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# Safer Recruitment Policy

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This policy has been adopted by the Board of Directors of Pathfinder Multi Academy Trust and is applicable across all schools that make up the Trust. In line with the MAT's Scheme of Delegation, this Policy must be duly applied by each Local Governing Committee and the Headteacher of each school that is part of Pathfinder Multi Academy Trust.

Where there are specific details or any discretions in the policy that apply to an individual school or Local Governing Committee this has been made clear within the wording of the policy.

This policy will be reviewed formally by the MAT Board of Directors in line with the agreed timetable for policy review or sooner as events or legislation changes require.

Date Adopted: **October 2023**

Date for Review: **October 2024**

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## 1 Legal framework

1.1 This policy has due regard to all relevant legislation including, but not limited to, the following:

- Children Act 1989
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- The Education (School Teachers' Appraisal) (England) Regulations 2012 (as amended)
- Sexual Offences Act 2003
- The School Staffing (England) Regulations 2009
- Rehabilitation of Offenders Act 1974
- Education and Skills Act 2008
- Data Protection Act 2018
- Education Act 2002
- Equality Act 2010

1.2 This policy has due regard to guidance including, but not limited to, the following:

- DfE (2023) 'Keeping children safe in education'
- DfE (2021) 'Staffing and employment advice for schools'
- DfE (2020) 'Governance handbook'
- DfE (2021) 'Recruit teachers from Overseas'

## 2 Definitions

### 2.1 Regulated activity

- Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children.
- Working for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work undertaken by supervised volunteers.
  - The above definitions are classified as regulated activity if they are undertaken regularly. Some activities are always regulated activities, regardless of frequency or whether they are supervised or not. This includes relevant personal care, or health care provided by, or under the supervision of, a health care professional. Personal care includes helping a child with eating or drinking for reasons of illness or disability, or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability. Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.
- A supervised volunteer who regularly teaches or looks after children is not in regulated activity.

### 2.2 Teaching role

Refers to a role involving planning and preparing lessons and courses for pupils; delivering lessons to pupils; and assessing and reporting on the development, progress and attainment of pupils. These activities are **not teaching work** for the

purposes of 'Keeping children safe in education' (KCSIE) if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher or other person nominated by the headteacher to provide such direction and supervision.

### **2.3 Standard DBS**

This provides information about convictions, cautions, reprimands and warnings held on the Police National Computer, regardless of whether or not they are spent under the Rehabilitation of Offenders Act 1974.

### **2.4 Enhanced DBS**

This provides the same information as the standard DBS, plus any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed.

### **2.5 Enhance with barred list check**

This check is required for when people are working or seeking to work in regulated activity with children. This check allows for additional checks to be made as to whether the person appears on the children's barred list.

### **2.6 Employment of ex-offenders**

The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Schools will refer to appendices 2 of this policy on the employment of ex-offenders.

### **2.7 Children's barred list**

The DBS maintains a 'barred list' of individuals who are unsuitable to work with children and vulnerable adults. In addition, where an enhanced DBS including a barred list check is obtained, the certificate will also detail whether the applicant is subject to a direction under section 128 of the Education and Skills Act 2008 or section 167A of the Education Act 2002.

### **2.8 Section 128 check**

This provides for the Secretary of State to direct that a person may be prohibited or restricted from participating in the management of an independent school (which includes academies and free schools). A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a maintained school.

### **2.9 Safer recruitment**

This is the safeguarding and protection of pupils during the recruitment and selection process. Its overall purpose is to help identify and deter or reject individuals who are deemed to be at risk of abusing children.

## **3 Roles and responsibilities**

### **3.1 The Multi Academy Trust is responsible for:**

- Agreeing and monitoring effective policies to ensure recruitment at the school is in accordance with the legislation outlined in section 1.
- Ensuring that staff recruitment is as safe as possible, as well as fair and compliant with the relevant legislation.
- Monitoring the advertising of vacancies, assessing how they are being advertised and whether the adverts are maximising all of the opportunities to attract the appropriate candidates. Benchmarking the success of any advertising methods used, as well as the overall success of the recruitment process.

### **3.2 The recruitment panel is responsible for:**

- Shortlisting the potential candidates with the aim of reducing the application field and identifying those with the potential to effectively undertake the role.
- Ensuring that the interview addresses team working skills, reasons for interest in joining the school, integrity, understanding of the school's ethos and vision, and why the candidate believes they would be a good fit for the school.
- Ensuring that the interview addresses safeguarding practices.
- Appointing an appointing officer who will be responsible for the entire management of the recruitment process.
- Agreeing with the successful candidate when other members of the school community will be informed about their appointment, including staff members and parents.

### **3.3 The headteacher is responsible for:**

- Ensuring appropriate checks have been carried out on staff, volunteers, contractors and agency workers working within the school.
- Ensuring that at least one panel member has undertaken safer recruitment training before the selection process begins.
- Appointing an appropriate recruitment panel.
- Ensuring that all members of the recruitment panel understand their role, i.e. advisory or decision making.
- Ensuring that all members of the recruitment panel are familiar with their obligations with regards to safer recruitment, as set out in KCSIE.
- Monitoring the school's SCR to ensure that the necessary vetting checks for employees are carried out.
- Ensuring that equal opportunities are established and implemented throughout the recruitment process.
- Ensuring that the salary of the successful candidate is determined.
- Accommodating the needs of new employees and making reasonable adjustments when necessary.
- Ensuring appropriate checks have been carried out on prospective staff, volunteers, contractors and agency workers working within the school.
- Ensuring that appropriate supervision of employees/volunteers is organised, and for promoting the safety and wellbeing of pupils generally and throughout the recruitment process.
- Leading the interview when the candidate is at a lower level than headteacher.

## 4 Equal opportunities

- The school will not discriminate against any protected characteristics, such as disability or gender, and will always promote difference and inclusion throughout the school.
- The school will, where necessary, make reasonable adjustments to ensure the interview is accessible to all candidates. Candidates should inform the school of any reasonable adjustments that they need when they receive the invitation for an interview.
- The MAT will review recruitment procedures biannually to ensure they are accessible and do not directly or indirectly discriminate against candidates.
- Candidates will not be asked about their health or any disabilities before a job offer is made, unless one of the following exemptions applies:
  - Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments)
  - Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment
  - Positive action to recruit people with disabilities
  - Equal opportunities monitoring (which will not form part of the decision-making process)

## 5 Planning, advertising and shortlisting

- Once a vacancy has been identified, the school will allow an appropriate amount of time for planning and structuring the recruitment process.
- Application packs, where relevant, will state that applicants must be willing to sign the staff disqualification declaration.
- The job information and associated documents will be published online.
- The full requirements of the role will be clearly explained, including any employment vetting requirements such as a DBS check.
- The recruitment panel will comprise an appointing officer, who is responsible for the management of the entire recruitment process, and at least two other members of staff, with the headteacher usually being one of these.
- The recruitment panel will be an odd number so majority votes can be cast.
- At least one member of the recruitment panel will have successfully completed up-to-date safer recruitment training.
- Interviews will be arranged for the shortlisted candidates
- Vacancies will be advertised through external media ensuring that the advertisement reaches a wide range of groups.
- Advertisements will contain a statement of commitment to ensuring equal rights.
- Advertisements will include a job description, person specification and detail the closing date.
- Application forms will be accessible on the school's website.
- The school may utilise social media for recruitment, and if doing so, will create a social media recruitment strategy to ensure that the advertisement is reaching the right people and is communicating the ethos of the school effectively.
- The school will never accept a CV alone, only completed application forms.
- When shortlisting candidates for an interview, all application forms will be considered.
- At least two members of the recruitment panel will be involved in the shortlisting process.

- Candidates who are shortlisted will meet all the essential aspects of the person specification requirements.
- The school will ensure that the shortlisting process is as systematic as possible, and that the recruitment panel read through all applications. Each member of the panel will create their own shortlist which will then be collated and discussed.
- Applicants will be assessed against the same shortlisting criteria to ensure a fair process.

## 6 Invitation to interview

- Once a shortlist has been confirmed, the applicants to be invited for interviews will be contacted and suitable interview times will be decided.
- All shortlisted candidates will receive information about the interview arrangements, how they will be conducted, the areas that will be explored and what documents they should bring.
- Shortlisted candidates will be sent the self-declaration of criminal record form, alongside a copy of the school's disqualification form, where appropriate.
- When inviting candidates to interview, they will be informed that the successful candidate's identity will be checked and, where appropriate, the necessary pre-appointment checks will be carried out.
- Where possible, at least 2 references will be obtained before interviewing candidates to allow for any concerns to be explored with the referee and discussed with the candidate.
- Where a candidate has moved schools or workplaces frequently, additional references may be sought to cover a minimum two-year period of employment.
- One of the references will be from the candidate's most recent employer.
- Where a candidate is not currently employed, verification of their most recent period of employment and reasons for leaving will be obtained from the employer.
- References will be from a senior member of staff with the appropriate authority and not a colleague.
- Open testimonials will not be relied upon, nor will information that has been provided by the candidate without verifying the information.
- Electronic references will be vetted to ensure they originate from a credible source.
- References from internal candidates will also always be scrutinised before interview.
- Permission will be sought from the candidates before referees are contacted.
- Structured questionnaires will be used to question referees and the recruitment panel will determine the questions on a case-by-case basis.
- Information about past disciplinary action or allegations that are disclosed will be considered carefully when assessing the applicant's suitability for the post.
- The candidate's current employer will be asked for details of any capability history in the previous two years, including the reasoning.

## 7 Pre-interview checks

Pre-interview checks will include the following:

- Requesting two references from each shortlisted candidate directly from the referees – where possible, one reference will be obtained relating to the role in which the candidate worked with children.

- Verification of references will be carried out and a record to reflect this will be kept on file.
- Verifying that the candidate has qualifications or experience relevant to the post
- Checking references against application forms and noting down discrepancies or concerns, and following up these concerns with referees.
- Checking and, where necessary, following up candidates' self-declaration forms.

## 8 Digital footprints

- The school is committed to ensuring that safeguarding is a top priority; therefore, the school will carry out an online social media or other online publicly available information check on shortlisted candidates' prior to interview. This search must be carried out by a member of staff who is not on the interview panel and any issues highlighted to the central HR team.
- Any concerns will be addressed during the interview process.

## 9 The interview

- During the interview process, candidates will be asked standard questions and their responses will be recorded for ease of comparison.
- Any concerns raised through contact with referees will be discussed with the candidate at this stage.
- The recruitment panel will ask open questions to assess the candidate's experience and suitability for the post, and to explore the candidate's motivation towards safeguarding and their suitability to work with children.
- The recruitment panel will give the candidate the opportunity to declare anything in light of the requirement for a DBS check.
- Where applicable, and where this has not been done prior to the interview, the recruitment panel will follow up concerns regarding the content of a self-declaration form.
- The candidate will be given the opportunity to discuss any concerns or ask any questions.
- The interview will always comprise a face-to-face interview; however, the recruitment panel may also request that candidates complete additional exercises.

## 10 After the interview

- The recruitment panel will assess all candidates' performance using the same agreed criteria.
- Candidates will be asked to provide proof of identification and qualifications, and to complete the DBS check as soon as possible.
- Unsuccessful candidates will be contacted and feedback provided where requested – feedback will be verbal and based on evidence of their performance against the person specification for the role.
- Interview notes and assessment materials will be held securely for an appropriate amount of time after the interviews, in line with the relevant legislation, in case any aspect of the recruitment process is challenged.
- After choosing a successful candidate, the school will:
  - Make a conditional offer of employment to the candidate.



- Ask the successful candidate to provide identification and proof of qualifications, if this has not already been done.
- Complete the relevant pre-appointment checks.

## 11 Pre-appointment checks

- All appointments will be conditional on satisfactory completion of the necessary pre-appointment checks.
- When appointing new staff, the school will complete the following checks:
  - Verify the candidate's identity
  - Obtain an enhanced DBS certificate (via the applicant) and, for candidates engaging in regulated activity, barred list information
  - Obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available
  - Verify a candidate's mental and physical fitness to carry out their role
  - Verify the person's right to work in the UK
  - Make further checks on any individual who has lived or worked outside the UK
  - Verify professional qualifications, as appropriate
  - For those in management, trustee or governor roles, a section 128 check will be carried out
- It will be ensured that any candidate employed to carry out teaching work is not subject to a prohibition order or any sanction or restriction imposed (that remains current) by the GTCE before its abolition in March 2012.
- If the school has reason to believe that an individual is barred, it is an offence under section 9 of the Safeguarding Vulnerable Groups Act (SVGA) 2006 for the school to allow the individual to carry out any form of regulated activity.
- Checks for all prohibitions, directions, sanctions and restrictions will be carried out by using the secure access portal on the Teacher Services' webpage.
- There is no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the applicant has worked:
  - In a school in England in a post which brought them into regular contact with children or young persons; or
  - In any post in a school since 12 May 2006 which did not bring the person into regular contact with children or young persons.

### 11.1 Volunteers

- For volunteers, if they are not engaging in regulated activity, an enhanced DBS check will be obtained – a barred list check will not be required.
- If volunteers are engaging in regulated activity and are new to the school, an enhanced DBS check with a barred list check will be required.
- Existing volunteers in regulated activity do not need to be re-checked if they have already had a DBS check (including barred list information); however, the school may decide to conduct a repeat DBS check.
- If a volunteer is not in regulated activity, the school will use its professional judgement, after conducting a risk assessment, to determine whether to seek an enhanced DBS check, but no barred list check will be required.

## 11.2 Candidates who have lived outside the UK

- No exceptions will be made for candidates who have lived outside of the UK. All mandatory checks outlined in this policy will be carried out, along with additional checks where necessary.
- The DfE's guidance on employment of overseas-trained teachers will be consulted should an overseas candidate apply for a teaching position.
- The time period for checks on overseas candidates will be risk assessed based on how long they have lived and worked abroad. Checks going back up to 10 years will be carried out on candidates considered high risk, for example:
  - never lived in the UK
  - Returned from being abroad within the last year, and spent more than 3 months abroad
  - Returned from being abroad within the last 5 years, and spent over a year abroad
  - Employment history, interview and references haven't given clear or sufficient information about their time abroad
  - Never worked with children or in an educational setting

## 11.3 Agency and third-party staff

- In the case of any employee working at the school who is sourced from an agency or third-party organisation, confirmation must be obtained from the organisation, in writing, that all necessary checks have been completed.
- Confirmation will also be obtained that the individual who presents for work is the same person on whom all checks have been completed. A copy of photographic identification will generally be kept where appropriate.

## 11.4 Trainee/student teachers

- The school will ensure that enhanced DBS certificates and barred list checks are obtained on all salaried applicants for initial teacher training who are in regulated activity.
- Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks.
- The school will obtain written confirmation from the agency that the checks have been carried out.

## 11.5 Existing Staff

- If a member of staff moves from one role to another the SCR will be scrutinised to determine what checks are in place and a decision taken as to what is still required. This will be dependent on the type of roles involved and the age of the checks.
- If a member of staff moves from a post that was not regulated activity to one that is, the relevant checks will be carried out.
- Further checks will be carried out where there is a concern about a member of staff's suitability to work with children.
- The school will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:
  - The harm test is satisfied in respect of that harm.
  - The individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence.

- The individual has been removed from working in regulated activity, or would have been removed had they not left.

## **11.6 Contractors**

- The school will ensure that any contractor, or any employee of the contractor, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information).
- For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required.
- Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity.
- If a contractor is self-employed, the school 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.
- The school will always check the identity of contractors and their staff on arrival.

## **11.7 Adults who supervise children on work experience**

- If the school is organising work experience placements, it will be ensured that the placement provider has policies and procedures in place to protect children from harm.
- Barred list checks by the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement. In such cases, due consideration will be given to the specific circumstances of the work experience. Consideration will be given in particular to the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations will include whether the person providing the teaching/training/instruction/supervision to the child on work experience will be:
  - Unsupervised themselves.
  - Providing the teaching/training/instruction/supervision frequently (more than three days in a 30-day period or overnight).
- If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity. In this case, the employer providing the work experience will be asked to ensure that the person providing the instruction or training is not a barred person.
- If the activity undertaken by the child on work experience takes place in a 'specified place', such as the school, and gives the opportunity for contact with children, this may itself be considered regulated activity. In these cases, and where the child is 16 years of age or over, the work experience provider will consider whether a DBS enhanced check should be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.

## **11.8 Children staying with host families**

- The school may make arrangements for a child to have learning experiences where, for short periods, the child may be provided with care and accommodation by a host family to whom they are not related. In these circumstances, the LA will be consulted.

## 11.9 Governors

- The governing board may request an enhanced DBS certificate without a barred list check on an individual as part of the appointment process for governors. An enhanced DBS certificate (which will include a barred list check) will only be requested if the governor will be engaging in regulated activity; this also applies to volunteer governors.

## 12 After the pre-appointment checks

Once the pre-employment checks have been completed:

- A start date will be agreed with the candidate.
- Self-declaration forms will be destroyed.
- contractual paperwork will be submitted to HR and payroll.
- The required details of the checks carried out will be added to the school's SCR.

## 13 Single central record (SCR)

- The school will maintain and regularly update the SCR.
- All new employees will be added to the record, which will include:
  - All staff (including supply staff) who work at the school.
  - All others who work in regular contact with children in the school or college, including volunteers.
  - All contractors who regularly visit school sites.
- The bullet points below set out the minimum information that must be recorded in respect of staff members (including teacher trainees on salaried routes). The record will indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:
  - An identity check
  - A barred list check
  - An enhanced DBS check
  - A prohibition from teaching check
- Further checks on people living or working outside the UK, including checks for European Economic Area (EEA) teacher sanctions and restrictions
- A check of professional qualifications
- A section 128 check
- A check to establish the person's right to work in the UK
- For those in management, trustee or governor roles, a section 128 check
- For supply staff, the school will include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, and the date that confirmation was received and whether any enhanced DBS check certificate has been provided in respect of the member of staff.
- If checks are carried out on volunteers, this will be recorded in the SCR.

## 14 Safer recruitment training

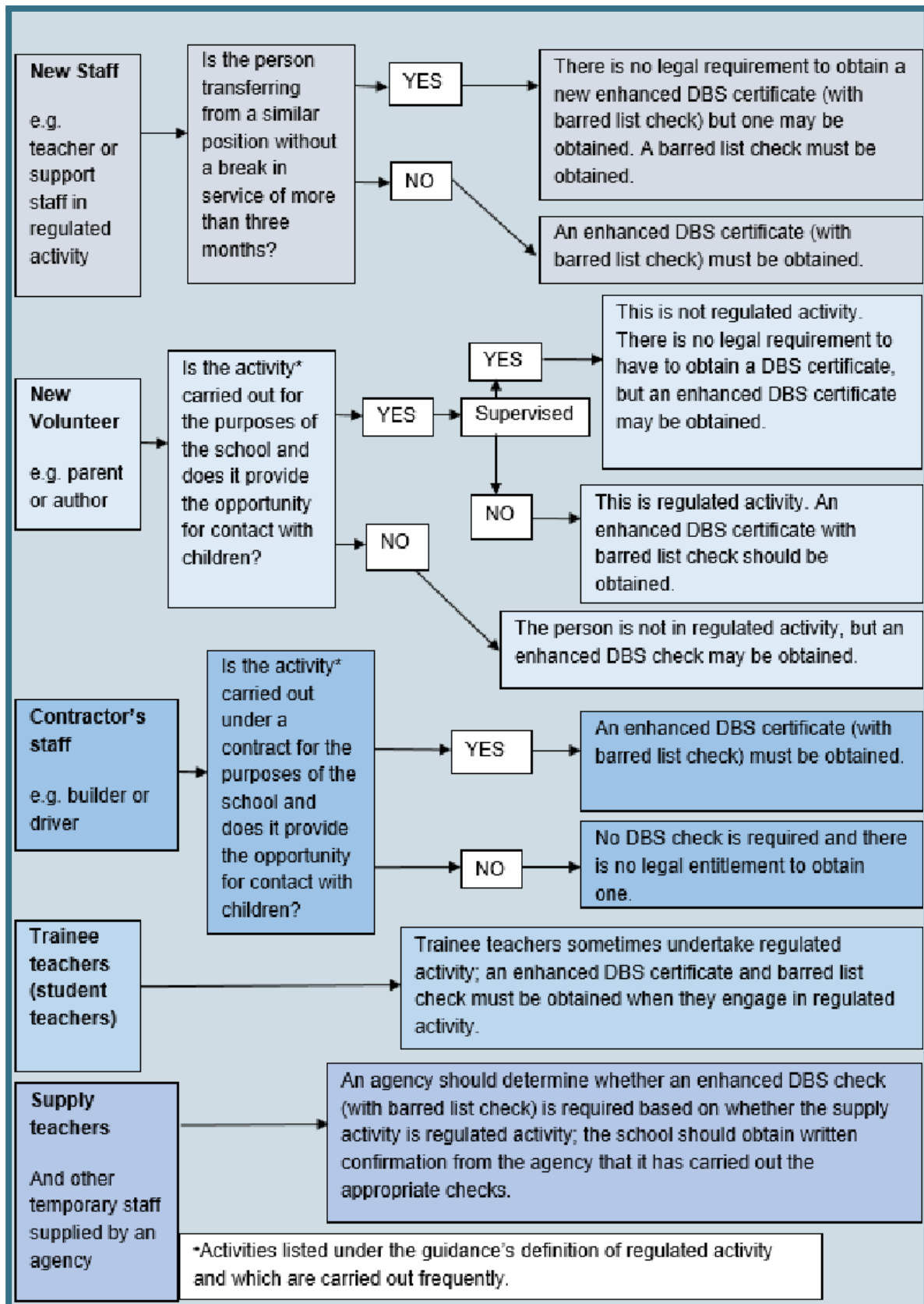
- At least one member of the recruitment panel will have completed formal safer recruitment training.
- As a measure of good practice, the school will ensure that this training is renewed every three years.

## 15 Monitoring and review

- This policy is reviewed annually.
- Any changes made to this policy will be communicated to all members of staff.
- All members of staff responsible for recruitment are required to familiarise themselves with all processes and procedures outlined in this policy as part of their induction programme.
- The next scheduled review date for this policy is October 2024.

## Appendices 1

### Flowchart of Disclosure and Barring Service Criminal Record Checks and Barred List Checks



## Appendices 2: Employment of ex-offenders

When 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), Pathfinder Multi-Academy Trust complies fully with the [code of practice](#) and undertakes to treat all applicants for positions fairly.

Pathfinder Multi-Academy Trust undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed.

Pathfinder Multi-Academy Trust can only ask an individual to provide details of convictions and cautions that Pathfinder Multi-Academy Trust 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).

Pathfinder Multi-Academy Trust can only ask an individual about convictions and cautions that are not protected.

Pathfinder Multi-Academy Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

Pathfinder Multi-Academy Trust has a written policy on the recruitment of ex-offenders, which is made available to all DBS applicants at the start of the recruitment process.

Pathfinder Multi-Academy Trust actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.

Pathfinder Multi-Academy Trust select all candidates for interview based on their skills, qualifications and experience.

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.

Pathfinder Multi-Academy Trust ensures that all those in Pathfinder Multi-Academy Trust who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.

Pathfinder Multi-Academy Trust also ensures that they 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.

At interview, or in a separate discussion, Pathfinder Multi-Academy Trust ensures that an open and measured discussion takes place 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

Pathfinder Multi-Academy Trust 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.

Pathfinder Multi-Academy Trust undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.