



# **SAFER RECRUITMENT POLICY**

**Agreed by Governors:**

**Review Date: October 2020**

## **Introduction**

This Policy illustrates the statutory requirements set out in the Department for Education (DfE) July 2015 guidance Keeping Children Safe in Education. Safeguarding Children and Safer Recruitment in Education (December 2006); and, Dealing with allegations of abuse made against teachers and other staff 2012. Having effective safer recruitment practices will help deter, reject or identify people who might pose a risk to children.

This policy will illustrate all safer recruitment practices that should be implemented at each stage of the recruitment and selection process.

## **Training**

The School Staffing Regulations requires that at least one person on any appointment/ recruitment panel has undertaken appropriate safer recruitment training.

## **Pre- recruitment**

The Human Resources Officer is the lead member of the recruitment team and must ensure all those involved in the end to end recruitment process fully understand their role and responsibilities throughout.

## **Job Descriptions/ Person Specification**

The job description must include a reference to the school's and post holder's responsibility for safeguarding and promoting the welfare of children, and the person specification will also include suitability to work with children.

## **Job Advertisement**

The job advertisement must include:

- A reference to safeguarding and promoting the welfare of children and young people

- A statement explaining that for all roles that meet 'Regulated Activity' the successful candidate will be required to undertake an enhanced Disclosure and Barring Service (DBS) with Barred Lists check before employment commences
- A statement explaining that for eligible roles that involve working with children under the age of 8, the successful candidate would be required to sign a declaration form declaring they are not disqualified from undertaking this work under the Childcare (Disqualification) Regulations 2009

## Information Pack

The information pack sent to candidates must include confirmation that West Sussex County Council meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974. All new employees for relevant posts will be subject to an enhanced disclosure and barring service check. This will include details of cautions, reprimands or final warnings, as well as convictions, spent or unspent.

## Application Form

An application form must be completed in full by all those that are interested in the vacancy. Application forms will be used to enable all potential applicants to provide a common set of core data as follows:

- Name, address, National Insurance number and confirmation of right to work in the UK
- Full details of qualifications relevant to the position applied for including awarding body and date of award
- Full history in chronological order showing employment, study, voluntary work, with explanations for any periods not covered, and reasons for leaving employment

- Details of referees
- A statement from the applicant of their personal qualities and experience, which they believe, meets the person specification

If someone does not currently have the right to work in the UK, it should not rule them out from applying or being shortlisted. In certain circumstances the individual can either obtain right to work at a later stage of the recruitment process or some schools may be authorised to sponsor the individual to work in the UK.

## **Shortlisted Candidate Information Form**

The DBS code of practice and the Data Protection Act make it clear that employers should not ask for information at an earlier stage in the recruitment process than necessary. To comply with this, only shortlisted candidates are asked to disclose details of any criminal record they may have at the time they are invited to interview. All candidates that are shortlisted must bring to interview a completed Shortlisted Candidate Information form.

There is a statement on this form explaining that the post is exempt from the Rehabilitation of Offenders Act 1974, requiring a signed statement that the individual is not disqualified from work with children or subject to sanctions imposed by a regulatory body, and either has no sanctions, cautions or bind-overs, or has attached details of their record in a sealed envelope marked confidential. There will also be an explanation of the DBS checking requirements.

Application forms and the shortlisted candidate information form will be carefully scrutinised upon receipt in order to identify any anomalies or areas of concern, which need to be followed up at interview. This will include any gaps in service or mid-career moves from permanent to supply or temporary work.

## **References (Pre Interview)**

References are an important part of the Safer Recruitment process. The pre-interview reference form must be sought for all shortlisted candidates, and must

include one reference from their most recent employer. If a school this must be from the Headteacher.

All references received by the school at this stage must be signed or countersigned by the Headteacher if the last employment was in a school. These will be scrutinised to identify any gaps or contradictions, which will then be explored at interview. Verbal references will not be requested for applicants nor will they be provided for current or ex members of school staff.

## **Candidate Information**

Candidates invited to interview should be informed in writing that relevant criminal convictions and other associated information will be discussed at the interview in order to assess job-related risks. They should also be informed that this information would only be used to assess suitability for employment in so far as it is relevant to the job to which they have applied. Having a criminal conviction will not necessarily bar someone from employment, this will depend on the circumstances and background to the offence.

## **Interviews**

Invitations sent to candidates by email containing appropriate supporting information that includes:

- Details of any tests, assessments or exercises that will be included in the interview
- Details of the pre-employment checking documents that need to be brought to interview
- The Shortlisted candidate information form, to be completed and brought to interview
- A question to ascertain whether any reasonable adjustments are required

You must not ask questions about health or disability at the interview stage. This can only be explored after a job offer has been made during the pre-employment checking stage.

All interviews will be on a face to face basis (wherever possible), and the same panel will see all candidates and complete the appropriate pre-employment checks.

The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will enable the panel to explore whether the chosen applicant can meet the essential criteria. The panel should then explore any anomalies or gaps in employment history which have been identified so far, in order to satisfy themselves that the individual meets the safeguarding criteria.

The interview provides an opportunity to raise issues concerning offences with applicants in an open discussion and as part of a structured and carefully managed process. Obviously all information should remain confidential to the interview panel and be treated with sensitivity and tact. It is recommended that any such discussion takes place between the chair of the interview panel and the candidate.

### **Pre- Employment Checks (Post Interview)**

Completing robust pre- employment checks on potential employees and volunteers is a vital part of the safer recruitment process. For information on all pre-employment checks, how to complete them and when they are appropriate please refer to the document Pre-employment checking.

All offers of employment must be subject to satisfactory clearance from the required checks.

### **Induction (Post Employment)**

All members of staff will be given an induction programme which will clearly identify the school policies and procedures, including child protection, and make clear the expectations and codes of conduct which will govern how staff carry out their roles. This will give the opportunity to provide discussion of any relevant issues. The programme will ensure that all new staff are aware of the following policies and

procedures and how to access them including, safeguarding and welfare e.g. child protection, anti-bullying, anti-discrimination, physical intervention/restraint, intimate care, internet safety, discipline and grievance, capability and confidential report policy ('whistle-blowing').

## **Convictions During Employment**

Once an appointment has been confirmed, there is a contractual requirement for the person appointed to disclose any offence committed during their employment. An employee convicted of a crime, or who receives a police caution, whilst in employment should advise his/her Headteacher in the first instance. The Headteacher should then contact the HR Professional Support Team for advice. Consideration would be given as to whether the employee should remain in post, taking into account whether the conviction is relevant to the post. It is important that no decision on terminating the employment contract is taken until advice has been sought from HR Professional Support.

Where an employee is convicted of a crime, or receives a police caution, but fails to advise his/her line manager, it will be viewed as a breach of contract and could result in disciplinary action, including potential dismissal.

## **DBS Referrals**

A referral to the DBS must be made if, during their employment, an employee has:

- Been cautioned or convicted of a relevant offence (a plain English explanation of relevant offences can be found on the DBS website)
- Engaged in relevant conduct in relation to children i.e. an action or inaction (neglect) that has harmed a child or put them at risk of harm
- Satisfied the harm test in relation to children i.e. there has been no relevant conduct but a risk of harm to a child still exists

In these circumstances Headteachers should liaise with the HR Professional Support Team and the Local Authority Designated Officer to ensure a referral is made. In most cases this will be following a dismissal but will also be required if an employee may, or would, have been dismissed had they not resigned first.

### **Secretary of State Referral**

Where a teacher, including an agency, is dismissed or a school ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by the Education Act 2002.

### **Reference Requests for School Staff**

In this school, the Headteacher will provide references for school staff when the post involves working with children and the request is sent directly to the Headteacher. Where a request for a reference is received for a post which does not involve working with children, members of the SLT can complete the reference but it must be countersigned by the Headteacher. Staff who are not members of the SLT can provide a character reference only within the body of the email in which they reply to the requester. They must not complete any reference templates or forms and must not answer questions regarding working with children, absence, reemployment or disciplinary records.

When a request is received for members of staff who have left the school the following will apply. If the SLT were not in post when the person worked at the school HR records will be used to complete the reference and confirmation of start and end day will be provided. The person seeking the reference will be informed that the reference has been completed using records only and that the applicant was not known to current SLT members.



## Shortlisted Candidate Information CONFIDENTIAL

Please complete the details below as appropriate for the position for which you are applying and **bring this form with you** to interview/assessment. If you are appointed, the information on this form will be stored on the computer files of our HR system.

### APPLICATION DETAILS:

|                             |   |
|-----------------------------|---|
| <b>Applicant Number</b>     | (to be completed by<br>Employment Services) |
| <b>Position Applied For</b> |   |
| <b>Position Number</b>      | (to be completed by<br>Employment Services) |
| <b>Full Name</b>            |   |
| <b>Date of Birth</b>        |   |

### SECTION A – All candidates should complete this section of the form

**ASYLUM AND IMMIGRATION ACT 1996: Internal applicants are not required to provide proof of identification unless the post is subject to a DBS check or as otherwise stated.**

We need to know that you are entitled to live and work in the UK. Please complete the section below:

|   |  |  |  |  |  |                 |
|---|--|--|--|--|--|-----------------|
| <b>National Insurance Number</b>  |  |  |  |  |  |                 |
| <b>Do you have evidence of your entitlement to live and work in the UK?</b><br>(see note below) |  |  |  |  |  | <b>Yes / No</b> |

**All candidates** will need to provide evidence of entitlement at the interview. Please bring one of the following documents: P45, P60, original payslip, correspondence from the Inland Revenue or other Government Agency or National Insurance Card. This document should contain both your name and your National Insurance number. We will also need to see your Passport, full Birth Certificate or other letter/permit/document confirming your right to live and work in the UK. These documents must show the same name or you must produce evidence that shows a legal change of name e.g. marriage certificate, deed poll etc.

**MEDICAL HISTORY: Internal applicants will not be issued with a medical questionnaire unless otherwise stated.**

All appointments will be subject to satisfactory medical clearance to check your medical history and to ensure that you are fit to undertake the duties of the position. Should you be successful you will be asked to complete a pre-employment medical questionnaire. You may also be asked for further details of your medical history by the Occupational Health Physician or be required to undergo a medical examination.

### QUALIFICATION CHECKS:

We need you to provide proof of your qualifications and professional membership or registration where these are essential requirements for the job (these are listed in the Person Specification). **Please bring** the relevant documentation with you to the interview/assessment.

|   |                 |
|---|-----------------|
| <b>Have you ever been deregistered or de-listed from a professional body?</b> | <b>Yes / No</b> |
|---|-----------------|

| Teachers Only                    |  |                          |  |
|----------------------------------|--|--------------------------|--|
| <b>DFES Number</b>               |  | <b>GTC Registration</b>  |  |
| Relevant Social Care Professions |  |                          |  |
| <b>GSCC Registration</b>         |  | <b>HCPC Registration</b> |  |

### DISCLOSURE AND BARRING CHECK:

**IMPORTANT: IF THE POSITION YOU ARE APPLYING FOR IS SUBJECT TO A DISCLOSURE AND BARRING SERVICE CHECK, PLEASE COMPLETE SECTION C. FOR ALL OTHER POSITIONS, PLEASE COMPLETE SECTION B. IF YOU ARE UNSURE, PLEASE CONTACT THE HR UNIT FOR CLARIFICATION.**

| <b>SECTION B – Positions <u>not</u> subject to a DBS Check</b>   |                 |
|--|-----------------|
| <p>CRIMINAL RECORDS. All applicants of posts within West Sussex County Council are asked to disclose “unspent” convictions if they are invited to interview. Criminal records will be taken into account for recruitment purposes only when the conviction is relevant. Having unspent convictions will not necessarily bar you from employment. This will depend on the circumstances and background to your offence.</p>   |                 |
| <b>Have you been convicted of any criminal offence which is not considered “spent” under the Rehabilitation of Offenders Act 1974?</b>   | <b>Yes / No</b> |
| <p>If “Yes”, please give details on a separate sheet and attach in a sealed envelope marked “Confidential”.</p>  |                 |
| <b>SECTION C – Positions subject to a DBS Check</b>  |                 |
| <p>CRIMINAL RECORDS. Because of the nature of the work, this position is exempt from the provisions of the Rehabilitation of Offenders Act 1974 and associated Order.</p> <p>You are therefore obliged to disclose details of any criminal record that you may have. You will have the opportunity to discuss these details during your interview / assessment. Criminal records will be taken into account for recruitment purposes only when the conviction is relevant. Having convictions will not necessarily bar you from employment. This will depend on the circumstances and background to your offence.</p> <p>Information will be kept confidential and will only be used in relation to the application for the post.</p> <p>If you are successful in your application, you will be subject to a criminal record check from the Disclosure and Barring Service (DBS) before the appointment is confirmed. The check will be completed by means of requesting an “enhanced disclosure”. You are therefore required to <b>bring original documents specified</b> to your interview / assessment in preparation of the completing the on-line disclosure application. Disclosures include details of cautions, reprimands or final warnings as well as convictions, spent or unspent.</p> |                 |
| <b>Have you ever had any convictions, cautions, reprimands or final warnings given by the police?</b>  | <b>Yes / No</b> |
| <p>If “Yes”, please give details on a separate sheet and attach in a sealed envelope marked “Confidential”.</p> <p>Further information on disclosures can be obtained from the Disclosure and Barring Service at <a href="https://www.gov.uk/government/organisations/disclosure-and-barring-service">https://www.gov.uk/government/organisations/disclosure-and-barring-service</a></p>   |                 |
| <b>Are you registered with the Update Service?</b>   | <b>Yes / No</b> |

If "Yes", please give WSCC permission to complete a status check on your DBS certificate.

Name:.....DBS Certificate Number .....

Signature:.....

**DECLARATION:**

**I declare that the information given here, and that contained in my application form, is true and accept that false information may result in my application being disqualified and if appointed could lead to dismissal. I understand that if appropriate, a criminal records check will be carried out.**

**This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see [www.westsussex.gov.uk/nfi](http://www.westsussex.gov.uk/nfi)**

**As part of the recruitment process, checks may be made with your home Local Authority Adults'/Children's Services Department. By signing this declaration you are agreeing to the check being made.**

**Signature:** .....

**Date:** .....

## Confidential Pre-Interview Reference Form

Please complete this form and return it by **[Enter date]** using one of the below methods:

|        |                               |
|--------|-------------------------------|
| Email: | <b>[Enter email address]</b>  |
| Fax:   | <b>[Enter fax number]</b>     |
| Post:  | <b>[Enter postal address]</b> |

When completing this form please refer to the enclosed Job Description and Person Specification to ensure the information provided is relevant. **[Enclose Job Description & Person Specification as an attachment]**

Should you have any queries relating to this form, please contact:

|                     |                               |
|---------------------|-------------------------------|
| Headteacher's name: | <b>[Enter name]</b>           |
| Email address:      | <b>[Enter email address]</b>  |
| Phone number:       | <b>[Enter phone number]</b>   |
| Name of school:     | <b>[Enter school name]</b>    |
| School address:     | <b>[Enter postal address]</b> |

This reference request is on behalf of:

|                             |   |
|-----------------------------|---|
| Name of Applicant:          | <b>[Enter applicants name]</b>                |
| Appointment to the post of: | <b>[Enter post that has been applied for]</b> |



|  |
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Please give details, including dates, of any **disciplinary procedures** the applicant has been subject to in which the disciplinary sanction is current. This should include issues related to the safety and welfare of children/young people, including any in which the disciplinary sanction has expired, and the outcome.

|  |
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|  |
|--|

Please give details, including dates, of any **allegations or concerns** that have been raised about the applicant that relate to the safety and welfare of children or behaviour towards children, and the outcome of those concerns e.g whether the allegations or concerns were investigated, the conclusion reached and how the matter was resolved.

|  |
|--|
|  |
|--|

How would you rate this person for the following:

| Task                                 | Poor | Fairly Good | Good | Very Good | Excellent |
|--------------------------------------|------|-------------|------|-----------|-----------|
| Attendance & Punctuality             |      |             |      |           |           |
| Motivation                           |      |             |      |           |           |
| Confidence in current role           |      |             |      |           |           |
| Ability to lead & inspire pupils     |      |             |      |           |           |
| Ability to lead & inspire colleagues |      |             |      |           |           |
| Soundness of judgement               |      |             |      |           |           |
| Initiative & resourcefulness         |      |             |      |           |           |
| Relationships with pupils            |      |             |      |           |           |
| Relationships with staff             |      |             |      |           |           |
| Relationships with                   |      |             |      |           |           |

|  |  |  |  |  |  |
|--|--|--|--|--|--|
| Governors                                    |  |  |  |  |  |
| Relationships with parents                   |  |  |  |  |  |
| Lesson preparation & presentation            |  |  |  |  |  |
| General discipline & class control           |  |  |  |  |  |
| Involvement with extra-curricular activities |  |  |  |  |  |
| General willingness to work hard             |  |  |  |  |  |
| Classroom management                         |  |  |  |  |  |
| Team working                                 |  |  |  |  |  |

How has the applicant demonstrated a commitment to personal and professional development during the past 2 years?

|  |     |    |
|--|-----|----|
| Applicant suitability for the role being applied for             | Yes | No |
| Having read the job description and person specification are you |     |    |

|  |  |  |
|--|--|--|
| satisfied that the person has the ability and is suitable to undertake the job |  |  |
|--|--|--|

|   |
|---|
| If <b>'no'</b> was selected above please state why: |
|   |

|  |
|--|
| Any further comments e.g. relevance of experience to application made, educational thinking. |
|  |

Reference completed by: (BLOCK CAPITALS)

|               |  |
|---------------|--|
| Name:         |  |
| Designation*: |  |
| Address:      |  |

|                   |  |
|-------------------|--|
|                   |  |
| Telephone number: |  |
| Signature:        |  |
| Date:             |  |

\* If this form has not been completed by the Headteacher it should be countersigned by the Headteacher:

|                       |  |
|-----------------------|--|
| Headteacher name:     |  |
| Headteacher signature |  |
| Date:                 |  |

**Thank you for completing this form.**

# SAFER RECRUITMENT POLICY

## End to End Schools Recruitment Process

