safeguarding and promoting welfare of children e.g. the child protection, behaviour, anti-bullying, racism, internet safety, health and safety policies etc.
- Safe practice and standards of conduct and behaviour expected of staff and pupils in their establishment; including the staff Code of Conduct, acceptable use of technologies, staff/pupil relationships and communications including the use of social media
- How and with whom any concerns about child well-being should be raised and the safeguarding response to children who go missing from education
- Other relevant procedures (such as disciplinary, capability, whistle blowing)
- Appropriate level of child protection training according to the role.
- An introduction to the school's designated safeguarding lead and deputies and an overview of their role

44.5. All staff and volunteers must read **and understand** at least part one of the statutory guidance 'Keeping Children Safe in Education' which is available from the [GOV.UK website](https://www.gov.uk). Line managers should check to ensure that staff/volunteers understand the contents of this guidance.

44.6. The induction process should support new staff by exploring the issues of child protection so that they do not place themselves or children at risk. It will confirm the individual fully understands what the school expects of them, leaving no room for any claim that they were unsure of the boundaries of acceptable and unacceptable behaviour or were unaware of established procedures.

#### **45. Code of Conduct**

45.1. It is open to a school to develop its own specific code of conduct. It should cover all staff who work in the school on a paid or voluntary basis. A model Code of Conduct for Schools is available on SLA Online.

#### **46. Post induction and performance management**

46.1. Induction should lead into the application of the school's performance management process. Performance objectives should be intrinsically linked with school improvement and school improvement intrinsically linked with safeguarding mechanisms.

46.2. Good performance management processes that are consistently applied throughout the year will ensure clarity about boundaries and desired standards of performance.