



## Safer recruitment policy and procedure

September 2020

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<b>Associated documents:</b>
<b>Links to:</b>
<ul style="list-style-type: none"><li>• Recruitment and selection policy (being drafted)</li><li>• Safeguarding policy</li></ul>

Approved by the Pay and People Performance Committee of the Trust Board, pre-2018

## **Our Vision**

### **We have one core purpose:**

To have the biggest positive impact in the varied communities we serve through ensuring top drawer education for our learners. #TransformingLives

### **How do we ensure this across our trust?**

#### In all we do we are:

1. Ethical to the core, ensuring that education is always front and centre
2. Futures focused system leaders – never simply followers
3. Collaborative in every endeavour
4. Resolutely learner centred.

### **What does this look like across our trust?**

#### Education

We are:

1. Ruthlessly ambitious for all who learn and work with us
2. Unwaveringly inclusive – determined on eradicating barriers to educational success
3. Committed to excellent teaching
4. Determined upon academic excellence for all in our communities
5. Compassionate, ethical and caring advocates for all in our communities
6. Outwardly facing and globally conscious

#### Operations

We are:

1. Committed to the very best people development and empowerment
2. Determined to shout loudly and share proudly our successes
3. The best professional and technical experts (supporting education) in the sector
4. Committed to the very best understanding and management of risk

#### Financial

We are:

1. Providing the best possible public service for the best possible value
2. Determined to supplement our public income with shrewd income generation
3. Building financially sustainable models of educational improvement in our communities
4. Demonstrably efficient in all we do

### **Our values**

- We will work inclusively within our communities, embracing the varied localities we serve while sharing our common vision and values.
- We will develop the very best leaders of the future, working to improve education and transform lives.
- We will adhere unwaveringly to the 'Nolan Principles' of Public Service, which is made clear in our commitment to Ethical Leadership.

## **Contents**

1	Purpose .....	4
2	Scope.....	4
3	Equal Opportunities .....	4
4	Core Principles .....	4
	Appendix 1 - Recruitment and selection procedure.....	6
	Appendix 2 – Pre-employment checks for staff and volunteers) .....	9

## **1 Purpose**

- 1.1 At Academy Transformation Trust (ATT) we recognise that our staff are fundamental to our success and we must therefore attract and retain staff of the highest calibre. This policy is a framework which sets out the requirements of the recruitment process and all relevant employment legislation.
- 1.2 These procedures take into account relevant legislation and guidance, including the Department for Education's *Working together to Safeguard Children* guidance, the *Keeping Children Safe in Education* and *Safer Recruitment in Education* guidance and the *Equality Act 2010 Code of Practice*.
- 1.3 We are committed to safeguarding and promoting the welfare of children and young people in our academies and we expect all staff and volunteers to share this commitment. We follow a rigorous selection process in order to meet this responsibility.

## **2 Scope**

- 2.1 This policy and procedure covers all activities that form part of the recruitment and selection of staff, and these standards should be adhered to by academies at all times when recruiting and selecting every member of staff. This policy covers all ATT staff and volunteers and it is essential that any employee involved in any aspect of the recruitment and/or selection of staff and volunteers is aware of and follows this policy and procedure.

## **3 Equal opportunities**

- 3.1 We are committed to eliminating discrimination and encouraging diversity amongst our employees. We are committed to provide equality and fairness for all in our recruitment and employment practices and not to discriminate on grounds of age, disability, gender reassignment, marriage/civil partnership status, pregnancy and maternity, race, religion or belief, sex, or sexual orientation. We oppose all forms of unlawful and unfair discrimination.
- 3.2 The appointment and recruitment procedure must always be applied fairly and in accordance with employment law and our Equal Opportunities (Staff) Policy.
- 3.3 We comply fully with the provisions of the Rehabilitation of Offenders Act.
- 3.4 We will monitor the success of recruitment in relation to diversity aims by requesting applicants to provide equal opportunities details.

## **4 Core principles**

- 4.1 We have a principle of open competition in our approach to recruitment and will seek to recruit the best candidate for the job. The recruitment and selection process should ensure the identification of the best candidate suited to the role, the academy and our trust.
- 4.2 We will ensure reasonable adjustments are made to all stages of the recruitment process as required in order for candidates with a disability to be interviewed and/or appointed to the post.
- 4.3 We will ensure that recruitment and selection of staff is conducted in a professional, timely and responsive manner and in compliance with current employment legislation.
- 4.4 We will ensure that our recruitment process provides value for money.
- 4.5 If an employee has a close personal or familial relationship with an applicant they must declare this as soon as they are aware of the individual's application and avoid any involvement in the recruitment process. If, based on this procedure, they would normally

be involved in the process then another manager of equivalent or higher seniority will replace them. In the case of the Principal and Vice Principal a member of our central staff must be involved.

- 4.6 All documentation relating to applicants will be treated confidentially in accordance with the *General Data Protection Regulation (GDPR)*, *Data Protection Act (DPA)* and our data protection policy. Applicants will have the right to access any documentation held on them in accordance with the *Freedom of Information Act* and our data protection policy.

## **Appendix 1 - Recruitment and selection procedure**

This procedure outlines the key stages of recruitment and selection for a vacant post. A commitment to safeguarding should be clear and explicit at all stages of the recruitment and selection process.

### *Preparation stage*

The preparation stage is an essential step to reduce the risk of appointing someone unsuitable. The recruitment and selection process should not commence until approval has been sought. The approval process may include a 'Request to Recruit' form, prepared by the recruiting manager (with support from HR), which will include the job description and person specification along with the salary range and recruitment costs.

HR will advise the recruiting manager on the most effective advertising method. As a minimum all posts should be advertised on the ATT website.

The job description must accurately reflect the requirements of the post, and must reference the responsibility for safeguarding and promoting the welfare of children.

The person specification should state the essential and desirable criteria in terms of skills, aptitudes, knowledge and experience for the job. The person specification must reference suitability to work with children as an essential criterion. Care must be taken to ensure that the criteria used in the person specification do not indirectly discriminate. HR can give assistance and guidance should this be required.

Once the 'Request to Recruit' form has been produced, it should then be passed to Finance to advise on any budgetary implication. The Principal is ultimately responsible for approving the 'Request to Recruit' form for any roles that replace an exiting member of staff. ATT Executive Leadership Team (ELT) is responsible for approving any senior leadership positions and newly created roles.

### *Advertising following approval*

All adverts must reference our commitment to safeguarding and promoting the welfare of children, including that the successful applicant will need to obtain an enhanced Disclosure and Barring Service check.

Should any staff be fulfilling a temporary role that becomes permanent then they will be required to apply for the position when it is advertised.

Positions will normally be advertised for two weeks and require the candidate to complete our application form. Internal advertisements may be advertised for a minimum of one week and candidates may be asked to complete our application form.

The advert and related paperwork should be submitted to HR who will manage the advertising process.

### *Shortlisting candidates*

If our application form is not completed the candidate will not be considered for the role.

This stage must be carried out by a minimum of two members of staff, at least one of whom has been trained in safer recruitment.

Candidates should be assessed against the selection criteria detailed in the person specification. Only candidates who meet all the essential criteria should be shortlisted. Where possible, candidates not shortlisted should be informed their application has been unsuccessful.

Notes of shortlisting decisions for each candidate should be recorded. If an application is received from an existing staff member at risk of redundancy and they meet all essential

criteria, an interview must be offered. Notes should be returned to HR once the shortlisted candidates have been interviewed.

If, when shortlisting, there is only one applicant who meets the selection criteria then consideration should be given to re-advertising the post in order to allow for a greater pool of candidates to be compared and considered.

Shortlisted candidates should be provided with details of any tests/presentations required, in a reasonable time in advance of the interview. They should also be asked whether there are reasonable adjustments that could be made so that they can fully participate.

### *Obtaining references*

References should always be obtained directly from the referee, and with the candidate's consent. Copies of references provided by the candidate or references addressed 'to whom it may concern' should not be accepted.

Information sought from referees should be structured around the requirements of the job and a copy of the job description should be provided to referees.

References should always be scrutinised and any concerns resolved satisfactorily before the appointment is made unconditional. Any discrepancies should be taken up with the candidate or if appropriate, the referee.

References should be obtained prior to the interview date for all shortlisted candidates, where possible, unless permission to approach referees at this stage of the process has been expressly denied by the candidate. In exceptional circumstances positions may be offered subject to satisfactory references.

If the appointment is urgent then HR may seek to obtain a verbal reference followed by a written reference.

HR must check the relevance and appropriateness of each referee and, should there be any concerns about the referees provided by the candidate, then HR will raise this with the candidate seeking alternative referees where appropriate. This will include incidents where candidates have worked with children and vulnerable adults in the past but have not provided that employer as a referee and also incidents where the candidates have not provided their most recent employers in chronological sequence (i.e. they have skipped an employer and detailed a later employer as a referee).

### *Selection and interview*

Interviews will be carried out by a minimum of two staff, one of whom should be the line manager, and at least one of whom must have been trained in Safer Recruitment. Interview questions and the structure of the interview should be agreed in advance and consistently applied to all candidates. Questions should be based on the person specification.

On arrival at the interview, candidates will be required to present proof of their identity, right to work in the UK and any relevant qualifications. The Home Office provides information on [acceptable right to work documents](#). Copies of this information will be taken and added to the SCR for the successful candidate, and destroyed for unsuccessful candidates.

Interviewers should use standardised questions to assess the candidate's suitability for the post against the person specification. All interviews must include questions that explore a candidate's attitude to safeguarding and assess the candidate's attitude, values and behaviours to work with children.

Selection is a two-way process: candidates are assessing the suitability of the role and organisation before making their own decision. Those involved in the selection process should consider how best to convey a positive experience for all candidates.

Any discrepancies or anomalies in the candidate's application/interview must be resolved. This includes unexplained career moves e.g. frequent moves without progression, or sudden moves to supply teaching or reasons for gaps in employment.

Notes should be taken throughout the interview and passed to HR once the interview process has been completed.

In the event that a candidate requests feedback about their performance in the selection process it should be provided by a member of the panel. Feedback will be based on the candidate's ability to demonstrate their suitability against the person specification.

Both successful and unsuccessful interview candidates should be informed of the outcome of their interview.

### *Making the appointment*

Once an appointment decision has been made, a verbal offer of employment should be made as soon as reasonably practicable. No offer should be made until all interviews have been conducted. Usually this will be made by the Principal or the line manager.

Once the candidate has accepted the offer, HR will send a written conditional offer of employment. Offers of employment are subject to satisfactory references (if not already obtained), checks of relevant qualifications (if not already obtained) and a Disclosure and Barring Service (DBS) check and any other checks listed in the Pre-Employment Checks Policy (Appendix 1). All staff at every level within the establishment will be subject to these checks and checked appropriately.

HR will ensure that a Contract of Employment is provided to the candidate as soon as possible and no later than 8 weeks from the start date of their employment.

All staff and volunteers should receive thorough induction and relevant training at the earliest possible opportunity. Safeguarding and Health and Safety training must be carried out on the first day of employment and linked to appropriate policies and guidance.

## Appendix 2 – Pre-employment checks for staff and volunteers

1	Introduction .....	10
2	Teaching staff.....	10
3	Support staff .....	11
4	Agency staff.....	<b>Error! Bookmark not defined.</b>
5	LAC members .....	<b>Error! Bookmark not defined.</b>
6	Members and Trustees .....	<b>Error! Bookmark not defined.</b>
7	Contractors .....	12
8	Volunteers.....	13
9	Reviewing check results .....	13
10	Previously lived and/or worked abroad.....	14
11	Single Central Register .....	14

## **1 Introduction**

- 1.1 It is vital that we safeguard our pupils from harm and only employ those with a right to work in the UK. In order to identify, deter and reject people who might harm children, all employees, those involved in our governance, volunteers, agency staff and contractors are subject to a vetting process.
- 1.2 Commencement of employment is subject to a satisfactory enhanced Disclosure and Barring Service check for everyone employed by us (both paid and unpaid) who has the opportunity to come into contact with children. In exceptional circumstances, where an academy requires a post-holder to commence before DBS clearance is received, a safeguarding risk assessment should be carried out. This will only be acceptable if all other pre-employment checks have been completed and both the Director of Safeguarding and the HR department have been consulted. A safeguarding risk assessment must not replace the DBS check and clearance should be sought at the earliest opportunity. In addition, those employed in regulated activity must also be checked against the barred list using the Employer Access Online service. References and a right to work in the UK check are also undertaken.
- 1.3 Once employed, and all pre-employment checks have been satisfactorily completed, no further vetting checks are required to be undertaken in relation to a member of staff, unless there is reason to suspect that they have received a conviction or caution. It is a contractual obligation for employees to advise us if they are subject to a police investigation, receive a conviction or a caution. Failure to notify us will result in disciplinary action (see our disciplinary policy and procedure).
- 1.4 Where an individual takes on a second role within the academy (e.g. if a member of staff joins the Local Academy Committee (LAC) or a member of the LAC takes on additional voluntary duties), checks do not need to be repeated, however any additional checks required for the new role will need to be undertaken.

## **2 Teaching staff**

- 2.1 All teaching staff are involved in regulated activity and therefore, their appointment is subject to satisfactory completion of
  - an enhanced Disclosure and Barring Service Check
  - a children's barred list check
  - Employer Access Online service check (checking to ensure they are not subject to a prohibition order issued by the Secretary of State)
  - two written references, at least one from their current/most recent employer
  - proof of their right to work in the UK
  - copies of qualifications
  - an overseas criminal record check (if they have worked or lived abroad in the last 5 years).
- 2.2 Movement of teaching staff from one academy to another within our trust is considered an internal transfer and therefore the above checks do not need to be undertaken again. However, the employee file for the member of staff does need to be transferred to the academy site where they will be based along with details of the checks completed when they were originally employed by us.
- 2.3 It is understood that supply teachers may not work for us continuously and therefore consideration needs to be given as to whether they require further checks after their initial appointment. If the supply teacher has worked for us within the last 3 months or has been working in a similar position with a break in service of less than 3 months, then no further checks are required. However, proof of employment should be included in their employee file. In all other cases before they commence another assignment they will need to satisfactorily

complete the checks listed in 2.1, be included on the Single Central Record, and may need to be issued another contract.

- 2.4 The above provisions apply to permanent, temporary, casual and supply teaching staff employed directly by us.

### **3 Support staff**

- 3.1 All support staff who work during school hours and are based at an academy site are involved in regulated activity and therefore appointment is subject to satisfactory completion of
- an enhanced Disclosure and Barring Service Check
  - a children's barred list check
  - Employer Access Online service check (checking to ensure they are not subject to a prohibition order issued by the Secretary of State) for support staff involved in 'teaching work' such as Teaching Assistants
  - two written references, at least one from their current/most recent employer
  - proof of their right to work in the UK
  - copies of qualifications (where appropriate)
  - an overseas criminal record check (if they have worked or lived abroad in the last 5 years).
- 3.2 Support staff who are not based at an academy site or do not work during school hours are involved in regulated activity and will require the checks listed in paragraph 3.1 if
- they visit the same academy site for more than 3 days in a 30-day period during school hours or
  - they accompany an overnight trip.
- 3.3 For all other employees, appointment is subject to satisfactory completion of
- two written references, at least one from their current/most recent employer
  - proof of their right to work in the UK
  - an enhanced Disclosure and Barring Service Check
  - copies of qualifications (where appropriate)
  - an overseas criminal record check (if they have worked or lived abroad in the last 5 years).
- 3.4 Employees who have not received an enhanced Disclosure and Barring Service check should not be left unaccompanied on the academy site during academy hours.
- 3.5 If an employee who is not involved in regulated activity changes position within our trust to a job that does constitute regulated activity they will be required to satisfactorily complete a children's barred list check.
- 3.6 Movement of support staff from one academy to another within our trust is considered an internal transfer and therefore the above checks do not need to be undertaken again, unless clause 3.4 applies. However, the employee file for the member of staff does need to be transferred to the academy site where they will be based along with details of the checks completed when they were originally employed by us.
- 3.7 If the member of staff has a contract with another academy within our trust and has worked for that academy within the last 3 months, then they do not need to complete the checks listed in 3.1. However, a copy of the records in relation to the checks will need to be obtained and included on the Single Central Register. The academy will need to issue another contract to the member of staff as casual contracts contain site-specific information.

3.8 If the member of staff has a contract with another academy within our trust and has not worked for that academy within the last 3 months then they should be checked in accordance with section 3.1.

3.9 The above provisions apply to permanent, temporary, casual and supply support staff employed directly by us.

#### **4 Agency staff**

4.1 If a member of staff is contracted through an agency it is the agency's responsibility to ensure that the checks listed in section 2.1 have been carried out for teaching staff or checks listed in 3.1 for support staff. However, we must obtain confirmation from the agency and keep a record of the confirmation. Where the agency worker will be working in the academy for a period of 3 consecutive days or more their details should also be included on the Single Central Register.

#### **5 Local Academy Committee members**

5.1 All LAC members are required to satisfactorily complete the following prior to appointment:

- our application form
- an enhanced Disclosure and Barring Service Check
- a declaration of business interests
- proof of their right to work in the UK
- a section 128 check
- consent to abide by our code of conduct.

5.2 A LAC member is not required to completed a barred list check unless, in the completion of their duties, they are in contact with children for more than 3 days in a 30-day period and are not supervised during that time by a member of staff.

5.3 LAC members may serve up to two four-year terms. Reappointment for a further four-year term is treated as a new appointment for the purposes of this policy and therefore subject to the satisfactory completion of

- our application form
- an enhanced Disclosure and Barring Service Check
- a declaration of business interests
- proof of their right to work in the UK
- consent to abide by our code of conduct.

#### **6 Members and Trustees**

6.1 All Members and Trustees are required to satisfactorily complete the following prior to appointment:

- an enhanced Disclosure and Barring Service check
- a children's barred List check
- a declaration of business interests
- proof of their right to work in the UK
- a 'consent to act' form
- consent to abide by our code of conduct.

#### **7 Contractors**

7.1 Where an external organisation is the employer (both paid and unpaid) it is their responsibility to ensure that their staff have been appropriately checked. It is our responsibility to obtain confirmation that the appropriate checks have been carried out in accordance with this policy and keep a copy of the confirmation on file.

- 7.2 Where measures have been taken to ensure that contractors will not come into contact with children on more than 3 days within a 30-day period and never have unsupervised contact, then no checks are required (e.g. if the boiler is being serviced and a member of staff accompanies the engineer to the boiler room, stays with them while they service the boiler and accompanies them off the site), then no check would be required.
- 7.3 If a contractor is self-employed then the academy will need to complete the appropriate checks as it is not possible for an individual to check themselves.

## **8 Volunteers**

- 8.1 All volunteers who will come into contact with children in the course of their volunteer work or will be on the academy site during school hours for more than 3 days in a 30-day period must complete an enhanced Disclosure and Barring Service check. If they are working in an academy with KS1 they must also complete a childcare disclosure declaration.
- 8.2 Prior to beginning their volunteer work, they must have met with a member of staff to discuss the role and completed a right to work in the UK check.
- 8.3 Where the volunteer will be left unsupervised with children on more than 3 occasions in a 30-day period or is accompanying an overnight stay then they must also be barred list checked. Supervision in this instance requires the adult present to be employed by us and to have been barred list checked.
- 8.4 If the volunteer has been checked by another academy within our trust then they are not required to complete another check, however details of the initial check must be obtained and included on the Single Central Register. For the avoidance of doubt, checks carried out by other organisations, unless covered by the conditions in section 8, are not accepted.

## **9 Reviewing check results**

- 9.1 If the enhanced Disclosure and Barring Service check is clear, the individual is not on the barred list and, in the case of teachers, the information they provided on their application form matches the information on the Employer Access Online service (i.e. they are not prohibited from teaching and their qualifications are correct), then the individual should be employed.

### *Barred list*

- 9.2 If the barred list check has been completed and the individual is included, they should not be employed.

### *Employer Access Online service*

- 9.3 If a teacher is prohibited from teaching, they should not be employed. If the information they provided on their application form does not match the information on the Employer Access Online service, this should be discussed with the teacher. Where the individual has intentionally lied on their application form they should not be employed. For all other explanations, it is for the Principal to determine whether or not they should be employed based on the circumstances. A copy of the minutes from any meetings with the teacher to discuss should be included on their personnel file, along with the rationale used to determine whether or not they were employed.

### *Enhanced Disclosure and Barring Service check*

- 9.4 Where an enhanced Disclosure and Barring Service check is not clear the following questions should be considered:
- Was the information declared on their application form (for paid staff)?
  - Was the information discussed prior to submission of the DBS check?

- How long ago was the caution/conviction?
  - Is the caution/conviction relevant to the position for which the check was carried out?
- 9.5 If the caution/conviction was discussed prior to the return of the completed DBS check then it is assumed that consideration has been given to the circumstances surrounding the caution/conviction and it has been determined that the individual should be employed.
- 9.6 If the caution/conviction was not discussed prior to the return of the completed DBS check then a meeting needs to take place between a member of the interview panel and the individual to discuss why they did not declare it and the circumstances surrounding the caution/conviction.
- 9.7 When considering whether or not to employ an individual with a caution/conviction, the DBS risk assessment should be completed and advice should be sought from our legal advisers, and a record of the reasons for employing/not employing the individual included on their personnel file.

*Proof of right to work*

- 9.8 Proof of right to work in the UK needs to be checked for all employees and volunteers. The two documents which should be checked are
- Passport
  - Visa.
- 9.9 UK, EEA and EU citizens have a right to work in the UK, with the exception of those from Bulgaria. Citizens from all other countries (and Bulgaria) will require an appropriate visa.
- 9.10 If the individual does not have the right to work in the UK then they cannot be employed/volunteer unless we are able to sponsor them. There are certain paid positions within our trust which are covered by our Sponsorship Licence. The central HR team is responsible for approving the employment of individuals that need to be sponsored.

**10 Previously lived and/or worked abroad**

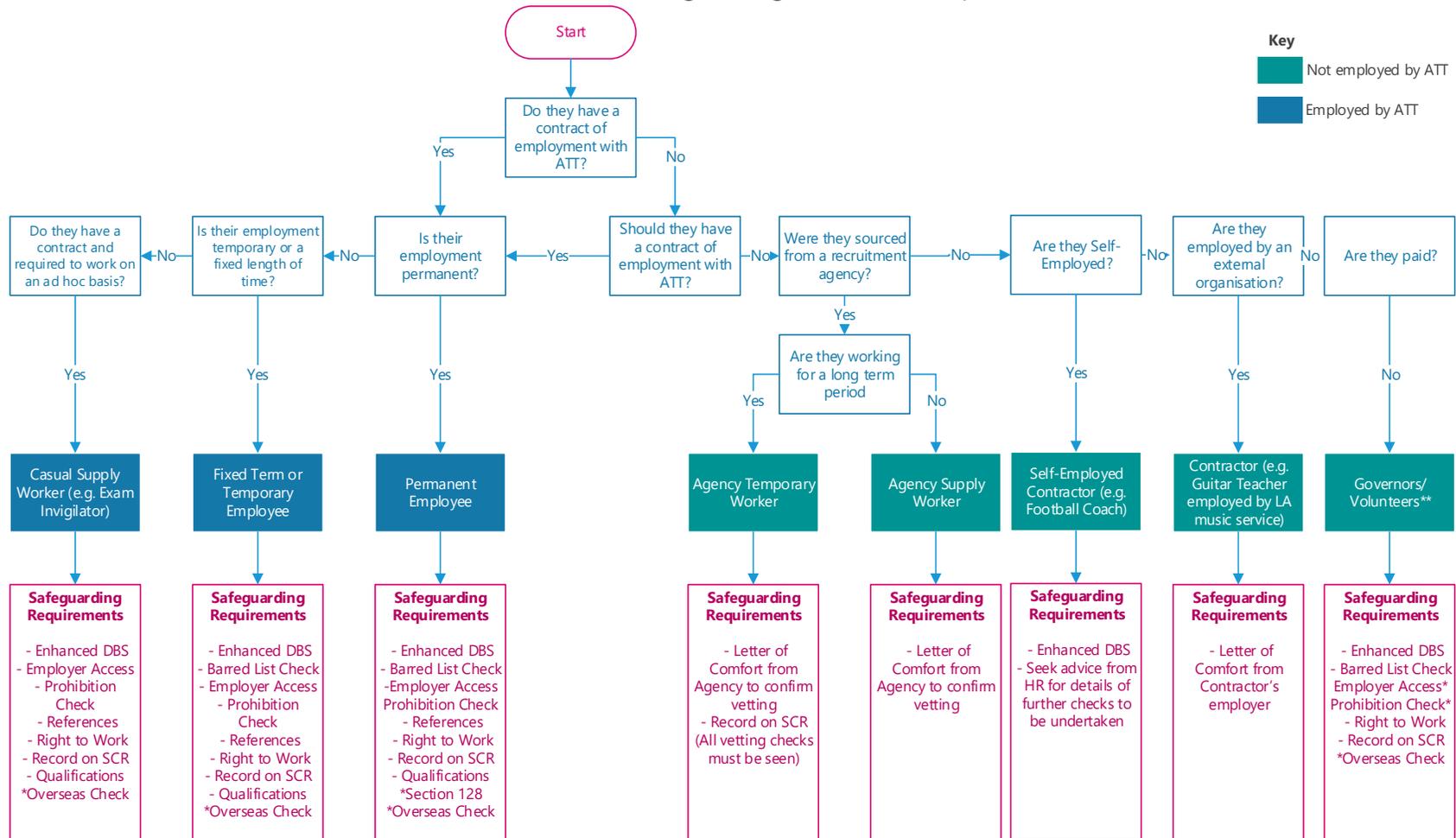
- 10.1 If an individual has lived/worked abroad in the last 5 years then additional checks will need to be undertaken.
- 10.2 The Home Office provides a country by country guide for the application processes for foreign national criminality information. The appropriate check listed in that guide should be conducted.
- 10.3 The same consideration should be given to any cautions/convictions identified by this check as those identified on an enhanced Disclosure and Barring Service check.

**11 Single Central Register**

- 11.1 The Single Central Register should contain a list of all staff and volunteers, the checks carried out, date they were carried out, and who by.
- 11.2 The Single Central Register should list which category the individual was checked under (e.g. teacher, volunteer etc.) and should only contain details for current volunteers, employees and contractors.
- 11.3 For casual staff and volunteers that have not been in the academy in the past 3 months and former employees, their records should be transferred to a separate register. This register should contain the date on which the record was transferred as records should be held for 6 years after the employee left and then permanently deleted.

11.4 Staff who are involved in any stage of the safer recruitment process should refer to the 'Pre-Employment Checks and SCR Guidance' information pack which is available in the ATT SCR Toolkit.

## Flow chart to Identify the Status of a Worker / Employee to determine which Safeguarding Checks are Required



The guidance above is not exhaustive and should be read in conjunction with the safer recruitment policy. DBS Certificates must not be kept but instead a separate form should be completed to confirm a record.

\*Requirements denoted by an asterisk will only need to be undertaken if applicable

\*\* Checks only applicable where a volunteer is working during school hours for more than 3 days in a 30 day period

