



Safer Recruitment Policy

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1. Introduction

- 1.1 This policy and procedure has been designed to deliver South Pennine Academies (the 'Trust') commitment to the safer recruitment of staff working with children and young people. It ensures that all Trust recruitment processes comply with current safeguarding legislation and regulation including the Working Together to Safeguard Children (2018), Keeping Children Safe in Education (September 2021) and the Disclosure and Barring Service (DBS) provisions.

2. Statement of Intent

- 2.1 South Pennine Academies is committed to ensuring a culture of safer recruitment and as part of that implement recruitment procedures that deter, reject or identify people who might abuse children. All Academies across the Trust adopt a consistent and rigorous approach in the recruitment and selection processes, with the aim of ensuring that those recruited are suitable for such an important and responsible role. The purpose of safer recruitment is ultimately to:

- **Deter:** From the beginning of the recruitment process, it is important to send the right message – that the organisation has a rigorous recruitment process and does not tolerate any form of abuse. Wording in adverts and recruitment information must aim to deter potential abusers.
- **Identify and Reject:** It will not always be possible to deter potential abusers. Therefore, careful planning for the interview and selection stage, in terms of asking the right questions, setting appropriate tasks and obtaining the right information can assist in finding out who is suitable for the role and who is not.
- **Induct:** Induction is an essential part of our recruitment process, we ensure that comprehensive induction processes are in place, together with appropriate policies and procedures, raising awareness through staff training and generally developing and maintaining a safe culture within the organisation will all help to prevent abuse or identify potential abusers.

- 2.2 The intention of this policy is to ensure that all stages of the recruitment process contain measures to deter, identify, prevent and reject unsuitable people from gaining access to pupils within the organisation. The policy and the practical implementation of recruitment and selection processes also aim to meet all legislative requirements, any statutory or other guidance that may from time to time be issued in order to keep children safe and safer recruitment in education, as well as principles of general good practice.

3. Scope

- 3.1 This policy applies to all academies including teaching, non-teaching staff, volunteers, agency staff, consultant and the central Trust team and Trustees.

4. Policy Framework and Principles

4.1 To fulfil the Trust's commitment to safer recruitment, the below terms of this policy shall be applied across the Trust:

- Ensure the Trust's statement of intent is included in appropriate Trust publicity and management materials including websites, advertisements, candidate information packs and person specifications
- Ensure all recruitment complies with our duties under the Equality Act (2010) and Public Sector Equality Duty (2011)
- Safer recruitment checks of applications will be carried out by a safer recruitment trained person
- All interview panels will have at least one member of staff present who has safer recruitment training. Senior members of staff including Principals, Vice Principals and Human Resource staff will have relevant training every 3 years unless there is a change in national policy that deems it necessary to be done sooner
- Undertake a rolling programme of three yearly renewals of Enhanced Disclosure checks on all of our staff. This is to be monitored and implemented by the academy HR Business Leaders
- Ensure that, when a positive DBS check is received, the appointment decision is made by the CEO (Appendix 1)
- Ensure that the protection of children and young people is a condition of awards/grants and service level agreements when planning the commissioning/contracting of services and that inspection mechanisms are in-built as part of normal contracting arrangements as a means of auditing compliance
- Ensure that prospective employees do not commence working for the Trust until full clearances of all relevant pre-employment checks have been received and verified
- Monitoring and reviewing of the Single Central Record at each Trust establishment will be carried out by the Trust HR team on a bi-annual basis
- Safer recruitment checks to be carried out by the CEO and Trust HR across all academies

5. The Applicant/Employee's Duty to Disclose Information

5.1 A central feature of safer recruitment and employment is that the Trust requires all applicants and existing employees to disclose any unspent convictions/cautions and any spent convictions/cautions that are not protected under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 to the Trust within the recruitment process (post shortlisting stage at interview) and, via an ongoing duty, to the Principal of their academy.

5.2 Any failure to disclose relevant information will be regarded as a potentially serious breach of trust and confidence and may result in disciplinary action, potentially leading to dismissal of existing staff, or non-appointment of applicants (further information can be found in Appendix 2).

6. Roles and Responsibilities

6.1 The Chief Executive Officer

The CEO is responsible for:

- All recruitment across the Trust, delegated authority to appoint is given to all Principals who are then unable to delegate this further
- Considering positive disclosure information when received from the DBS and determining and recording whether the appointment should proceed (Appendix 1)
- Ensuring relevant partner agencies and organisations are aware of their responsibilities under safeguarding, through communication and training where appropriate
- Ensuring that the protection of children and young people is a condition of awards/grants and service level agreements when planning the commissioning/contracting of services and that inspection mechanisms are in built as part of normal contracting arrangements as a means of auditing compliance. The CEO may delegate the responsibilities above to a small number of suitably trained and experienced staff; however, they remain accountable for advice given and decisions made
- Monitoring of training delivered to organisations on safer recruitment particularly when legislation/guidelines are updated/changed
- Undertake regular monitoring of safer recruitment practices across the Trust, where appropriate undertaking detailed internal scrutiny of the safer recruitment process.

6.2 Human Resources

HR Business Leaders across the Trust are responsible for:

- Progressing all DBS checks for new starters
- Ensuring the Trust's statement of intent is included in appropriate recruitment materials including websites, advertisements, candidate information packs and person specifications
- Undertaking a rolling programme of three yearly renewals of Enhanced Disclosure checks
- Ensuring that, when a positive DBS check is received, the appointment decision is referred to the CEO following the Principals initial assessment and completion of the form in Appendix 1
- Undertaking DBS checks for any non - employed groups at school level, e.g. local governing body members
- Ensuring the process for recruitment complies with this policy using Trust template documents, raising any queries or concerns to Trust HR
- Updating their local SCR ensuring all information is correct and up to date
- Completing all relevant payroll processes to ensure new joiner information is processed correctly

The central HR team are responsible for:

- Undertaking bi-annual checks of each academy's and the Trust's SCR
- Providing rolling support and training to Academy HR Business Leaders within each academy/organisation

- Undertaking DBS checks for any non - employed groups at Trust level, e.g. Trustees / Members
- Reviewing annual report detailing three-year DBS checks from each academy/organisation
- Escalating any known risks to the CEO/relevant Principal
- Annually review the safer recruitment policy and related template documents to keep in line with relevant guidance and legislation.

6.3 Academy Principals

All Principals are responsible for and do not have the authority to delegate the following:

- Ensuring the Safer Recruitment standards are adhered to
- Ensuring the policy is communicated appropriately and made accessible to staff.

7. Single Central Record (SCR)

7.1 Each Academy will maintain a SCR in a common electronic form. These will be shared via a live cloud with the central HR team. For all the Trust Academies, SCITT and central team it is a requirement that they have a SCR of safeguarding checks that meet the requirements of Keeping Children Safe in Education (2021). This applies for those who work within the organisation on a paid or voluntary basis, including teacher trainees on salaried routes, agency and third-party supply staff who work in the academy, and Trustees.

7.2 The SCR must indicate whether the following checks have been carried out or a certificate obtained, the date on which each check was completed/certificate obtained and who the check was carried out by:

- the correct checks for all staff, including trainee teachers on salaried routes, agency and third-party staff that work at the school whether directly or through an agency, and anyone else who is identified by the school as 'working in regular contact with children', which includes:
 - verifying identity in person (checking that the photo on the ID matches the likeness of the holder); name and confirmation that all relevant identification has been checked and dated;
 - a Children's Barred List check ;
 - the issue date of the enhanced DBS disclosure;
 - a prohibition from teaching check for all teaching staff;
 - further checks on candidates who have lived or worked outside the UK; this would include carrying out and recording overseas criminal record checks and checks for teacher sanctions and restrictions (where applicable) in all other countries where the candidate has worked within the last five years, and, where a candidate will be working in regulated activity (as described in 16.3) who has not been working in regulated activity since returning to the UK from overseas, criminal records checks and teacher sanctions and restrictions checks (where applicable) from all other countries where the candidate has worked within the last 10 years
 - qualifications; where the qualification is a requirement of the job, i.e. posts where a person must have qualified teacher status;
 - evidence of permission to work in the UK;
 - a section 128 check (for all management positions including Local Academy Board

(LAB) member positions and anyone with management responsibilities – for further information, see KCSIE paras 237-241);

- A declaration from candidates that they do not have any childcare disqualifications, including, where appropriate, volunteers (see Appendix 5)
- The name of the person who has carried out each check, and the date it was carried out; and
- Academies must obtain written notification from any agency or third-party organisation they use that the organisation has carried out the checks (in respect of the Enhanced DBS certificate, written notification that confirms the certificate has been obtained by either the employment business, or other such business) on an individual who will be working at the academy.

7.3 New organisations within the Trust will receive a template and training on how to develop and maintain the SCR.

7.4 The use of the SCR will then be monitored by the Trust Human Resources team on a bi-annual basis, with feedback and guidance provided following these reviews through Notes of Visit.

8. Job Descriptions and Person Specifications

8.1 When a vacancy arises due to an employee leaving or moving to a different role, it cannot be assumed that a 'like for like' replacement is required. A review of the job description may highlight the fact that the existing role no longer meets current needs. Therefore, the requirements for any replacement or new role will be analysed prior to drawing up the Job Description and Person Specification which define the role. Advice should be sought from the central HR team regarding similar posts within the Trust.

8.2 For all posts, even those that are being replaced like for like, an approval to recruit (Appendix 3) must be submitted to the Finance Director and the Operations Director for approval prior to advertising the role.

8.3 When a post requires a DBS Disclosure, this must be reflected in the job description and person specification relating to that post. It is envisaged that due to the nature of work in all primary and secondary academies, and resultant contact with children, all posts will require an Enhanced DBS Disclosure and, in most cases, a check of the children's barred list.

8.4 Where the Disqualification under the Childcare Act 2006 requirements also apply to a post, this should also be reflected in the person specification.

8.5 Following the Trust job description template, all job descriptions must detail:

- The post title and grade/scale point
- Main duties and responsibilities of the post
- The scope of the job to indicate its position within the organisation
- General statements relevant to all positions, such as requirements relating to equal opportunities and health and safety

- The extent of the post holder's contact with children and young people and, in line with the establishment's commitment to the health, safety and welfare of children, the general responsibility for safeguarding.

8.6 Following the Trust person specification template, all person specifications must detail:

- Qualifications required to do the job
- Professional Registrations (if required)
- Enhanced DBS Disclosure required / if Disqualification under the Childcare Act 2006 applies
- Whether the post is in regulated activity and therefore requires a check of the children's barred list
- The knowledge, skills and competencies required
- Any specific training requirements
- The need for commitment to the promotion of health and safety at work and to the protection and safeguarding of children
- The need for awareness of, and commitment to, equal opportunities issues.

8.7 The person specification will clearly indicate whether the stated criteria are:

- **Essential** – relating only to those areas without which the job cannot be performed; or
- **Desirable** – not essential to carrying out the duties, but which would be valuable. They may assist in the final selection process if several candidates all meet the essential criteria.

8.8 It will also indicate how the criteria will be tested, i.e. on the application form, at interview and/or through a task set as part of the selection process. Person specifications will also include statements to the following effect:

"Applicants called for interview should note that the interview itself (and/or any additional tasks to be performed, if applicable) will, as appropriate to the role:

- (i) Focus on the requirements to carry out the duties of the job, as described;
- (ii) Explore issues relating to the safeguarding and promoting the welfare of children, including:
 - Motivation to work with children and young people;
 - Ability to form and maintain appropriate relationships and personal boundaries with children and young people;
 - Emotional resilience in working with challenging behaviours;
 - Attitudes to use of authority and maintaining discipline."

9. Advertising the Role

9.1 The job advertisement provides potential applicants with their first impression of the organisation. An important part of the message of the advert is to inform anyone viewing it that the organisation is fully committed to safeguarding and protecting the welfare of children and young people. In these circumstances, all advertisements will include a statement to the effect that:

“South Pennine Academies Trust is committed to safeguarding and promoting the welfare of children and young people. Therefore, we expect all workers, volunteers and employees to share this commitment. All appointments are subject to satisfactory pre-employment checks, including a satisfactory Enhanced criminal records with Barred List check through the Disclosure and Barring Service (DBS). CVs will not be accepted.”

9.2 Prospective applicants for posts will receive the following materials in recruitment packs:

- Application form
- Job description
- Person specification
- Access to Safer Recruitment Policy (this document), this could be via link to the website
- A summary of information about the completion of the application form, references, pre-employment checks, interview arrangements/tasks and selection procedure for the post
- Any relevant general information relating to the organisation, area etc.
- Safeguarding and Child Protection Policy, this could be via a link to the website
- Staff Code of Conduct, this should be available for candidates at the interview
- Any other relevant details or documentation.

10. Application Process

10.1 The Trust preferred recruitment method is using the My New Term recruitment portal. South Pennine Academies' standard application forms must be used for all recruitment that is not advertised through My New Term. CVs will not be accepted. The application form will ensure that detailed information, critical to the recruitment process, can be gathered from all applicants in a consistent format. Application forms to be used for all external recruitment will include as a minimum:

- Personal details including name, former names, date of birth, current address, NI number and, for teachers, teacher reference number
- Qualifications
- Present (or last) employment and reason for leaving
- Full history since leaving school - education, employment and any voluntary work, as well as explanation of any gaps
- Request for details of appropriate referees (see also 12. References, below)
- The requirement for a personal statement addressing the criteria set out in the person specification
- Explanation that the post is exempt from the provisions of Section 4 (2) of Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 and the requirement for a 'self-disclosure' – a signed declaration of any unspent and relevant (non-protected) spent criminal offences - must be provided at interview stage (further information can be found in Appendix 2)
- The requirement for a signed declaration that all information provided is true.

10.2 Internally advertised posts will require, as a minimum, further details to update the above information, as originally provided, and new signed declarations. If for any reason the

individual does not have a fully completed application form on their personnel file, then a new full application form must be completed and signed.

- 10.3 Volunteers will be required to complete an application form in order to provide personal details, details of previous employment, voluntary work and other activities, general information about their reasons for applying for voluntary work and a signed declaration about any criminal record, for relevant roles a declaration to meet childcare disqualification requirements under the Childcare Act 2006 (Appendices 4 and 5), and declaration to confirm the accuracy of information provided.

11. Longlisting and Shortlisting

- 11.1 Recruitment to some positions will involve a two-stage process requiring first longlisting, then shortlisting following a first round of selection. Whether a position requires longlisting and shortlisting processes, or just shortlisting, the principles to be applied will be the same. Long/shortlisting will be conducted by one or more members of the panel. **It will always be carried out by at least two people** and notes on the application form recorded identifying any queries on the information including any gaps in employment. Initial selection will be recorded on the My New Term portal.

- 11.2 The criteria to be used for long/shortlisting will be based on the person specification and job description applicable to the post. This will ensure that the process includes criteria specific to working with children as well as other essential requirements for carrying out the specific duties of the post. Those carrying out the long/shortlisting process will, as appropriate:

- Ensure consistency, assessing each application against the criteria, including criteria specific to working with children – use of a grid is recommended for this purpose
- Take time to properly scrutinise the applications
- Consider whether each application is fully completed – if not, it may be returned to the applicant or discarded from the process
- Highlight any gaps (in employment etc) to be explored further should the candidate be long/shortlisted
- Look for evidence provided against the criteria set out in the person specification and the job description
- Apply the long/shortlisting criteria equally
- Normally only long/shortlist those applications that meet all the essential criteria set out in the person specification. However, if this is not clear in relation to any applications, it may be decided to long/shortlist and explore the issues further at interview.

- 11.3 Authority to recruit in each individual academy has been delegated by the CEO. This authority cannot then be further delegated and therefore each appointment to the Academy must be made by the Principal.

- 11.4 In addition, as part of the shortlisting process academies must carry out an online search as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school might want to explore with the applicant at interview. If the on-line search is carried out by HR /

recruitment manager, anything that may need to be explored further must be passed onto the recruitment panel. The Principal or CEO will have the final authority on any decision made should there be any concerns following conversations with shortlisted candidates. See Appendix 8

12. References

12.1 References are an important part of the process of gathering as much information as possible about potential new recruits. Testimonials from applicants will not be accepted. The following standards are required to be applied:

- Reference information must cover a minimum of the last 2 years' employment history
- One referee must be the current employer, not a colleague but an individual with appropriate seniority and authority
- If the candidate is currently unemployed, verification of their most recent period of employment and reasons for leaving should be obtained from their most recent employer
- If the employer is/was a school, then the referee provided must be the Headteacher / Principal
- Where the applicant is not currently working with children but has done so in the past, a referee should be the employer by whom s/he was most recently employed in work with children even if this is beyond the 2 years reference period
- References must be requested prior to interview and all efforts made to receive references prior to interview. The application form will ask applicants if they are willing to allow referees to be contacted prior to interview and warned that they may not be shortlisted if not
- No conditional offers of employment can be made until all satisfactory references have been received
- Where electronic references are provided, a check must be made to ensure the source is legitimate (contacting via phone to verify identity). A print out of the email attaching the reference must also be kept on the personnel file should the individual be appointed
- References should always be requested directly from the referee. Open references must not be relied upon, for example, 'to whom it may concern' testimonials.
- Where the applicant has been working for an agency(s) for the last two years, efforts should be made to secure a reference from the schools/organisations in which the applicant had been working. Where references cannot be obtained from the schools/organisations in which an applicant worked on behalf of the agency, then academies should seek references from schools/organisations the applicant was employed in prior to the agency work.

12.2 Reference requests must be issued via the [TES-My New Term](#) portal or on the Trust's Reference Pro-forma which ensures that certain questions are asked about all candidates. This helps to avoid receiving references that do not address all of the areas that we would like to know about. The standard Reference Pro-Forma will ask about:

- Capacity in which the applicant is/was employed, dates, quality of work, relationships with colleagues, parents and pupils, strengths, areas for development, honesty, punctuality and reliability
- Any current disciplinary/capability warnings, or such warnings which were current at the time of leaving
- Any disciplinary/capability action that is/was pending or unresolved
- Where the request relates to a teacher, any capability proceedings within the last two years

- The details of any expired warnings that relate to the safety and welfare of children or young people or behaviour towards children or young people
- Reason(s) for leaving if no longer in that employment
- Whether the referee would re-employ and whether the applicant is recommended for the post.

12.3 On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. Referees should be contacted to provide further clarification as appropriate, for example if the answers are vague or if insufficient information is provided. They should be compared for consistency with the information provided by the candidate on their application form and any discrepancies should be taken up with the candidate, with notes recorded on the reference documents.

12.4 For internally advertised posts within an academy, written references are not required.

12.5 For internally advertised posts across the trust, at least one written reference from the current Principal will be required, or for an employee with less than two years' service, two references will be required, one from the current Principal and one from a previous employer.

13. Assessment Process

13.1 The interview process should allow time for any discrepancy in a candidate's application or references to be scrutinised and clarified. With this in mind, all candidates **must** have their:

- **qualifications verified** and a photocopy of all the original qualification certificates must be taken. If the candidate is successful these should be placed on their personal file and recorded on the Single Central Record. If the candidate is unsuccessful, these should be destroyed
- **employment gaps explained** at interview: if there are gaps in their history, the candidate should declare the reasons for their break from work. These should be documented and signed by the candidate. Valid reasons for gaps in employment may be: the candidate did not need to work, travelling, bringing up a family, caring responsibilities, family bereavement or a period of sickness. As there could be more 'sinister' reasons for an absence, it is important to ensure that the candidate is able to give as much detail as possible, in order for the panel to make an informed decision and are in receipt of all relevant information

criminal record disclosed: Shortlisted candidates should be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records, further information can be found on GOV.UK - For example:

- if they have a criminal history
- if they are included on the children's barred list
- if they are prohibited from teaching
- if they are prohibited from taking part in the management of an independent school
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted

- if they are known to the police and children’s local authority social care
- if they have been disqualified from providing childcare (see paras 262-266), and,
- any relevant overseas information.

Note: This information should only be requested from applicants who have been shortlisted. The information should not be requested in the application form to decide who should be shortlisted. Applicants should be asked to sign a declaration confirming the information they have provided is true. Although they will be asked to do this via My New Term and an electronic signature is captured, the shortlisted candidate should also physically sign a hard copy of the application at point of interview.

-
- **reference issues** discussed
- their **attitude towards children** challenged at interview and safeguarding knowledge

This means that when a candidate is successful, any issues surrounding their application and references have been fully explored before they are offered the post.

13.2 Every interview must be carried out on a face-to-face basis, this includes secure video communication.

13.3 The Panel will meet prior to the interviews in order to carry out the necessary preparation for conducting the interview, which will normally include a set of basic questions to ask of all long/shortlisted candidates, prepared in advance. However, additional follow-up questions are likely to be needed at the interview itself as a means of probing for additional information. These questions will depend upon initial responses given by individual candidates.

13.4 The Panel members will agree on the responses they are seeking to their questions and the type of responses that would cause concern. They will also agree who will ask which questions and take appropriate notes. A grid will be used for the purpose of questions to be asked and notes taken, including a scoring mechanism to rate the response to each question to identify the strongest candidate.

13.5 The inclusion of appropriate questions relating to the safeguarding and welfare of children will depend upon the type and level of the post but all posts have responsibility in this area and it is important, therefore, to test motives, attitudes, awareness and understanding in this area.

13.6 Other assessment and selection methods, in addition to an interview, may also be used. The nature of these additional tools will depend upon the type and level of the post. Other assessment methods may include, for example:

- Presentations
- Role plays
- Group exercises
- Observation (of teaching or activity with a class or group of pupils)
- Written tests
- Other data analysis exercises, In-tray exercises etc.

- Pre-interview tasks submitted in advance

13.7 Assessment and selection methods in addition to an interview are useful in obtaining a range of information about individuals, including assessing their interaction with others, both adults and pupils, team work, skills and abilities to carry out particular tasks etc. Appropriate selection methods will be discussed and considered by the Panel, as relevant. Panel members will be well-briefed and/or trained in their use.

13.8 Speed dating methodology is not considered an acceptable form of assessment.

14. Safer Recruitment Training

14.1 The interview panel must contain at least one senior member of staff and / or Trustee who has been through appropriate safer recruitment training. This is essential training for Principals and other senior leaders, for nominated Trustees, and for other appropriate and nominated staff members. The Trust delegates to its academies the responsibility for ensuring that relevant staff have received this training. Each Academy must keep a register of staff and Trustees who have completed this training, including the date of the training and the training provider which must be updated at least every ~~5~~3 years.

15. Pre-Employment Checks

15.1 No candidate will be offered a post with the Trust unconditionally. All offers will be subject to satisfactory completion of the appropriate checks and recorded on the New Starter Checklist that should be uploaded to the employee's record on Access HR. These checks should be made clear to candidates at interview. Any offer of employment should be a conditional offer subject to satisfactory clearances being received and checked. Only when all of these checks are completed and returned will an offer of employment be confirmed. You must:

- obtain (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) or check the DBS update service if the applicant already has an enhanced DBS certificate and is registered with the update service (see section 16.10);
- obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available (in the limited circumstances where this would be approved – see 15.3)
- 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. 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 within the last five years, make any further checks the school considers appropriate, including overseas criminal record checks (via [GBGFirst Advantage](#)) and ask the applicant to provide a letter of conduct from the relevant teaching regulatory authority of the country they have worked within (see 25.); and

- verify professional qualifications, as appropriate. The Teacher Services' system should be used to verify any award of Qualified Teacher Status (QTS), and the completion of teacher induction or probation.

In addition:

- schools must ensure that a candidate applying 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; and
- schools must check that a person taking up a management position is not subject to a Section 128 Direction made by the Secretary of State. This can also be done on the TRA Teacher Services system.

15.2 For clarity, under normal circumstances, no individual may start employment before the DBS check has been received and reviewed appropriately. **An individual who will be in regulated activity must never be allowed to commence work before the DBS barred list has been checked.** Anyone appointed to a teaching post must be checked against the TRA prohibited list (or equivalent teaching regulatory authority list, if coming from overseas), and s128 if relevant, before they commence in post.

15.3 In exceptional circumstances, where an Academy or the Trust requires a candidate to start work before the enhanced DBS certificate has been received and reviewed, this must only be allowed where:

- All other relevant checks (as in 12., 13. and 15.1) have been completed and have been returned satisfactorily;
- There have been no gaps in employment/education without a good explanation provided; and
- A Risk Assessment form (Appendix 6) has been completed and reviewed by the Principal, HR Manager and then signed and approved by the CEO. The Risk Assessment must include that the candidate will not work unsupervised or be left to supervise children alone at any time, until a satisfactory enhanced DBS certificate has been received.

16. Disclosure and Barring Service (DBS) clearance

16.1 All staff in the Trust, i.e. in posts that have access to children or young people or information about them; require the appropriate level of DBS clearance before they can commence employment.

16.2 All staff must have an Enhanced DBS check with Children's Barred List check, unless they are not engaging in 'regulated activity', where an Enhanced DBS check without the Children's Barred List Check must be undertaken.

16.3 Regulated activity includes:

- Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or education well-being, or driving a vehicle only for children;
- Working for a limited range of establishments ('specified places') which includes

schools, with the opportunity for contact with children, but not including work done by supervised volunteers.

16.4 This work must be done 'regularly' in order to be categorised as regulated. Regularly can be defined as:

- A person carrying out the activity at any time on more than three days in any period of 30 days and, apart from driving a vehicle for children only which is also satisfied if it is done at any time between 2am and 6am and gives the person the opportunity to have face to face contact with children.

16.5 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 provided under the supervision of a health care professional:
 - Personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability (it is not intended that personal care includes such activities as, for example, parent volunteer helping with costumes for school plays or helping children lace up football boots);
 - Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

16.6 Once the checks are complete the DBS will send the certificate to the applicant. The applicant must show the original DBS certificate to the appropriate person in the academy before they take up their post.

16.7 The term "positive disclosure" refers to a disclosure containing information relating to convictions, cautions, reprimands and so on, plus "soft information" relating to non-convictions but which the police deem as relevant.

16.8 Positive disclosures will be referred to the CEO, the academy is responsible for completing a risk assessment (Appendix 1) of whether the offence(s) listed is/are sufficiently serious to cause concern. The Principal should meet with the applicant to verify the information received, prior to any judgements being made. This should then be referred to the CEO for approval for the individual to commence at the Academy. A copy of Appendix 1 should be kept on the employee's personal file on Access HR.

16.9 The assessment of the positive disclosure will be in accordance with the following checklist:

- the likely impact that the positive disclosure could have on the individual's ability to carry out the job role
- the seriousness and nature of the offence(s)
- the nature of the appointment
- the length of time since the offence(s) occurred
- the number and pattern of offences
- the applicant's age at the time
- any explanation of the circumstances of the offence(s) that may already have been given

- concealment of the offence(s) at the application stage.

16.10 DBS Update Service

Individuals can join the DBS Update Service at the point that an application for a new DBS check is made. Subscription to the service enables future status checks to be carried out by employers to confirm that no new information has been added to the check since its issue. South Pennine Academies will reimburse (via the Trust's expenses policy and procedure) candidates who choose to sign up to the DBS update service. Benefits of joining the Update Service include:

Before using the Update Service, schools and colleges must:

- obtain consent from the individual to carry out an online check to view the status of an existing standard or enhanced DBS check;
- confirm the DBS certificate matches the individual's identity;
- **examine the original certificate** to ensure that it is valid for the children's workforce; and,
- ensure that the level of the check is appropriate to the job they are applying for, e.g. enhanced DBS check/enhanced DBS check including with barred list information.

17. Verification of Identity

17.1 It is vital that the Trust knows who their employees are and have evidence to prove this. For all employees of the Trust a copy of the documents used to verify the candidate's identity and right to work in the UK (see section 24) should be placed on their personnel file and logged on the Single Central Record. Evidence of identity should be seen at interview, but if for any reason this did not take place it must be seen and a verified copy taken before the person commences in post. Wherever possible, a birth certificate should be obtained for verification of name, alongside a marriage certificate or deed poll certificate if there has been a change of name since birth, as well as photographic ID such as passport or driver's licence. More information of proving ID can be found at [GOV.UK](https://www.gov.uk).

18. Prohibition from Teaching

18.1 This check ensures that a teacher is not prohibited from teaching and has been a statutory requirement since April 2014, but there is no requirement to retrospectively check teachers who commenced their current employment prior to that date. Existing staff will have been checked in line with previous guidance for checking QTS status. Any candidate with QTS should be checked, even if they are not being recruited to a teaching post. The prohibited list must be checked before the person commences in post.

18.2 The individual's teaching record should be printed off and placed in the personnel file and the date of the check must be recorded on the academy's Single Central Record. Under no circumstances should anyone in teaching work commence work without the check having been undertaken.

18.3 All Office Managers in each Trust Academy must register with the Teacher Regulation Agency system. This is a free service. Further information on how to register and access can be viewed at:

<https://www.gov.uk/guidance/teacher-status-checks-information-for-employers>

18.4 Checks for all teachers

The following checks must be undertaken for all teaching appointments on the TRA website:

- qualified teacher status (QTS)
- completed their induction
- a mandatory qualification for teachers of hearing impaired or visually impaired pupils;
- an active teaching restriction
- been the subject of a decision by the Secretary of State not to impose a prohibition order for unacceptable professional conduct, conduct that may bring the teaching profession into disrepute or conviction of a relevant offence been prohibited from teaching
- been prohibited under s128 from taking up a senior management position in an independent school (including an academy or free school). **This check should also apply to members of the central team who are in leadership roles**
- a suspension or conditional order imposed by the General Teaching Council for England that is still current
- failed their induction or probation period.

18.5 It is important that the checker also **'claims' the teacher** on the Teachers services website.

19. Barred List Check

- 19.1 The prohibition order check is different to the barred list check operated by the DBS. Some new appointments will require an enhanced DBS check, a barred list check and a prohibition order check.
- 19.2 This is a list of people barred from working with children, compiled by the DfE. For posts in regulated activity this check should be done as part of the DBS Application Process. If a person is not in, or seeking to enter, regulated activity it is unlawful to check the barred list. If a school knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity. **Candidates in regulated activity must never be permitted to commence in post before the barred list check is complete.**
- 19.3 There are a limited number of circumstances when a stand-alone barred list check must be undertaken, for example:
- a) where an existing member of staff moves from not regulated activity to a post that is in regulated activity and a new enhanced DBS certificate is not required
 - b) where a new employee in regulated activity is to be allowed to commence in post before the enhanced DBS certificate has been received
 - c) where a new recruit will be transferring from a similar role in another school or academy, with a break in service of 3 months or less and a new enhanced DBS certificate is not required.

20. Disqualification under the Childcare Act 2006 (DfE 2018)

- 20.1 Disqualification under the Childcare Act 2006 sets out the circumstances in which an individual will be disqualified and may not provide relevant early or later years childcare or be directly concerned in the management of such provision. Schools are prohibited from employing a disqualified person in connection with relevant childcare provision in certain settings, and the employer commits an offence if they contravene this unless they can prove that they did not know, and had no reasonable grounds for believing, that the person they employed was disqualified. Full details of these requirements are set out in the DfE's statutory guidance on "Disqualification under the Childcare Act 2006" updated by the DfE in August 2018 which can be found here:
<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>
- 20.2 It is expected that Principals will familiarise themselves with the statutory guidance, which apply to people who provide, or are directly concerned with the management of:
- Early years' provision - care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range; and
 - Later years provision (for children under 8) - childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir, hobby clubs or sports teams) but it does

include before school settings, such as breakfast clubs, and after school provision.

- 20.3 Academies should exercise their judgement about when and whether such staff are within scope, evaluating and recording any risks and control measures put in place, and taking advice when appropriate. If these regulations apply to the post being recruited, applicants should be provided with information about the regulations and the preferred candidate should be asked to complete a declaration form (see Annex 3). If a declaration is made this will need to be considered and discussed with the candidate. If a post is offered, the offer must be conditional, and the applicant should apply for a waiver. If a waiver is not granted, the conditional offer should be withdrawn.
- 20.4 Academies must keep a record of those staff who are employed to work in, or manage, relevant childcare and should record the date on which disqualification checks were completed; this may be kept as part of the Single Central Record or as a separate list and forms completed by successful applicants will be placed on their personnel file. Information received from all applicants during the recruitment process should be treated in line with the Data Protection Act (2018) which includes the rules set out in the General Data Protection Regulations.
- 20.5 It is recommended that all staff / volunteers working in roles to which these regulations apply are reminded about Disqualification under the Childcare Act 2006 on an annual basis and asked to speak to their Principal if their circumstances have changed. They are not required to complete the declaration form annually. Should this identify any staff/volunteers who are disqualified, advice must be sought from the HR Business Leader or member of the HR Team.
- 20.6 The Trust expects all staff (not just those working in early or later years childcare) to discuss with their Principal or CEO of the Trust (central team members) any criminal charges brought or caution / conviction acquired during their employment with us and any relationship or association (in the real world or online) which may have implications for the safeguarding of children in the academy so that an appropriate risk assessment can be carried out. Please seek advice from the Academy Safeguarding Lead and / or Trust HR team if appropriate.

21. Medical Clearance

- 21.1 Only once an offer of employment is made, a potential employee must complete a copy of the health declaration form. Depending on the answers given by the candidate, the Occupational Health provider may be asked to carry out further enquiries to confirm mental and physical fitness for the specific post.
- 21.2 Should the assessment return that the individual requires adjustments or is not fit to undertake the role, advice from Trust HR must be sought immediately.

22. Verification of Qualifications

- 22.1 Any essential qualifications required to perform a particular job, such as QTS, as stated in the person specification, need to be evidenced by the potential employee. A copy of original

certificates should be taken and placed on their personal file and logged on the Single Central Record. This should ideally be confirmed at the interview stage.

23. Verification of Professional Registration

23.1 Some posts require a professional registration with a regulatory body. This again needs to be evidenced and placed on file, if the person specification states it as an essential prerequisite.

24. Right to Work in the UK

Since 6 April 2022, it will no longer be possible for migrants with a biometric residence card or permit and EU citizens with settled or pre-settled status to prove their right to work or rent in the UK using physical documents. Alongside this, the Home Office will no longer issue biometric residence cards or permits to new visa/residency holders. This significant change to the law (**without** parliamentary scrutiny) now requires migrants to prove their right to work and rent through digital means only.

ONLINE RIGHT TO WORK CHECK

An online right to work check involves an employer viewing an individual's right to work electronically on a dedicated portal on the GOV.UK website. The online right to work check service supports individuals with:

- A biometric residence permit
- A biometric residence card
- A digital status issued under the EU Settlement Scheme or certain categories under the post-Brexit points-based immigration system
- A frontier worker permit Employers can encourage individuals to use the online service, but they CANNOT insist on it unless a manual right to work check is not an option e.g. a digital status.

Employers should provide all options and not discriminate against individuals who are not able or willing to use the online service. From 6 April 2022, it will only be possible to conduct a right to work check on an individual with a biometric residence card, biometric residence permit or frontier worker permit online. The manual right to work check will no longer be an option for these individuals.

LOG INTO THE ONLINE PORTAL

There are two relevant portals when carrying out an online right to work check:

- Prove your right to work to an employer, which enables an individual to input their details and request a share code (a unique nine-character code) which is valid for 30 days (this may be subject to change soon and extended to 90 days) and can be shared with the employer.
- View a job applicant's right to work details, which enables an employer to view an individual's right to work if provided with a share code and the individual's date of birth within

30 days of the share code being generated (this may be subject to change soon and extended to 90 days)

24.1 It is a legal obligation that every employer in the UK verifies whether a potential employee has the right to work in the UK:

Step 1 – you should ask for and be given an acceptable document, or combination of documents. Only original documents must be accepted; This is still a requirement for all new employees to ensure that they have the right to work.

Step 2 - you must take all reasonable steps to check that the document is genuine and to satisfy yourself that the holder is the person named in the document. You should also check that the document allows them to do the work in question. **If you are unsure, you can contact the Home Office employer helpline on 0300 123 4699;**

Step 3 - you must take and retain a copy of the document, in a format which cannot later be altered. The person who checked and copied the documents should write clearly on the copies: “original document checked by [name] on [date]”, and sign underneath.

24.2 Further information can be found at <https://www.gov.uk/check-job-applicant-right-to-work> with a helpful step-by-step checking process at <https://www.gov.uk/legal-right-work-uk>. Failure to meet legal requirements can attract a fine of up to £15,000. If further support is required, please contact the **Trust HR Team**.

24.3 From the 30th June 2021, European Economic Area (EEA) and Swiss nationals will no longer be able to use passports and national identity cards as evidence of right to work in the UK. From 30th June 2021, academies will need to conduct right to work checks for EEA and Swiss nationals applying for roles in the academy/Trust, using the online checking service (<https://www.gov.uk/view-right-to-work>).

24.4 Academies will not be required to conduct retrospective right to work checks on EEA and Swiss nationals who were employed by the Trust before the 1st January 2021 who have continued to work with us since without a break in continuous employment and for whom right to work checks were completed and compliant at the time of their recruitment.

25. Individuals who have lived or worked outside the UK

25.1 If the potential employee has lived or worked outside the UK for a period of time (whether or not they are a British national), then a UK DBS Disclosure will not give a full picture in respect of any criminal record they may have. In addition to the usual pre-employment checks listed elsewhere in this policy, where an individual has lived or worked abroad in the last 5 years (or in the last 10 years where they are applying to work in regulated activity for the first time since moving or returning to the UK where they have worked in regulated activity overseas) for at least 3 months, academies should make the following further checks: An overseas criminal record check using our service provider First Advantage. The overseas criminal record certificate may be referred to as a certificate of good conduct or police character

certificate (etc.) depending on the country in question. The link to carry out an overseas check is [Overseas Criminal Record Checks - application forms | knowyourpeople](#) – you are then able to select from a list of countries and follow the guidance;

- An employment reference check from the overseas' employer, even if this is not the last two employers; and
- Checks for any restrictions from teaching in the country in which they worked. For this, the candidate should provide a letter from said relevant authority. This replaces the EEA restrictions checks previously carried out through the Teacher Services system and should be completed for candidates who have taught in any overseas country, not only in EEA countries.

25.3 Skilled Worked Visa Applicants.

For Skilled Worker (formerly Tier 2) Visa Applicants, there is a statutory requirement to provide a criminal record certificate which applies to those applying for entry clearance in the Skilled Worker route under one of the Standard Occupation Codes listed below, and to their adult dependants:

- 2223 - Speech and language therapists;
- 2314 - Secondary education teaching professionals;
- 2315 - Primary and nursery education teaching professionals;
- 2316 - Special needs education teaching professionals;
- 2317 - Senior professionals of educational establishments;
- 2318 - Education advisers and school inspectors;
- 2319 - Teaching and other educational professionals not elsewhere classified;
- 2449 - Welfare professionals not elsewhere classified.

Note: other categories are also included, but key ones relevant to the Trust are listed above.

25.4 Schools have a statutory duty to inform skilled worker applicants of the need to source and submit overseas criminal records certificates (i.e. it is the applicant's responsibility to obtain their certificate, but the school's responsibility to request that they do this).

25.5 **Tier 1 Visa Applicants.** In addition, anyone applying for Tier 1 entry clearance as an Entrepreneur or Investor, or adult dependant (over 18 years old) of the main applicant in the above must provide a criminal record certificate for any country (excluding the UK) where they have resided continuously or cumulatively for 12 months or more, in the 10 years prior to their application.

25.6 Academies should ensure that their SCR includes a confirmation of whether an overseas criminal records certificate is required and, if so, the date this was seen / verified.

26. Withdrawal of Conditional Offer

26.1 **In circumstances where any of the pre-employment checks prove to be unsatisfactory, a conditional offer will be withdrawn** where the academy considers it appropriate to do so. A candidate receiving a conditional offer, whether verbal or written, **should not**, therefore, assume this to be a guarantee of employment.

26.2 HR advice must be sought from Trust HR prior to withdrawing an offer of employment.

27. Other Contact with our Academies

27.1 Temporary / short term teachers employed directly by the Academy

Temporary teachers should be recruited and treated in the same way as any other member of staff in the Academy. This means that they should also have all the appropriate pre-employment checks carried out before their employment is confirmed. Temporary / short term teachers that are not employed by the Trust on a continuous basis should have their DBS Disclosure and Prohibition status re-checked every 12 months (unless there is a gap in service of 3 months or more in which case a new disclosure must be sought before they work in the academy again); and should also be asked to complete a Disqualification under the Childcare Act declaration annually (if applicable).

This is due to the casual and ad-hoc nature of their work, which may mean they do not actively work in our Academies for a few months at a time. If a teacher is predominantly based at one Academy, it is recommended that the Academy organises and funds the re-check and should encourage the individual to register with the update service. If the teacher is mobile and only works for us a few days at a time (but is employed direct, rather than via an agency or other body – see 27.3 below), the teacher should organise their re-check through a Local Authority or Umbrella Body and fund it themselves and / or should be encouraged to register with the update service.

27.2 Teacher or Teaching Assistant Training Students

The requirements depend on whether the trainee is employed by the Trust (e.g. salaried trainee through the SCITT), or on a non-salaried route and therefore not directly employed. For all students not employed by the Trust and placed within South Pennine Academies from other Academies, Universities or FE Colleges, evidence should be provided in writing to the Trust (in the same way as a Supply Agency would do) that the supplying body has carried out all the same checks that the Trust would have done if they were their own staff (including DBS Disclosure, prohibition check, Childcare Disqualification Regulations declaration if applicable, Identity check, etc.) An ID check should be carried out to establish that the student who has arrived for the placement is who they say they are, but details e.g. DBS number / date should not be requested.

27.3 Agency Supply Staff & Peripatetic Staff

(including Agency Supply Teachers and students and staff from other agencies or educational institutions, for example social workers)

It is important that Academies have evidence of the necessary checks in relation to staff providing services such as music tuition, specialist sports coaching, supply teaching or specific courses that requires staff to work on Academy premises whilst children are present. It is expected that Academies will carry out or have evidence of the same standard of checks for all staff and the extended provision even if they are not employed directly by the Academy. With this in mind, all outside providers should be requested to provide evidence that relevant pre-employment checks have been undertaken. It is for the employer / agency to determine which checks are required. If the academy does not believe the employer / agency has completed the necessary checks, they should discuss this with the employer / agency and seek advice from HR. This should be given in writing and in advance of the

provider starting work at the Academy and should be agreed as part of any contract between the Academy and provider.

In the case of supply agencies, the Academy has the right to view the original copy of the Disclosure from the agency if it contains additional information. This does not apply to other providers. Confirmation of relevant checks from external providers will be recorded on the Single Central Record.

If confirmation / evidence is not provided, then the Academy **will not** allow the peripatetic tutors or agency staff to have unsupervised access to children. If the individual is in regulated activity they will not be permitted to work at an Academy until confirmation is received that the barred list check has been undertaken and the person is not barred. Individual Trust Academies are responsible for ensuring that any supply teaching agencies they use can demonstrate robust recruitment and selection procedures e.g. ensuring that their employees are DBS / barred list / Prohibition cleared, completed a Disqualification from Childcare Act declaration if applicable, have a full face-to-face interview and all the appropriate pre-employment checks and child protection / safeguarding inductions are carried out.

As with any external persons coming on to Academy premises, the Academy will verify their identity, the provider should be asked to show documents such as a passport or driver's licence unless they have company ID. The Academy will be given the names of expected guests or outside providers in advance of their arrival on site. The Academy will be very clear that the named individual is who they say they are.

27.4 Volunteers

Volunteers in Academies often have the same unsupervised access to children as employees. A child will not consider a distinction between a volunteer and a member of staff, when seeking help or support. This means that volunteers should have certain checks completed as they are in a position of trust.

As with any new staff member an identity check should be carried out, and it is also important to request and receive two references on behalf of the volunteer. These checks must be carried out for all volunteers and not just for those unknown to the Academy. An Enhanced DBS Disclosure should be carried out prior to the volunteer starting their duties within the Academy, unless there are clear reasons why it is not relevant and proportionate to do so in relation to the post concerned (e.g. nature of the work, what is already known about the volunteer).

- Volunteers who teach or look after children regularly on an unsupervised basis, or who provide personal care on a one-off basis, will be in regulated activity. In this case, an enhanced DBS check including barred list information should be obtained;
- If planning to allow volunteers to work unsupervised with children, the academy should confirm with their insurer that adequate cover is in place;
- An enhanced DBS check (without barred list check) may be requested for volunteers who are not engaging in regulated activity but have the opportunity to come in to contact with children on a regular basis (e.g. supervised volunteers). Although there is not a requirement to re-check volunteers in regulated activity at prescribed intervals, academies may conduct a repeat DBS check (including barred list information) on any

- volunteer about whom they have concerns;
- If no DBS check is completed, the reasons for this should be documented and the volunteer must be supervised* at all times and must not engage in regulated activity;
 - If the volunteer is providing teaching work, checks of the relevant TRA lists should be completed.

If the volunteer is working in an area which is subject to the Disqualification from Childcare Act, they should also be asked to complete a declaration form prior to commencing. If a volunteer becomes a paid employee, then the usual pre-employment checks for new employees should be carried out, e.g. their right to work in the UK should be assessed, a medical questionnaire completed, etc. It is a legal requirement to apply for a new Enhanced DBS Disclosure (including barred list check) as well to reflect their change to an employee.

Under no circumstances should a volunteer in respect for whom no checks have been obtained be left unsupervised or allowed to work in any regulated activity in our Academies.

If assisting on a one-off Academy trip and not carrying out a regulated activity, a volunteer does not require a DBS Disclosure, but must be supervised* at all times.

*NB 'supervised' does not always mean 'accompanied' - see also DfE definition of supervision – Keeping children safe in education 2019 annex F.

Risk assessing volunteers

There must be a written risk assessment in place for all volunteers that are not in regulated activity – this risk assessment should determine whether or not the individual needs an enhanced DBS (without barred list check), taking into consideration what is already known about the volunteer, the needs of the pupils, the nature of the activity, level of supervision and the views / feedback from staff, other volunteers and / or referees. More information can be found in KCSiE 2020 part 3, section 183 onwards.

Supervision

If the volunteer is to be supervised whilst undertaking an activity that would be regulated activity if it was unsupervised, the statutory guidance must be followed (see Annex F of Keeping Children Safe in Education, 2020). The nature of the supervision planned should be included in the written risk assessment.

27.5 Contractors

Academies should ensure that any contractor, or any employee of the contractor, working in the school has been subject to the appropriate level of DBS check prior to starting work. 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 (without barred list) will be required. In considering whether the contact is regular it is irrelevant if the contractor works on a single site or across a number of sites.

Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity.

Any contractor, maintenance worker or agency staff coming on to Academy premises should verify their identity, providing documents such as a passport or driver's licence along with company ID. The Academy should be very clear that the named individual is who they say they are.

27.6 Trust Board Members and Members of Local Academy Boards

Specific requirements are placed on the "proprietors of independent schools including academies", which includes the Chair of a body of people which is the proprietor. This requires the Secretary of State to carry out an enhanced DBS check (including barred list if appropriate), to confirm the individual's identity and, if the individual has lived outside the UK, to make any other checks considered appropriate. This requirement therefore applies to the Chair of the Trust Board.

The Chair of the Trust Board is responsible for ensuring that enhanced DBS checks are undertaken, and identity checks completed (with any additional checks taken as appropriate if an individual has lived or worked outside the UK) for the other members of the Trust Board before, or as soon as practicable after, they take up their position.

In addition, since September 2016 all members of the Trust Board must be checked under a Section 128 direction, which prohibits or restricts a person who has previously been prohibited from teaching from taking part in the management of an independent school, including academies and free schools. A check for a section 128 direction ("prohibition check") can be carried out using the Teacher Services System, and the information should be included in the Single Central Record.

All Local Academy Board Members must have enhanced DBS checks and ID checks.

Associate members appointed to either the Trust Board or the LAB are also subject to DBS and identity checks.

28. Existing Staff

28.1 If an academy has concerns about an existing staff member's suitability to work with children, they should carry out all relevant checks as if the person were a new member of staff. Similarly, if an employee moves from a post that was not regulated activity in to work which is regulated activity, the relevant checks for that role must be carried out.

28.2 Academies have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult (or where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that individual has committed a listed relevant offence) and where that individual has been removed from working (paid or unpaid) in regulated activity – or would have been removed had they not left.

28.3 Referrals should be made as soon as possible after the resignation or removal of the individual. Where an employer (including an agency) dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed / ceased to use their services had they not left first, they must also consider whether to refer the case to the Secretary of State (Section 141d and 141e of the Education Act 2002).

29. Visitors

We do not have the power to request DBS checks, barred checklists or to see DBS certificates for visitors. Principals should ensure visitors are escorted and supervised at all times.

30. Alternative Provision

Where an academy places a pupil with an alternative provision provider, the academy continues to be responsible for the safeguarding of that pupil, and should be satisfied that the provider meets the needs of the pupil. Principals should obtain written confirmation from the alternative provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that the academy would otherwise perform in respect of its own staff.

31. Adults who supervise children on work experience

Academies organising work experience placements should ensure that the placement provider has policies and procedures in place to protect children from harm. The Principal should consider if a Barred list check by the DBS is required for individuals who supervise children under 16. Consideration must 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 would include whether the person providing the teaching/training/instruction/supervision to the child on work experience will be:

- unsupervised themselves; and
- providing the teaching/training/instruction frequently (more than three days in a 30-day period, or overnight).

If there is frequent contact with the child, the work is likely to be regulated activity. If so, the school or college could ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

32. Induction

32.1 All new staff and regular volunteers will be provided with induction training which will include, as a minimum, training on the following:

- Safeguarding and Child Protection Policy
- Staff Code of Conduct
- Pupil Behaviour Policy
- Academy Staff Handbook
- Whistleblowing Policy
- the role of the Designated Safeguarding Lead, and their contact details
- Physical Intervention Policy
- Medical Needs Policy
- Social Media Acceptable Use/Online Safety Policy
- Evacuation/lockdown procedures
- Intimate Care Policy
- Health & Safety Handbook

- Mental Health and Wellbeing Policy
- Attendance
- Behaviour Policy
- Anti-Bullying Policy

32.2 In addition, all individuals will be provided with a copy of:

- Keeping Children Safe in Education (DfE 2018) Part 1 and, if they will be in direct contact with children, Annex A;
- What to do if you're worried a child is being abused: advice for practitioners (DfE 2015).

32.3 Individuals will be asked to confirm in writing that they have read and understood these documents. If they are unsure of anything, advice should be sought from the designated staff.

32.4 Staff will also be required to undertake online safeguarding training annually.

33. A Safe Culture and On-Going Vigilance

33.1 It is never sufficient to assume that a safer recruitment and selection process and robust induction arrangements are enough to ensure that the pupils are safe and that there is no risk to them within the educational environment. Creation of a safe culture, with on-going vigilance is essential. The academy will continue to strive to create and maintain a safer culture by:

- Having in place, and putting into practice, clear policies and procedures and ensuring that all employees and workers are aware of and understand them
- Setting acceptable standards of behaviour
- Having in place clear procedures for reporting concerns, ensuring that all employees and workers know what the procedures are and their responsibility for following them
- Taking concerns seriously and providing support to individuals raising them
- Taking appropriate action in relation to concerns raised
- Having in place robust and appropriate induction arrangements
- Ensuring that all employees and workers undertake child protection and other relevant training on a regular basis
- Keeping the commitment to safeguarding and child protection on the agenda through regular discussion and/or reminders at staff meetings, training sessions, etc.
- Learning from experience
- Never thinking that enough has been done to ensure a safe culture.

34. Monitoring and Review

34.1 The Trust's policy on safer recruitment will be reviewed every year, or when the Department for Education (DfE) issues revised guidance on this topic.

Appendix 1
Positive Disclosure Risk Assessment

Complete and submit to Trust HR Manager

Academy:	
Name of Individual:	
Role offered:	
DBS Date and Number:	
What is the offence and what was the outcome?	
When did the offence(s) occur and what was the applicant's age at the time? What is their age now?	
Is there a number and pattern of offence(s)? <i>Details:</i>	Yes/No
Explanation of the circumstances of the offence(s)?	
Were the offence(s) concealed at the application stage?	Yes/No
The likely impact that the positive disclosure could have on the individual's ability to carry out the job role:	
CEO Approval for individual to commence role in Academy	Yes/No
CEO Signature: Date:	
Declaration by applicant and any additional comments in support of their employment	
I understand that any offer of employment will be subject to the information I have supplied and that this is complete and correct. False information, or a failure to supply the details required could make an offer of employment invalid or lead to termination of employment. I understand that this pro-forma will be held securely by the Trust/Academy for 25 years from the date of the assessment if appointed/six months if not appointed. It will only be accessed if a) Regulatory/enforcement organisations ask for clarification on this recruitment decision, or b) any allegations are made against me during the course of my employment with the Trust, where an investigation would require access to this data. I consent to the above:	
Name:	
Signature: Date:	

Appendix 2

The Recruitment of Ex-Offenders and Disclosure of Offences

It is a legal requirement that all registered bodies and prospective employers must treat DBS applicants who have a criminal record fairly and not discriminate because of a conviction or other information revealed. Registered Bodies and employers who are Regulated Activity Providers (including schools) are obliged to have a written policy on the recruitment of ex-offenders, which is available to DBS applicants at the outset of the recruitment process.

Policy Statement on the Recruitment of Ex-Offenders

1. As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, The Trust complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.
2. The Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of gender, pregnancy and maternity, ethnicity, culture, age, disability, sexual orientation, gender identity, religion or belief, marital and civil partnership status, education, learning styles, caring responsibilities or offending background.
3. A summary of this policy on the recruitment of ex-offenders is available to all DBS applicants on request.
4. We actively promote 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. We select all candidates for interview based on their skills, knowledge and experience.
5. As a Regulated Activity Provider (RAP) most paid employees of the Trust are in regulated activity with children and therefore subject to checks of the DBS children's barred list in addition to enhanced DBS certificate.
6. In relation to volunteers and contractors, we only request a DBS check after a risk assessment had indicated that one is both proportionate and relevant to the position concerned.
7. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.
8. We expect all applicants to provide details of any criminal record history that is not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 at an early stage in the application process. Applicants should disclose details of any unspent convictions, cautions, reprimands, bind-overs and final warnings you may have in addition to any criminal proceedings pending against you. You should not disclose any criminal history that would be protected or filtered as per the above Order. A statement of these details should be brought to the interview in an envelope marked 'Private and Confidential - for the addressee only' in the top left-hand corner with 'The Headteacher (or CEO for central Trust posts) in the centre of the envelope and with the words 'Conviction Information' in the bottom left hand corner. We guarantee that this information will only be seen by those who need to see it as part of the recruitment process.
9. We ensure that everyone within the Academy who is involved in the recruitment process

has been suitably briefed to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance on the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020 and know how to access advice and support.

10. At interview, or on a separate occasion, we ensure that an open and measured discussion takes place on the subject of any relevant offences or other matter that may 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.
11. We undertake to discuss any matter revealed in a DBS check with the person seeking the position before considering withdrawing a conditional offer of employment. This discussion and any subsequent risk assessment may be undertaken by our HR team or a trained member of our Senior Leadership Team.

Declaration of Unspent and Relevant Spent Criminal Offences

The purpose of requiring a self-disclosure as part of the interview process is to give candidates an opportunity to share relevant information about any convictions or cautions at an early stage. Disclosed information will not be used as a criterion for short-listing. Fair and objective assessment criteria will be applied. Information on self-disclosures will only be used in relation to short-listed candidates and will not automatically rule someone out.

A full DBS check will still be carried out on making a conditional offer and the two sets of information compared. Note that applicants will only be asked about 'unspent and relevant spent' convictions, cautions, reprimands and warnings and these will be the only ones appearing on Disclosure certificates. Other minor, older offences will be filtered out after the relevant time period. Those offences to be declared include:

- **Cautions** relating to an offence from a prescribed list (see below) agreed by Parliament
- **Cautions** given less than 6 years ago (where the individual was over 18 years old at the time of the caution)
- **Convictions** that resulted in a custodial sentence (regardless of whether served)
- **Convictions** given less than 11 years ago (where the individual was over 18 years old at the time of the conviction)
- **Convictions** given less than 5.5 years ago (where the individual was under 18 years old at the time of the conviction)

The list referred to above includes a range of offences which are serious and which relate to sexual offending, violent offending and/or safeguarding. It is never appropriate to withhold details of offences on this list. A list of offences which **must always** be declared has been derived from the legislation and can be accessed using the following link: <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

Appendix 3

Approval to recruit procedures 21-22 – Academies from 13 September 2021

Collaborate

From 13 September 2021 Approvals to Recruit (ATR) will be approved via Collaborate, a product on Access Workspace. This will mean all documents and approvals are visible to all relevant staff in the same place.

The 21-22 Approval to Recruit Form must be used for all approvals. A copy of the 21-22 Approval To Recruit Form can be found in the Documents Folder - Approval to Recruit Form within the Site and has been circulated with this guidance.

Collaborate can be accessed via the nine dots top left – my products.

When you open Collaborate if you have access you should see a Site for your Academy – AcademyNameATR

If you do not see this site or require access to the site to upload documents the Finance Director, Keith Rushton, can give you access.

To access the site click on the name.

To access the document click on the name and click download. You can then edit and save as normal. Please use the naming format as noted on the form.

Procedures

Once you have a copy of the form downloaded complete this form and ensure authorised at Academy level.

Once completed upload the document as follows:

1. Click to open the site
2. Click the documents section
3. Click draft approval to recruit forms
4. Click Create Folder and name the folder with Job Title of the ATR
5. Click upload document
6. Click Browse, locate your ATR and click open. Do the same to upload the Job Description. (Note there is also an option to upload Multiple Documents click and follow instructions)
7. Tick the Notify everybody in the site and click Save.


This will notify The Finance Director and Operations Director that you have uploaded a document. The Finance Director and Operations Director will authorise the approval to recruit and notify you when complete.

If the Finance Director or Operations Director have any comments they will note them on the form and create a task for you to complete. You will get an email with a link to the task.

If you are required to change the form locate the form and follow the instructions as follows

1. Click New Version
2. Locate the updated version and click open. This will add a newer version of the form to the folder with your amendments.
3. Ensure you click the notify option and mark the task as complete.
4. The Finance director and Operations Director will complete their approvals and notify you when complete.

APPROVAL TO RECRUIT FORM available on collaborate in editable form



Approval to Recruit - from September 2021

Please save in the format – AcademyData\jobtitle\initials eg SPA190821FinanceManagerKR

A. POST

Academy:

Role required? (Please attach Job description or role descriptor)

Teaching or Associate/Support Staff?

Proposed Grade and Scale Point


Proposed Salary (Actual)

Is this post on your CLFP / Budget for 21-22 Yes/No

If No – please provide details of how this post will be funded and rationale for post and what the financial impact is on the operating surplus of the current budget

Will the post be advertised internally?

If yes please ensure Operations Director is notified of the appointment



B. LEAVER (if applicable)

Name of Leaver:

Formal resignation received:

Notice period given:

Leaving Date:

Actual Salary of leaver:

Further information from the academy to support the application

Comments/Further information required by Finance Director/Operations Director

Principal's Authorisation	
Principals Approval:	Date:
Directors Authorisation	
Operations Director Approval:	Date:
Finance Director Approval:	Date:

Appendix 4

Information on Disqualification under the Childcare Act 2006

The role you have applied for has been identified as one where Disqualification under the Childcare Act 2006 applies. Please read this guidance carefully. If you are offered a post you will be asked to complete a declaration form.

Disqualification under the Childcare Act 2006 sets out the circumstances in which an individual will be disqualified and may not provide relevant childcare provision or be directly concerned in the management of such provision. Schools are prohibited from employing (or using as a volunteer) a disqualified person in connection with relevant childcare provision in certain settings. A copy of the statutory guidance can be found here:

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

Who is disqualified?

Under the legislation a person is disqualified if they are found to have committed a 'relevant offence', which includes (a) being convicted of a relevant offence or (b) on or after 6 April 2007, being given a caution, reprimand or warning for a relevant offence. A list of the relevant offences that lead to the disqualification of an individual is set out in the tables in the statutory guidance.

By way of a summary, a person is disqualified if any of the following apply:

- they have been cautioned for, or convicted of certain violent or sexual criminal offences against adults and any offences against children;
- they are the subject of an Order, direction or similar in respect of childcare, including orders made in respect of their own children;
- they have had registration refused or cancelled in relation to childcare of children's homes or have been disqualified from private fostering;

What does this mean in practice?

Anyone offered a role which falls within the scope of the Childcare Act will be asked to complete a declaration form to the best of their knowledge. A copy of the form is provided for information only at this stage.

Further information on what you should and should not declare is contained within the statutory guidance. You only need to provide information on relevant offences. For example, cautions, reprimands and warnings only amount to disqualifying offences if issued on or after 6 April 2007, and you are not required to disclose the spent cautions or convictions of a person who lives or is employed in your household. You are asked only to complete the form, not to provide copies of supplementary information.

Information will be treated in the strictest of confidence and in line with the Trust's GDPR Policy which aligns with the rules set out in the General Data Protection Regulations. If you think you have relevant information about yourself, your completed form should be provided in a sealed envelope, clearly marked "Strictly Confidential – for the attention of the Headteacher only".

What happens next?

If you are the preferred candidate and are offered a role, this will be a conditional offer and you will be asked to complete and return the declaration form. If you declare any relevant information on your completed form this will not necessarily preclude you from employment with us. It is possible to apply to Ofsted for a waiver. If relevant, the school will contact you to discuss the information that you have provided and advise you about how you can apply for a waiver.

You are not required to provide the school with further information of the order, restriction, conviction, caution etc. However, Ofsted may wish to consider such documents in order to exercise their power to waive disqualifications (in which case, such information should be sent directly to Ofsted).

If the waiver is not granted, the conditional offer will be withdrawn. Further information on applying for a waiver can be found here: <https://www.gov.uk/government/publications/applying-to-waive-disqualification-early-yearsand-childcare-providers>.

Questions

If you have any questions about this information, please refer to the statutory guidance and/or contact the school who has advertised the role.

Appendix 5 Disqualification Declaration Form

Academy			
<p>In accordance with “Keeping Children Safe in Education” we are required to check that all staff and volunteers working with pupils in early years (5 and under or in after school club type settings up 8 years and under), are not disqualified from doing so under the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (‘Childcare Regulations’).</p> <p>References: http://www.legislation.gov.uk/ukxi/2018/794/contents/made; https://www.gov.uk/government/publications/keeping-children-safe-in-education--2?mc_cid=2ea9967c3e&mc_eid=5188e0cd9a</p> <p>This is relevant if you have received or receive any convictions, cautions, court orders relating to the care of children, reprimands or warnings or other grounds for disqualification from the appointment under the Childcare Regulations, including but not limited to:</p> <ul style="list-style-type: none"> • being cautioned for or convicted of certain violent and sexual criminal offences against children and adults; • legal grounds relating to the care of children (including where an order is made in respect of a child under the person’s care); • having registration refused or cancelled in relation to childcare or children’s homes or being disqualified from private fostering • being found to have committed an offence overseas, which would constitute an offense regarding disqualification under the 2018 regulations if it had been committed in any part of the UK. <p>You are required therefore to complete the form and sign the declaration below confirming that you are not disqualified under those Regulations from working in this school.</p> <p>If you fail to complete and return the form or provide information which is later found to be inaccurate, this will be referred to the school disciplinary procedure for staff, which could result in dismissal and in the case of volunteers, will mean that you can no longer work at the school.</p> <p>A disqualified person is not permitted to continue to work in a setting providing care for children 5 and under or in after school club type settings up 8 years and under, unless they apply for and are granted a waiver from OFSTED. Support will be provided with this process.</p> <p>Reference: http://www.ofsted.gov.uk/resources/applying-waive-disqualification-early-years-and-childcare-providers.</p> <p>Staff not required to complete this form: Staff employed who work in the following roles are not covered by the 2018 regulations and therefore these arrangements must not be applied to them. This includes staff who have no involvement in the management of relevant provision and only provide:</p> <ul style="list-style-type: none"> • education, childcare or supervised activity during school hours to children above reception age • childcare or supervised activities out of school hours for children who are aged 8 or over <p>Staff involved in any form of health care provision for a child are specifically excluded from the statutory definition of childcare, and are therefore not covered by the legislation. This includes:</p> <ul style="list-style-type: none"> • school nurses • speech and language therapists • education psychologists 			
Name		Post	

Please circle one option for every question			
Section 1 – Orders or other restrictions			
Have your own children been taken into care?			YES / NO
Have any orders or other determinations related to childcare been made in respect of a child in your care?			YES / NO
Have any orders or other determinations been made which prevents you from being registered in relation to child care, children’s homes or fostering?			YES / NO
Are there any other relevant orders, restrictions or prohibitions in respect of you as set out in the Schedule 1 of the Regulations? Please see the link below: http://www.legislation.gov.uk/uksi/2009/1547/schedule/1/made			YES / NO
Are you barred from working with Children (Disclosure and Barring (DBS)?			YES / NO
Are you prohibited from Teaching?			YES / NO
Section 2 – Specified and Statutory Offences			
Have you ever been cautioned, reprimanded, given a warning for or convicted of:			
• Any offence against or involving a child? (a child is a person under the age of 18)?			YES / NO
• Any violent or sexual offence against an adult (rape, murder, indecent assault, actual bodily harm etc)?			YES / NO
• Any offence under the Sexual Offences Act?			YES / NO
• Any other relevant offence? Information about relevant offences is available from the HR Department or at the links below: http://www.legislation.gov.uk/uksi/2018/794/schedule/2/made http://www.legislation.gov.uk/uksi/2018/794/schedule/3/made			YES / NO
Have you ever been cautioned, reprimanded, given a warning for or convicted of any similar offence in another country?			YES / NO
Section 3 – Provision of Information			
If you have answered YES to any of the questions above you should provide details the below. You may supply this information separately if you so wish, but you must do so without delay.			
Details of the order, restriction, conviction caution etc.			
The date(s) of these			
The relevant court(s) or body(ies)			
You should also provide a copy of the relevant order, caution, conviction etc. In relation to cautions/convictions a DBS Certificate may be provided.			
Section 5 4 - Declaration			
In signing this form, I confirm that the information provided is true to the best of my knowledge and that:			
• I understand my responsibilities to safeguard children.			
• I understand that I must notify my Principal/manager immediately of anything that affects my suitability including any cautions, warnings, convictions, orders or other determinations made in respect of me or a member of my household that would render me disqualified from working with children.			
Signed			
Print Name		Date	



**Appendix 6
Appointment before Enhanced DBS Clearance Risk Assessment**

Academy:					
Name of individual:					
Role:					
From the application form, were any gaps in employment/education identified (that were not covered by valid explanations such as family leave, bereavement, illness, etc.)?					
Have two (or more, as required by the Safer Recruitment Policy) satisfactory references been received and verified?					
Have the following checks been completed (where relevant)?					
Right to work	Barred List check	Prohibition from Teaching	QTS and qualifications	Overseas checks	S.128 check
Yes/No/NA	Yes/No/NA	Yes/No/NA	Yes/No/NA	Yes/No/NA	Yes/No/NA
What control measures will be put in place with the line manager for supervision before receipt of the DBS?					
CEO Approval for individual to commence role in Academy					YES/NO
CEO Signature: Date:					

CC Line Manager
Principal
HR Manager

Appendix 7

Ofsted Safer Recruitment Guidance:

Excerpt from Inspecting safeguarding in early years, education and skills

Full Guidance paper available at:

<https://www.gov.uk/government/publications/inspecting-safeguarding-in-early-years-education-and-skills/inspecting-safeguarding-in-early-years-education-and-skills>

Inspecting arrangements for staff recruitment and vetting

We expect early years settings, schools and further education and skills providers to be able to show that they meet all regulations and duties for the purposes of the safeguarding judgement under leadership and management. These are detailed in the inspection handbooks for each remit.

Inspectors should check the single central record early in inspections of schools and colleges. It should be complete and meet statutory requirements.^{[footnote 21](#)} During early years inspections, inspectors will check that the provider is able to produce evidence of suitability of relevant staff and adults.

Inspectors should also check the setting's policy and procedures for ensuring that visitors are suitable and checked and monitored as appropriate. Visitors may include, for example, external speakers at school assemblies.

Registered early years providers are expected to make all records available at inspection. If evidence of suitability is not kept on site, inspectors can accept this evidence later during the inspection as long as it is provided before final feedback is given.

If there is a minor administrative error on a single central record, such as a missing date, and this can be easily rectified before the final team meeting, the school or college will be given the chance to resolve the issue.

We define minor administrative errors in the single central record as:

- failure to record one or two dates
- individual entries that are illegible
- one or two omissions where it is clear that the information is already held by the school or college but the school or college has failed to transfer over the information in full to the single central record

We will not make any allowance for failures, such as breaches to the requirements for Disclosure and Barring Scheme (DBS) checks.

For specified early or later years childcare, inspectors are not expected to make enquiries as to whether any member of staff is disqualified. However, inspectors should determine whether the provider knows its legal obligations and whether it has effective systems in place to find out information about whether a person may be disqualified.

To employ a disqualified person knowingly constitutes an offence. Should an inspector become aware that a member of staff is, or may be, disqualified and has not been granted a waiver, this must be considered when making the judgement on the effectiveness of safeguarding.

Where an early years setting, school or college has recruited volunteers who are not checked, inspectors should explore with senior leaders and governors how the registered provider or school has reached this decision. For example, they should find out how it has assessed the level of supervision provided.

In the case of trainee teachers and students on placement, if they are employed by the setting, school or college, then they should be subject to the same checks under regulations as other members of staff. If trainee teachers are fee-funded, the school or setting should get written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children. There is no requirement for a school to record details of fee-funded trainees on the single central record.

Annex 1. Safeguarding requirements for leaders and managers

Governing bodies, boards of trustees, registered providers and proprietors (including management committees) must ensure that they comply with their safeguarding duties under legislation. In the case of academies, free schools and alternative provision academies, references to the proprietor include the academy trust. They must ensure that the policies, procedures and training in their early years settings, schools or colleges are effective and legally compliant at all times.

In schools and further education and skills providers, leaders, governors and managers should assume that sexual harassment, online sexual abuse and sexual violence are happening in and around the setting. This should be the case even when there are no specific reports. They should have a whole-establishment approach to address these issues.

The responsibilities placed on governing bodies, boards of trustees, registered providers, proprietors and management committees include:

- continuing to contribute to multi-agency working in line with statutory guidance, including 'Working together to safeguard children'
- ensuring that an effective safeguarding/child protection policy is in place, together with a staff behaviour policy, where applicable. For schools and colleges, the child protection policy should include procedures for minimising and dealing with sexual harassment, online sexual abuse and sexual violence and the approach to managing reports of sexual violence and harassment and concerns about the sharing of nude and semi-nude images (also known as youth-produced sexual imagery)
- appointing a designated safeguarding lead and, in schools and colleges, ensuring that they undergo child protection training every two years
- prioritising the welfare of children and learners and creating a culture where staff are confident to challenge senior leaders over any safeguarding concerns
- making sure that children and learners are taught how to recognise risk and know where to go for help when they need it
- putting in place appropriate safeguarding responses to children and learners who go missing from early years and education settings, particularly on repeat occasions
- carrying out reasonable checks (for example, for links with extremism) on and assessing what will be appropriate supervision of all visitors who are intending to work with children, learners and/or staff or who may be visiting to address assemblies
- if named as a relevant agency, cooperating with the multi-agency safeguarding arrangements put in place by the local safeguarding partners. It is expected that, locally, the three safeguarding partners will name schools and colleges as relevant agencies and ensure that they are fully involved in the new arrangements

For schools and colleges, the responsibilities also include:

- having a senior board (or equivalent) level lead to take leadership responsibility for the school or college's safeguarding arrangements
- understanding the local criteria for action^[footnote 3] and the local protocol for assessment^[footnote 4] and ensuring that these are reflected in policies and procedures
- having due regard to the need to prevent people from being drawn into terrorism in accordance with the Counter-Terrorism and Security Act 2015
- supporting staff to take a whole-establishment approach to preventing and responding to sexual violence and sexual harassment between children or learners, and supporting any children who are affected including the alleged victim and perpetrator, as per DfE's advice on sexual violence and harassment
- appointing a designated teacher to promote the educational achievement of children who are looked after and who have left care through adoption, special guardianship or child arrangements orders of children who were adopted from state care outside of England and Wales

In addition, for governing bodies of maintained schools, proprietors of academies and management committees of pupil referral units, responsibilities also include:

- meeting their obligations under Section 100 of the Children and Families Act 2014 to make arrangements for supporting pupils at their school with medical conditions.

Safe recruitment

Governing bodies, boards of trustees, registered providers, proprietors and management committees should prevent people who pose a risk of harm from working with children or learners by:

- using safe recruitment practices for selecting and appointing staff and checking references. For schools and colleges, there is guidance on safe recruitment in part 3 of 'Keeping children safe in education'
- adhering to statutory responsibilities to carry out checks that enable a decision to be taken on the suitability of staff who work with children and learners
- taking proportionate decisions on whether to ask for checks beyond those that are required
- ensuring that volunteers are appropriately checked (if required) and supervised
- making sure that, in relation to maintained schools, at least one person on any appointment panel has had safer recruitment training
- ensuring that there are procedures in place to handle allegations against members of staff, volunteers and contractors. For schools and colleges, there should also be procedures for recording and dealing with low-level concerns that do not meet the threshold for referral to the LADO
- making sure that there are procedures in place to handle allegations against other children or learners

Governing bodies, boards of trustees, registered providers, proprietors and management committees should ensure that allegations against members of staff and volunteers are referred to the LADO(s) who is/are involved in the management and oversight of allegations against people who work with children.

There must be procedures in place to make a referral to the DBS if a person in regulated activity has been dismissed or removed due to safeguarding concerns or would have been removed had they not resigned. This is a legal obligation and failure to do so is a criminal offence. For example, it is a criminal offence for an employer knowingly to take on an individual in a DBS-regulated activity (such as schools or childcare) who has been barred from such an activity.

Governing bodies of maintained schools and boards of trustees of academies must appoint a designated teacher to promote the educational achievement of children who are, or were previously, looked after. They must ensure that this person has appropriate training. Governing bodies, boards of trustees, registered providers, proprietors and management committees should ensure that staff have the skills, knowledge and understanding necessary to keep looked after children safe.

Early years providers, school leaders and further education and skills providers should create a culture of safe recruitment. This should include using recruitment procedures that help deter, reject or identify people who might abuse children and learners. Governing bodies, boards of trustees, registered providers and proprietors must act reasonably in making decisions about the suitability of prospective employees.

It is the registered provider's, board of trustees', proprietor's or governing body's responsibility to ensure that safe recruitment checks are carried out in line with the statutory requirements, set out in 'Keeping children safe in education'. There is no requirement to carry out retrospective checks on current staff. The necessary checks are those that were in force at the time the appointment was made.

Governing bodies, boards of trustees, registered providers and proprietors must ensure that when an individual is appointed to carry out teaching work, an additional check is carried out to ensure that the individual is not prohibited from teaching. For those who are to be involved in management roles in independent schools (including academies and free schools), an additional check is required to ensure that they are not prohibited from management under section 128 of the Education and Skills Act 2008.

Schools and colleges must keep a single central record. The record must cover the following people:

- all staff (including third-party supply staff and trainee teachers on salaried routes) who work in the school; in colleges, this means those providing education to children under the age of 18
- for independent schools, including academies and free schools, all members of the proprietor body. For academies, this means the members and trustees of the academy trust

Schools and colleges are free to record non-statutory information they deem relevant, such as about others who work in regular contact with children in the school or college, including volunteers who have been checked.

Registered early years providers must keep the required information above, as set out in paragraphs 3.69 to 3.73 of the 'Statutory framework for the early years foundation stage', although they are not required to keep this information as a single central record.

It is the registered provider's or school's responsibility to ensure that all the staff they employ in specified early or later years childcare have had the appropriate checks. This includes ensuring that staff working in early and later years settings are suitable to do so. The 'Statutory framework for the early years foundation stage' sets out the disqualification requirements that early years providers must meet.

School inspectors should also be aware of the statutory guidance '[Disqualification under the Childcare Act 2006](#)'. This applies to governing bodies of maintained schools, including maintained nursery schools, and proprietors of non-maintained and independent schools (including academies) and management committees of pupil referral units.

Governing bodies, boards of trustees, proprietors and management committees must ensure that they are not knowingly employing a person who is disqualified under the School Staffing (England) Regulations 2009 in connection with relevant early years provision. In gathering information to make these decisions, they must ensure that they act proportionately and minimise wherever possible the intrusion into the private lives of their staff and members of their household. Disqualification may also affect individuals providing/working in childcare on domestic premises who are disqualified 'by association'. This means that they are automatically disqualified if they live in the same household as another person who is disqualified or in a household where a disqualified person is employed. The statutory guidance lists the categories of staff covered by the legislation.

A disqualified person may apply for a waiver of disqualification for most grounds of disqualification.

Where a school places a pupil with an alternative provision provider, the school continues to be responsible for safeguarding that pupil and should be satisfied that the provider meets their needs. The school should get written confirmation that appropriate checks have been carried out on staff employed by the provider to work with children. The school or commissioner should establish that the provider meets any applicable requirements for registration.^[footnote 5]

Annex 2. Pre-appointment checks, including DBS checks and Secretary of State prohibition orders

Early years settings, schools and further education and skills providers must check an individual's identity and right to work in the UK.

DBS checks

The level of DBS check required, and whether a prohibition check is required, will depend on the role and duties of the applicant. For most appointments, an enhanced DBS check with barred list information will be appropriate as the majority of staff will be engaging in regulated activity as defined in Schedule 4 to the Safeguarding Vulnerable Groups Act 2006. The DfE sets out the scope of regulated activity in relation to children.

In a school or college, a supervised volunteer who regularly teaches or looks after children is not in regulated activity. The DfE has separate statutory guidance on supervision and regulated activity that schools and colleges should follow when considering which checks should be carried out on volunteers.

When the DBS has completed its check, a DBS certificate is sent to the applicant. The applicant must show the certificate to their potential employer before they take up post or as soon as practicable afterwards. If the applicant has subscribed to it and gives permission, the early years setting, school or college may do an online update check through the DBS Update Service to ensure that the information contained within a previously issued certificate remains current (they must, however, see the original certificate). Early years settings, schools and further education and skills providers should consider any information contained in the certificate and provided by the update service as part of their wider decision on an individual's suitability.

If a school or college allows an individual to start work in regulated activity before the DBS certificate is available, it should ensure that the individual is appropriately supervised and that all other checks are completed to ensure that the individual is not barred by the DBS.

If an early years setting allows an individual to start work in a regulated activity before their DBS certificate is available, they should ensure that the person is never left in

unsupervised contact with children, and that they are in the process of obtaining a DBS certificate for that individual.

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in schools or colleges. In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. Since the UK's departure from the EU, these further checks are the same whether or not the individual was working in an European Economic Area country. They could include criminal checks for overseas applicants, using the Home Office guidance, or getting a letter through the applicant from the professional regulating authority (where available) in the country where they worked. Further information is in ['Keeping children safe in education'](#).

Schools and colleges should consider the circumstances that led to any restriction or sanction being imposed when considering a candidate's suitability for employment.

Early years providers should seek additional criminal records checks for anyone who has lived or worked abroad.

For more information, see: ['Criminal records checks for overseas applicants'](#).

Secretary of State prohibition orders

Secretary of State prohibition orders prevent a person from carrying out teaching work in schools, sixth-form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. Prohibition checks are not normally required when appointing into teaching assistant (TA) positions. This would, however, be necessary if the TA had qualified teacher status and was being appointed to carry out teaching, or if their role changed so that they began teaching work. A section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools.

A check for a teacher prohibition order, section 128 direction or continuing General Teaching Council for England sanction or restriction can be carried out using the Teaching Regulation Agency's [Teacher Employer Access Service](#). However, this service can no longer be used to check details of teachers who have been sanctioned in EU member states.

An offer of appointment to a successful candidate, including one who has lived or worked abroad, must be conditional on satisfactory completion of pre-employment checks, including seeking references. More information about how to carry out these checks is in part 3 of ['Keeping children safe in education'](#).

Governors and school proprietors are required to have an enhanced DBS certificate. It is the responsibility of the governing body or proprietor to apply for the certificates. This does not apply to associate members of governing bodies. A barred list check is not required for a governor unless they also engage in regulated activity. Schools should carry out section 128 checks on governors because a section 128 direction disqualifies a person from becoming a school governor.

Annex 3. The single central record

Schools and colleges must keep a single central record of their staff members.

Multi-academy trusts (MATs) must maintain the single central record, detailing checks carried out in each academy within the MAT. While there is no requirement for the MAT to maintain an individual record for each academy, the information should be recorded in such a way that allows for details for each individual academy to be provided separately, and without delay, to those entitled to view that information, including inspectors.

Generally, the information to be recorded by schools or other providers on individuals is whether or not the following checks have been carried out or certificates obtained and the date on which each check was completed:

- an identity check
- a barred list check
- an enhanced DBS check/certificate
- a prohibition from teaching check
- a check for a section 128 direction (for management positions in independent schools including academies and free schools)
- further checks on people living or working outside the UK
- a check of professional qualifications
- a check to establish the person's right to work in the UK

For supply staff, schools and other providers should also 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, whether any enhanced DBS check certificate has been provided in respect of the member of supply staff and the date that confirmation was received. Independent schools and non-maintained special schools should also include the date on which any certificate was obtained.

Where checks are carried out on volunteers, schools should record this on the single central record.

Details of the records that must be kept are contained in:

- for maintained schools: Regulations 12(7) and 24(7) and Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) Amendment Regulations 2013 (applied to pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007)
- for independent schools (including academies and free schools): Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014
- for colleges: Regulations 20 to 25 and the Schedule to the Further Education (Providers of Education) (England) Regulations 2006 (16 to 19 academies and free schools are covered through their funding agreements)
- for non-maintained special schools: Regulation 3 and paragraph 6 of Part 1 and paragraph 18 of Part 2 of the Schedule to the Education (Non-Maintained Special Schools) (England) Regulations 2015

If a school or college has concerns about an existing staff member's suitability to work with children or learners, it should carry out all relevant checks as if the person were a new member of staff. Similarly, if a person working at the school or college moves from a post that was not regulated activity into work that is regulated activity, the relevant checks for the regulated activity must be carried out. Apart from these circumstances, in respect of existing staff, the school or college is not required to request a DBS check or barred list check. The only requirement for those appointed before March 2002 is that they must have been List 99 checked. DBS checks became mandatory for the entire maintained schools workforce from 12 May 2006 (September 2003 for independent schools, including academies).

While registered early years providers are not required to keep a single central record, they are still required to get the relevant information to confirm the suitability of those caring for children. The requirements are set out in the 'Statutory framework for the early years foundation stage' and are referenced earlier in this document.



Recruitment – Safeguarding Checklist

Name		Shortlisting completed by two people		References requested?		Invited to Interview?	By email	
							By phone	
						Accepted Interview?		

Before Interview

✓ Tick when complete

References	<i>Two references required and 1 reference must be from the individual's current employer. References must cover the last 2 years of employment which may mean more than 2 references should be requested. Ensure email address for references is not a personal one where possible. References scrutinised on receipt to ensure there are no discrepancies between the application form and reference.</i>					
		Status (complete, pending, emailed)	Referee appropriate (e.g., principal/line manager)	Reference good	Dates match application?	Action/Follow Up/Notes
	Ref 1					
	Ref 2					
Application Form Completion	<i>Scrutinise application form and identify any missing information. Are the dates just showing years? Months should also be outlined.</i>					
	Full education/employment history without gaps? (Y/N)		Months and years given for employments?		Gaps to be explained:	
Living and working outside the UK	Has the individual lived or worked outside the UK for 3 months or more in the last 5 years? <i>If yes, advise the individual that checks will be needed for time spend abroad</i>					Action/Follow Up/Notes
	Y/N					
DBS	Does individual hold a DBS certificate? <i>If yes, advise individual that a new one will be completed and ask if they expect it to be any different to current one.</i>					
	Y/N					
Online search	Confirm on line search of candidate has been done & if any concerns to discuss at interview - (Google / social media etc...KCSIE update Sept 2022)					