



**Federation of  
Westminster  
Special Schools**  
Training & Outreach

## **Safer Recruitment Policy**

**Ratified by PPP Committee: 16 May 2016**

**Reviewed: May 2018**

**Next review: May 2020**

## **1. INTRODUCTION**

The Federation is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. It is recognised that this can only be achieved through sound procedures, good inter-agency cooperation and the recruitment and retention of competent, motivated employees who are suited to, and fulfilled in the roles they undertake.

In line with legislation including the Children Act 2004, Safeguarding Children and Safer Recruitment in Education Guidance DfES/04217/2006, The Independent Schools Standards Regulations 2009 (Standards 4, 4A, 4B, 4C), and the Safeguarding Vulnerable Groups Act 2006 the Federation takes very seriously its duty of care for all pupils. In order to help safeguard and promote the welfare of all its pupils the school is committed to a thorough and consistent Safer Recruitment Policy.

## **2. AIMS AND OBJECTIVES**

The aim of this policy is to ensure a fair and legal recruitment procedure operates in the school. Reference should also be made to our Child protection and Safeguarding policy.

The Federation recognises the value of, and seeks to achieve a diverse workforce which includes people from different backgrounds with different skills and abilities. The Federation is committed to ensuring that the recruitment and selection of all who work within the Federation is conducted in a manner that is systematic, efficient, effective and promotes equality of opportunity. The Federation will uphold its obligations under law and national collective agreements to not discriminate against applicants for employment on the grounds of age, sex, sexual orientation, marital status, disability, race, colour, nationality, ethnic origin, religion or creed.

This document provides a good practice framework to comply with the principles set down in the school's Single Equality Scheme.

All posts within Federation are exempt from the Rehabilitation of Offenders Act 1974 and therefore all applicants will be required to declare spent and unspent convictions, cautions and bind-overs, including those regarded as spent and have an Enhanced Criminal Records Disclosure. The Federation is committed to ensuring people who have been convicted are treated fairly and given every opportunity to establish their suitability for positions. Having a criminal record will not necessarily be a bar to obtaining a position.

## **3. ROLES AND RESPONSIBILITIES**

The Governing Board, in agreement with the Executive Headteacher, have delegated the following staffing decisions to the Executive Headteacher under the School Staffing (England) Regulations.

The Executive Headteacher will lead in determining all staff appointments outside of the Leadership Group. The Executive Head teacher will involve the Governing Board in individual selected processes as described below. However, in all decisions with the exception of those in the Leadership Group, the Executive Headteacher's decision will be final.

**It is the responsibility of the governing board to:**

- ensure the Federation has effective policies and procedures in place for the recruitment of all staff and volunteers in accordance with DfE and legal requirements;
- monitor the school's compliance with them.

**It is the responsibility of the Executive Headteacher and Head of Schools to:**

- ensure that the Federation operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at the school;
- monitor contractors' and agencies' compliance with this document;
- promote welfare of children and young people at every stage of the Procedure.

It is the responsibility of all potential and existing workers, including volunteers to comply with this document.

It is the responsibility of all contractors and agencies to comply with safe recruitment pre-employment checks.

**It is the responsibility of the Federation HR Manager to:**

Deal with the administration of the disclosure system for the school. In accordance with the School Staffing Regulations, the governing board has delegated responsibility to the Executive Headteacher to lead in all appointments outside of the leadership group.

Governors may be involved in staff appointments, but the final decision will rest with the Headteacher. The Executive Head teacher may delegate the selection process of staff outside of the leadership group to other managers in the school, but remains responsible for the decision to appoint.

Any person involved in recruiting to our Federation must read the "Keeping children safe in education" (2015) guidance (or updated statutory guidance) produced by the DfE and our Federation's child protection policy. These can be obtained from each individual School reception.

**This Policy needs to be used in conjunction with the Recruitment and Selection Policy.**

#### **4. RECRUITMENT AND VETTING CHECKS**

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

The school will:

- ensure that appropriate staff who undertake recruitment have received safe recruitment training and successfully completed the safer recruitment training assessment;
- ensure every appointment panel to include one member who has received safe recruitment training;
- implement robust recruitment procedures and checks for appointing staff and volunteers to ensure that reasonable steps are taken not to appoint a person who is

- unsuitable to work with children, or who is disqualified from working with children, or does not have the suitable skills and experience for the intended role;
- keep and maintain a single central record of recruitment and vetting checks in line with DfE requirements;
  - ensure that the terms of any contract with a contractor or agency requires them to adopt and implement measures described in this procedure. The Federation will monitor the compliance with these measures.
  - require staff who are convicted or cautioned for any criminal offence during their employment with the school to notify the school, in writing of the offence and the penalty.

### **Pre-employment checks**

Checks to be undertaken in accordance to what is stipulated in the Recruitment and Selection policy.

### **References**

Two professional/character references must be provided. These will always be sought and obtained directly from the referee and their purpose is to provide objective and factual information to support appointment decisions. Any discrepancies or anomalies will be followed up. Direct contact, either by telephone or face-to-face, will be made with each referee to verify the reference.

### **Previous Employment History**

Complete information about previous employment must be provided along with satisfactory explanations for any gaps in employment.

### **Identity Checks**

These will be carried out on all appointments to the school's workforce before an appointment is made. Acceptable proofs of identity may include birth certificate, driving licence or passport, combined with evidence of proof of address.

### **Medical Fitness**

Anyone appointed to a post involving regular contact with children must possess the appropriate level of physical and mental fitness before any appointment offer is confirmed. All applicants are requested to complete a medical questionnaire as part of their contract and where appropriate a doctor's medical report may be required.

### **Qualification Requirements**

Candidates must be able to demonstrate they have actually obtained any academic or vocational qualifications legally required for the post and claimed in their application.

### **Overseas checks**

All new appointments, where persons have lived outside the UK, are subject to additional checks as deemed necessary.

**In addition to the above and as part of a broader approach to best practice in safe recruitment the school will, whenever possible, ensure the following procedures are followed.**

- Any advertisement will make clear the school's commitment to safeguarding and promoting the welfare of children.
- The 'person specification' will include a specific reference to suitability to work with children.
- Other than in exceptional circumstances, face-to-face interviews will form part of the recruitment process

### **Proof of Identity and Right to Work in the UK & Verification of Qualifications and/or Professional Status.**

Shortlisted applicants for all posts will be required to provide proof of identity by producing documents on the day of interview in line with those set out in The Immigration, Asylum and Nationality Act 2006. Similar information is also required to undertake a Criminal Records Bureau check on the preferred candidate.

Short-listed candidates will also be required to provide proof of their qualifications and professional status by producing documentation on the day of interview. The school will verify that candidates have actually obtained any qualifications legally required or deemed essential for the job and claimed in their application by asking to see the relevant certificate, or a letter of confirmation from the awarding body / institution. If the original documents are not available, the school will require sight of a properly certified copy. Where candidates have obtained qualifications abroad, a certified comparability check by NARIC will also be required. Proof of identity and other documentation will be verified by the Federation HR Manager /Head of School

### **Record Retention / Data Protection**

All written records of interviews, application forms and reasons for appointment or non-appointment will be kept by the Federation for six months, unless a longer period can be justified by the Executive Headteacher. Records will be treated as confidential and kept for no longer than necessary in accordance with the Data Protection Act 1998 and after this period will the documents be disposed of through confidential waste. The 6 month retention period will allow the school to deal with any data access requests, recruitment complaints or to respond to any complaints made to the Employment tribunal. Under the Data Protection Act 1998, applicants have a right to request access to notes written about them during the recruitment process. Applicants who wish to access their interview notes must make a subject access request in writing to the chair of the panel / Headteacher within 6 months of the interview date.

### **Personal File Records**

From January 2008, the school will retain the following information which will make up part of the personal file, for the successful candidate:

- Application form
- References
- Disclosure of convictions form
- Proof of identification
- Proof of academic qualifications
- Proof of registration with General Teaching Council (for teaching staff)
- Certificate of Good Conduct (where applicable)
- Evidence of medical clearance from Occupational Health (where applicable)
- Evidence of the DBS clearance (i.e.: the notification form from SPS or the DBS certificate reference number, NOT the actual DBS form or certificate)

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

In line with DfE requirements, the Federation will keep and maintain a single central record of recruitment and vetting checks. The central list will record all staff who are employed at the school, including casual staff, supply agency staff whether employed directly or through an agency, volunteers, governors who also work as volunteers, and those who provide additional teaching or instruction for pupils but who are not staff members, e.g.: specialist sports coach or artist.

### **The Central Record will indicate whether or not the following have been completed:**

- Identity checks
- Qualification checks for any qualifications legally required for the job
- Additionally for those applying for teaching posts, registration check with the GTC where appropriate
- Checks of right to work in the United Kingdom
- List 99 checks
- DBS Enhanced Disclosure
- Further overseas records where appropriate. It shall also indicate who undertook the check and the date on which the check was completed or the relevant certificate obtained.

In order to record supply staff provided through an agency on the record, the school will require written confirmation from the supply agency that it has satisfactorily completed the checks described above. The school does not need to carry out checks itself except where there is information contained within the disclosure. However identity checks must be carried out by the school to check the person arriving is the person the agency intends to refer to them.

### **Disclosure and Barring Service (DBS) checks – New Employees and Volunteers**

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

In exceptional circumstances a new employee or unsupervised volunteer may be able to start before the enhanced DBS check has been received, but not before the **children's barred list check** and **risk assessment** has to be completed. The Federation must ensure that appropriate supervision is in place until the DBS check has been received.

DBS certificates will only be issued to the applicant. All applicants must produce the disclosure when requested to do so. The disclosure will be scrutinised to ensure it is authentic and to detect any fraud. The DBS disclosure number and date of the check must be recorded in the Single Central Record (SCR). With the applicants consent we will photocopy their certificate which will be held for no longer than necessary and processed in line with the Data Protection Act 1998.

Any applicant who refuses to produce their DBS disclosure will not be able to start work at the Federation 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 Federation.

Information relating to an individual's criminal record will only be shared with the relevant people to enable the Federation 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 1998.

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

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

An enhanced DBS and children's barred list check may be carried out on any employee or unsupervised volunteer where the Federation has concerns about an individual's suitability to work with children and young people. An enhanced DBS (no barred list check) may be carried out on any supervised volunteer where the Federation has concerns about their suitability to work with children and young people. DBS certificates will only be issued to the applicant. The Federation expects all applicants to produce the disclosure when requested to do so. Any existing employee who does not produce their DBS disclosure will be managed through the disciplinary procedure.

All existing employees are required to inform the Federation of any change in their criminal record. This includes convictions, cautions, arrests and police investigations. The Federation may require all employees to sign a declaration on an annual basis that there has been no change in their criminal record. Action may be taken as a result of any change or any failure to inform the Federation of any change.

### **Equal opportunities**

When any appointment is made full reference will be made to the school and Westminster Councils Equal Opportunities Policy (see Equal Opportunities Policy)

### **Ensuring the safety of pupils (safeguarding)**

It is important that the following checks are carried out during the recruitment process for all groups of staff.

- i) The advert placed advises all potential applicants that the school rigorously promotes the safety, welfare and safeguarding of all pupils.
- ii) That all sections of the application form are completed. Special attention should be given to the Career History (there should be no breaks in service), referees are given and the disclosure section is signed appropriately by the candidate.
- iii) At least two satisfactory references must be provided by previous employers. These must be approved by the Executive Headteacher or Head of School.
- iv) All staff will be asked to complete a Disqualification by Association questionnaire, all teaching staff will be checked on the DfE Barred teachers list and every member of permanent staff and regular volunteers will be checked for DBS records. This check is performed in conjunction with the Enhanced DBS Disclosure and information and logged on to the schools Single Central Record.
- v) Enhanced DBS checks must be carried out and must be clear before any member of staff takes up post. These must be checked by the Head of School.
- vi) In the case of teachers, checks must be carried out to ensure they have Qualified

Teacher Status, have carried out their induction year satisfactorily and that their certification is valid.

viii) All interviewees will be asked appropriate questions at interview to ensure that potential staff are aware of the culture of the school with regard to safeguarding and so that risks to pupils are minimised.

ix) All visiting staff from an agency or working on an SLA or contractual basis will also be checked for a current DBS with their own employers or by the school before they commence working within the school

### **.Checks**

No appointment for any post will be confirmed until satisfactory references, proof of qualifications, satisfactory medical advice, documentation confirming the individuals right to work in the UK, and the appropriate safeguarding checks are in place.

## **Appendices**

### **Appendix 1: Disqualification information for new employees**

This information is to make you aware of your obligations relating to disqualification under the Childcare Act 2006 which came into force in schools and academies in late 2014.

The role that you have been conditionally offered been identified as one which the disqualification declaration applies to.

You need to be aware that there are certain things that may mean that you are automatically disqualified from providing childcare, which could affect whether you can work in this role. These are whether you or a member of your household has committed a disqualifiable offence or a disqualifying event. These broadly fall into the three categories below:

1. That you or a member of your household have a caution/conviction for certain violent/sexual offences
2. Grounds relating to the care of children, or the children of others in your household
3. That you or a member of your household have had registration refused/cancelled in relation to childcare

If a member of your household has committed a disqualifiable offence / event then you would be automatically disqualified from providing childcare by your association with that disqualified person. This is known as 'disqualification by association'.

Members of your household also applies to anyone (either child or adult) who lives or works in your household, not just your spouse or partner. When declaring information relating to others in your household, you should be aware that you are required only to declare information which is to the best of your knowledge. You are not obligated to go home and start asking questions of others in your household relating to the above.

You are required to disclose information relating to yourself that would usually be exempt from the Rehabilitation of Offenders Act, i.e. you should declare convictions / cautions irrelevant of whether they are considered spent or not.

When making a declaration relating to others living in your household, the Rehabilitation of Offenders Act would be applicable and therefore only those convictions / cautions which are classed as unspent would need to be disclosed. If you are unclear on what spent and unspent means, let us know so that we can advise you on each individual case.

Ofsted have provided a list of disqualifiable offences which can be found in Table A at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/414345/disqual\\_stat-guidance\\_Feb\\_15\\_3\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414345/disqual_stat-guidance_Feb_15_3_.pdf)

You need to read through this and contact us before your employment commences if there is anything to declare under the disqualification guidance relating to yourself or anyone else in your household. It is only the offences / events on this list that we require you to declare. If you are unsure of a specific offence / event is applicable after reading the Ofsted lists, then please let us know so that we can advise you appropriately. If you cannot access this information via the link then please also let us know.

You should also be aware that from this point forward if your own, or anyone in your household's, circumstances change relating to the disqualification guidance, you are obligated to inform us of this without delay.

You will be required to sign a copy of this document to confirm that you have read this guidance and that you are clear relating to your obligations regarding disclosure pertaining to Disqualification under the Child Care Act 2016, so please do make sure that you contact us if you are unclear on any part of this.

**Appendix 2: Disclosure and Barring Service (DBS) checks – new employees and volunteers**

Who?	Definition	Type of check
Employees who will be engaging in regulated activity	<p>As an educational institution which is exclusively or mainly for the provision of full-time education to children, the Federation is an establishment specified in the relevant legislation. Activity carried out in this establishment will therefore be regulated activity relating to children if it meets the definition in the relevant legislation, including that it is carried out:</p> <p>(a) <b>Frequently (for example once a week or more); or</b></p> <p>(b) <b>On more than three days in any period of 30 days.</b></p> <p><b>Note – personal care of a child because of age, illness or disability including physical help with eating, toileting, washing, bathing or dressing is always regulated activity regardless of how frequently it is carried out.</b></p>	An enhanced DBS check with children’s barred list check will always be obtained
Unsupervised volunteers	As above	An enhanced DBS check with children’s barred list check will always be obtained
Supervised volunteers	<p>Where an individual is a volunteer (e.g. carrying out activity that is unpaid) they will not be engaging in regulated activity if:</p> <p>They are being supervised by someone that is in regulated activity; and</p> <p>The supervision is regular and day to day (e.g. it is ongoing); and</p> <p>The supervision is reasonable in all the circumstances to ensure the protection of children (this may take into account for example, the age, number and vulnerability of children the individual is working with and whether other individuals are helping to look after them)</p>	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.

