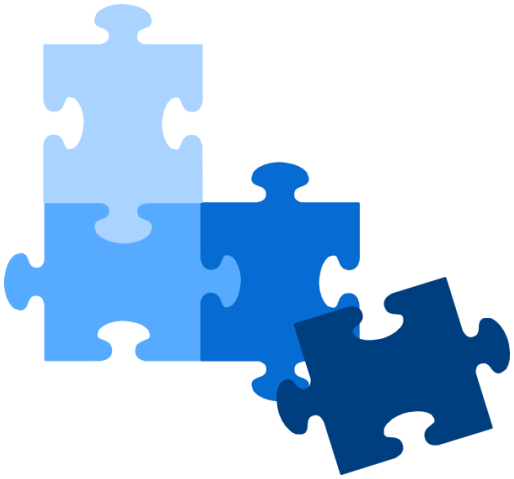

Jigsaw Learning Trust
Recruitment and Selection Policy

Fulwell Infant School Academy

OUSTON PRIMARY SCHOOL

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1 Introduction

1.1 The purpose of this policy is to provide a robust, transparent, fair and objective framework for the recruitment and selection of staff.

1.2 The school will seek to attract and select the best possible candidates for the job based on merit, regardless of age, disability, gender, marriage and civil partnership, pregnancy and maternity, race, religion or belief or sexual orientation.

1.3 The school will treat all candidates fairly, equitably, with dignity and respect. The school will make reasonable adjustments to all stages of the recruitment process and as required in order for a successful candidate with a disability to undertake the post.

1.4 The school is committed to safeguarding and promoting the welfare of pupils/students by only recruiting suitable people. The school will:

- create a culture of safe recruitment
- deter prospective applicants who are unsuitable to work with children and young people
- identify and reject applicants who are unsuitable to work with children and young people

1.5 The school's approach to recruitment and selection will be in line with the Equality Act 2010, Rehabilitation of Offenders Act 1974 and all other relevant employment legislation. In addition, the school will ensure compliance with relevant school-specific legislation / statutory requirements, including, but not limited to, for example:

- Keeping Children Safe in Education,
- School Staffing (England) Regulations 2009
- Education (Independent School Standards) Regulations 2014
- DfE School and Employment Advice for Schools

1.6 **Data Protection -** As part of the recruitment process, the school will collect and process necessary personal data relating to job applicants. The school will treat personal data collected during the recruitment process in accordance with its Data Protection policy, the Data Protection Act 2018 and General Data Protection Regulation (GDPR). Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the recruitment process effectively to decide who to offer the job. Inappropriate access or disclosure of applicant data constitutes a data breach and should be reported in accordance with the Data Protection policy. It may also constitute a disciplinary offence, which will be dealt with under the school's Disciplinary policy. Information about how the data is used and the basis for processing the data is provided to applicants via our job applicant privacy notice.

1.7 Employees can request a copy of any additional policies referred to within the Recruitment Policy from their line manager or school office.

2. Scope of the Policy

2.1 This policy and procedure covers all activities that form part of the recruitment and selection process. It is applicable to all staff recruitment. Some sections of the policy will also apply to internal appointments, volunteers, agency and supply staff in the interests of safeguarding children.

2.2 **Decision Making**

The school will ensure that recruitment and selection decisions are made in line with the terms of reference and scheme of delegation. The decision of the selection panel for some senior roles may be subject to ratification by the Governing board. In such circumstances, an offer of conditional appointment should not be made until after ratification. It is essential that anyone who is involved in any aspect of the recruitment and selection of staff is aware of the contents of this policy and follows it. In addition, those involved will ensure that they understand safer recruitment and the requirements of equality legislation.

3. Equity, Diversity & Inclusion

3.1 The school is committed to meeting equality law requirements and to treating people fairly at all stages of recruitment and selection. The school will always carry out all parts of the recruitment and selection process without regard to a candidate's:

- Race including skin colour, nationality, ethnic or national origin
- Disability
- Being pregnant or on maternity leave
- Age
- Being married or in a civil partnership
- Sex
- Sexual orientation
- Gender identity or gender reassignment
- Association with another person who possesses a protected characteristic. For example, a candidate who has a disabled partner or relative.

3.2 All individuals involved in recruitment and selection at the school should make sure that:

- they understand that equality law applies
- they follow relevant policies and procedures

- all documentation, information or activity is lawful and not discriminatory
- they consider reasonable adjustments and other requirements relating to candidates who have a disability
- they challenge discrimination and unfair treatment, reporting it where appropriate and ask for advice where necessary.

3.3 **Indirect discrimination**

The school recognises that indirect discrimination can occur when there is a condition, rule, policy or a practice that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination is unlawful but may be justified if it as a reasonable requirement to meet the needs of the schools i.e. that it is 'a proportionate means of achieving a legitimate aim'. The school will seek advice from its HR provider. Examples of indirect discrimination are:

- where a person specification includes the requirement for five years' experience - this is likely to disadvantage younger applicants so unless it is a professional or justifiable requirement this could be challenged as indirect discrimination and
- where an employer requires applicants to have graduated in the last five years possibly having an adverse impact on older candidates.

3.4 **Unconscious Bias**

The school is aware that our background, personal experiences and cultural environment all influence the way we subconsciously view and evaluate other people. Everyone can think in a way that involves unconscious bias (false beliefs or assumptions, 'stereotyping') and all involved in the recruitment and selection process should not let it affect their behaviour or decisions. Objective judgements should be made against criteria necessary for the job.

3.5 **Application Forms**

Where candidates are asked to complete an equality and diversity monitoring form, this information will be separated from the application form. Anyone involved in the recruitment and selection process will not have access to this information. This information will be used for monitoring purposes and compiling performance information only, including monitoring the application of policy in relation to diversity in employment.

3.6 **Job descriptions/Person Specifications**

A job description and person specification will be developed for all posts prior to advertising. The language used will be clear, concise and inclusive. All candidates for the same post will be assessed against the person specification, which will be written as an objective means of assessing the candidate on their abilities related to that specific post.

3.7 **Interviews**

The school will consider the formation of the panel to ensure that a range of perspectives can be brought to the decision-making process. The interview panel will ensure that the questions that they ask job applicants are not in any way discriminatory or unnecessarily intrusive. The interview will focus on the role and the skills needed to perform it effectively. To ensure fairness, the interview panel will ensure that questions asked are consistent in all interviews for a particular job. The candidate will be provided with details of how the interview will be conducted in advance and will be asked whether they require any reasonable adjustments to be made or if there any technological difficulties that they may encounter.

3.8 **Fitness for Work**

The school will not ask candidates to complete a health questionnaire or undergo a medical examination prior to making them a conditional job offer. This is to make sure that a person's health or disability would not fundamentally prevent them from doing the job. In consultation with the candidate and Occupational Health, the school will consider whether there are reasonable adjustments that would enable the person to do the job. The school should not make assumptions about the candidate's capabilities or the level and nature of support that they might require. The school will never exclude any candidate with a disability unless the candidate is unable to perform a duty that is intrinsic to the role, having first taken into account reasonable adjustments.

3.9 **References**

To comply with KCSIE, the school will request references prior to interview and prior to a conditional offer of appointment. To avoid placing candidates at potential disadvantage, the school will not ask referees to disclose details of any protected characteristics.

3.10 **Making Reasonable Adjustments**

The school recognises that under the Equality Act 2010, reasonable adjustments must be made for job applicants if they are disabled. This can be relevant at any stage of the recruitment and selection process and can include changes to how an application is made, the interview and selection process.

A candidate can tell the school that reasonable adjustments are needed at any stage during the process. The school will ask if reasonable adjustments are needed within the application form and when a candidate is invited for interview.

Adjustments must be made if they are reasonable. The purpose of a reasonable adjustment is to offset any disadvantage that the candidate's disability would otherwise cause them. Reasonable adjustments can include:

- providing documents in an accessible format or accepting applications in other formats
- ensuring the interview venue is accessible or allowing it to take place remotely
- rescheduling the date and time of the interview if the time allocated conflicts with a medical appointment or is inconsistent with the availability of a carer
- arranging for a sign language interpreter to attend to assist with communication with a deaf job applicant
- allowing a candidate to be accompanied by a carer or support worker

A written record of reasonable adjustments will be made. Adjustments will be subject to regular review to ensure that the adjustments are working well, and the most appropriate adjustments are in place.

3.11 **Positive action**

The school is aware that employers can, in some circumstances, legally take positive action when recruiting. This can help the school become more diverse and representative and can widen the pool to be recruited from.

The school will not take any action that causes 'detriment' to another protected group.

Examples of positive action that the school may take include:

- Targeted advertising, as well as usual advertising mediums
- Using positive action as a tie breaker

Decisions to take positive action must be based on evidence (for example, where it has been identified that a protected group is under-represented within the school). Appropriate professional advice should be sought when considering the use of positive action to ensure actions are lawful. The school recognises that positive discrimination or affirmative action which seeks to select candidates purely on the grounds of their protected characteristic is unlawful.

Where positive action has been applied, it will not automatically be applied for future recruitment and selection. Decisions will be recorded and will be based on the circumstances of each recruitment exercise and the merit of each candidate.

4.0 Recruitment Process

4.1 When a post becomes vacant or there is a need to establish a new post, the following issues should be considered within the context of curriculum-led financial planning over three to five years:

- Does the vacancy need to be filled, and if so, is external recruitment required?
- Can the post be combined with others or tasks re-allocated to make optimum use of staff? If so, will their grade still be correct, will a restructure/review be required, and will any posts require evaluation?
- Is the designation and grade of the post still correct? Does the post require job evaluation or allocation?
- Have the duties/responsibilities required for the post changed?
- Is the post subject to recruitment and retention challenges and can anything be done about this?
- Are any employees at risk of redundancy?
- Are any employees at risk of dismissal on medical grounds?

4.2 It is essential that when appointing and making decisions about pay and grading, due regard is given to complying with the Equality Act, as well as any nationally and/or locally agreed terms and conditions or standards that the school is obliged to follow. All decisions should be made in line with the school's pay policy.

4.3 All posts must be established and graded in accordance with relevant governance procedures and the school's scheme of delegation.

4.4 Candidates should be provided with clear expectations as to how the recruitment process will work and the timeline of the key recruitment stages. Wherever possible, the job advert should set out the closing date for applications, when decisions will be made, when interviews will take place and how soon candidates can expect to hear back after submitting an application.

4.5 The language used within all recruitment documentation (advert, job description, person specification) should:

- Be clear and concise, avoiding use of internal or unnecessary jargon and acronyms
- Be accessible and inclusive
- Be non-discriminatory and unbiased
- Be readily understood by all candidates

4.6 **Job Title / Description**

Before advertising a post, an appropriate job description should be agreed. The job description should provide a comprehensive statement of what the job involves and detail a clear description of the duties, responsibilities and functional framework of the job. The job description should clearly set out the nature of the post (permanent or fixed term), grade and salary, expectations around working hours, reporting arrangements and accountability, and compliance with relevant policies/procedures.

Job titles should be clear, concise, relevant to the grade and requirements of the post.

The job description should be used to develop the job advert and to form the basis upon which the skills, knowledge, experience, qualifications and personal attributes can be identified for the person specification.

The length and complexity of the job description will vary according to the work involved.

Safer Recruitment
To emphasise the school's commitment to safer recruitment, all job descriptions will clearly define the post holder's specific responsibility towards the safeguarding and promotion of the welfare of children and young people.

4.7 **Person Specification**

Before advertising, an appropriate person specification should be agreed relevant to the job description. The person specification should translate the requirements of the job (as per the job description) into the personal attributes being sought to ensure that a candidate is suitable for the role. The person specification should clearly set out the skills, knowledge, qualifications and experience that are needed for someone to effectively perform the job role.

All criteria should be objective and justifiable, relevant to the specific job tasks and requirements, in line with the job description. Criteria should be expressed in terms of behaviours that can be evidenced and the use of character traits should be avoided.

All candidates will be assessed against the person specification and their abilities relating to the role. Criteria should be measurable, and the person specification should outline how each will be assessed (for example, application form, sight of certificates, classroom observation, task, presentation, interview questions).

Safer Recruitment
To emphasise the school's commitment to safer recruitment, a commitment to safeguarding and promoting the welfare of young people will be an essential requirement specified in all person specifications. When a post requires a DBS disclosure, this must be stated in the person specification.

4.8 English Language Requirement for Public Sector Workers in Public Facing Roles

The school recognises that several roles will fall in scope of the statutory requirement, which specifies that all public sector workers in a 'public facing' role must be sufficiently fluent in English for the effective performance of their role. The degree of interaction with the public needs to be regular and an intrinsic part of the role; this includes both face to face and telephone conversations. By way of example, the school considers that the roles of teacher, teaching assistant, reception staff will fall within scope.

Employees, agency staff, self-employed contractors and apprentices are all covered by the duty.

Fluency relates to a person's language proficiency and their ability to speak with confidence and accuracy, using accurate sentence structures and vocabulary. In the context of a public-facing role, a person should be able to choose the right kind of vocabulary for the situation at hand without a great deal of hesitation. They should listen to the member of the public and understand their needs. They should tailor their approach to each conversation appropriate to the member of the public, responding clearly with fine shades of meaning, even in complex situations. Fluency does not relate to regional or international accents, dialects, speech impediments or the tone of conversations.

Where a role falls under this duty, this will be detailed as an essential requirement within the person specification, for example, 'The ability to converse at ease with pupils/parents/members of the public and provide advice in accurate spoken English' or 'The ability to fulfil all spoken aspects of the role with confidence through the medium of English'.

There are a number of ways to assess a job applicant's fluency, including, but not limited to:

- competently answering interview questions in English
- passing an English spoken language competency test or possessing a relevant spoken English qualification at CEFR Level B1 or above, taught in English by a recognised institution abroad
- possessing a relevant qualification for the role attained as part of their education in the UK or fully taught in English by a recognised institution abroad

For further information, the panel may wish to seek additional HR advice.

4.9 **Advertising the Vacancy**

The school wishes to ensure that that is has the greatest chance of attracting the best candidates to the vacancy and making a successful appointment. The school recognises that advertising is an essential tool for doing this as it allows vacancy details to reach a wide range of potential applicants and increases the chances that the right person for the job will apply. Vacancies will be advertised using the most suitable form of advertising for the post. The school will decide based on the individual circumstances if a vacancy is to be advertised internally and/or externally.

Promoting a vacancy is equally important as it allows schools to provide information about the role and the school context that will help ensure only the most suitable candidates who meet the specification will apply

The vacancy should be advertised as soon as reasonably practicable, being mindful of:

- any pending changes such as academy conversion or merger which may affect the staffing structure
- the need for adequate time to prepare – to reviewing the role, prepare the job description, person specification, advert, information for candidates, identify the selection panel (if not already established) and determine the selection process
- resignation deadlines for serving teachers

Vacancies should be advertised in such a manner as the school considers appropriate. This does not always mean advertising externally or nationally for senior leaders, although it is recognised that this is often a good way of maximising the field of potential candidates. The school expects that the chosen means of advertising represents best value within the context of the school budget and the nature of the post.

4.10 **The Advert**

Job adverts should give clear, accurate information about the school and the role using bias free language. Adverts should include:

- A brief and consistent introduction to the school and its ethos
- Post title/hours of work/contract type
- Grade/salary/applicable allowances
- Work location
- Realistic overview of the actual role and clear, specific role requirements and safeguarding responsibilities (attach job description and person specification)
- A safeguarding statement, including the safeguarding checks that will be undertaken for all shortlisted candidates
- If the post will be subject to a Disclosure and Barring (DBS) check (including the level and all other relevant safer recruitment checks) and whether the post is exempt from the Rehabilitation of Offenders Act 1974
- Closing date for applications and the date of interview, if known
- Offer to make reasonable adjustments both during recruitment process and on the job

Safer Recruitment

To emphasise the school's commitment to safer recruitment, adverts will include:

- The school's commitment to safeguarding and promoting the welfare of children, making it clear that safeguarding checks will be undertaken
- The safeguarding responsibilities of the post in line with the job description and person specification
- Whether the post is exempt from the Rehabilitation of Offenders Act 1974

All applicants should be made aware of relevant school policies, including those relating to child protection and safeguarding.

4.11 **Application Form**

An application form will be used for selection purposes. Other forms of application such as a Curriculum Vitae (CV) should only be accepted alongside a full application form and CV's alone are not considered sufficient to satisfy the requirements of safer recruitment.

The application must be received by the specified closing date. Only in exceptional circumstances will late applications be accepted.

The school expects applicants to provide:

- Personal details
- 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
- Personal statement detailing the applicant's skills, qualities and experience relevant to their suitability for the post and how the meet the person specification

Applicants must provide correct, accurate and complete information. All job applicants are requested to sign a declaration stating that the information that they have provided on the application form is true and complete. We reserve the right to check the details provided with other agencies, including local authorities and the police for the prevention and detection of fraud.

Where information provided is found to be false, the school will disqualify the candidate from appointment, and if already appointed, will investigate and consider the matter in accordance with the school's disciplinary policy.

5.0 Selection Process

5.1 The Selection Panel

The selection panel will be formed in line with the school's terms of reference and scheme of delegation dependent on the nature of the post. In all cases, the panel will consist of a minimum of two people and at least one member of the panel will have completed relevant safer recruitment training. A panel chair will be selected.

Panel members should familiarise themselves with the school's recruitment policy and understand employment law in respect of discrimination.

Wherever possible, the panel will consist of the same people for shortlisting and interview purposes.

Any relationships between candidates and panel members or senior leaders should be declared to the panel prior to interviewing the shortlisted candidates. Where a relationship is declared, a decision will be taken as to the appropriate panel members.

5.2 Shortlisting

The purpose of shortlisting is to identify from the applications received only those candidates that should be interviewed. Shortlisting is a matching process that measures the information provided by candidates in their application forms, against the experience, knowledge, skills and qualifications listed in the person specification. **Candidates are assessed against the person specification and not each other.**

After the closing date, all panel members will shortlist the applicants separately, assessing every application against the person specification and recording their decision. Panel members will then discuss their decisions and from this agree the final list of shortlisted candidates.

Late applications will not be accepted other than in exceptional circumstances.

5.3 Shortlisted Candidates

To comply with its safer recruitment obligations, the school will carry out certain vetting checks on shortlisted candidates **before interview and before a conditional offer** of employment is made.

Safer Recruitment

All **application forms will be scrutinised** to ensure they are fully and proper completed; that the information provided is consistent and does not contain any discrepancies and to identify any gaps in employment. Incomplete applications will not be accepted.

Prior to interview, shortlisted candidates will be asked to complete a self-declaration form, references will be requested, and an online search may be performed.

5.4 Self-Declaration Form

Shortlisted candidates will be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. The purpose of requesting this information is to provide candidates an opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received. **This information will only be requested from candidates who have been shortlisted and will not be requested within the application form.**

The school recognises that the amendments to the Exceptions Order 1975 (2013) provide that, certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and therefore cannot be taken into

account. Candidates shortlisted for interview will be asked to declare if they have any convictions, cautions, reprimands or final warnings that are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (amended in 2013 and 2020) and to provide relevant details of the offence, date of offence and sentence. Candidates are expected to declare that they have read the guidance notes including the information regarding criminal convictions and declare that the information given is true in all respects.

Shortlisted candidates will be asked to physically sign this declaration at the point of interview to confirm that the information they have provided is true.

5.5 Pre-employment online search

To comply with our obligations as set out within KCSIE, the school will carry out an online search as part of our due diligence on shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school might want to explore with the applicant at interview. **Shortlisted candidates will be informed that online searches may be carried out as part of the school's due diligence checks.**

To minimise the risk of bias or discrimination, wherever possible, the search will be carried out by someone who is independent of the recruitment process. The search will focus on looking for information that is publicly available online that might suggest to the school that they are not fit to work with children or young people and/or could cause harm to the reputation of the school. If the search discovers information that appears of concern and is considered relevant, this will be raised with the candidate as part of the interview process. No decision will be made about a candidate's suitability for the role until after the interview has taken place.

5.6 References

The school recognises that the purpose of seeking references is to allow employers to obtain factual information to support appointment decisions. The school will only ask for the information needed to make this decision.

The school will obtain a minimum of two references for externally shortlisted candidates and, these references will be obtained prior to interview. Any concerns raised within a reference will be explored further with the referee and will be discussed with the candidate at the interview.

All references received must be in writing. References cannot be received verbally, unless subsequently followed up in writing. To ensure that the school receives the required information, referees will be asked set questions via the completion of a pro-forma.

The school will exercise appropriate discretion in seeking references for internal candidates and will do so with the aim of obtaining relevant information to support the appointment to the new post. It is recognised that in most cases an internal candidate's suitability to work with children and young people will have previously been confirmed.

Safer Recruitment

The school will:

- Not accept open references
- Not rely on candidates to obtain their own references
- Ensure that at least one reference is obtained from the candidate's current employer (or most recent, if not employed) and that the referee is a senior person with appropriate authority
- Obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employer.
- Obtain a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children) and if the applicant has never worked with children, will ensure a reference is received from their current employer.
- Always verify any information with the person who provide the Reference.
- Ensure electronic references originate from a legitimate source.
- Ensure that specific questions have been answered satisfactorily and contact referees to clarify content where information is vague or insufficient information is provided.
- Compare the information on the application form with that in the reference and take up any discrepancies with the candidate.
- Establish the reason for the candidate leaving their current or most recent post.
- Ensure any concerns are explored and resolved satisfactorily before appointment is confirmed.

Referees will be asked specific questions about the candidate's suitability to w with children and young people, including asking to be provided with the facts of any substantiated safeguarding concerns/allegations that meet the harm threshold.

For the appointment of teachers (including all Leadership posts), the school will ask previous employers for details about whether the individual has been subject to capability procedures in the previous two years.

The school will not disadvantage a candidate because of any protected characteristic. Referees will not be asked to disclose details of:

- any adjustments – for example, reasonable adjustments in relation to a disability
- absence records – in relation to sickness, disability, adoption, maternity or paternity leave

5.7 Selection Methods

Multiple selection methods may form part of the selection process and will normally be carried out prior to the interview. The school recognises that a broad range of selection methods helps inform the selection process and maximise the level of objectivity brought to the final decision to ensure that the best candidate is selected.

The school will determine the most appropriate method based on the specific requirements of each post and this will be detailed within the person specification. Examples include presentation, work-related test or activity, classroom observation, leading a discussion with pupils, teaching a lesson, case studies, group exercises. psychometric testing.

For some posts, the school may involve children and young people in the selection process. The participation of children and young people and the nature of their involvement will be risk assessed to ensure their welfare is safeguarded at all times.

The school is committed to ensuring that:

- All selection methods have a direct, demonstrable and explicit link to the person specification for the post.
- All selection methods are chosen on the basis of their likelihood to predict an individual's performance in the job
- Candidates are made aware, in advance, of the methods to be used and have the opportunity to advise of any reasonable adjustments that they may require
- Candidates be offered feedback on their performance, which can be provided verbally, in writing or face-to-face.

5.8 Interview

An interview will form part of the school's selection process. The interview will focus on the role and the skills needed to perform it effectively. The interview will be used to explore any potential areas of concern and to determine the candidate's suitability to work with children.

Interviews will be structured and questions will be agreed in advance. Each panel member should take factual and objective notes, avoiding biased judgements, inferences or opinions. so that fair decisions can be made. The

panel should be mindful that these notes will form the basis of the recruitment decision-making and may be read by others, including the candidate. Candidates should be allowed to take their own notes if they wish.

The interview questions should be appropriate in number and complexity to measure the specific criteria on the job description and person specification. The panel will ensure that the questions they ask are not in any way discriminatory or unnecessarily intrusive. Each candidate will be asked the same set of questions. Supplementary questions should be asked to clarify answers or check specific facts. Questions should be 'open-ended' so they cannot be answered 'yes' or 'no'.

Wherever possible, interviews will be carried out in person and the same panel will interview all candidates for the same post. Interviews will take place even if there is only one applicant who is eligible to be interviewed. The interview venue will be private and accessible. Where it is deemed necessary and appropriate to hold an interview virtually then steps will be taken to verify the identity of the candidate i.e. the camera must be switched on throughout the interview process, with the candidate visible and ID checked prior to the start of the interview.

Candidates will receive reasonable written notice in advance of the interview date.

The school will make the necessary arrangements for disabled candidates and/or panel members prior to the interview. Any adjustments should be made in agreement with the candidate/panel members to identify an individual solution.

Rearranging an interview for a candidate will be at the school's discretion.

Safer Recruitment

The interview process should allow time for the panel to explore further:

- any discrepancy in a candidate's application (for example, where information differs from that provided within a reference)
- gaps in employment history or where the candidate has changed employment or location frequently
- potential areas of concern raised via a reference, the self-declaration form or online search.

The panel should ascertain as much detail as possible and, where appropriate, should seek further evidence or verification from the candidate. The panel should be satisfied that any areas of concerns have been resolved.

The interview panel should establish what attracted the candidate to the post and their motivation to work with children. The interview should explore the candidate's skills and ask for examples of experience of working with childr relevant to the role. Areas that may be concerning and lead to further probing include:

- implication that adults and children are equal
- lack of recognition and/or understanding of the vulnerability of children
- inappropriate idealisation of children
- inadequate understanding of appropriate boundaries between adults and children
- indicators of negative safeguarding behaviours

5.9 Reaching a Decision

Decisions must not be made until all selection events have been completed and all of the information obtained through the selection process has been considered.

Each panel member should record their own decision as to how each candidate meets the person specification **without** discussion with other panel members. The panel should then discuss their views and reach collective decisions about whether any candidates can be appointed, which should be recorded.

The panel should ensure that disabled candidates are not discriminated against when reaching a decision.

The successful candidate should be verbally offered the job as soon as possible after the panel decision. The offer will be subject to relevant pre-employment vetting checks. Normally, candidates for support roles will be appointed to the lowest salary point of the grade. Candidates for teaching roles will be appointed to a starting salary in line with the school's pay policy.

Where there is more than one appointable candidate, the panel should identify the strongest candidate and offer them the job on a conditional basis. If the successful candidate declines the offer, the job should be offered to the next appointable candidate etc. until the offer is accepted, or no other appointable candidates remain.

An appointment should not be made if none of the candidates are considered suitable. The school believes it is preferable to not appoint anyone at all than to

make the wrong appointment. If there are no appointable candidates, the post may need to be re-advertised. Before doing so, the panel should re-evaluate the recruitment and selection process, including the job description, person specification and the advert.

Unsuccessful candidates should be informed in writing within a calendar week of the selection event unless they have been previously told that this will not happen. Unsuccessful candidates are entitled to know the reasons why they were unsuccessful, and any information given to unsuccessful candidates should be given sensitively, carefully and constructively. If the feedback is being given verbally then a written record should be kept of the conversation with the individual.

Interview notes/assessment documentation for all candidates will be retained in line with section 8 of this policy. Candidates may request a written copy of this documentation.

5.10 Interview expenses

The school will not as a matter of course reimburse claims for interview expenses from candidates.

6. Pre-employment Vetting Checks

6.1 The school will undertake pre-employment checks in line with the current version of KCSIE.

Safer Recruitment
As part of the safer recruitment process, the school will check the candidate's previous employment history and experience, satisfactorily resolving any gaps, discrepancies or anomalies.

6.3 **All offers of appointment to external candidates will made on a conditional basis**, subject to the satisfactory completion of some or all of the following pre-employment vetting checks (some of which may already have been obtained/checked at the interview):

- Verification of identity
- Enhanced DBS certificate
- Separate barred list check (if appropriate)
- Verification of mental and physical fitness to work
- Verification of right to work in the UK
- Verification of professional / vocational qualifications (where relevant)

- Further checks on individuals who have lived or worked outside the UK (as considered appropriate)
- Check of Secretary of State Prohibition Orders, directions, sanctions and restrictions (if appropriate).
- At least two satisfactory references
- Completion of Teacher Induction or Probation (where relevant)
- Pre-employment online search
- Childcare disqualification (where relevant)
- Satisfactory Completion of Probationary Period (if appropriate)
- Proof of Current Driving Licence/ Driver Induction Assessment (if appropriate)

6.4 **All offers of appointment to internal candidates** will be made on a conditional basis, subject to the satisfactory completion of the appropriate vetting checks relevant to the new role. The school will determine what additional vetting checks are required, recognising that what is required will differ depending on individual circumstances, including pre-employment vetting checks completed before employment with the school and the difference between the candidate's substantive role and the new post. For example:

- Change from a support role to a teaching role would require verification of professional qualifications and appropriate checks of Secretary of State Prohibitions orders, directions, sanctions and restrictions
- Change to a role that required the transportation of children would require proof of current driving licence / driver induction assessment.
- Change to a role that is covered by the Childcare Disqualification Act would require a check to verify the candidate is not disqualified.

The above list is not exhaustive.

As with other checks a verified copy of the original certificate should be taken, and a copy kept on the employee's personal file.

6.5 DBS Certificate

The school should obtain (via the candidate) an enhanced DBS check (including children's barred list for those engaged in regulated activity) before, or as soon as practicable after, the person's appointment. Barred list information will not be requested for any person who is not engaging in or seeking to engage in regulated activity.

The candidate will be required to show the original paper DBS certificate to the school. The school will compare any information disclosed on the certificate with any information shared by the candidate during the recruitment process.

Where a DBS certificate contains disclosure information, the school will assess that information fairly and on an individual basis before reaching a decision.

The school will give the applicant the opportunity to discuss the details disclosed and will consider the following factors:

- The seriousness of any offence and relevance to the post applied for
- How long ago the offence occurred
- Whether it was a one-off incident or a series of incidents
- The circumstances around the incident
- Whether the individual accepted responsibility for their actions
- The context of Teachers' Standards and Teacher misconduct guidance if a teaching post.
- Whether the post falls within scope of the Childcare Act 2006 and if the offences disclosed are relevant offences that would disqualify the individual from working within relevant childcare provision.

If the school determines that the nature of the information disclosed renders the candidate unsuitable to work with children and/or carry out the post applied for, the job offer will be withdrawn. The school will retain written evidence of the reasons for that decision.

The school may allow an individual to commence employment in regulated activity pending receipt of the DBS certificate. This can only occur if all other checks, including a separate check of the barred list, have been satisfactorily completed, appropriate supervision arrangements are in place and a risk assessment has been completed.

The school will usually request an enhanced DBS check for all individuals, including those who have worked in a relevant position within 3 months prior to their appointment. It is accepted that there may some circumstances where this is not considered necessary. This decision will only be taken if all other relevant vetting checks, including a separate check of the barred list (if regulated activity), have been satisfactorily completed.

Further information can be found in within Appendix 1.

6.6 DBS Update Service

Where the candidate has joined the DBS Update Service, the school will use this service to perform the DBS check.

Before using the Update Service, the school will:

- obtain consent from the applicant to do so
- confirm the DBS certificate matches the individual's identity
- examine the original certificate to ensure that it is valid for employment within the children's workforce
- ensure that the level of the check is appropriate to the job that the candidate is applying for

6.7 Separate Barred List Check

The school will only carry out a separate barred list check in the following circumstances and where all other checks have been carried out:

- for newly appointed staff who are engaging in regulated activity and have commenced employment before the DBS certificate is available (see paragraph xx)
- where an individual has worked in a post in a school or college that brought them into regular contact with children or young persons which ended not more than 3 months prior to that person's appointment to the school.

6.8 Mental and physical fitness to work

All offers of employment will be made subject to confirmation of the candidate's fitness to carry out the role. Candidates will be asked to complete a confidential medical questionnaire which will be assessed by the school's Occupational Health provider. A candidate may be required to attend a consultation with Occupational Health.

A potential employee is confirmed as fit for work when the school receive notification as such from Occupational Health.

The school recognises that there may be occasions where reasonable adjustments should be considered to enable an individual to carry out the job. The school will consider the advice and recommendations provided by its Occupational Health provider and will determine whether adjustments are required in consultation with the candidate. Assumptions should not be made about the candidates' capabilities or the level and nature of support that they might require.

Where adjustments are identified and the candidate is subsequently employed, the school will keep a written record of the adjustments made and the reasons for making them. The school will ensure that the adjustments are reviewed on a regular basis.

If it is determined that a candidate is unable to perform a duty that is intrinsic to the role, and no reasonable adjustments have been identified that would enable them to do so, the offer of employment will be withdrawn.

6.9 Right to work in the UK

The requirement to provide documentary evidence of the right to work in the UK applies to all appointees, regardless of their race, nationality or ethnic or national origins. All job applicants should be treated in the same way. There should be no assumption that a foreign national has no right to work in the UK.

The school will ensure candidates have the right to work in the UK and will follow the criteria set out by the Home Office when appointing individuals from outside the UK, including:

- the requirement to be a licensed sponsor to hire eligible employees from outside the UK
- the requirement that anyone the school wants to recruit from outside the UK must meet the job, salary and language requirements under the points-based immigration system.

The school will refer to the Home Office published information on GOV.UK for help with the UK's points-based immigration system.

All offers of employment to external candidates will be subject to the candidate providing evidence of their right to work in the UK (on an ongoing or restricted basis). For internal candidates already employed, previous documentation held on file can be used as long as earlier checks have been undertaken in line with the school's procedures and any relevant UK Visa and Immigration updates. Care should be taken to ensure there have been no changes in an employee's conditions of leave to remain.

Manual checks – Where a manual check is carried out, the school will obtain the original documents from List A or B of acceptable documents. The school will check that the documents are valid and genuine (in the presence of the document holder) and that the person presenting them is the candidate. The school will **keep a record of every original document checked as evidence of right to work**. This can be a hardcopy or a scanned copy in a format which cannot be manually altered, such as a jpeg or pdf documents. Copies should be kept securely for the duration of the person's employment and for a further two years after a leave date. **The school should also make a note of the date on which they conducted the check**. This can be by either making a dated declaration on the copy or by holding a separate record, securely, which can be shown to us upon request.

Online checks – Where appropriate, the school will carry out online checks using the Home Office service 'Check a job applicant's right to work use their share code' via GOV.UK. Where a share code has expired, the school will ask the individual to resend a new code.

The school will check that the photograph on the online check is of the individual presenting themselves for work. If the image does not allow this check to be performed, the school will advise the individual to update the image. If it is reasonably apparent from the photograph that it is of a different individual the job offer should be withdrawn.

If the online check confirms that the individual has the right to work in the UK but is subject to a condition preventing them from doing the work offered, the school will withdraw the offer of employment.

The school will retain and store securely the 'profile' page confirming the individual's right to work.

If an individual has time-limited permission to live and work in the UK, they will be required to provide evidence of their renewed right to live and work in the UK at the expiry date of the relevant current permission.

If a successful job candidate is unable to provide evidence of their right to work in the UK, the job offer should be withdrawn.

GOV.UK has produced an employer guide to support employers with right to work checks.

6.10 Further checks on individuals who have lived or worked outside the UK

The school will ensure that individuals who have lived or worked outside the UK will undergo the same checks as all other staff. This includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, the school will make any further checks that are deemed appropriate so that any relevant events that occurred outside the UK can be considered.

These checks could include, where available:

- criminal records checks for overseas applicants / candidates who have spent time outside the UK
- for teaching positions, obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach.

Where available, such evidence will be considered together with information obtained through other pre-appointment checks to help assess the candidate's suitability.

Where this information is not available, the school should seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

Where a sanction and/or restrictions has imposed by another regulating, the school should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment. The school will refer to the DfE Guidance: Recruit teachers from overseas.

The school is aware that not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from country to country. The school recognises that the criteria for disclosing offences in other countries often have a different threshold than those in the UK. The school will refer to the Home Office guidance on criminal records checks for overseas applicants which can be found on GOV.UK.

6.11 Verification of Professional / Vocational Qualifications

Candidates will be asked to provide evidence of any essential qualifications required to perform a particular job (for example, QTS) that have been specified as an essential job requirement within the person specification.

The school is aware that holding a teaching qualification (wherever it was obtained) does not, on its own, provide suitable assurances for safeguarding purposes that an individual has not been found guilty of any wrongdoing or misconduct, and or is suitable to work with children.

A verified copy of the original certificate should be made, and a copy kept on the employee's personal file.

6.12 Prohibitions, Directions, Sanctions and Restrictions

Secretary of State Teacher Prohibition and Interim Prohibition Orders

The school will not appoint a person who is prohibited from teaching to work as a teacher or carry out teaching work. The school will carry out appropriate checks using the Teacher Services' checking system; these checks will include prohibition orders and interim prohibition orders issued by the Secretary of State, and any sanction or restriction imposed (that remains current) by the GTCE before it's abolition in March 2012.

Secretary of State Section 128 Direction [Delete if not applicable]

The school is aware that a section 128 direction prohibits or restricts an unsuitable individual from participating in the management of an independent school, including academies and free schools.

The school will not appoint an individual who is subject to a section 128 direction to

- A management position within the school
- To be a trustee

- A governor that retains or has been delegated any management responsibilities

The school will determine if the post constitutes a management position, taking into account job title and/or responsibilities of the post. This will be clearly detailed within the job description and person specification.

The school will request section 128 direction information via an enhanced DBS check with barred list information by ensuring that 'child workforce independent school' is specified as the position applied for.

Where the nature of the post means that children's barred list information cannot be requested, the school will carry out this check using the TRA's Employer Access service.

6.13 Disqualification Under the Childcare Act

The school will ensure that they are not knowingly employing a person who is disqualified under the 2018 regulations in connection with relevant childcare provision.

The school will carry out appropriate checks for candidates due to work in, or directly manage, childcare provision (individuals working with children aged 5 and under, including reception classes, and those working in wraparound care outside of the normal school day for children above reception age, up to the age of 8, such as breakfast and after school clubs). **Such checks will not be carried out on candidates that do not fall in scope of the regulations.**

The school will make it clear as part of the recruitment process that the post falls within relevant childcare provision and is covered by the legislation. Shortlisted candidates (including internal), where the legislation applies, should be asked to make a declaration as to whether they are disqualified under the terms of the act. The school will review any information disclosed via the DBS certificate to establish whether any offences committed by individuals are relevant offences under the Act that would lead to the disqualification of the individual.

The school will also ensure that existing staff understand the requirements of the legislation and will regularly remind them of their responsibility to notify the Headteacher immediately if they are covered by the legislation and meet the criteria within the statutory guidance.

6.14 Proof of Current Driving Licence/ Driver Induction Assessment

Where the post requires the applicant to drive a school vehicle, the appointment will be subject to the production of a valid driving licence for the

required category of vehicle and the satisfactory completion of an in-house Driver Induction Assessment via the school's Occupational Health provider.

6.15 Satisfactory Completion of Probationary Period

Newly appointed, external support staff will receive an offer conditional on the person satisfactorily completing a six-month probationary period. During this period, an employee will be expected to establish their suitability for the position.

This provision does not apply if an individual has transferred from the service of another Council or from any other appropriate service accepted as such by this school.

This provision does not apply to teachers whose probationary period should be considered in line with the Early Career Teachers (ECT) statutory guidance

6.16 Confirming the Offer / Agreeing a Start Date

When all relevant pre-employment checks have been completed, the school will contact the candidate to agree a start date. Start dates for teachers will be agreed in line with the Burgundy Book.

The school will ensure that a principal written statement of particulars is issued on or before the first day of employment.

6.17 Withdrawing a Job Offer

If any of the pre-employment checks are unsatisfactory it may be necessary to withdraw the job offer. The panel should seek guidance from their HR provider.

If any of the pre-employment checks are unsatisfactory it may be necessary to withdraw the job offer. The school should seek guidance from their HR provider in this instance. If the decision is to withdraw the job offer then the candidate should be contacted by phone in the first instance. The school should clearly state the reason(s) for withdrawal and inform the candidate that the decision will be confirmed to them in writing.

7. Single Central Record

7.1 Keeping an accurate Single Central Record is an essential part of keeping children safe in education. All schools **must** maintain a single central record (SCR) of pre-appointment checks. The single central record must cover the following people:

- all staff (including supply staff, and teacher trainees on salaried routes) who work at the school, agency and third party supply staff
- for independent schools, including academies and free schools, all members of the proprietor body,

7.2 **Mandatory Checks to be recorded.**

The information that **must** be recorded extends to the school workforce (including teacher trainees on salaried routes) and includes the following checks, and the date on which each check was completed/certificate obtained:

- an identity check
- a standalone barred list check
- an enhanced DBS check (with children's barred list check)
- a prohibition from teaching check, where applicable
- a section 128 check, where applicable
- further checks on people who have lived or worked outside the UK
- a check of professional qualifications, where required
- a check to establish the person's right to work in the United Kingdom.

7.3 For agency and third-party supply staff, the school should also include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, the date that confirmation was received and whether details of any enhanced DBS check certificate has been provided in respect of the member of staff.

7.4 Where checks are carried out on volunteers (including governors), the school should record this on the single central record.

7.5 The details of an individual should be removed from the single central record once they no longer work at the school.

8. Retention of Documentation / Personal File

8.1 A personnel file will be created for the new employee. The file will include:

- Application form / self-declaration form
- Copy of advert, job description and person specification relating to the position
- Copy of recruitment process documents received from the selection panel.
- Copies of qualification certificates
- Proof of professional registrations (if applicable)
- DBS clearance evidence
- Working time regulation form
- Copy of evidence to verify ID
- Evidence of right to work in UK.
- Evidence of fitness for work
- References
- Evidence of online search
- Conditional offer of employment

- Copy of signed statement of particulars
- Any other correspondence with the candidate

8.2 Verified copies of documents used to verify the successful candidate's identity, evidence right to work and required qualifications will be kept on the employee's personnel file.

8.3 Copies of DBS certificates and records of criminal information disclosed by the candidate will only be retained with valid reason and will not be kept for longer than six months.

8.4 The applications forms, interview notes, online search evidence and references for unsuccessful candidates will be retained for a period of 8 months from the time the vacancy was filled, after which they will be destroyed, except where they are the subject of a legal challenge or there is a legitimate business reason to retain the information.

Appendix 1

Disclosure and Barring Service (DBS) Checks
(to be read in conjunction with KCSIE 2023)

1.1 The primary role of the Disclosure and Barring Service (DBS) is to help employers in England and Wales make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups including children. The school is committed to safeguarding the welfare of its children and young people.

1.2 The criminal record checking service allows the school to access the criminal record history of people working, or seeking work, in certain positions, especially those that involve working with children.

1.3 DBS checking is just one part of the pre and post-employment checks carried out during the recruitment and selection process. **Having a criminal record is not necessarily a bar to working with the school.** This will depend on the nature of the position, the transparency of the disclosure and the circumstances and background of the offence(s).

1.4 The DBS is responsible for administering the following types of checks:

- **Standard**: this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out.
- **Enhanced**: this provides the same information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC) as a Standard DBS check, plus additional information held by police such as interviews and allegations. Additional information will only be disclosed where a chief police officer reasonably believes it to be relevant and considers that it ought to be disclosed. The position being applied for/or activities being undertaken must be covered by an exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and by provisions in the Police Act 1997 (Criminal Records) Regulations 2002.
- **Enhanced with children's barred list check**: where people are working or seeking to work in regulated activity relating to children, this allows an additional check, to be made, about whether the person appears on the children's barred list, along with a check of the Police National Computer records plus additional information held by police as above. The position being applied for or activities being undertaken must be eligible for an enhanced DBS check as above and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred

list(s) check. In addition, this check can also include information as to whether an individual is subject to a section 128.

1.5 The level of DBS check required will be dependent on the role and duties to be carried out. For an Enhanced check with barred list information the potential employee must be engaging in regulated activity relating to children. Regulated activity includes:

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

Work under a) or b) is regulated activity only if done regularly (at least once a week or on more than three days in a 30 day period or overnight). Some activities are always regulated activities regardless of frequency or whether they are supervised or not. This includes:

c) relevant personal care, or health care provided by or under the supervision of a health care professional:
    - Personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability
    - Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

1.6 For all other positions that involve an opportunity for regular contact with children but are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be considered appropriate. This would include contractors that would have the opportunity for contact with children and who work under a temporary or occasional contract.

1.7 Schools may allow an individual to start work in regulated activity before the DBS certificate is available. In such circumstances, the individual will be appropriately supervised, and all other checks, including a separate barred list check, will have been completed. Schools should undertake a risk assessment and will exercise professional judgement when making such a decision; details of the risk assessment will be recorded.

1.8 If the school knows or has reason to believe that an individual is barred, it will not allow the individual to carry out any form of regulated activity. It is recognised that this is a criminal offence and that there are penalties of up to

five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.

1.9 Separate barred list checks must only be carried out in the following circumstances:

- for newly appointed staff who are engaging in regulated activity, pending the receipt of an Enhanced Certificate with Barred List information from the Disclosure and Barring Service (DBS) (and where all other relevant checks as per paragraph 213 have been carried out); or
- where an individual has worked in a post in a school or college that brought them into regular contact with children or young persons which ended not more than three months prior to that person's appointment to the organisation (and where all other relevant checks have been carried out).

2.0 DBS Update Service

Individuals can join the DBS Update Service at the point an application for a new DBS check is made, enabling future status checks to be carried out to conform that no new information has been added to the certificate since its issue (there is an annual fee for applicants using this service). This allows for portability of a certificate across employers.

2.1 Before using the Update Service schools must:

1) obtain consent from the applicant to carry out an online check to view the status of an existing standard or enhanced DBS check:
2) confirm the certificate matches the individual's identify; and
3) examine the original certificate to ensure that it is appropriate workforce and level of check and is valid for the position applied for (e.g. enhanced certificate/enhanced including with barred list information).

2.2 The school can then subsequently carry out a free online check. This would identify whether there has been any change to the information recorded, since the initial certificate was issued and advise whether the individual should apply for a new certificate. Individuals will be able to see a full list of those organisations that have carried out a status check on their account.

3.0 DBS Filtering

Filtering rules were first introduced on 29 May 2013 when amendments were made to legislation that affected both what an employer can ask a person in relation to convictions and cautions (for example a self-declaration on an application form of 'do you have any convictions'), and what is disclosed on a Standard or Enhanced DBS certificate.

3.1 These rules were updated in November 2020 as follows:

- warnings, reprimands and youth cautions will no longer be automatically disclosed on a DBS certificate
- the multiple conviction rule has been removed, meaning that if a person has more than one conviction, regardless of offence type or time passed, each conviction will be considered against the remaining rules personally, rather than all being automatically disclosed

3.2 From October 2023, custodial sentences of over 4 years that are not already excluded (such as life sentences or sentences of imprisonment for public protection), will be able to become spent for the first time. However, to ensure the protection of the public, the changes do not apply to persons sentenced to more than 4 years imprisonment following a conviction for any serious violent, sexual, or terrorist offences listed in Schedule 18 of the Sentencing Act 2020. These convictions will continue to never become spent and will therefore always be disclosed. In addition, rehabilitation periods for some disposals/sentences will be reduced. For example:

- Custodial sentences of more than 1 year and up to 4 years will now become spent 4 years after the end of the sentence,
- Custodial sentences of up to 1 year will now become spent 1 year after the end of the sentence.
- Community Orders and Youth Rehabilitation Orders will now become spent at the end of the order.

3.3 Changes to Filtering Rules (affecting Standard and Enhanced checks): The Filtering rules that dictate the content of Standard and Enhanced checks will change with the impact of all unspent records always being disclosed.

This change will mean that in limited circumstances, some applicants will now see additional unspent records being disclosed.

3.4 Standard and Enhanced DBS certificates will include details of convictions and cautions (excluding youth cautions, reprimands and warnings) recorded on the PNC. PNC records relating to protected cautions and convictions will not automatically appear on the certificate. The rules regarding the automatic disclosure of convictions or cautions are set out in legislation. This states that a certificate must include the following:

Disposal	Age when given/sentenced	How long ago
Caution for specified offence	18 or over	Any time
Caution for non-specified offence	18 or over	Less than 6 years
Conviction for specified offence	Any age	Any time
Conviction resulting in custodial sentence	Any age	Any time
Conviction for non-specified offence	18 or over	Less than 11 years
Conviction for non-specified offence	Under 18	Less than 5 and half years

3.5 A 'specified offence' is one which is on the list of specified offences agreed by Parliament which will always be disclosed on a Standard or Enhanced DBS certificate, regardless of how long ago it was given. This includes where a specified offence receives a caution (but not youth cautions, reprimands or warnings). The list includes a range of offences which are serious, relate to sexual or violent offending or are relevant in the context of safeguarding. The specified offences list covers those committed in England and Wales, however, the legislation also covers equivalent offences committed in other jurisdictions including overseas when they are recorded on the PNC. It is not possible to capture a definitive list of all equivalent offences under the law of all other jurisdictions. Where a person is aware that they have committed an offence outside England and Wales which may be equivalent to an offence on the list they should seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

3.6 The school can therefore only ask a person to provide details of convictions and cautions which we are legally entitled to know about. Where a standard or enhanced DBS certificate can legally be requested the school can only ask a person about convictions and cautions that are not protected. Where the school takes into account a conviction or caution that would not have been

disclosed, we are acting unlawfully under the Rehabilitation of Offenders Act 1974.

4.0 Agency and third-part staff (supply staff)

Schools and colleges must obtain written notification from any agency, or third party organisation, that they have carried out the same checks as the school or college would otherwise perform on any individual who will be working at the school or college (or who will be providing education on the school or college's behalf, including through online delivery). In respect of the enhanced DBS check, schools must ensure that written notification confirms the certificate has been obtained by either the employment business or another such business. Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the school, which has disclosed any matter or information, or any information was provided to the employment business, the school must obtain a copy of the certificate from the agency.

4.1 Schools must obtain written notification from any agency, or third-party organisation they use that the organisation has carried out the checks (in respect of the enhanced DBS certificate, written notification that confirms the certificate has been obtained by either the employment business or another such business), on an individual who will be working at the school, that the school would otherwise perform.

4.2 Where the position requires a barred list check, this must be obtained by the agency or third party prior to appointing the individual.

4.3 The school must also check that the person presenting themselves for work is the same person on whom the checks have been made.

5.0 Trainee/Student Teachers

Where applicants for initial teacher training are salaried by the school, the school must ensure that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity relating to children, an enhanced DBS certificate (including barred list information) must be obtained.

5.1 Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. Schools should 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. There is no requirement for the school to record details of fee-funded trainees on the single central record.

6.0 Existing Employees

If a school has concerns about an existing employee's suitability to work with children, the school should carry out all relevant checks as if the person were a newly appointed employee. Similarly, if a person working at the school moves from a post that was not regulated activity into a position which is regulated activity, the relevant checks for the regulated activity will be carried out.

6.1 Schools have a legal **duty to refer to the DBS** anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- the harm test is satisfied in respect of that individual
- the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that individual has committed a relevant listed offence, and
- that individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

6.2 The DBS will consider whether to bar the person. Detailed guidance on when to refer to the DBS, and what information must be provided, can be found on GOV.UK. Referrals should be made as soon as possible, and ordinarily on conclusion of an investigation, when an individual is removed from working in regulated activity, which could include being suspended, or is redeployed to work that is not regulated activity.

6.3 Where a teacher has been dismissed because of serious misconduct or might have been dismissed had they not left first, schools should consider whether to refer the case to the Secretary of State.

6.4 Existing employee DBS renewal will only take place under the following circumstances -
1 – there is a break in service of 3 months or more
2 – an employee makes a personal disclosure of a safeguarding nature that may require an update from the DBS.

7.0 Volunteers

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

7.1 The school is aware that volunteers are often seen by children as being safe and trustworthy adults. The nature of voluntary roles varies, so the schools should undertake a written risk assessment and use their professional judgement and experience when deciding what checks, if any, are required.

7.2 The risk assessment should 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, the level of the check, for volunteer roles that are not in regulated activity.

Details of the risk assessment should be recorded.

7.3 **When should a DBS with barred list be obtained for volunteers?** The school should 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. **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**.

7.4 **Supervision of volunteers** It is for the school to determine whether a volunteer is considered to be supervised. Where an individual is supervised, to help determine the appropriate level of supervision, all schools and colleges must have regard to the statutory guidance issued by the Secretary of State. For a person to be considered supervised, the supervision must be:

- by a person who is in regulated activity relating to children
- regular and day to day, and
- reasonable in all the circumstances to ensure the protection of children.

7.5 **Existing volunteers** Volunteers do not have to be re-checked if they have already had a DBS check (which should include children's barred list information if engaging in regulated activity). However, if the school has any concerns, it should consider obtaining a new DBS check at the level appropriate to the volunteering role.

8.0 **Proprietors of independent schools, including academies and free schools or alternative provision academies and free schools**

Before an individual becomes either the proprietor of an independent school or the chair of a body of people which is the proprietor of an independent school, the Secretary of State will:

- carry out an enhanced DBS check; where relevant, and where such a check is made, obtain an enhanced DBS certificate (either including or not including barred list information as appropriate)
- confirm the individual's identity; and
- if the individual lives or has lived outside of the UK, where making an enhanced check is insufficient, such other checks as the Secretary of State considers appropriate.

8.1 The Secretary of State also undertakes these checks in respect of the chair of governing bodies of non-maintained special schools.

8.2 The requirement for an enhanced DBS check and certificate is disapplied for the chair of an academy trust if the academy is converting from a maintained school and the person has already been subject to a check carried out by the local authority.

8.3 Where the proprietor is a body of people, the chair must ensure that enhanced DBS checks are undertaken, where relevant, for the other members of the body and that where such a check has been undertaken, an enhanced DBS certificate is obtained, and that identity checks are completed before, or as soon as practicable after, any individual takes up their position. The chair must also ensure that other members are not subject to a section 128 direction that would prevent them from taking part in the management of an independent school (including academies and free schools). Further checks, as the chair considers appropriate, should be undertaken where, by reason of the individual's living or having lived overseas, obtaining an enhanced DBS certificate is not sufficient to establish his or her suitability to work in a school.

8.4 In the case of an academy trust, including those established to operate a free school, the trust must require enhanced DBS checks on all members of the academy trust, individual charity trustees, and the chair of the board of charity trustees. Academy trusts, including those established to run a free school, have the same responsibilities as all independent schools in relation to requesting enhanced DBS certificates for permanent and supply staff. Where an academy trust delegates responsibilities to any delegate or committee (including a local governing body), the trust must require DBS checks on all delegates and all member of such committees. Academy trusts must also check that members are not barred from taking part in the management of the school as a result of a section 128 direction.

9.0 Contractors

The school should set out its safeguarding requirements in the contract between the organisation and the school.

9.1 The school should ensure that any contractor, or any employee of the contractor, who is to work at the school, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including 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 a number of sites.

9.2 Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity. The school is responsible for determining the appropriate level of supervision depending on the circumstances.

9.3 If a contractor working at a school is self-employed, the school should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

9.4 Schools should always check the identity of contractors and their staff on arrival at the school.

10.0 Visitors

The school does not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for those attending in a professional role or for visitors (for example children's relatives or other visitors attending a sports day). Headteachers and principals should use their professional judgment about the need to escort or supervise visitors. For visitors who are there in a professional capacity the school should 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).

11.0 Alternative Provision

Where a school places a pupil with an alternative provision provider, the school continues to be responsible for the safeguarding of that pupil and should be satisfied that the provider meets the needs of the pupil. Schools should obtain written confirmation from the alternative provision provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that the school would otherwise perform in respect of its own staff.

12.0 Adults who supervise children on work experience

Schools organising work experience placements should ensure that the placement provider has policies and procedures in place to protect children from harm.

12.1 Children's barred list checks via the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement. The school should consider the specific circumstances of the work experience. Consideration must be given in particular to the nature of the supervision and the frequency of the activity being supervised, to determine what, if any,

checks are necessary. These considerations would include whether the person providing the teaching/training/instruction/supervision to the child on work experience will be:

- unsupervised themselves, and
- providing the teaching/training/instruction frequently (more than three days in a 30- day period, or overnight).

12.2 If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity relating to children. If so, the school could ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

12.3 Schools are not able to request that an employer obtains an enhanced DBS check with children's barred list information for staff supervising children aged 16 to 17 on work experience. If the activity undertaken by the child on work experience takes place in a 'specified place', such as a school or sixth form college, and gives the opportunity for contact with children, this may itself be considered to be regulated activity relating to children. In these cases, and where the child doing the work experience is 16 years of age or over, the work experience provider e.g. school or sixth form college should consider whether a DBS enhanced check should be requested for the child in question. DBS checks cannot be requested for children under the age of 16.

13.0 Children staying with host families (homestay)

Schools quite often make arrangements for their children receiving education at their institution to have learning experiences where, for short periods, the children may be provided with care and accommodation by a host family to whom they are not related. This might happen, for example, as part of a foreign exchange visit or sports tour, often described as 'homestay' arrangements (see Annex D for further details). 336. In some circumstances the arrangement where children stay with UK families could amount to "private fostering" under the Children Act 1989.

14.0 Private fostering- LA notification when identified

Private fostering occurs when a child under the age of 16 (under 18, if disabled) is provided with care and accommodation by a person who is not a parent, person with parental responsibility for them or a relative in their own home. A child is not privately fostered if the person caring for and accommodating them has done so for less than 28 days and does not intend to do so for longer. Such arrangements may come to the attention of school staff through the normal course of their interaction, and promotion of learning activities, with children.

14.1 Where the arrangements come to the attention of the school, the school should then notify the local authority to allow the local authority to check the arrangement is suitable and safe for the child. Please refer to KCSIE for more detailed guidance.