



**Federation of
Westminster Special Schools
& Bi-Borough Inclusion Service**

Safer Recruitment Policy

Ratified by PPP Committee: 16 May 2016

Reviewed: 19 October 2020 PPP

Next review: October 2021

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.

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 Federation is committed to a thorough and consistent Safer Recruitment Policy. This policy is based on statutory legislation including The Children Act 1989 (and 2004 amendment), the Department for Education's (DfE's) statutory guidance Keeping Children Safe in Education 2020 and Working Together to Safeguard Children (2018), the Safeguarding Vulnerable Groups Act 2006 (Schedule 4) and the Governance Handbook.

2. AIMS AND OBJECTIVES

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

The Federation recognises the value of a diverse workforce and seeks to include 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 and effective and promotes equality of opportunity. The Federation will uphold its obligations under law and national collective agreements not to 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 Federation's Single Equality policy.

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, and to obtain an enhanced Disclosure and Barring Service (DBS) certificate. 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 Head teacher, has delegated the following staffing decisions to the Executive Head Teacher/Head teachers under the School Staffing (England) Regulations 2009:

- The Executive Headteacher/Head teachers will lead in determining all staff appointments outside of the Leadership Group. The Executive Head Teacher/Head teachers 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/Head teacher'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 teachers 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 the 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 safer recruitment pre-employment checks.

It is the responsibility of the Federation HR Manager to:

Deal with the administration of the disclosure system for the Federation. In accordance with the School Staffing (England) Regulations, the Governing Board has delegated responsibility to the Executive Headteacher/**Head teachers** 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 Executive Headteacher/**Head teachers**. The Executive Headteacher/**Head teachers** may delegate the selection process of staff outside of the leadership group to other Federation senior leaders but remains responsible for the decision to appoint.

Any person involved in recruiting to our Federation must read the “Keeping Children Safe in Education” (2020) guidance (or updated statutory guidance) produced by the DfE and the Federation’s Safeguarding and 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 Federation will:

- ensure that appropriate staff who undertake recruitment have received safer recruitment training and successfully completed the safer recruitment training assessment;
- ensure every appointment panel includes one member who has received safer 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 (SCR) 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 with 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 Federation'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 to verify their right to work in the UK.

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

- Any advertisement will make clear the Federation'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 obtain a DBS enhanced disclosure 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 teacher](#).

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/[Head teachers](#). Records will be treated as confidential and kept for no longer than necessary in

accordance with the General Data Protection Regulation (GDPR) and the provisions of the Data Protection Act (2018). After this period the documents will be disposed of through confidential waste. The 6 month retention period will allow the Federation to deal with any data access requests, recruitment complaints or to respond to any complaints made to the Employment tribunal. Under GDPR, 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 / Executive Headteacher **Head teachers** 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 enhanced 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 Single 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
- Children's Barred List & 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 obtain enhanced 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 certificate has been received, but not before the **children's barred list check** and **risk assessment** has been 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).

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 three 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 Federation 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 Federation 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), that 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 teacher**.
- iv) All teaching staff will be checked on the DfE Barred teachers list and every member of permanent staff and 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. Staff are also asked to disclose any information that might disqualify them from working with children.
- 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 Federation's HR Manager.

vi) In the case of teachers, checks must be carried out to ensure they have Qualified Teacher Status, have completed their NQT induction assessment 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.

Appendix I: Disqualification information for new employees

The Federation will ensure that appropriate checks are carried out to establish that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we take a decision that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment on the Single Central Record and an individual's personnel file. This will include our evaluation of any risks and control measures put in place, and any advice sought.

Current arrangements require staff to disclose information that may disqualify them under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. This is done at the start of the academic year and on an annual basis. Any information disclosed is then recorded on the Single Central Record.

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) Frequently (for example once a week or more); or (b) On more than three days in any period of 30 days.</p> <p>Note – personal care of a child because of age, illness or disability including physical help with eating, toileting, washing, bathing or dressing is always regulated activity regardless of how frequently it is carried out.</p>	An enhanced DBS check with children’s barred list check will always be obtained
Unsupervised volunteers	As above	An enhanced DBS check with children’s barred list check will always be obtained
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.