



Hollinswood Primary School & Nursery



Safer Recruitment Policy

December 2021



Covid-19 Pandemic Arrangements

Hollinswood Primary School & Nursery has continued to undertake risk assessments during the period of partial closure due to COVID-19. As part of the preparation for wider opening of our school (from June 2020) a detailed risk assessment has been undertaken and an action plan to make any necessary adjustments to mitigate risk has been produced. The risk assessment and accompanying action plan cover the following Health and Safety elements:

- **Buildings & Facilities**
- **Emergency Evacuation**
- **Cleaning & Waste Disposal**
- **Classrooms**
- **Staffing**
- **Group Sizes**
- **Social Distancing**
- **PPE**
- **Response to suspected/confirmed Covid-19 cases**
- **Curriculum/learning environment**
- **Communication**

The risk assessment and action plan are dynamic and are regularly reviewed to ensure they meet current need. All appropriate documentation is shared with staff and any necessary training to support implementation of the plan is provided. Please see link below for the risk assessment.

[L:\Admin\COVID-19\Risk Assessments and Health and Safety Info\Risk Assessment for Hollinswood Primary COVID 19 Response version 3 27.05.2020.docx](#)

1 INTRODUCTION

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

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

2 STATUTORY REQUIREMENTS

2.1 There are some statutory requirements for the appointment of some staff in schools – notably headteachers and deputy headteachers. These requirements change from time-to-time and must be met.

Reference: Keeping Children Safe in Education September 2021 – Part Three

3 IDENTIFICATION OF RECRUITERS

3.1 With regards to the selection and interview panel, at least one recruiter will have successfully received accredited training in safe recruitment procedures.

4 INVITING APPLICATIONS

4.1 Advertisements for posts – whether in newspapers, journals or on-line – will include the statement:

“The school is committed to safeguarding children and young people. All postholders are subject to a satisfactory enhanced Disclosure and Barring Service (DBS) check.”

4.2 Prospective applicants will be supplied, as a minimum, with the following:

- Job description and person specification;
- An application form;

4.3 Successful applicants will additionally be supplied, as a minimum, with the following

- The school’s child protection policy;
- The school’s recruitment policy (this document);
- The selection procedure for the post;

4.4 All prospective applicants must complete, in full, an application form.

5 SHORT-LISTING AND REFERENCES

5.1 Short-listing of candidates will be against the person specification for the post

5.2 All short-listed candidates will be required to complete a Self-Disclosure form

5.3 Where possible, references will be taken up before the selection stage, so that any discrepancies can be probed during the selection stage.

5.4 References will be sought directly from the referee. References or testimonials provided by the candidate will never be accepted.

5.5 Where necessary, referees will be contacted by telephone or e mail in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.

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

5.7 Referees will always be asked specific questions about:

- The candidate's suitability for working with children and young people;
- Any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children;
- The candidate's suitability for this post.

5.8 School employees are entitled to see and receive, if requested, copies of their employment references.

6 THE SELECTION PROCESS

6.1 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.

6.2 Interviews will always be face-to-face. Telephone interviews may be used at the short-listing stage but will not be a substitute for a face-to-face interview (which may be via visual electronic link).

6.3 Candidates will always be required:

- To explain satisfactorily any gaps in employment;
- To explain satisfactorily any anomalies or discrepancies in the information available to recruiters;
- To declare any information that is likely to appear on a DBS disclosure;
- To demonstrate their capacity to safeguard and protect the welfare of children and young people.

7 EMPLOYMENT CHECKS

7.1 All successful applicants are required

- To verify a candidate's identity. Identification checking guidelines can be found on the GOV.UK website;
- Obtain (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity);
- Obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;
- 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 person's right to work in the UK including EU Nationals. If there is uncertainty about whether an individual needs permission to work in the UK, then prospective employers, or volunteer managers, should follow advice on the GOV.UK website;
- If the person has lived or worked outside the UK, make any further checks the school or college consider appropriate (see paragraph 172); and
- Verify professional qualifications, as appropriate. The Teaching Regulation Agency's (TRA) Employer Access Services should be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation.

7.2 In addition:

- Schools must ensure that a candidate to be employed to carry out teaching work is not subject to a prohibition order issued by the Secretary of State or any sanction or restriction imposed (that remains current) by the GTCE before its abolition in March 2012;
- Schools providing childcare must ensure that appropriate checks are carried out to ensure that individuals employed to work in Reception classes, or in wrap around care for children up to the age of 8, are not disqualified from working in these settings under the 2018 Childcare Disqualification Regulations.
- There is no requirement for a school to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the person's appointment, the applicant has worked, in a school in England, in a post:
 - ✓ Which brought the person regularly into contact with children; or
 - ✓ To which the person was appointed on or after 12th May 2006 and which did not bring the person regularly into contact with children;

8 REGULATED ACTIVITY

8.1 A person will be engaging in regulated activity with children if, as a result of their work, they:

- Will be responsible, on a regular basis in a school, for teaching, training, instructing, caring for or supervising children;
- Will be working on a regular basis in a specified establishment, such as a school, for or in connection with the purpose of the establishment, where the work gives opportunity for contact with children; or
- Engage in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

9 TYPES OF DBS CHECKS

9.1 These are the types of checks available:

- **Basic DBS check** – this provides details of convictions and conditional cautions considered to be ‘unspent’ under the terms of the Rehabilitation of Offenders Act 1974.
- **Standard DBS check** –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 DBS check** – 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 2002.68
- **Enhanced DBS check with children’s barred list information** – 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 direction. However, they have to use specific wording in the position applied for field.

9.2 Considering which type of check is required

- Most staff in a school and those in colleges working with children will be engaging in regulated activity relating to children, in which case an enhanced DBS check which includes children’s barred list information, will be required.
- For all other staff (e.g. contractors) who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate.
- Barred list information must not be requested on any person who is not engaging in or seeking to engage in regulated activity.
- Where a DBS certificate is required, it must be obtained from the candidate before, or as soon as practicable after, the person’s appointment, including when using the DBS update service.
- Once the checks are complete, the DBS will send a DBS certificate to the applicant. The applicant must show the original paper DBS certificate to their

potential employer before they take up post, or as soon as practicable afterwards. School will be able to compare any information disclosed on the certificate with any information shared by the applicant during the recruitment process. DBS guidance on how to check a DBS certificate can be found on GOV.UK.

- School should assess cases fairly, on an individual basis. A decision not to appoint somebody because of their conviction(s) should be clearly documented, so if challenged the school can defend its decision, in line with its policy on recruitment of ex-offenders.
- When assessing any disclosure information on a DBS certificate school should take into consideration the explanation from the applicant, including for example:
 - ✓ The seriousness and relevance to the post applied for;
 - ✓ How long ago the offence occurred;
 - ✓ Whether it was a one-off incident or a history of incidents;
 - ✓ The circumstances around the incident; and
 - ✓ Has the individual accepted responsibility for their actions?
- The school should also consider the incident in the context of the Teachers' Standards and Teacher misconduct guidance, if the applicant is applying for a teaching post.
- Where a school allows an individual to start work in regulated activity relating to children before the DBS certificate is available, it should ensure that the individual is appropriately supervised and that they carry out all other checks, including a separate children's barred list check.
- 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 have been carried out); or,
 - ✓ Where an individual has worked in a post in a school 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).

9.3 DBS Update Service - Telford & Wrekin Council do not recommend the use of the DBS Update Service.

10 PROHIBITIONS, DIRECTIONS, SANCTIONS AND RESTRICTIONS

10.1 Secretary of State teacher prohibition, and interim prohibition orders

- Teacher prohibition and interim prohibition orders prevent a person from carrying out teaching work as defined in the Teachers' Disciplinary (England)

Regulations 2012 in schools, sixth form colleges, 16-19 academies, relevant youth accommodation and children's homes in England.

- Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the TRA. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.
- A person who is prohibited must not be appointed to a role that involves teaching work (as defined in the Teachers' Disciplinary (England) Regulations 2012).

10.2 Historic General Teaching Council for England (GTCE) sanctions and restrictions

- There remain a number of individuals who are still subject to disciplinary sanctions, which were imposed by the GTCE (prior to its abolition in 2012).

10.3 Secretary of State section 128 direction

- A section 128 direction prohibits or restricts an unsuitable individual from participating in the management of an independent school, including academies and free schools. An individual who is subject to a section 128 direction is unable to:
 - ✓ Take up a management position in an independent school, academy, or in a free school as an employee;
 - ✓ Be a trustee of an academy or free school trust; a governor or member of a proprietor body of an independent school; or,
 - ✓ Be a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.
- There is no exhaustive list of roles that might be regarded as 'management' for the purpose of determining what constitutes management in an independent school.
- The Department's view is that roles involving, or very likely to involve, management of a school include (but are not limited to) headteachers, principals, deputy/assistant headteachers, governors and trustees. It is important to note that the individual's job title is not the determining factor and whether other individuals such as teachers with additional responsibilities could be considered to be 'taking part in management' depends on the facts of the case.
- The grounds on which a section 128 direction may be made by the Secretary of State are set out in The Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014⁷⁵ made under section 128 of the Education and Skills Act 2008.
- A section 128 direction will be disclosed when an enhanced DBS check with children's barred list information is requested, provided that 'child workforce

- independent schools' is specified on the application form as the position applied for.
- Where a person is not eligible for a children's barred list check but will be working in a management position in an independent school, a section 128 check should be carried out using the TRA's Employer Access service.
- A person subject to a section 128 direction is also disqualified from holding or continuing to hold office as a governor of a maintained school.

10.4 How to check TRA, Teacher Employer Access service for prohibitions, directions, sanctions and restrictions

- Schools can use the TRA's Employer Access service to make prohibition, direction, restriction, and children's barred list checks. The service is free to use and is available via the TRA's web page. Users will require a DfE Sign-in account to log onto the service.
- Further information about obtaining a DfE Sign-in account and using the Employer Access service to carry out a range of 'teacher status checks' including
- verification of qualified teacher status (QTS) and the completion of teacher induction or teacher probation can be found on GOV.UK.

10.5 European Economic Area (EEA) regulating authority teacher sanctions or restrictions

- From 01 January 2021 the TRA Teacher Services system no longer maintains a list of those teachers who have been sanctioned in EEA member states.

10.6 Childcare disqualification

- Childcare disqualification is an additional requirement to the general child safeguarding arrangements provided under the Disclosure and Barring Service (DBS) regime, which apply to all children.
- The childcare disqualification arrangements apply to staff working with young children in childcare settings, including primary schools, nurseries and other registered settings, such as childcare provision on college sites.
- The arrangements predominantly apply to individuals working with children aged and under, including reception classes, but also apply to those working in wraparound care for children up to the age of 8, such as breakfast clubs and after school care.
- For staff who work in childcare provision, or who are directly concerned with the management of such provision, employers need to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare Disqualification Regulations 2018.

11 OTHER CHECKS

11.1 This section sets out the checks that are necessary for individuals who have lived or worked outside the UK; agency and third-party staff; contractors; trainee teachers; volunteers; governors and proprietors. It also sets out responsibilities placed on schools in relation to other settings, including alternative provision, work experience and host families.

11.2 Individuals who have lived or worked outside the UK

- Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in schools or colleges. 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, schools must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. Following the UK's exit from the EU, schools should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world. These checks could include, where available:
 - Criminal records checks for overseas applicants - Home Office guidance can be found on GOV.UK; and 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. Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database. Applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body.
- Where available, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability.
- Where this information is not available schools 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.
- Although sanctions and restrictions imposed by another regulating authority do not prevent a person from taking up teaching positions in England, schools should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment. Further information can be found in DfE Guidance: Recruit teachers from overseas.
- Not all countries provide criminal record information, and where they do, the nature and detail of the information provided varies from country to country. Schools and colleges should also be mindful that the criteria for disclosing offences in other countries often have a different threshold than those in the UK.

The Home Office provides guidance on criminal records checks for overseas applicants which can be found on GOV.UK.

- Some overseas qualified teachers can apply to the TRA for the award of qualified teacher status (QTS) in England. More information about this is available here. Please note that holding a teaching qualification (wherever it was obtained) does not 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.

11.3 Agency and third party staff (supply staff)

- Schools and colleges must⁸⁸ obtain written notification from any agency, or third party organisation, that they have carried out the checks on an individual who will be working at the school or college that the school or college would otherwise perform. In respect of the enhanced DBS check, schools and colleges must⁹⁰ 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 or college, 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.
- Where the position requires a children's barred list check, this must be obtained by the agency or third party by obtaining an enhanced DBS certificate with barred list information, prior to appointing the individual.
- The school should also check that the person presenting themselves for work is the same person on whom the checks have been made.

11.4 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. If these trainee teachers are engaging in regulated activity relating to children (which in most cases by the nature of the work, they will be), an enhanced DBS check (including children's barred list information) must⁹⁵ be obtained.
- Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. Schools and colleges should obtain written confirmation from the provider that it has carried out all pre-appointment checks that the school or college 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 or college to record details of fee-funded trainees on the single central record. However, schools and colleges may wish to record this information under non statutory information.

11.5 Volunteers

- Under no circumstances should a volunteer on whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.
- Whilst volunteers play an important role and are often seen by children as being safe and trustworthy adults, the nature of voluntary roles varies, so schools should undertake a written risk assessment and use their professional judgement and experience when deciding what checks, if any, are required.
- 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, what level is appropriate.
- Details of the risk assessment should be recorded.

When should a DBS with barred list be obtained for volunteers?

- Schools 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.

Supervision of volunteers

- It is for schools and colleges to determine whether a volunteer is considered to be supervised. Where an individual is supervised, to help determine the appropriate level of supervision, 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.

Existing volunteers

- Volunteers engaging in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information) unless the school or college have any concerns.

11.6 Maintained school governors

- Governors in maintained schools are required to have an enhanced DBS check. It is the responsibility of the governing body to apply for the certificate for any governors who do not already have one.
- Governance is not a regulated activity relating to children, so governors do not need a children's barred list check unless, in addition to their governance duties, they also engage in regulated activity.
- Schools should also carry out a section 128 check for school governors, because a person prevented from participating in the management of an independent school by a section 128 direction, is also disqualified from being a governor of a maintained school. Using the free Employer Secure Access sign-in portal via the Teaching Regulation Authority (TRA) Teacher Services web page, schools can check if a person they propose to recruit as a governor is barred as a result of being subject to a section 128 direction. There is no requirement for schools to record this information on the single central record, however, see paragraph 255 on recording non statutory information.
- Associate members are appointed by the governing body to serve on one or more governing body committees. The School Governance (Constitution and Federations) (England) (Amendment) Regulations 2016 which make enhanced DBS checks mandatory for maintained school governors do not apply to associate members, and so there is no requirement for them to be checked unless they also engage in regulated activity at their school.

12 INDUCTION

12.1 All staff who are new to the school will receive very thorough induction training that includes information about the school's safeguarding policies and guidance on safe working practices. Induction policy and procedure is robust and regularly reviewed.

13 REVIEW

13.1 To be reviewed annually.

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