

Document Title  
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Safer Recruitment Policy & Procedure  
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## Chesham Grammar School Safer Recruitment Policy & Procedure

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### Document History

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## 1. **Commitment & Purpose**

### 1.1 The Board of Trustees recognises that:

- 1.1.1 The legal requirements for recruiting employees to work at Red Kite Schools Trust (RKST) include provisions specifically to protect pupils from harm, and that following these provisions is an essential part of its duty of care;
- 1.1.2 Recruiting the best people to RKST is vital for its continued success in providing the highest standards of education to its pupils; and
- 1.1.3 Not appointing the right people to our roles can have a negative impact on RKST's performance and reputation.

### 1.2 The Board of Trustees is committed to:

- 1.2.1 Creating a safe environment for its pupils by operating safer recruitment practices in line with statutory requirements and guidance (including but not limited to Keeping Children Safe in Education 2019 ("KCSIE"));
  - 1.2.2 Ensuring that throughout our recruitment and selection processes, no applicant is disadvantaged or discriminated against because of the protected characteristics of age, disability, gender, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief and sexual orientation. In the very exceptional cases where we are required to discriminate due to a genuine occupational requirement, this will be approved by the Board of Trustees before any offer of employment is made;
  - 1.2.3 Attracting the best possible applicants to RKST;
  - 1.2.4 Identifying, deterring and rejecting applicants who are unsuitable to work with its pupils; and
  - 1.2.5 Ensuring that all posts offered at RKST are made on the basis of merit and abilities.
- 1.3 The purpose of this document is to ensure that we deter people who pose a risk of harm from working at RKST. This means that all employees involved in the recruitment and selection of employees and volunteers know the processes, expectations and requirements for safer recruitment, and follow this Policy & Procedure so as to minimise the risk of harm to our pupils.

## 2. **Scope**

- 2.1 This document applies to all people who carry out work at any of the academies in RKST, whether paid, voluntary, supplied by an agency or under a contract of service.

## 3. **Roles & Responsibilities**

- 3.1 The Board of Trustees is responsible for ensuring that this document is reviewed and ratified on an annual basis and for sitting on occasional selection panels (e.g. when appointing senior leaders or senior support staff posts at Grade 6 and above).
- 3.2 The EHT is responsible for ensuring that the Policy & Procedure is being followed fairly and consistently, and for sitting on selection panels for senior leadership roles and/or senior support staff roles as appropriate.
- 3.3 Academy Headteachers are responsible for:

3.3.1 Leading and managing on all recruitment and selection and on making final decisions on appointments, subject to approval from the Trust in the case of new posts, except for Academy Headteacher roles and/or Support Staff posts (Grade 6 upwards).

3.3.2 Promoting the welfare of children and young people at every stage of the recruitment process.

3.4 HR is responsible for ensuring that:

3.4.1 all staff have access to the latest version of this Policy & Procedure; and

3.4.2 all staff involved in recruitment and selection processes (including those maintaining the SCR) understand their responsibilities and undertake the necessary training;

3.4.3 induction processes are carried out promptly and thoroughly for all new staff.

3.4.4 an updated log of Safer Recruitment Trained staff, governors and trustees is maintained in each academy. The HR Manager should be notified when staff need to be trained. (This should also be recorded on the SCR)

#### 4.0 **Delegation of appointments**

4.1 The Board of Trustees delegates the power to offer employment for many RKST posts to the EHT and/or Academy Headteacher, as outlined in the Trust's Scheme of Delegation which must be adhered to.

4.2 Heads of Academy may not delegate the power to offer employment to any other member of staff or governor.

#### 5.0 **Selection panels**

5.1 Selection panels for RKST posts will usually comprise a minimum of three people and should reflect the nature of the post.

5.2 In accordance with the statutory requirement in Keeping Children Safe in Education 2019 ("KCSIE"), every selection panel will have at least one member who has undertaken accredited Safer Recruitment Training. However, it is good practice for any other panel members who are supporting with recruitment to also be safer recruitment trained.

5.3 Individuals should avoid conflicts of interest during the recruitment and selection process by not sitting on a selection panel if they know and/or have a personal connection or relationship with a candidate. Similarly, internal and external applicants may request that the members of a selection panel be changed if they become aware of a potential conflict of interest.

#### 6.0 **Safer Recruitment Training**

6.1 All members of staff who are routinely involved in recruitment must be safer recruitment trained. In addition, other staff involved in recruiting and selecting staff are encouraged to attend this training. Training should be refreshed every 3 years, or sooner, if there are significant changes in statutory guidance or associated legislation.

- 6.2 The HR Manager will maintain an updated list of employees, governors and trustees who have completed accredited safer recruitment training, including date of course, course provider and arrange refresher training as necessary.
- 6.3 HR will ensure that copies of Safer Recruitment Training Certificates are kept on individual Employees' HR files as soon as training has been completed and that details are entered promptly on to the Single Central Record ("SCR").
- 7.0 **A Safer Recruitment Process**
- 7.1 The importance of safeguarding and protecting pupils attending our academies will be promoted as much as possible throughout the recruitment process in order to deter would-be abusers. This means carefully planning all recruitment to ensure that there is enough time to recruit safely.
- 7.2 Whilst it is recognised that appointments often need to take place speedily to ensure continuity of provision for the pupils at schools in the Trust and to attract candidates, a timeline should be prepared at the outset by an appropriate colleague, working backwards from the anticipated start date. Advice should be taken from RKST HR as appropriate.
- 7.3 Although timelines for the appointment of staff may vary depending on the time it takes to receive all of the appropriate pre-employment checks and for the candidate to serve a notice period, no appointment process should cut corners by avoiding the measures described in this document.

### **Step 1 - Reviewing staffing structure**

- 7.4 Before advertising any post, the Academy Headteacher (or COO in case of the Trust core team), should review its existing staffing structure, identify the cost to the base academy of the post (with on-costs) bearing in mind any budgetary constraints, and discuss with the Finance Manager for RKST as appropriate. They should refer to the Scheme of Delegation at this stage to ensure it is adhered to throughout the recruitment process.

### **Step 2 - Prepare Timeline (including assessment methods & selection panel)**

- 7.5 Identifying an appropriate selection panel and selection methods should take place at this stage so. For selection panels see paragraph 5 above.
- 7.6 In addition to a face-to-face interview a variety of other selection methods may be used, such as:
- 7.6.1 observation of teaching
  - 7.6.2 student council (comprising a panel made up of students from an academy)
  - 7.6.3 a presentation
  - 7.6.4 in-tray exercises (such as written exercises or case studies)
- 7.7 Those responsible for recruiting to a particular post shall determine the appropriate selection methods. They should be relevant and appropriate to the role and be based on the requirements for the particular post as set out in the job description and person specification.

### **Step 3 - Define role: Preparing Job Description and Person Specification**

- 7.8 An up-to-date and tailored job description and person specification is required for all posts. At the start of the recruitment process it is important to define what the duties and responsibilities of the post-holder will be (job description), as well as the qualifications, experience and knowledge needed to perform the role (person specification). Without these documents being in place, writing an effective advert and/or shortlisting will not be possible. Both documents should be reviewed and updated on a regular basis by appropriate staff, subject to the nature of the role. Consultation will take place with HR and affected employees before changes to job descriptions or person specifications are implemented.
- 7.9 All Job Descriptions will, as a minimum include:
- 7.9.1 Job Title
  - 7.9.2 Grade/Scale of Post
  - 7.9.3 Job Purpose
  - 7.9.4 Line Management details — who will line manage them/line management responsibilities
  - 7.9.5 Specific responsibilities & duties
  - 7.9.6 The post-holder's specific responsibility for safeguarding and promoting the welfare of children that they come into contact with through their job. This is because we all have responsibility for safeguarding in some way.
- 7.10 All Person Specifications will, as a minimum, include:
- 7.10.1 Qualifications required
  - 7.10.2 Professional Registrations e.g. QTS or CIPD (if required)
  - 7.10.3 The skills, competencies, knowledge and previous experience required (where the Fluency Code of Practice applies (see further at 7.1.4 below), this should set out a candidate's need to be able to "speak English with confidence and accuracy, using accurate sentence structures and vocabulary, all without hesitation and appropriate to the situation at hand").
  - 7.11 The requirement to be cleared by the DBS for work with children

Where appropriate, each requirement in the person specification will be graded as either 'Essential' or 'Desirable'. These grades will be used for shortlisting purposes after the closing date.

### **Step 4 - Prepare Advert**

- 7.12 All vacancies will be advertised via appropriate channels to ensure equality of opportunity and to encourage as wide a field of applicants as possible. This will normally mean placing an advert externally. However, where there is a reasonable expectation that there are sufficient suitably qualified internal candidates, or employees are at risk of redundancy, vacancies may be advertised internally across RKST before an external advert is placed. Any internal recruitment process will follow the steps in this document.
- 7.13 The advert for a vacancy will demonstrate RKST's commitment to safer recruitment and vetting procedures in order to act as a deterrent to would-be abusers. All adverts will display the following:
- 7.13.1 RKST name and logo and the name and logo of the Academy where applicable.

- 7.13.2 Post Title
- 7.13.3 Clarification that employee will be employed by Red Kite Schools Trust with confirmation of the base academy where applicable
- 7.13.4 Working pattern (this should indicate if post is full or part time and term time only or all-year round)
- 7.13.5 Grade (support) or scale (teachers)
- 7.13.6 Salary range including any allowances offered e.g. TLR
- 7.13.7 Permanent or Fixed Term (if fixed term the duration of the contract should be stated)
- 7.13.8 Main responsibilities of the post
- 7.13.9 How to apply
- 7.13.10 Who to direct informal queries to/arrange a visit
- 7.13.11 Closing date and interview date (if known)
- 7.13.12 Assessment methods and dates (if known)
- 7.13.13 Reference to the Fluency Code of Practice, where appropriate (see 7.14 below)
- 7.13.14 Safeguarding Children/DBS Statement:

Red Kite Schools Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

Applicants will be required to undergo child protection screening appropriate to the post including checks with past employers and the Disclosure and Barring Service.

- 7.14 On 21 November 2016 the government introduced a new code of Practice under immigration law which applies to all public bodies (including academy trusts). This means that it is now a statutory requirement for all new and existing public sector workers who are in a 'customer facing' role to be able to speak English fluently.
- 7.15 The government has advised that Teachers are unaffected by the new code as they are already subject to a language standard (through annual appraisal against the Teachers' Standards). However, given the nature of work in academies, many other roles will be covered, such as reception staff, teaching assistants, lunchtime supervisors, learning mentors, and other roles depending on their duties and interactions with parents and the public.
- 7.16 The Code states that fluency relates to an employee's "ability to speak with confidence and accuracy, using accurate sentence structures and vocabulary, all without hesitation and appropriate to the situation at hand".
- 7.17 All staff involved in recruitment must ensure that adverts for new customer facing non-teaching roles state that: "this post is subject to the new statutory fluency code of practice. As such, candidates will be required at interview to show a spoken fluency in English which is appropriate to the nature of the role".

#### **Step 5 - Prepare Application Pack**

- 7.18 All adverts should include a link to a "RKST Candidate Application Pack" on the RKST and/or academy website, which will include the following:

- 7.18.1 Covering letter from EHT with information on RKST, academies & link to RKST's Child Protection Policy
- 7.18.2 RKST Application Form
- 7.18.3 Job Description
- 7.18.4 Person Specification

7.19 Prospective applicants must complete, in full, and return a signed application form. Incomplete application forms will be returned to applicants where the deadline for completed forms has not passed.

7.20 All covering letters sent with application packs will include the following paragraph:

"Red Kite Schools Trust is committed to safeguarding and protecting the welfare of children as its number one priority. This commitment extends to robust recruitment, selection and induction processes."

#### **Step 6 - Shortlisting & Reviewing Application Forms**

- 7.21 Prior to the closing date, the Academy Headteacher or other appropriate member of the selection panel shall prepare a shortlisting matrix ready for shortlisting by using some or all of the essential criteria from the relevant person specification.
- 7.22 Recruitment Monitoring Declaration forms and/or details of positive disclosures shall be removed from the application documents before shortlisting takes place to minimise discrimination.
- 7.23 On or around the closing date, a minimum of 2 members of the selection panel will meet or be provided with copies of all application forms so that shortlisting can take place. The selection panel will shortlist applicants against the essential criteria of the person specification for the post.
- 7.24 Once the shortlist has been agreed, the selection panel should take time to scrutinise/re-read these application forms to identify gaps in employment or other areas that may affect an applicant's suitability to work with children and young people. These issues should then be raised at interview to ensure that a satisfactory explanation is received.
- 7.25 All candidates applying for a teaching post will be checked against the Prohibited from Teaching list through the Employer Access Online service prior to interview. HR will undertake this. If the outcome of the check is clear, then the application will proceed to shortlisting. If the check is not satisfactory, i.e. the candidate is prohibited from teaching, then the DBS will be informed and there will be no further contact with the applicant.

#### **Step 7 - Inviting Candidates to Interview**

- 7.26 All shortlisted candidates will receive an invitation to interview. This re-iterates our commitment to safeguarding and states that each candidate must bring evidence (original documents only) verifying their professional qualifications, identity, right to work in the UK and childcare disqualification paperwork for those in contact with pupils under the age of 8 (see Pre-Employment Checks below). This letter also clarifies that references will be sought on all short-listed candidates, including internal ones, prior to interview in line with KCSIE.

- 7.27 In line with KCSIE, short-listed candidates' references must be taken up by HR or another appropriate manager immediately and in good time before the interview. Candidates are informed in the RKST application form that referees will be contacted prior to interview.
- 7.28 All offers of employment will be conditional upon receipt of at least two satisfactory written references. References will:
- 7.28.1 Be requested for all shortlisted applicants, including internal applicants;
  - 7.28.2 Include the applicant's current or most recent employer, and where an applicant for a teaching post is not currently employed as a teacher, will include the applicant's most recent employer as a teacher; (the referee must be in a more senior role than the applicant)
  - 7.28.3 Ask the current employer for details of any capability history in the previous 2 years, and the reasons for this;
  - 7.28.4 Be directly from the referee;
  - 7.28.5 Not be accepted if they are "to whom it may concern" letters;
  - 7.28.6 Request information on the applicant's suitability to work with children and young people
- 7.29 On receipt of references, the selection panel should review them carefully by checking against the information provided in the candidate's application form. Any discrepancies or areas of concern must be taken up by the selection panel at interview. A note should be kept in the interview response sheet of any additional questions asked and the responses.
- 7.30 RKST will not generally accept references from those writing solely in the capacity of friend or personal/character references, unless there are exceptional circumstances. However, this should be discussed with the EHT and/or HR before any offer of employment is made. Telephone references will not be accepted unless followed up in writing by the referee using the RKST reference template. RKST reserves the right to seek references from the current employer even if the applicant has not listed them as referees on the application form. However, the applicant's permission will be sought in advance in line with good practice.
- 7.31 Where it has not been possible to obtain references before the interview, any concerns or discrepancies must be investigated and resolved before the appointment is confirmed. If written references are not available before an interview, selection of a candidate may be deferred, with the panel adjourning and reconvening when the written references are available.
- 7.32 In order to comply with the Equality Act 2010, information relating to sickness absence will only be requested after a conditional offer of employment has been made.

### **Step 8 - Interview Preparation**

- 7.33 Prior to the interview, the selection panel should have:
- 7.33.1 Prepared appropriate questions for the role. In many cases there is a bank of suitable questions available
  - 7.33.2 Prepared appropriate questions to test the applicant's suitability to work with children and young people (safeguarding)
  - 7.33.3 Identified any areas for further probing, e.g. if a criminal record has been declared or if there are gaps in employment and/or discrepancies between references & the application form

7.33.4 Agreed assessment criteria which reflect the person specification

7.33.5 Agreed a structure for the interview (including who is asking what)

### **Step 9 - Holding Interview(s)**

7.34 At least one face-to-face interview must take place for all shortlisted applicants to all posts. The use of video conferencing, Skype, Facetime or other similar technologies may be acceptable for this purpose depending on the circumstances, e.g. for a candidate based overseas.

7.35 All those involved in interviewing must be properly trained. At least one person on the selection panel must have successfully completed accredited safer recruitment training in the last 3 years. See paragraph 6 above.

7.36 The purpose of interviews is to assess the merits of each applicant against the job description and person specification, and to establish their suitability for a) the post; and b) to work with our pupils.

7.37 On arrival for interview the original documents requested in the invitation to interview letter will be obtained from each candidate and copied (proof of identity, right to work in the UK and qualifications). Only original documents will be accepted. Essential qualifications required for the post, including those set by statute and/or detailed in the person specification/advert, including proof of qualifications degree level and above if they are stated on the application forms will be sought. Any concerns about missing documents or incomplete paperwork will be notified to the panel immediately, so that they can explore further during the interview. The copies will be verified, initialled and dated and held with the Pre-Employment Checklist pending the outcome of the interviews. If the candidate is successful, they will be placed on their HR file on the day of the interview or as soon as possible afterwards. If the candidate is unsuccessful, then these, along with evidence of identity documents will be securely destroyed in line with the Data Protection Act 2018.

7.38 The Selection Panel shall conduct the interview in accordance with the previously agreed interview plan. Each member of the Selection Panel shall take a detailed note of the responses. The RKST application form allows candidates to inform us of any gaps in their employment history. A Selection Panel must ensure that they investigate any gaps and explore patterns of repeated change in career or employers at interview.

7.39 The amount and level of questions should be relevant to the nature of the role. Although a set of common questions relating to the requirements of the post shall be asked of each candidate, their responses may lead to additional questions or clarification from the Selection Panel. Applicants should also be given an opportunity for questions.

7.40 The interview process should also allow time for any discrepancy in a candidate's application or references to be scrutinised and clarified. Interviewers will question candidates regarding any employment gaps, criminal record disclosures or cautions, fitness for the role, previous experience, suitability for the post and their motivation to work with children. The panel must ensure that it records its decision and the reasons for an offer of employment or a rejection.

7.41 The selection panel will be certain they have explored all relevant areas before they make a conditional offer of employment. All interview paperwork (application forms, interview notes,

references etc.) should be promptly passed to HR for safekeeping/filing on successful candidate's HR file.

- 7.42 The successful applicant will be promptly contacted by an appropriate member of staff (usually the Academy Headteacher or EHT) by telephone to advise them of the conditional offer of employment. The Selection Panel shall also promptly inform the HR Manager of the unsuccessful candidates so that they can be notified by email. Any unsuccessful applicant who requests feedback shall be given prompt feedback in line with the relevant interview notes by a panel member.

### **Step 10 - Pre-employment checks & conditional offers of employment**

- 7.43 Shortly after the interview has been completed and successful candidate(s) chosen, a conditional offer of employment will be made in writing. The offer will be subject to:

- 7.43.1 **References & Employment history** - Receipt of at least two satisfactory written references if they have not already been received (one of which must be their current or most recent employer). This will be the case for internal and external applicants. If a candidate for a teaching post is not currently employed as a teacher, we will (subject to their consent) check with the school, college or local authority at which they were most recently employed, to confirm details of their employment and reasons for leaving;
- 7.43.2 **Right to Work in UK** - Production of proof of eligibility to work in the UK, if not already received. This will be checked against the requirements of the Border Agency. Where Right to Work in the UK cannot be verified, the offer of employment will be immediately withdrawn and the Border Agency notified of the details of the applicant;
- 7.43.3 **Verification of applicant's identity** - It is vital that we know who our employees are and have evidence to prove this (preferably from current photographic identification and proof of address dated no older than 3 months ago);
- 7.43.4 **Verification of qualifications** - If not already completed on day of interview, successful applicants will be asked to provide evidence of the professional and/or essential qualifications that they have detailed on their application form;
- 7.43.5 **Verification of professional status/registration where applicable** - For teachers, this will include checking that the individual has the required teaching qualification and has successfully completed any statutory induction through the DfE Sign-In system. Other posts may require evidence of professional registrations as an essential criterion in the person specification;
- 7.43.6 **Satisfactory enhanced DBS Check** - See paragraph 9;
- 7.43.7 **A clear children's barred list check (except supervised volunteers);**
- 7.43.8 **Prohibition Order** - For all staff commencing employment from 1<sup>st</sup> April 2014 and those with a teaching qualification, even if they are not applying for the post of teacher; verification that they are not subject to a prohibition order issued by the secretary of state, which prevents them from teaching. This is done by checking the DfE Sign-In system;
- 7.43.9 **Overseas Checks** - Any further checks where the applicant has lived or worked outside of the UK for 6 months or more in the last 5 years (including certificate of good conduct or confirmation that the process for obtaining is underway and/or that an appropriate risk assessment has been completed);

- 7.43.10 **Childcare Disqualification** - If the academy in which the applicant will be based provides education and/or before and after school clubs or activities for pupils up to the age of 8, completion of a declaration confirming that they are not personally disqualified from providing childcare;
- 7.43.11A **satisfactory s.128 Prohibition check** - (for those applying for teaching and/or management roles) which ensures that an applicant has not been prohibited from the management of schools. This is carried out by checking the DfE Sign-In system;
- 7.43.12 **Medical Clearance** - Successful candidates will be provided with a medical questionnaire when their conditional offer of employment is made. This is to verify their mental and physical fitness to carry out their role. Depending on the answers given by the candidate, a referral to Occupational Health ("OH") may be required to assess fitness for work.
- 7.44 All of the checks at 7.45 are set out in a checklist on the candidate's HR file and must be verified by dated signature as each is completed. The results of these checks must be promptly recorded on the Single Central Record (SCR) in line with KCSIE.
- 7.45 Once all of the pre-employment checks have been satisfactorily completed, HR will advise the relevant manager so that start dates can be finalised. This should be confirmed in writing in good time before the start date.

### **Step 11 - Employee Induction**

- 7.46 The pre-employment checks above must be completed before the employee starts work. Exceptions will only be made if this has been agreed by the Academy Headteacher (or EHT in case of head office staff), and/or an appropriate risk assessment has taken place.
- 7.47 All new employees will be provided with a comprehensive induction programme within 4 weeks of starting employment. Training on Safeguarding and/or Child Protection Policies (including identity of Designated Safeguarding Leads) should take priority and be provided in the first week of employment unless there are exceptional circumstances.

7.48 This is in addition to statutory induction for newly qualified teachers and probation for new support staff. The Headteacher in each academy is responsible for ensuring that arrangements are made for the suitable induction and training for all other employees new to RKST. The CEO has parallel responsibilities for MAT central team staff.

### **8.0 Disclosure of Criminal Records**

- 8.1 Posts within schools are exempt from the Rehabilitation of Offenders Act 1974 (updated guidance March 2014), therefore as a prospective employer, we encourage candidates to disclose any unspent and spent convictions during the application stage by including space for this on our application form. Disclosing a criminal background will not be used as a reason not to shortlist a candidate.
- 8.2 Having a criminal conviction will not necessarily bar a person from working with children.

Successful candidates will be required to complete a DBS application form. Once Enhanced DBS with barred list clearance is verified, any discrepancy in convictions declared on the application

form and the DBS clearance will be discussed with the candidate and may lead to the offer of employment being withdrawn with immediate effect, even if the person has commenced work.

8.3 The Board of Trustees, EHT, COO and/or Academy Headteachers shall take advice on how to deal with any positive disclosures from the HR Manager, who will liaise with the Senior Leadership member of staff responsible for Safeguarding and Attendance and external agencies such as the LADO and the DBS as appropriate. In addition, it requires Heads of Academy (or the EHT in case of the Trust core team) to carry out the appropriate risk assessment in connection with a positive disclosure obtained through a check with the Disclosure and Barring Service rather than operating a blanket ban on any type of previous conviction revealed.

**9.0 Disclosure & Barring Service (DBS) Checks - new employees & volunteers**

9.1 An enhanced DBS check is needed for all staff in RKST in line with KCSIE (see appendix A for flow chart).

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

Who?	Definition	Type of check
All RKST employees and unsupervised volunteers	As an educational institution which is exclusively or mainly for the provision of full-time education to children, RKST is an establishment specified in the relevant legislation.	An enhanced DBS check with children's barred check will always be obtained
Supervised volunteers	As above	We are unable by law to obtain a barred list check on a supervised volunteer. We will however obtain an enhanced DBS check (with no barred list check) for supervised volunteers. (See paragraph 124 in KCSIE)

9.3 DBS certificates will only be issued to the applicant. All applicants must produce the disclosure when requested to do so. The disclosure will be scrutinised to ensure it is authentic and to detect any fraud.

- 9.4 The DBS disclosure number and date of the check must be recorded in the Single Central Record (SCR).
- 9.5 Any applicant who refuses to produce their DBS disclosure will not be able to start work at RKST and the conditional offer will be withdrawn as satisfactory checks are not in place. Any volunteer who refuses to produce their disclosure will not be able to volunteer in RKST or any of our academies.

#### **DBS Update Service**

- 9.6 Applicants (free for volunteers) can have their DBS certificate kept up to date and take it with them from role to role where the same type and level of check is required. Applicants or volunteers should be asked if they have subscribed to this service (known as "DBS Update Service"). The expectation is that individuals personally fund this if required. Where the applicant or volunteer has subscribed they should provide RKST with the original disclosure document to be verified and we will check the online update for any changes.
- 9.7 Information relating to an individual's criminal record will only be shared with the relevant people to enable RKST to make a decision about their suitability to work with children and young people. It will be held for no longer than is necessary and will be processed in line with the Data Protection Act 2018.

#### **Risk assessment enhanced disclosure and barring certificate**

- 9.8 Whilst it is recognised that DBS certificates should ideally be obtained before an employee starts employment with RKST, the Board of Trustees will allow an employee to start before an enhanced criminal record certificate has been obtained if the Academy Headteacher (or EHT in the case of head office staff) has a strong business case following a risk assessment and provided that an application for such a certificate has been submitted. In each case the Academy Headteacher is required to record the risk assessment and the decision, monitor the situation every fourteen days until the enhanced certificate from the Disclosure and Barring Service is received and to be accountable for the decision to allow the employee to start work.

#### **10. Disclosure and Barring Service (DBS) checks - existing employees and volunteers**

- 10.1 An enhanced DBS check and a children's barred list check will be carried out for all existing staff and unsupervised volunteers where their contact with children or young people increases and/or or they secure a promotion or change of role within RKST (e.g. because they would now be classed as carrying out ("regulated activity").
- 10.2 An enhanced DBS check will be carried out for all supervised volunteers. However, in accordance with paragraph 124 KCSIE, RKST is not legally permitted to request barred list information on a volunteer who, because they are supervised, is not in regulated activity.
- 10.3 DBS certificates will only be issued to the applicant. RKST expects all applicants to produce the disclosure when requested to do so. Any existing employee who does not produce their DBS disclosure may need to be managed through RKST's disciplinary procedure.
- 10.4 All existing employees are required to inform the Academy Headteacher (EHT in case of the Trust core team) of any change in their criminal record. This includes convictions, cautions, arrests and police investigations. Action may be taken under RKST's disciplinary procedure if employees fail to

notify the Academy Headteacher or COO, without reasonable excuse, of any change in their criminal records.

**11.0 Disqualification under the Childcare Act 2006 & Childcare (Disqualification) Regulations 2009.**

11.1 Under this legislation an employee will be committing an offence if they fail to disclose to RKST that they have:

- a) been convicted of a "relevant offence"; or
- b) on or after 6 April 2007, been given a caution, reprimand or warning for a "relevant offence"; or

11.2 Employees are covered by this legislation if they are employed and/or provide early years childcare (this covers the age range from birth until 1<sup>st</sup> September following a child's fifth birthday i.e. up to and including reception age, or later years childcare, this covers children above reception age but who have not reached the age of 8 in nursery, primary or secondary school settings, or if they are directly concerned with the management of early years or later years' childcare).

11.3 Staff who are directly concerned in the management of early or later years' provision are covered by this legislation. Heads of Academy in each RKST academy will need to use their judgment to determine who is covered, but this will include heads of academy, all members of the leadership team and any manager, supervisor, leader or volunteer (including TLR holders) responsible for the day-to-day management of early or later years' provision.

11.4 Staff such as caretakers, cleaners, drivers, catering and office staff, who are not employed to directly provide childcare, are not covered by this legislation. Similarly, school nurses, speech and language therapists and education psychologists are specifically excluded from the statutory definition of childcare, and are therefore not covered by the legislation.

11.5 Where schools use staff from any agency, or third-party organisation, to work in relevant childcare across RKST, or contract out such childcare, they must obtain confirmation that the agency or organisation providing the staff has informed them that they will be committing an offence if they are deployed to work in relevant childcare, or are directly concerned in the management of such provision, if they are disqualified under this legislation. This should include the agency or other third-party provider requesting that their staff inform them if they consider that they could be disqualified under the legislation.

11.6 Governors and trustees of RKST are not covered by the legislation, unless they volunteer to work in early or later years' childcare on a regular basis, or they are "directly concerned with the day-to-day management of such provision".

11.7 Volunteers and casual workers who either a) work on a regular basis, whether supervised or not, in early or later years' childcare (see 11.2 for definition); or who are "directly concerned with the management of early or later years' childcare" are covered by this legislation.

11.8 RKST will ensure that staff falling within the relevant categories at 11.2 are notified of their obligations and will be asked to complete a confidential declaration form. For new employees, this will be set out in the conditional offer of employment letter. Existing employees covered by

the legislation will also be asked to complete a declaration form in line with the DfE's guidance. RKST staff falling within this legislation will be reminded of their obligations to keep their Academy Headteacher aware of any change to their own circumstances which may mean that a declaration is necessary. All relevant staff must notify their Academy Headteacher (or EHT in case of Head office staff) if there has been any change in circumstances relating to these regulations.

RKST will keep a log of when childcare disqualification checks were completed for relevant staff in line with the DfE's guidance, as part of the Single Central Record.

## 12.0 **Single Central Record ("SCR") & SIMS**

12.1 Each academy within RKST will keep and maintain a single central record (SCR) of recruitment and vetting checks. The SCR will record all staff who are employed at the base academy, including supply agency staff, volunteers, all members of the governing body and those who provide additional teaching or instruction for pupils but who are not staff members, e.g. specialist sports coaches. The SCR shall also indicate who undertook the checks and the dates on which the checks were completed or the relevant certificates obtained, (plus names of qualifications and documents produced as evidence where relevant). There will be a separate SCR for MAT employees, Trustees and Members.

12.2 Relevant checks include:

- 12.2.1 Verification of identity (name/date of birth/current address)
- 12.2.2 Qualifications (those required to do the job and any professional registrations (degree level upwards) required e.g. QTS, CIPD)
- 12.2.3 Prohibition checks (for all staff commencing employment from 1<sup>st</sup> April 2014 via DfE Sign-In)
- 12.2.4 EEA sanctions (for all teachers commencing employment since 18<sup>th</sup> January 2016)
- 12.2.5 Children's Barred List Check
- 12.2.6 Evidence of right to work and Disclosure & Barring Service Check
- 12.2.7 Overseas criminal records check (anybody who has lived abroad for 6 months or more in the last 5 years)
- 12.2.8 Confirmation re no positive disclosures under the Childcare Disqualification Act (where relevant)
- 12.2.9 Date satisfactory pre-employment references received & filed on HR file (must be before start date) (reference information on inside of HR files)
- 12.2.11 Evidence that s.128 check via secure access completed (for all staff employed in management roles after 5<sup>th</sup> September 2016)

## **SIMS**

12.3 HR shall ensure that a record is created on SIMS for all new starters prior to them commencing employment.

## 13. **Agency Staff & Contractors**

13.1 Where employment agencies are used, the employee overseeing the recruitment process shall obtain written confirmation from them that they have carried out all the appropriate checks on staff supplied (including DBS and barred list checks) and that those are satisfactory before offering a position.. Confirmation that this letter has been received and is on the HR file must be promptly recorded on the SCR.

- 13.2 Pupils should not be left unsupervised where contractors such as builders are working.
- 13.3 Any contractors entering RKST premises to undertake activities which are not classed as "regulated" will still be required to verify their identity by photographic ID, e.g. passport or driving licence. This is to ensure that the named individual is who they say they are.
14. **Volunteers**
- 14.1 RKST HR will ensure that the necessary checks are carried out for volunteers before they start a placement at RKST. Volunteers providing one-off support to a RKST academy will not be required to undertake a formal recruitment and selection process or a DBS or barred list check.
- 14.2 If, however, the volunteer is going to have an on-going role that involves regular contact with our pupils, a similar recruitment process, albeit less formal, should be followed as for a paid member of staff fulfilling a similar role. A volunteer should complete an application form and be provided with a role profile.
- 14.3 Whilst interviews should be more informal than for paid staff and should very much be a two-way process about selling the volunteer role to them, the interviewer should still probe into their attitudes, and their suitability for the role and to work with RKST pupils.
- 14.4 All volunteers will be checked on the Teachers' Services website to ensure that they are not prohibited from teaching.
- 14.5 Volunteers who either a) work on a regular basis, whether supervised or not, in early or later years' childcare (see 11.2 for definition); or who are "directly concerned with the management of early or later years' childcare" are covered by the childcare disqualification legislation and will be asked to complete a declaration prior to commencing a role at RKST.
- 14.6 Whilst KCSIE 2019 does not require schools to undertake enhanced DBS checks on volunteers who are not in "regulated activity", RKST takes the view of the Safer Recruitment Consortium, that these should be undertaken if a volunteer will be coming into a school regularly and be having contact with pupils.
- 14.7 A basic induction process should be carried out for volunteers, ensuring that they have been trained on the RKST Safeguarding Policy and have access to other HR policies via the RKST website.
- 15.0 **Complaints**
- 15.1 Any complaints about the way in which recruitment or selection of RKST staff has been conducted, should be addressed in writing to the Academy Headteacher (or EHT if the complaint relates to an issue relating to appointments to the Trust's central team). These will then be investigated in line with good HR practice and a written response provided as soon as reasonably possible.
- 16.0 **Policy Breach**
- 16.1 Any person who becomes aware that this Policy is not being followed by another employee during the recruitment and selection process is encouraged to inform the Academy Headteacher as soon as reasonably possible (or the EHT in the case of the Trust's central team).

16.2 Any instances of this Policy not being followed will be taken very seriously and will be investigated in line with due process. Depending on the circumstances, this may or may not lead to disciplinary action.

**17. Record Keeping & Data Protection**

17.1 For unsuccessful candidates, all written records relating to the recruitment and selection process will be kept for six months unless a longer period can be justified by the Academy Headteacher and/or EHT in consultation with HR.

17.2 For current employees, all written records will be kept for six months from leaving, unless a longer period can be justified by the Academy Headteacher in consultation with HR e.g. anticipated court and/or employment tribunal case work.

17.3 All records will be treated as confidential and kept for no longer than is necessary in accordance with the Data Protection Act 2018.

**18. Review of Policy & Procedure**

18.1 This Policy will be reviewed annually by RKST, to ensure that it is working effectively and is legally compliant.

## Regulated activity

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government has produced a [Factual note on regulated activity in relation to children: scope.](#)

Regulated activity includes:

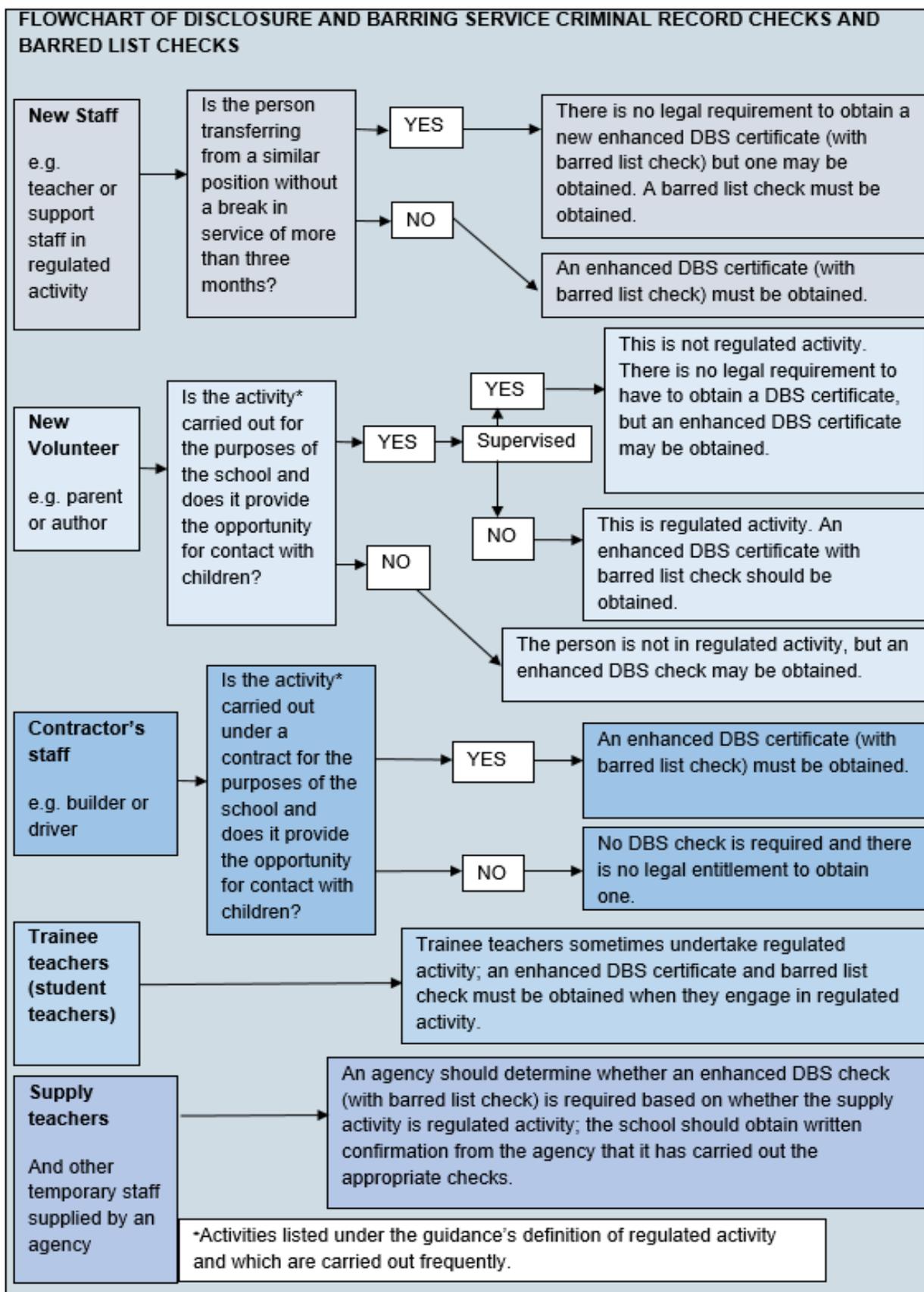
- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children;
- b) work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under (a) or (b) is regulated activity only if done regularly.<sup>44</sup> Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes:

- c) 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;
  - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

The Safeguarding Vulnerable Groups Act 2006 provides that the type of work referred to at (a) or (b) will be regulated activity if "it is carried out frequently by the same person" or if "the period condition is satisfied". Paragraph 10 of Schedule 4 to this Act says the period condition is satisfied if the person carrying out the activity does so at any time on more than three days in any period of 30 days and, for the purposes of the work referred to at (a), apart from driving a vehicle only for children, it is also satisfied if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children.

It is not intended that personal care includes such activities as, for example, parent volunteers helping with costumes for school plays or helping a child lace up football boots.



Signed:.....(Student) Date:.....

Print Name of Student.....Group.....

Signed:.....(Parent/Guardian) Date:.....

Date of approval by the Local Governing Body	
Date of last review of this policy	
Date for next review of this policy	