



## **Safer Recruitment Policy**

**Created**

**June 2018**

**Consultation Date**

**Review**

## **Introduction**

The Governing Body of Excelsior Multi Academy Trust has adopted this Safer Recruitment policy in accordance with the School Staffing (England) Regulations 2009, for the safe and legal employment of people to work in the school.

The Governing Body is committed to the welfare of children and young people in its care. It recognises that the legal requirements for recruiting and employing people to work in the school include provisions specifically to protect children from harm and that following these provisions is an essential part of its duty of care. It also recognises that the legal requirements for checking prospective employees' right to work in the United Kingdom protect those responsible for recruitment from fines for infringing the law.

The Governing Body will ensure that all employees are made aware of this policy and the Child Protection Policy. It will publish them through its scheme of publication in accordance with the Freedom of Information Act.

## **Guidance on the Law**

The Governing Body is committed to following the statutory guidance in 'Keeping Children Safe in Education'.

The Head Teacher is required to ensure that checks on the right to work in the United Kingdom comply with the requirements of the Immigration, Asylum and Nationality Act 2006

The Governing Body is committed to its legal duties and responsibilities in respect of equality in employment.

## **Checks & Recording**

The Governing Body commits the school to working in compliance with the legal requirements on schools to undertake pre-employment checks. The Head Teacher is required to

- Ensure that all required pre-employment checks on new employees, including casual and short-term employees, are made and completed satisfactorily before a formal offer of employment is made in accordance with the School Staffing (England) Regulations and other legislative provisions, including the Childcare Disqualifications Regulations, and that these checks are recorded in the required register (known as the 'single central record').
- Ensure all teachers commencing employment from 1<sup>st</sup> April 2014 do not have a Prohibition Order that prohibits them from teaching.
- Ensure that the required register (known as the 'single central record') is kept of the checks already undertaken on existing employees as set out in the School Staffing Regulations and Childcare Disqualification Regulations.
- Ensure that the required written confirmation of all required checks is obtained from agencies supplying staff to the school, including organizations providing specialist coaches or instructors and centrally managed teaching services providing staff to the school, and recorded in the required register ('single central record'), also that the identity of each and every person supplied by an agency is checked by the school before the person starts work for the school, as set out in the School Staffing Regulations.
- Ensure that self-employed people engaged directly by the school are subject to the same checks as would be the case if they were employed by the school.

- Ensure that the checks involve copying (or electronic scanning) each specified document as required, signing and dating the copy and placing the copy in secure storage in accordance with Data Protection legislation.
- Arrange for relevant volunteers to undertake an identity check, and clearance from the Disclosure and Barring Service as specified by the Service and in the Childcare Disqualification Regulations.

The Governing Body will ensure that these requirements are applied to the selection of a head teacher or deputy head teacher.

The Governing Body will ensure that it works with the local authority and complies with the requirements of the Safeguarding Vulnerable Groups Act 2006 to refer prescribed information to the Disclosure and Barring Service when required to do so.

### **Risk Assessment – enhanced disclosure and barring certificate**

The Governing Body permits the commencement of employment before an enhanced criminal record certificate has been obtained only in justifiable circumstances approved by the Head Teacher following a risk assessment and provided that an application for such a certificate has been submitted. In each case the Head Teacher is required by the Governing Body to record the risk assessment and the decision, monitor the situation every fourteen days until the enhanced certificate from the Disclosure and Barring Service is received and to be accountable for the decision to allow the employee to start work.

### **Positive Disclosures**

The Governing Body requires the Head Teacher to carry out the appropriate risk assessment in connection with a positive disclosure obtained through a check with the Disclosure and Barring Service.

The Governing Body expects the Head Teacher, where appropriate, to take advice from the Authority's LADO Team on a positive disclosure from the Disclosure and Barring Service, or appropriate other persons such as the Authority's Employee Relations Team as necessary and refer the matter to the relevant committee of the Governing Body if advised to do so.

Where the Governing Body has delegated its power of recruitment and selection to the head teacher it requires the head teacher to ensure, as far as reasonably practicable, that

- All vacancies, whether permanent or temporary, are advertised externally, unless this would result in displacement of existing staff or there is an urgent need to recruit temporary cover for absent staff, in which cases the head teacher is required to invite applications or expressions of interest from all staff in the school, including existing temporary employees and agency workers. The Governing Body notes that there is a legal requirement to make all such vacancies known to employees on maternity leave and parental leave and to agency workers. It expects details supplied to applicants to include a job description and person specification.
- All advertisements include a statement to the effect that the school "is committed to safeguarding and promoting the welfare of children and young people and expects all employees and volunteers to share this commitment" and a statement that the successful applicant will require an enhanced disclosure from the Disclosure and Barring Service
- Every job description includes a statement that the employee is responsible for promoting and safeguarding the welfare of children for whom he or she is responsible or comes into contact

- Every person specification includes a clear statement about the requirements for any applicants to demonstrate their suitability to work with children and that this will include motivation, ability to maintain appropriate relationships with children, emotional resilience to challenging behaviour, and attitudes to the use of authority and maintenance of discipline
- Any gaps in education or employment, or discrepancies between information on the application form and references are explored
- At least two job-related written references, including one from the current employer or most recent employer (or training establishment in the case of a newly qualified teacher or school for a young person with no previous employment experience) or most recent employer in respect of employment with children, are always obtained before interviews take place and preferably before short-listing, that relevant questions are asked of the referee and employee in accordance with statutory guidance and any discrepancies are investigated (having regard to the statutory guidance that it is up to the person conducting the recruitment to decide whether to accede to a candidate's request his or her current employer only if he/she is the preferred candidate after the interview but that this is not recommended as good practice)
- That the assessment of candidates during selection process is properly recorded against the person specification and criteria set for the assessment
- A job is never offered subject to references and that if written references are not available before an interview selection of a candidate is deferred, with the panel adjourning and reconvening when the written references are available
- All persons invited for interview are informed in writing of the required pre-employment checks and asked to bring relevant documentation with them on the day of the interview
- Choose suitable people, all of whom have completed the required training in safer recruitment, to interview candidates with the head teacher or on the head teacher's behalf and that the interviews are supplemented by other tasks and assessment as appropriate
- The recruitment and selection process is monitored in accordance with the Governing Body's policy on the various equality duties required of schools
- All documentation about the recruitment and selection is retained securely for six months in accordance with data protection legislation, after which papers are destroyed, except for the items relating to the successful applicant
- All necessary relevant documentation for the successful applicant is held within a person's personal file, including two written references, evidence of right to work, and where applicable, the Childcare (Disqualification) Regulations 2009 declaration form, evidence of qualifications, written confirmation from agencies supplying staff and risk assessments pending the outcome of a DBS check

The Governing Body will also require selection panels for head teachers and deputies and any interviewing panel including governors to follow these requirements.

## **Safer Recruitment Training**

The Governing Body will arrange as necessary for some or all governors to undertake the training in safer recruitment specified in the School Staffing Regulations.

The Governing Body will follow the requirement in the School Staffing Regulations that at least one member of selection panels for head teachers and deputies and any other interviewing panel including governors has completed the required training in safer recruitment and that if selection has been delegated to the head teacher both the head teacher and any other employee assisting the head teacher with the interviews have completed the required training in safer recruitment.

## **Induction**

The Head Teacher is required to ensure that arrangements are made for induction to include in the first week all relevant aspects of the school's child protection policy, including the identity of the school's Designated Senior Persons.

This is in addition to statutory induction for newly qualified teachers and probation for new support staff.

The Head Teacher is expected to ensure that arrangements are made for suitable induction and training for all other employees new to the school.