



JIGSAW LEARNING TRUST
Safer Recruitment Policy



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1. Introduction

This policy applies to all Trust staff and volunteers (subject to such other changes that may have been adopted by the Board of Trustees or Local Governing Body of each individual school).

The term "recruiting manager" includes those members of the Board of Trustees or an individual school's Local Governing Board, who have been nominated for recruitment and selection panels, and any senior leader or manager to whom authority to recruit has been delegated.

Comment [GD1]: Does each school have its own Local Governing Board?

2. Data Protection

The Trust processes personal data of employees, including data that is within the special categories of data (such as personal data concerning an employee's health), collected during their recruitment and while they are employed in accordance with its data protection policy for the purposes of dealing with recruitment and selection. Data collected and processed for those purposes is held securely and accessed by individuals with delegated authority for the purposes of applying this policy in a fair and transparent way.

Inappropriate access or disclosure of employee data by an employee of the Trust constitutes a data breach and should be reported immediately in accordance with the Trust's data protection policy. It may also constitute a disciplinary offence, which will be dealt with under the trust's disciplinary procedure.

3. Principles

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

All posts within each school in the Trust are exempt for the Rehabilitation of Offenders Act 1974, and the amendments to the Exceptions Order 1975, 2013 and 2020. Therefore, all applicants for an exempted post will be required to declare spent and unspent convictions and cautions, including those regarded as spent, unless 'protected' (e.g. filtered), and complete an Enhanced Criminal Records Disclosure via the Disclosure and Barring Service (DBS).

Each school will ensure that relevant staff who undertake recruitment have received appropriate safer recruitment training.

Each school will ensure that every appointment panel includes one member who has received appropriate safer recruitment training.

Comment [GD2]: This is not required in law for academies but as best practice it is the minimum standard. It is required for maintained schools.

Each school will 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.

Each school will keep and maintain a single central record of recruitment and vetting checks in line with its obligations set out within the DfE's statutory guidance 'Keeping Children Safe in Education'.

Each school will ensure the terms of any contract with a contractor or agency requires them to adopt and implement measures described in this policy. Each school will monitor compliance with these measures.

Staff who are convicted or cautioned for any offence during their employment are required to notify the relevant school in writing, including both the offence and the penalty.

4. Roles and responsibilities

It is the responsibility of the Trustees to:

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

It is the responsibility of the Executive Headteacher, relevant Headteacher and other managers involved in the recruitment and selection process to:

- ensure that each school in the Trust operates safer 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; and
- promote safeguarding of children and young people at every stage of the recruitment and selection process.

It is the responsibility of all potential and existing staff members, including volunteers to comply with the terms of this policy.

It is the responsibility of all contractors and agencies to comply with safer recruitment pre-employment checks as set out within Keeping Children Safe in Education or as required by the Trust.

For Executive Headteacher and Headteacher posts, the responsibility for recruitment and selection is delegated to an appointment panel of nominated Trustees.

Comment [GD3]: Is this correct?

It is the responsibility of all staff to read and understand Part 1 and Annex A of Keeping Children Safe in Education (as amended each year), and to sign to this effect: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

This record is then retained for inspection purposes. Any staff member who does not fully understand any part of Part 1 and/or Annex A, must inform their manager who will ensure that mechanisms are put place to assist staff to understand and discharge their role and responsibilities as set out in the guidance.

Those staff members with school management responsibility will be required to read and understand the whole of Keeping Children Safe in Education (as amended) and the relevant sections of Working Together to Safeguard Children (as amended), and sign to this effect:

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

5. Advertising

To ensure equality of opportunity, each school will advertise all vacant posts to encourage as wide a field of candidates as possible, normally this will entail an external advertisement. However, where there is a reasonable expectation that there are sufficient qualified internal candidates or where staff are at risk of redundancy, an internal advertisement may be considered appropriate.

All advertisements will contain:

- each school's commitment to safeguarding and promoting the welfare of children and make clear that safeguarding checks will be undertaken;
- the safeguarding responsibilities of the post as per the job description and personal specification; and

- that the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020.

Where a role involves engaging in regulated activity relevant to children, a statement will be in the application form or elsewhere in the information provided to applicants that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

Comment [GD4]: This is in September's KCSIE.

Applicants will be signposted to the relevant school's child protection policy and practices and policy on employment of ex-offenders on its website.

Comment [GD5]: This is in September's KCSIE.

6. Application forms

Each school within the Trust must use the agreed application form for all vacancies. CV's will not be accepted.

Applicants will be required to provide:

- personal details, current and former names, current address and national insurance number;
- details of their present (or last) employment and reason for leaving;
- full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment;
- qualifications, the awarding body and date of award;
- details of referees/references (see below for further information); and
- a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.

Candidates are required to account for any gaps or discrepancies in employment history on this application form. Where an applicant is shortlisted, these gaps will be discussed at interview.

7. Self-declaration of convictions by job applicants

Shortlisted applicants for all posts (including volunteers) are required to declare all criminal convictions whether "spent" or "unspent" and include any cautions and pending prosecution, with the exception those spent convictions or cautions that are 'protected' (e.g. filtered).

Shortlisted candidates (including volunteers) will be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children, e.g.:

- if they have a criminal history;
- whether they are included on the barred list;
- whether they are prohibited from teaching;
- whether they are prohibited from taking part in the management of an independent school;
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted;
- if they are known to the police and children's social care;
- have they been disqualified from providing childcare; and,
- any relevant overseas information.

This information will only be requested from applicants who have been shortlisted. The information will not be used as a way to decide who should be shortlisted.

Applicants will be asked to sign a declaration confirming the information they have provided is true. Where there is an electronic signature, the shortlisted candidate will be asked to physically sign a hard copy of the application at point of interview.

The purpose of a self-declaration is so that candidates will have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.

The disclosure of convictions, cautions or pending cases will not necessarily prevent employment but will be considered in the same way as positive DBS disclosures.

8. Interviews

The selection process will always include a face to face interview with at least one selection panel which will include questions relating to safeguarding children, e.g.:

- finding out what attracted the candidate to the post being applied for and their motivation for working with children;
- exploring their skills and asking for examples of experience of working with children which are relevant to the role; and

- probing any gaps in employment or where the candidate has changed employment or location frequently, asking about the reasons for this.

Interviews will be used to explore potential areas of concern to determine an applicant's suitability to work with children.

Any information about past disciplinary action or allegations will be considered in the circumstances of the individual case.

For some vacancies, it may be appropriate for the selection process to include an appropriate activity with pupils. In such cases, pupils will be involved in the recruitment process in a meaningful way. Observing short listed candidates and appropriately supervised interaction with pupils/students is common and recognised as good practice.

All information considered in decision making should be clearly recorded along with decisions made

9. Pre-employment checks

All offers of appointment will be conditional until satisfactory completion of the mandatory pre-employment checks, as set out within Keeping Children Safe in Education. Each school will:

- verify a candidate's identity, to be sure that the person is who they claim to be, including where available, checking the name on their birth certificate, where this is available;
- obtain (via the applicant) an enhanced DBS check (including children's barred list information, for those who will be engaging in regulated activity with children). When using the DBS update service, the original physical certificate will be seen;
- obtain a separate children's barred list check if an individual will start work in regulated activity with children before the DBS certificate is available;
- verify the candidate's mental and physical fitness to carry out their work responsibilities by way of appropriate medical health checks;
- verify the person's right to work in the UK, including for EU nationals;
- if the person has lived or worked outside the UK, the school will make any further checks it considers appropriate;
- verify professional qualifications, as appropriate, including qualified teacher status (QTS), and the completion of teacher induction or probation;

- check that a person taking up a management position, as described in Part Three of Keeping Children Safe in Education, is not subject to a section 128 direction made by the Secretary of State;
- check that an applicant to be employed to carry out teaching work is not subject to a prohibition order issued by the Secretary of State, or by the GTCE before its abolition in March 2012;

In addition, each school will check that:

- individuals who will be employed to work in reception classes, or in wraparound care for children up to the age of 8, are not disqualified from working in these settings under the 2018 Childcare Disqualification Regulations.

Shortlisted candidates will also be required to provide original proof of their:

- Qualifications and professional status by producing documentation on the day of the 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. If the original documents are not available, the school will require sight of a properly certified copy.
- Proof of identity and other documentation will be verified by the recruiting manager or by an appropriately delegated individual within the relevant school.

10. Commencement of employment prior to DBS check being received

In exceptional circumstances it is permitted to commence employment prior to receiving a satisfactory DBS certificate. However, a check of the Child's Barred List barred list check and risk assessment must be received by the recruiting manager.

Subject to other factors, such as whether the applicant worked in a school not more than three months before their appointment which brought them regularly into contact with children, the risk assessment should include that the individual must not be unsupervised or left alone with pupils until a satisfactory DBS certificate has been received and the decision is taken that the DBS check meets the requirements of the post. The risk assessment must be agreed and counter-signed by the Executive Headteacher / Headteacher.

11. Offers of employment

All offers of employment will be provisional and subject to the successful completion of all relevant pre-employment checks, as set out in section 9, above.

It may be possible to agree a provisional start date with the preferred candidate, however, with the exception of DBS disclosures, in limited circumstances, all pre-employment checks, including a Child Barred List check, will be completed **before** an individual's appointment is confirmed.

In the case of DBS disclosures, a satisfactory DBS certificate must be obtained before or as soon as practicable after appointment. Where a school wishes to commence employment in advance of the receipt of a satisfactory DBS certificate then the guidance set out in section 10, above, will be followed.

Once all pre-employment checks have been satisfactorily completed, an offer of employment will be made and the contract of employment issued in accordance with employment legislation.

12. Employment references

The relevant school will take up references on all shortlisted candidates immediately after shortlisting.

Where an employee has indicated on the application form that they do not wish their current employer to be contacted prior to interview, in such cases, and where the relevant school agrees to this request, the reference will be taken up immediately after interview and prior to any offer of employment being substantiated.

References must be in writing and on school or business letterhead and be specific to the job for which the candidate has applied - open references or testimonials are not acceptable. Schools within the Trust will not accept references from relatives or people writing solely in the capacity of a friend. Wherever possible, only references from a trusted authoritative source will be acceptable. Reference requests may specifically ask:

- about the referee's relationship with the candidate; and
- whether they are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding allegations.

Referees will also be asked to confirm:

- the applicant's current post and salary;
- performance history and conduct including details on any situation where any formal action has been taken using capability procedures within the last 2 years;
- any disciplinary procedures in which the sanction is current; and
- any disciplinary procedures involving issues relating to the safety and welfare of children, including any in which the sanction has expired and the outcome of those.

References will be compared to the application form to ensure that the information provided is consistent. Any discrepancies will be taken up with the applicant.

Any discrepancies in a reference will be discussed with the referee, and where appropriate, the offer of employment may be withdrawn.

13. Record retention and data protection

The school will retain all interview notes on all applicants for a 6 month period, after which time notes for unsuccessful candidates will be confidentially destroyed (shredded). 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. For successful candidates, interview notes will be held as part of their personnel file.

Under data protection law, applicants have a right to request access to notes written about them during a recruitment process. Applicants who wish to access their interview notes must make a written subject access request in writing to the school at any point while the record is still held by the school.

In gathering information to make recruitment decisions the relevant school will ensure that it acts proportionately and minimises wherever possible the intrusion into the private lives of their staff.

14. Single Central Record of Barring and Recruitment Pre-employment checks

In line with those requirements set out within Keeping Children Safe in Education, the school will keep and maintain a single central record of recruitment and pre-employment 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, and those who provide additional teaching or instruction for pupils but who are not staff members, e.g. peripatetic music teachers, sports coach or artist etc.

The single central record will indicate whether or not the following have been completed:

- Identity checks
- Qualification checks for any qualification legally required for the job (e.g. QTS)
- Prohibition from teaching checks
- Barred list checks
- DBS checks
- Further overseas checks where appropriate
- Disqualification under the childcare act checks, where appropriate
- Section 128 checks for management and governors

The single central record will also indicate who undertook the check and the date on which the check was completed or the relevant certificate obtained.

Comment [GD6]: This isn't specified in KCSIE but is common practice.

In order to accurately record information of supply staff provided through a supply agency, the school will require written confirmation for 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 will be carried out by the school to check the person arriving is the person the agency intends to refer to them.

15. Contractors

Where a school within the Trust uses contractors to provide services, they will set out their safeguarding requirements in the contract between the organisation and that school.

The school will ensure that any contractor, or any employee of the contractor, who is to work at the school or college, has been subject to the appropriate level of DBS check including for those engaging in regulated activity relating to children, an enhanced DBS check (including children's barred list information).

For all other contractors who are not engaging in regulated activity relating to children, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including children's barred list information) will be required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across several sites.

In cases where a contractor does not have opportunity for regular contact with children, the school will determine if a basic DBS disclosure would be appropriate.

Under no circumstances will a contractor on whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity relating to children.

If a contractor is self-employed, the school will determine on a case by case basis as to whether will obtain the DBS check, acknowledging that self-employed people are not able to make an application directly to the DBS on their own account.

The relevant school will always check the identity of any contractors on arrival.

16. Trainee/student teachers

Where applicants for initial teacher training are salaried by a school within the Trust, it will ensure that all necessary checks are carried out. If a trainee teacher is engaging in regulated activity relating to children (which in most cases by the nature of the work, they will be), an enhanced DBS check (including children's barred list information) will be obtained.

Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. In such cases, the relevant school will obtain written confirmation from the provider that it has carried out all pre-appointment checks that the school would otherwise be required to perform, and that the trainee has been judged by the provider to be suitable to work with children.

Whilst there is no statutory requirement for a school to record details of fee-funded trainees on the single central record. Each school will do so.

Comment [GD7]: This is your choice but most schools seem to do this for completeness.

17. Visitors

The Trust understands that its schools will have different types of visitors, those with a professional role i.e. educational psychologists, social workers etc. those connected with the building, grounds maintenance, children's relatives or other visitors attending an activity in school such as a sports day.

The relevant school will not request DBS checks or barred list checks, or

ask to see existing DBS certificates, for visitors such as children's relatives or other visitors attending activities such as a sports day.

Headteachers will use their professional judgment about the need to escort or supervise such visitors.

For visitors who are there in a professional capacity, each school will check ID and be assured that the visitor has had the appropriate DBS check (or the visitor's employers have confirmed that their staff have appropriate checks).

Each school will assess, on a case by case basis, those individuals coming onto their premises, which may include an assessment of the education value, the age appropriateness of what is going to be delivered and whether relevant checks will be required.

18. Volunteers

Under no circumstances will a volunteer on whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

The Trust understands that whilst volunteers play an important role and are often seen by children as being safe and trustworthy adults, the nature of voluntary roles varies, so each school will undertake a written risk assessment and use their professional judgement and experience when deciding what checks, if any, are required.

The risk assessment will consider:

- the nature of the work with children, especially if it will constitute regulated activity, including the level of supervision;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability; and
- whether the role is eligible for a DBS check and, if it is, what level is appropriate.

The relevant school will obtain an enhanced DBS check (which should include children's barred list information) for all volunteers who are new to working in regulated activity with children, i.e. where they are unsupervised and teach or look after children regularly, or provide personal care on a one-off basis in schools and colleges.

The Trust acknowledges that employers are not legally permitted to request barred list information on a supervised volunteer, as they are not considered to be engaging in regulated activity.

With respect to the supervision of volunteers, each school will determine on a case by case basis as to the level of supervision required. In doing so the school will have regard to the statutory guidance issued by the Secretary of State (replicated at Annex F of Keeping Children Safe in Education).

The relevant school will maintain a copy of the risk assessment and any checks that it understands in its secure storage.

19. Whistleblowing

All staff and volunteers with the Trust are subject to its Whistleblowing Policy and will be signposted to the location of the policy during their induction.

20. Safeguarding culture and vigilance

The Trust adopts a culture of continuous vigilance where all concerns are listened to and taken seriously.

The Trust will maintain an environment that deters and prevents abuse and challenges inappropriate behaviour. To support this, school leaders will seek to create the right culture and environment so that staff feel comfortable to discuss matters both within, and where it is appropriate, outside of the workplace, which may have implications for the safeguarding of children.

21. Allegations

Schools will follow the Trust's Managing Allegations policy which meets requirements of the Sunderland Safeguarding Children Board allegations procedures and those contained with Keeping Children Safe in Education.

Schools will, where necessary, refer any allegation for initial consultation to the Designated Officer at the relevant local authority.

22. Designated Safeguarding Lead

Within the Trust the role of the Designated Safeguarding Lead (DSL) and Deputy Safeguarding Lead (DDSL), is referred to explicitly in the job description of the relevant staff.

Comment [GD8]: You will need to check this.

The Trust intends that the Designated Safeguarding Lead (or deputy) will always be available to discuss safeguarding concerns. If in exceptional circumstances, the Designated Safeguarding Lead (or deputy) is not available, this will not delay appropriate action being taken.

Staff will be advised to consider speaking to a member of the senior leadership team and/or take advice from the relevant local children's social care. In these circumstances, any action taken will be shared with the Designated Safeguarding Lead (or deputy) as soon as is practically possible.