



# Transform Trust Safer Recruitment March 2019

## Safer Recruitment

### Introduction

The safe recruitment of staff is the first step to safeguarding and promoting the welfare of our children. 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. This is to be achieved through effective recruitment and retention of competent, motivated staff members who are suited to, and competent in their roles. The Trust/school recognises the value of and seeks to achieve a diverse workforce comprising different backgrounds, skills and abilities. As such it is committed to a recruitment and selection process which is systematic, efficient, effective and equal. In doing so, it upholds its obligations under law (both employment and education) and national collective agreements to not discriminate against applicants on grounds of age, sex, sexual orientation or identity, marital status, disability, race, colour, nationality, ethnic origin or religion.

This policy was consulted on and agreed in March 2019 and is applicable to all Trust Schools and the Transform Trust.

### Purpose

This policy sets out the minimum requirements of the Trust's recruitment process, taking in due consideration the statutory guidance Keeping Children Safe in Education (September 2018) that aims to:

- attract the best possible applicants to vacancies;
- deter prospective applicants unsuitable for work with children;
- identify and reject applicants unsuitable for work with children.

### Data Protection

Transform Trust is legally required to carry out the pre-appointment checks detailed in this procedure. Staff and prospective staff will be required to provide certain information to each Trust school / the Trust in order to carry out the checks that are applicable to their role. Transform Trust and its Schools will also be required to provide certain information to third parties, such as the Disclosure and Barring Service. Failure to provide requested information may result in the Trust / School not being able to meet its employment, safeguarding or legal obligations. Transform Trust / each School will process personal information in accordance with its **Privacy notice**.

Transform Trust will ensure the security of all employees' personal data at all times, whether prospective, current or ex-employees. Personal data will be processed in accordance with the General Data Protection Regulations and the Data Protection Act (GDPR) 2018. Data will be retained and disposed of in line with Transform Trust's data retention policies.

## Practices

The following procedures and practices are in place to ensure the safe recruitment of staff.

### Stage 1: Advertising and Inviting Applications

All advertisements for all posts will clearly stipulate the stance adopted by this Trust by the inclusion of the following statement:

“Transform Trust [also name of individual school] are committed to safeguarding and promoting the welfare of children and applicants must be willing to undergo child protection screening appropriate to the post, including checks with past employers and the Disclosure and Barring Service”

### Stage 2: Pre -Application Pack

Prospective applicants are supplied with the following:

- Application Form – that includes equal opportunities monitoring form;
- DBS Enhanced disclosure requirements / Right to Work;
- School information and the setting;
- Guidance Notes for Applicants;
- Job description;
- Person Specification;
- Privacy Notice
- Safeguarding Children Policy.

All applicants must complete the application form in full. The Trust will not accept Curriculum Vitae from applicants in support of or in place of an application for any post within the Trust or any of its schools.

Applicants should be aware that providing false information on an application form is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and possible referral to the police and other professional regulatory bodies.

It is accepted that there may be potential applicants for posts in a Transform Trust school or in the Trust itself who may find some aspects of the recruitment process difficult to access. Transform is committed to ensuring wherever possible we will actively pursue all options to engage suitable candidates into roles.

## Stage 3 Applicant Selection / Short-Listing

### Shortlisting

Short-listing of candidates will be against the personal specification for the post, or where this is not available against criteria, which has been agreed in advance of the role being advertised.

Where requested and where possible, references will be obtained before the selection stage, so that any discrepancies can be probed during the selection stage.

References will be sought directly from the referee. References or testimonials provided by the candidate will not be accepted. The Trust / recruiting school will require a minimum of two satisfactory references in order to ascertain suitability to work with vulnerable groups. References must be obtained from the current or most recent employer (school/college/university). Where the candidate has worked in either care/education establishments within the last 5 years references must also be sought from these employers.

Where deemed necessary, previous employers who have not been specifically named as referees may be contacted in order to clarify a reason for leaving or any anomalies or discrepancies that have been identified. A detailed written note will be kept of such actions.

Referees will always be asked specific questions regarding:

- The candidate's suitability for working with children and adults at risk;
- Any disciplinary warnings or sanctions, including time-expired warnings, that relate to the safeguarding of children and adults at risk;
- The candidate's suitability for the post that they have applied for.

### Selection

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.
- All job descriptions and person specifications will have reference to safeguarding.

Safeguarding questions will be included within the question plans that will be issued to the interview panel members. These must be asked at interview to identify how aware applicants are of safeguarding practices, to set the agenda for any future training needs (if their application is successful) and also to help in determining their suitability for the post they have applied for.

Candidates will always be required to:

- Explain satisfactorily any gaps in employment;
- Explain satisfactorily any anomalies or discrepancies in the information available to the recruiting panel;
- Declare any information that is likely to appear on a DBS disclosure;
- Declare if there are any other countries that they have resided in for a period of three months or more;
- Demonstrate their capability and commitment to safeguard and protect the welfare of children and adults at risk.

Transform Trust will:

Confirm the outcome of the interview to the applicant within a reasonable timescale;

Give detailed feedback on the interview if requested by the applicant;

### **Employment (vetting) Checks**

All successful applicants are required to:

- Provide proof of identity (to include photographic evidence);
- Provide proof of eligibility to live and work in the UK;
- Complete a DBS disclosure application and receive satisfactory clearance (subject to the requirements of the role, see below);
- Produce police checks from all countries that they have resided in for a period of more than 3 months since the age of 18; Transform Trust and its schools will actively support employees / potential employees in accessing this information where possible.
- Provide original certificates of qualifications they claim to hold;
- Complete a confidential health questionnaire (only after any offer of employment has been made) and receive satisfactory clearance to ensure that they are mentally and physically fit to carry out their work responsibilities;
- Assist the Trust in gaining a minimum of two references that are satisfactory to the Trust. These references will be reviewed and if deemed necessary there will be follow up discussion prior to the appointment being confirmed.

### **Disclosure and Barring Service (DBS) check**

For most appointments, an enhanced DBS check, which includes barred list information, will be required as the majority of staff will be engaging in regulated activity. In summary, a person will be considered to be engaging in regulated activity if, as a result of their work, they:

- Will be responsible, on a regular basis in a school or college, for teaching, training,

- instructing, caring for or supervising children; or
- Will carry out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- Engage in intimate or personal care or overnight activity, even if this happens only once.

For all other staff 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. This would include contractors who would have the opportunity for contact with children and who work under a temporary or occasional contract.

For clarification, a supervised volunteer who regularly teaches or looks after children is not in regulated activity.

### **Additional Prohibition Checks**

In addition, anyone who is appointed to carry out teaching work will require an additional check to ensure that they are not prohibited from teaching.

For those engaged in management roles an additional check is required to ensure that they are not prohibited under section 128 of the Education and Skills Act 2008. This includes members of the governing body and the proprietor.

For those working or in a management role of a childcare provision or a school with children aged 7, additional checks will be made to ensure that the individuals are not disqualified under the Childcare (Disqualification) Regulations 2009.

### **Agency Staff**

The Trust must ensure that they have obtained written notification in the form of a Certificate of Compliance from any agency, providing details of the vetting checks carried out on an individual who will be working within the provision. These checks are at the same level, as the Trust would obtain for its own direct employees.

The Trust must also check that the person presenting themselves for work is the same person on whom the checks have been made. This will be validated via photographic identification, evidence of the workers original DBS certificate and evidence of their home address.

### **Volunteers**

Volunteers who may undertake unsupervised work will be required to undertake the same level of vetting as members of staff.

Separate protocols are in place to ensure the safe and appropriate appointment of volunteers.

Please refer to these when considering appointing volunteers.

Where a volunteer is only attending the provision for a short period of time (less than 2 weeks), then a decision will be made as to the level of vetting that must be undertaken through a safeguarding risk assessment, and if not all vetting is to take place then they must be supervised at all times. It should be noted that this supervision requires that;

- they must be supervised by a person who is in regulated activity; and
- the supervision must be regular and day to day; and
- the supervision must be “reasonable in all the circumstances to ensure the protection of children”

### Induction and Probation

All new staff will undergo an induction that will include the Trust’s Safeguarding policy and clear guidance on safe working practices. All new staff taking up employment with the Trust will from April 2019 be enrolled onto the Trust’s Induction programme, which forms the core of an induction process into the vision, values and methods of the Trust. The programme includes statutory training elements that are compliant with regulatory bodies and local authority requirements.

All new staff will be subject to a probation period as detailed in the Trust’s probation policy, which provides a formal framework for ensuring that the standards of performance set by the Trust are fully communicated and that required standards are being met and maintained. During the probationary period, the individual’s practice in respect of safeguarding will also be monitored. Any areas of concern will be highlighted and addressed with the individual. As detailed in the Probationary Policy, the recognised teaching Unions do not support the inclusion of a probationary period in teaching contracts. It is jointly agreed that the Trust and teaching Union colleagues will continue to work with each other on alternatives to probationary processes.

Only in exceptional circumstances will a member of staff be permitted to start work prior to their full clearances being in place. Such a decision will be taken by the headteacher in consultation with the HR Lead and will be subject to a full safeguarding risk assessment being conducted and mitigating actions identified, which will include as a minimum supervision of the member of staff at all times. Working under a risk assessment **will not be permitted for any staff working directly with children, young people or vulnerable adults.**

### Rehabilitation of Offenders Disclosure

The Rehabilitation of Offenders Act 1974 (ROA) was revised following implementation of change to the ROA included in the Legal Aid and Sentencing and Punishment of Offenders Act 2012. As of May 2013, amendments made to the Exceptions Order of the ROA resulted in certain old and minor cautions and spent convictions not being subject to disclosure or appearing on a standard or enhanced DBS disclosure certificate.

As such, the Trust recommends the following wording to the application information for any prospective applicants:

“As the job for which you are applying involves substantial opportunity for access to children, it is important that you provide us with legally accurate answers.

Upfront disclosure of a criminal record may not debar you from appointment as we shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Please submit information in confidence enclosing details in a separate sealed envelope which will be seen and then destroyed by the Office Manager. If you would like to discuss this beforehand, please telephone in confidence to the Head Teacher for advice.

Please disclose any unspent convictions, cautions, reprimands or warnings. Please note 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 cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service.

Failure to declare any convictions (that are not subject to DBS filtering) may disqualify you for appointment or result in dismissal if the discrepancy comes to light subsequently.

I have nothing to declare/I enclose a confidential statement (please delete as appropriate).”

### **Supply Staff**

For the purposes of creating the record of checks for supply staff provided through a supply Agency, the school will request written confirmation from the supply Agency that it has satisfactorily completed all relevant checks. Access to the check is only required where there is information contained in the Enhanced DBS Disclosure. Information disclosed as part of an Enhanced DBS Disclosure will be treated as confidential. Identity checks will be carried out to confirm that the individual arriving at the school is the individual that the agency has referred.

### **Peripatetic Staff**

For the purposes of creating the record of checks for peripatetic staff (for music, sports etc.) the school will require all necessary checks and DBS requirements to be fulfilled. This policy has been written with reference to the DfE’s Publications Safeguarding Children and Safer Recruitment in Education and Keeping Children Safe in Education.