



# **KING'S OAK PRIMARY SCHOOL**

## **SAFER RECRUITMENT POLICY**

### **July 2023**

**Policy prepared/reviewed by: Ian Hutchings**

**Policy reviewed and approved by: Full Governing Body**

**Date of approval: July 2023**

**Date of next review: July 2024**

This policy is linked to the Safeguarding and Child Protection Policy which is a statutory policy and is reviewed annually.

**This school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment**

## **Introduction**

King's Oak Primary School is committed to safeguarding and promoting the welfare of children and young people and requires all staff and volunteers to share and demonstrate this commitment in every aspect of their work.

We are committed to using disciplinary procedures that deal effectively with adults who fail to comply with the school's safeguarding and child protection procedures and practices, including referring any allegation of abuse against an adult working with children (including those employed by other agencies) to the Local Authority Designated Officer (LADO) immediately and within one working day of the allegation being made. A referral will be made if an adult has:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children

The purpose of this policy is to set out the requirements of a recruitment process that aims to:

- Attract the best possible applicants to vacancies
- Deter prospective applicants who are unsuitable to work with children or young people
- Identify and reject applicants who are unsuitable to work with children or young people

The appointment of all employees will be made on merit and in accordance with the provisions of Employment Law, Keeping Children Safe in Education and the school's Equality Objectives.

We will ensure that people are treated fairly on the basis of their abilities and potential, in line with our Equality Objectives..

We will comply with the requirements of the latest version of the DfE Keeping Children Safe in Education.

## **Roles and Responsibilities**

The Governing Body of the school will:

- ensure the school has effective policies and procedures in place for the safe and fair recruitment and selection of staff and volunteers in accordance with Department for Education guidance and legal requirements
- monitor the school's compliance with them
- ensure that appropriate staff and governors have completed safer recruitment training

The Headteacher will:

- ensure that the school operates safe and fair recruitment and selection procedures which are regularly reviewed and up-dated to reflect any changes to legislation and statutory guidance
- ensure that all appropriate checks have been carried out on staff and volunteers in the school (see Appendix 2)
- monitor any contractors' and agencies' compliance with this document
- promote the safety and well-being of children and young people at every stage of this process

## **Delegation of Appointments and Constitution of Selection Panel**

The Governing Body is responsible for the recruitment of the Headteacher and Deputy Headteacher. The Governing Body delegates the power to offer employment for all other posts to the Headteacher. The Headteacher may not delegate the power to offer employment to any other senior manager or governor. The Headteacher will involve at least one governor in the appointment of all senior staff positions and also in the appointment of other posts, where possible.

Selection panels will comprise a minimum of two people (normally three). In accordance with the statutory requirement, every selection panel will have at least one member who has undertaken Safer Recruitment Training.

## **Advertising**

All vacant posts will be advertised to ensure equality of opportunity and encourage as wide a field of candidates as possible. This will normally mean placing an advertisement externally. However, where there is a reasonable expectation that there are sufficient, suitably qualified internal candidates, or staff are at risk of redundancy, vacancies may be advertised internally before an external advertisement is placed. Any internal recruitment process will follow the procedures set out in this policy.

All advertisements for posts, paid or unpaid, will include the following statements:

*“King’s Oak Primary School is committed to safeguarding and promoting the welfare of children and young people and requires all staff and volunteers to share and demonstrate this commitment”*

*“The successful candidate will have to meet the requirements of the person specification and will be subject to pre-employment checks including a health check, an enhanced DBS check and satisfactory references. Please see our website for our policies on Equality, Safer Recruitment, Safeguarding and Child Protection.”*

## **Information for Applicants**

All applicants will be provided with:

- A Job Description, outlining the duties of the post, and a Person Specification
- An Application Form (CVs will not be accepted)
- A description of the school, relevant to the vacant post
- Reference to the school's policy on Equality
- Reference to the Safeguarding and Child Protection Policy, Safer Recruitment and Selection Policy, Staff Privacy Notice, DBS and other pre-employment requirements
- An outline of terms of employment including salary
- The closing date for the receipt of applications

Prospective applicants must complete, in full, and return a signed application form. This can also be completed, verified and submitted online using the Eteach website.

## **Short Listing and Reference Requests**

The selection panel will shortlist applicants against the Person Specification, for the post. The criteria for selection will be consistently applied to all applicants. The selection panel will agree the applicants to be invited to interview.

We will also carry out an online search on shortlisted candidates to help identify any incidents or issues that are publicly available online.

Two references, one of which must be from the candidate's current/most recent employer, will be taken up before the interview stage so that any discrepancies may be probed during this stage of the selection process. Candidates can request their employment references and should request these from their referees.

References will be sought directly from the referee and, where necessary, s/he will be contacted to clarify any anomalies or discrepancies. Detailed written records will be kept of such exchanges.

Where necessary, previous employers who have not been named as referees may be contacted in order to clarify any such anomalies or discrepancies. Detailed written records will be kept of such exchanges.

If a candidate for a post working with children is not currently employed in a post working with children, a reference will be sought from the most recent employment in which the candidate has worked with children to confirm details of the candidate's employment and his/her reasons for leaving.

Reference requests will ask the referee to confirm, in writing:

- The referee's relationship to the candidate
- Details of the candidate's current post and salary
- The candidate's performance history and conduct
- Whether the candidate has been subject to capability procedures and the outcome of this
- Whether the candidate has been subject to disciplinary action relating to the safety and welfare of children, including where the sanction has expired, and the outcome of this
- Details of any substantiated allegations or concerns about the candidate relating to the safety and welfare of children
- Whether the referee has any reservations as to the candidate's suitability to work with children and young people (if so, the school will ask for specific details of the concerns and the reasons why the referee believes the candidate may be unsuitable to work with children)
- The candidate's suitability for the post with explicit reference to the job description and person specification.

All appointments are subject to satisfactory references, recruitment and suitability checks and DBS clearance. Please see Appendix 1 for our policy on the Rehabilitation of Ex-Offenders and the [code of practice](#) for further information. References are the "property" of the selection panel and strict confidentiality will be observed. Employer testimonials i.e. those provided by the candidate and/or marked 'to whom it may concern' will not be accepted. References must be in writing and be specific to the job for which the candidate has applied. The selection panel will not accept

references from relatives or people writing solely in the capacity as a friend of the candidate, for any post. References will be verified and any discrepancies or areas of potential concern will be discussed with the candidate at interview.

If the field of applicants is felt to be weak, the post may be re-advertised.

## **Interviews**

Before the interviews, the selection panel will agree on the interview format.

Selection techniques will be determined by the nature and duties of the vacant post, but all vacancies will require an interview of short-listed candidates.

Interviews will always be face-to-face.

Candidates invited to interview will receive:

- A letter confirming the interview and any other selection techniques
- Details of the interview day including details of the panel members
- Details of any tasks to be undertaken as part of the interview process
- The opportunity to discuss the process prior to the interview

The questions asked will be aimed at obtaining evidence of how each candidate meets the requirement of the Job Description and the Person Specification and each candidate will be assessed against all of the criteria for the post.

The same areas of questioning will be covered for each applicant and no questions which would discriminate directly or indirectly against protected characteristics under the Equality Act will be asked.

The selection process for every post will include exploration of the candidate's understanding of, and commitment to, child safeguarding issues.

Candidates will always be required:

- To explain satisfactorily any gaps in employment
- To explain satisfactorily any anomalies or discrepancies in the information available to the selection panel
- To declare any information that is likely to appear on a DBS disclosure or affect their suitability to work with children
- To demonstrate their capacity to safeguard and protect the welfare of children and young people

The interview will also include a discussion of any convictions, cautions or pending prosecutions, other than those protected, that the candidate has declared and are relevant to the prospective employment.

The recruitment documentation will be retained. Under the Data Protection Act, applicants have the right to request access to notes written about them during the recruitment process. After 6 months, all information about unsuccessful candidates will be securely destroyed.

### **Pre-appointment checks**

An offer of appointment to a successful candidate, including one who has lived or worked abroad, will be conditional upon satisfactory completion of pre-employment checks. When appointing new staff, we will:

- Verify a candidate's identity from current photo ID (originals) and proof of address (originals) except where, for exceptional reasons, none is available; the advice of HR will be sought if this is the case
- Obtain a certificate for an enhanced DBS check with a barred list information where the candidate will be engaging in regulated activity
- Obtain a separate barred list check if, after carrying out a risk assessment, an individual will be judged as suitable to start work in regulated activity before the DBS enhanced disclosure is available
- Check that a candidate to be employed is not subject to a Prohibition Order issued by the Secretary of State, using the Teaching Regulation Agency (TRA) online.
- Use the Teaching Regulation Agency (TRA) online service to check information about any teacher qualifications held and whether induction has been passed
- Verify the candidate's mental and physical fitness to carry out their work responsibilities (a job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role)
- Verify the candidate's right to work in the UK (if there is uncertainty about whether an individual needs permission to work in the UK, then we will follow advice on the GOV.UK website)
- Make any further checks that we consider appropriate if the candidate has lived or worked outside the UK including information on sanctions or restrictions imposed by EEA professional regulating authorities
- Verify professional qualifications (original certificates), as appropriate and confirm qualification (and teacher induction) status via the Teaching Regulation Agency (TRA) online.

All checks will be:

- Documented and retained on the personnel file
- Recorded on the school's Single Central Register
- Followed up if they are unsatisfactory or if there are any discrepancies in the information received

### **Offer of Employment by the Selection Panel**

The offer of employment by the Headteacher, on behalf of the selection panel is subject to satisfactory completion of the pre-employment checks and two satisfactory references. The successful candidate will be informed, normally by offer letter, that the appointment is subject to satisfactory completion of these checks.

## **Personnel file and Single Central Record**

Recruitment and selection information for the successful candidate will be retained securely and confidentially for the duration of his/her employment with the school (and for 6 years after termination of employment) including:

- Application form – signed by the applicant
- Interview notes – including explanation of any gaps in the employment history
- references – minimum of two
- Proof of identity
- Proof of right to work in the UK
- Proof of relevant academic qualifications
- Evidence of medical clearance from the Occupational Health service
- Evidence of DBS clearance, Barred List (where applicable) and Teacher Prohibition checks
- Offer of employment letter and signed contract of employment

The school will maintain a Single Central Record of employment checks in accordance with DfE guidance. If employment is terminated due to safeguarding concerns, the staff member's personnel file will be kept until their normal retirement age or 10 years from the date of the allegation whichever is the longer.

## **Start of Employment and Induction**

The pre-employment checks listed above must be completed before the employee starts work. Exceptions will only be made in circumstances where a risk assessment has been undertaken. Exceptions will never be made in the case of the Barred List and Teacher Prohibition checks.

All new employees will be provided with an induction programme which will cover all relevant matters of school policy including the school's code of conduct, safeguarding and promoting the welfare of children, child protection procedures, behaviour management, whistle blowing and guidance on safe working practices.

## **Ongoing Suitability**

DBS checks are carried out in line with the Appendix 2. All staff and adults in regulated activity in our school are required to sign a policy declaration annually which includes:

*I also understand that I must notify the Headteacher of anything I have not already declared that may affect my suitability to work with children in relation to the Childcare Act 2006 (as amended by the 2018 Regulations), particularly relating to:*

- *Any relationships, associations or incidents, in school or out of school (including online), that may have an implication for the safeguarding of children in school*
- *Any relevant offences (e.g. cautions or convictions of any offences against children/serious violent or sexual offences against adults); my children being taken into care or being made*

*the subject of a Child Protection Order; inclusion on the Children's Barred List; having childcare registration cancelled or refused (except for non-payment of fees); or a relevant overseas conviction.*

### **Adults working with children who are not employed directly by the school**

#### **Supply Staff**

We will only use those agencies which operate a Safer Recruitment Policy and supply written confirmation that all relevant checks have been satisfactorily completed. We will carry out identity checks when the supply staff member arrives at school.

#### **Peripatetic staff**

We use staff employed by The Royal Borough of Kingston who ensure and confirm that necessary checks and DBS requirements have been satisfactorily completed for peripatetic staff.

#### **Volunteers**

We carry out a risk assessment for volunteers not in 'regulated activity' to determine the need to obtain an enhanced DBS check, taking into account the nature of the work in school, any prior knowledge relating to the volunteer and whether referees are available to confirm suitability.

We ensure that volunteers and visitors working in 'regulated activity' have appropriate DBS clearance and are identified on our Single Central Record. Regular volunteers/visitors undergo an induction, including safeguarding.

Volunteers and visitors who do not have an enhanced DBS disclosure will not have unsupervised access to children and will not be given a visitor lanyard; they will be accompanied around school by a member of staff. Volunteers who help on an occasional basis (e.g. trips/PSA events) are supervised, in accordance with legislation.

#### **Students on placement**

When volunteers are working in school as part of a recognised training course (such as PGCE, NVQ etc.), references and completion of an application form will not be required. However, we will require proof of DBS enhanced clearance with barred list check and will carry out identity checks when the student arrives at school. We will also require students to complete the Staff Suitability Declaration if they are working within the EYFS.

#### **Students on work experience**

Students on work experience will always be supervised.

#### **Contractors**

We ensure that contractors, or any employee of the contractor, working at the school have been subject to the appropriate level of DBS check, if any such check is required.

Contractors and contractors' employees for whom an appropriate DBS check has not been undertaken will be supervised if they will have contact with children.

If a contractor working at school is self-employed and will be in regulated activity, we will consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

We will check the identity of contractors and their staff on arrival at the school.



### **Governors**

We ensure that governors (including associate governors) have been subject to the appropriate level of DBS check as indicated in Appendix 2 and are not subject to a Section 128 Direction banning the person from being involved in the management and governance of schools.

**This policy will be regularly reviewed and updated to reflect any changes to legislation and statutory guidance.**

### **Rehabilitation of Ex-Offenders Policy**

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), King's Oak Primary School complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly.

King's Oak Primary School:

- makes this policy available to all applicants at the start of the recruitment process
- undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed
- only asks an individual to provide details of convictions and cautions that we are legally entitled to know about, where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended)
- only asks an individual about convictions and cautions that are not protected
- is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender identity, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background
- actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records
- selects all candidates for interview based on their skills, qualifications and experience
- ensures that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences and have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974
- ensures that an open and measured discussion takes place at interview, or in a separate discussion, on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment
- makes every subject of a criminal record check submitted to DBS aware of the existence of the [code of practice](#) and makes a copy available on request
- undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment

An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

## Appendix 2

- In regulated activity = people who work with or have access to children between 2 a.m. and 6 a.m. ....or more than 3 times in a 30 day period ...or once a week or more (or who carry out relevant personal care or health care (carried out by, or provided under the supervision of, a health care professional) at any time)
- In unregulated activity = people who work with or have access to children fewer than 3 times in 30 days ...or less than once a week
- Staff can start work before DBS clearance but need a risk assessment, based on pre-employment checks, and barred list check before commencing work, and appropriate supervision
- Volunteers who need to be supervised (in non-regulated activity): we would need to carry out a risk assessment as to the level of supervision needed – needs to be supervision by a DBS-enhanced-and-barred-checked person, ‘regular and day to day’ and ‘reasonable in all the circumstances to ensure the protection of children’. *Clarified as work in a public area and supervised by someone fully DBS checked who is in the vicinity for most of the time....*

| Category  | Checks needed:      |                        |                           |        |   |
|---|---------------------|------------------------|---------------------------|--------|---|
|   | DBS enhanced check? | DBS barred list check? | Prohibition/(S128) check? | Other: | Subsequent DBS checks needed?                                     |
| Existing Teachers (including those on maternity leave or long term sick)  | Yes                 | Yes                    | Yes                       |        | Not required but carried out every 3 years or upon return to work |
| New teachers (who have worked in another school or FE institution in regulated activity in the 3 months prior to appointment) | Yes                 | Yes                    | Yes                       |        | Not required but carried out every 3 years                        |
| New teachers (who have not worked in another school during the last 3 months)   | Yes                 | Yes                    | Yes                       |        | Not required but carried out every 3 years                        |
| Existing TAs  | Yes                 | Yes                    | Yes                       |        | Not required but carried out every 3 years                        |
| New TAs (who have worked in another school or FE institution in regulated activity in the 3 months prior to appointment)      | Yes                 | Yes                    | Yes                       |        | Not required but carried out every 3 years                        |
| New TAs (who have not worked in another school in regulated activity in the 3 months prior to appointment)                    | Yes                 | Yes                    | Yes                       |        | Not required but carried out every 3 years                        |

| Category  | Checks needed:                     |                                    |                                    |                       |  |
|---|------------------------------------|------------------------------------|------------------------------------|-----------------------|--|
|   | DBS enhanced check?                | DBS barred list check?             | Prohibition/(S128) check?          | Other:                | Subsequent DBS checks needed?              |
| Other new staff <b>in regulated activity</b>                                    | Yes                                | Yes                                | Yes                                |                       | Not required but carried out every 3 years |
| Existing Volunteers <b>in regulated activity</b>                                | Yes                                | Yes                                | No                                 |                       | Not required but carried out every 3 years |
| Existing Volunteers <b>in unregulated activity</b>                              | Yes                                | Not allowed to request this        | No                                 | Need to be supervised | Not required but carried out every 3 years |
| New Volunteers <b>in regulated activity</b>                                     | Yes                                | Yes                                | No                                 |                       | Not required but carried out every 3 years |
| New Volunteers <b>in unregulated activity</b>                                   | Yes                                | Not allowed to request this        | No                                 | Need to be supervised | Not required but carried out every 3 years |
| Existing Governors (including associate members) <b>in regulated activity</b>   | Yes                                | Yes                                | Yes (S128)                         |                       | Not required but carried out every 3 years |
| Existing Governors (including associate members) <b>in unregulated activity</b> | Yes                                | Not allowed to request this        | Yes (S128)                         | Need to be supervised | Not required but carried out every 3 years |
| New Governors (including associate members) <b>in regulated activity</b>        | Yes                                | Yes                                | Yes (S128)                         |                       | Not required but carried out every 3 years |
| New Governors (including associate members) <b>in unregulated activity</b>      | Yes                                | Not allowed to request this        | Yes (S128)                         | Need to be supervised | Not required but carried out every 3 years |
| Supply teachers   | Yes -agency/third party to confirm | Yes -agency/third party to confirm | Yes -agency/third party to confirm |                       | Yes -agency/third party confirm            |
| Students on placement <b>in regulated activity</b>                              | Yes                                | Yes                                | Yes                                |                       | Only if we have concerns                   |
| Work experience <b>in regulated activity</b>                                    | Yes                                | Yes                                | No                                 |                       | Only if we have concerns                   |

| Category   | Checks needed:                        |                                    |                           |                       |                                 |
|--|---------------------------------------|------------------------------------|---------------------------|-----------------------|---------------------------------|
|  | DBS enhanced check?                   | DBS barred list check?             | Prohibition/(S128) check? | Other:                | Subsequent DBS checks needed?   |
| Club coaches <b>in regulated activity</b>                  | Yes<br>-agency/third party to confirm | Yes -agency/third party to confirm | No                        |                       | Yes -agency/third party confirm |
| Health care professionals <b>in regulated activity</b>     | Yes<br>-agency/third party to confirm | Yes -agency/third party to confirm | No                        |                       | Yes -agency/third party confirm |
| Visitors <b>in unregulated activity</b>                    | Not allowed to request this           | Not allowed to request this        | No                        | Need to be supervised | Not allowed to request this     |
| Catering staff <b>in regulated activity</b>                | Yes<br>-agency/third party confirm    | Yes -agency/third party confirm    | No                        |                       | Yes -agency/third party confirm |
| Cleaners <b>in regulated activity</b>                      | Yes<br>-agency/third party confirm    | Yes -agency/third party confirm    | No                        |                       | Yes -agency/third party confirm |
| Contractors <b>in regulated activity</b>                   | Yes<br>-agency/third party confirm    | Yes -agency/third party confirm    | No                        |                       | Yes -agency/third party confirm |
| Contractors <b>in unregulated activity</b>                 | Not allowed to request this           | Not allowed to request this        | No                        | Need to be supervised | N/A                             |
| ClickonIT - <b>our technician is in regulated activity</b> | Yes<br>-agency/third party confirm    | Yes -agency/third party confirm    | No                        |                       | Yes -agency/third party confirm |