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SEATON HOUSE SCHOOL

Safer Recruitment Policy

Date Reviewed: October 2021
Next Review Date: October 2023
Reviewed by: Head & SLT

Seaton House School Safer Recruitment Policy

This policy applies to the whole school including Early Years Foundation Stage.

**The policy applies to all adults who work on the school site including:
employees, temporary workers, Governors, and Contractors.**

INTRODUCTION

The safety and well-being of every pupil at Seaton House School is of paramount importance.

Seaton House School follows the Government's guidelines for the safer employment of staff who work with children. We obtain enhanced Disclosure and Barring Service (DBS) certificates on all new members of staff, temporary staff, visiting and peripatetic staff, contractors' employees, who work unsupervised in the school. Governors and parent helpers who have regular unsupervised access to children are also required to have up to date DBS certificates.

RECRUITMENT OF STAFF

- Recruitment advertising and applicants' information should contain a prominent safeguarding statement and the requirement for DBS checks. Clear and up-to-date job descriptions and person specifications should specifically contain references to the responsibility the role has for safeguarding and promoting the welfare of children and the abilities, experience, training and attitude that person should have.
- The application pack should contain an application form, job description, person specification and all relevant policies. (Child Protection and Safeguarding; Safer Recruitment)
- All applicants must complete an application form. The school will only consider candidates who have completed the application form in full. A CV will not be accepted in place of the completed application form but may be submitted in addition. Applicants will also be asked to provide information regarding any periods of overseas residence so that a decision can be made as to whether an overseas police check or additional references are required.
- All applicants must sign the declaration to ensure all the information they have provided is accurate and also if required complete Appendix 1 of the application form if they are any convictions they need to declare. The list of 'specific offences' which must be declared can be found at: <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>
- All information should be scrutinised, checked and validated by the Headteacher or designated responsible administrator.
- References should be taken up for short listed candidates.
- References must be written by the current employer, wherever possible. The referee should hold a position of authority or leadership within their organisation. Emailed documents should be verified from source.
- Candidates short listed for interview should bring with them documentary evidence of their identity, either a full birth certificate, a passport or photocard driving licence and additionally a document such as a utility bill to verify the candidate's name and address. Where appropriate change of name documentation must also be brought to the interview. Also original or certified copies of documents confirming any necessary or relevant educational or professional qualifications should be brought to the interview.
- Interview questions should include questions about the candidate's suitability of working with children

- Enhanced DBSs are obtained or school will check the DBS Update service.
- All applicants (both those applying for promotion within the school, and those external candidates) applying for a position in management, will be subject to a Section 128 Direction check.

An enhanced DBS check with barred list information is required as staff will be engaged in regulated activity. In addition, anyone appointed to carry out teaching work will need an additional check to ensure that they are not prohibited from teaching. As DBS certificates are now issued to the subject of the check only, rather than the School, it is a condition of employment with the School that the original certificate is provided to the School within two weeks of it being received by the applicant. If an individual starts work in a regulated activity before the DBS certificate is available, the individual must be adequately supervised and all other checks, including a separate barred list check, must be completed. For staff who are on the DBS update service the School will check this rather than undertake a new DBS check.

NB: 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. There are penalties of up to 5 years in prison if a barred individual is convicted of attempting to engage or engaging in such work.

Pre-appointment checks

In accordance with the recommendations set out in KCSIE and the requirements of the Independent School Standards Regulations 2014 the School is required to undertake a number of pre-employment checks.

In addition to the check set out below, the School reserves the right to obtain such formal or informal background information about the applicant as is reasonable in the circumstances to determine whether they are suitable to work at the School. This may include internet and social media searches.

In fulfilling its obligations, the School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation marital or civil partner status, disability or age.

- Verification of a candidate's identity, preferably from current photographic ID and proof of address except where, for exceptional reasons, none is available.
- Obtaining a certificate for an enhanced DBS check with barred list information for all staff in regulated activity.
- Obtaining a separate barred list check if an individual will start work before the DBS certificate is available.
- Check that is not subject to a prohibition order issued by the Secretary of State, using the Employer Access Online service.
- Verification of the candidate's mental and physical fitness to carry out their work responsibilities (questions about health and sickness records will only be requested after the offer of employment has been made).
- Verification of the person's right to work in the UK.
- If the person has lived or worked outside the UK, make any further checks considered to be appropriate. (Advice on the criminal record information which may be obtained from overseas police forces, published by the Home Office, is on GOV.UK The Department for Education has also issued guidance on the employment of overseas-trained teachers. This can be done through the Collect service)
- Verification of professional qualifications.
- References (see section below).

Employment history and references

- Written information about previous employment history is to be provided on the application form and information checked to ensure that it is not contradictory or incomplete. If a candidate for a teaching post is not currently employed as a teacher, a check should be made with the most recent employer to confirm details of their employment and the reasons for leaving.
- References should always be obtained, scrutinised and any concerns resolved satisfactorily before the appointment is confirmed. They should always be requested direct from the referee and open references should not be relied upon.
- Ideally references should be sought on all short listed candidates, including internal ones, before interview, so that any concerns can be explored further with the referee and taken up with the candidate at interview.
- References should be checked to ensure that all specific questions have been answered satisfactorily and if necessary the referee contacted to provide further clarification if necessary. They should also be compared with information provided by the candidate on the application form. Any discrepancies should be taken up with the candidate. It is a criminal offence to falsify references. Any applicants or referees who are found to have submitted false references to the School will be referred to the LADO (Local Area Designated Officer)
- Any information about past disciplinary action or allegations should be considered carefully when assessing the applicant's suitability for the post (including information obtained from the Employer Access Online checks)

Single central record

The school keeps a single central record, which covers the following people:

- All staff (including supply staff) who work at the school.
- All others who work in regular contact with the children, including volunteers
- All members of the governing body

Agency and third-party staff

- Written notification is obtained from any agency or third-party organisation used that the organisation has carried out the checks on the individual working at the school, that the school would normally perform. This must include, as necessary, a barred list check, prior to appointing that individual.
- A check must be made that the person presenting themselves for work is the same person on whom the checks have been made.

Existing staff

If there are concerns about an existing staff member's suitability to work with children, all relevant checks should be carried out as if they were a new member of staff.

Schools have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child, or if there is reason to believe that member of staff has committed one of a number of listed offences, and who has been removed from working (paid or unpaid) in regulated activity or would have been removed if they had not left. The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual.

The DfE does not define terms of when DBS checks should be renewed for existing staff, merely that it is appropriate to do so. The school has decided that it will renew DBS checks for individual employees every five years. The original check date will not be removed from the SCR, the new check date will be noted in an additional data column.

Where the services of a teacher cease to be used because of serious misconduct, or where a teacher would have been dismissed if the teacher had not left first, consideration must be given as to whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002. The Secretary of State may investigate the case and if there is a case to answer must decide whether to make a prohibition order in respect of that person.

Volunteers

- Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.
- For new volunteers in regulated activity who will regularly teach or look after children on an unsupervised basis, an enhanced DBS certificate with barred list check must be obtained.
- ~~The school should obtain an enhanced DBS certificate for new volunteers not in regulated activity.~~
- It is not necessary to request a DBS check with barred list for existing volunteers who are unsupervised and continuing with their current duties, unless there is a cause for concern, as the volunteer should already have been checked.
- There is no requirement to request an enhanced DBS check for existing volunteers not in regulated activity. However, the school may choose to request one, but may not request a check of the barred list.
- If a volunteer is not in a regulated activity, a risk assessment should be undertaken and professional judgment and experience used, to decide whether to seek an enhanced DBS. Considerations should be: the nature of the work with children, formal and informal knowledge of the volunteer, whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability and whether the role is eligible for an enhanced DBS check.
- If the volunteer is supervised while undertaking an activity which would be a regulated activity if it were unsupervised, the statutory guidance must be followed:
 - There must be supervision by a person who is in regulated activity
 - The supervision must be regular and day-to-day
 - The supervision must be 'reasonable in all the circumstances to ensure the protection of children'
- Employers are not legally allowed to request a barred list check on a volunteer who, because they are supervised, is not in regulated activity.

Governors

- Governors, who are volunteers, should be treated in the same way as other volunteers, i.e., an enhanced DBS check **with barred list** check should only be requested if the governor will be **engaged in regulated activity**.
- The Governing body does request an enhanced DBS check without a barred list check on an individual as part of the appointment process for governors.
- As governors are not in regulated activity, a children's barred list cannot be carried out to check if that person is under a section 128 barring direction (i.e. banned from working in management in a school). Therefore, the Teacher Regulation Agency services portal will be used to check all governors and those applying for a position of governor.
- Under the Charities Act 2011 it is a criminal offence for a person to act as a trustee or senior manager of a charity when disqualified from doing so. Governors are there required to read and complete a declaration confirming that they are not, to the best of their knowledge, subject to any of the disqualification criteria.

Chair of Governors

Before an individual becomes a Chair of a Governing Body the Secretary of State will

- Carry out an enhanced DBS check
- Confirm the individual's identity

Prohibition from management in independent schools

Checks be made for the existence of directions made by the Secretary of State under section 128 of the Education and Skills Act 2008, barring individuals from taking part in the management of an independent school. The existence of a section 128 direction will show if a check is made through the Teacher Regulation Agency (which can be done whether or not the person concerned is a teacher).

Contractors

- Contractors and contractors' employees for whom an appropriate DBS check has not been undertaken should be supervised if they come into contact with children.
- If a contractor working at the school is self-employed, consideration should be given to the school obtaining a DBS check as self-employed people are not able to make an application direct to the DBS on their own account.
- A contractor's identity should always be checked when they arrive at school.

Work experience

If the activity undertaken by the child on work experience takes place in a 'specified place', such as a school, and gives the opportunity for contact with children, it could be considered as a regulated activity. In these cases, and where the child is 16 years of age or older, consideration should be given to whether an enhanced DBS check should be requested for the child. DBS checks cannot be requested for children under the age of 16. A risk assessment is carried out on all work experience children.

Visiting Speakers

In addition to the procedures set out in the Trips and Visits policy the Prevent guidance require the School to ensure that any visiting speaker who might fall within the scope of the Prevent duty, whether invited by staff or pupils, are suitable and appropriately supervised. **The exception to Supervision would be if the visitor has an enhanced DBS Certificate on the update service which would allow an up to date check to be made by the school.** A list of all visiting speakers is held as a separate list on our SCR. In each case, therefore an **assessment must be undertaken for all visiting speakers which includes an Internet Search.** In carrying out the assessments the School will always have regard to the Prevent Duty guidance and the definition of **'extremism' set out in KCSIE and include an assessment of the educational value, the age appropriateness of what is going to be delivered and whether relevant checks will be required.** Staff arranging a Visitor to come to the school must provide the details of the person (s) coming, date and purpose to the Bursar or P.A. at least 7 days in advance to allow the appropriate checks to be made and recorded. **The member of staff arranging the visit is responsible for organising the supervision of the visitor on the day.**

Recruitment of Ex-offenders

As an organisation using the DBS Disclosure service to assess applicants' suitability for all positions at the School, the School complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. The School shall not unfairly discriminate against any subject of a Disclosure on the basis of conviction or other information disclosed and appointments shall be made on the basis of merit and ability.

The School welcomes applications from a wide range of candidates and actively promotes equality of opportunity for all with the right mix of talent, skills and potential. If an applicant has a criminal record this will not automatically bar them from employment with the School. Each case will be decided on its merits accordance with the objective assessment criteria set out below. All positions within the School are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules when applying for a position at the School. A failure to disclose a previous conviction may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

It is unlawful for the School to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to attempt to apply for a position at the School.

Assessment Criteria

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the age of the applicant when the offence was committed and the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- the applicant's subsequent career and good behaviour;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters;
- the circumstances surrounding the offence and the explanation(s) offered by the applicant.

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the School will carry out a risk assessment by reference to the criteria set out above. If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the School may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

Retention and Security of Information

The personal data you provide on this form will be used by Seaton House School for the purposes of recruitment, employment and statistical analysis only, and if you are not appointed to a post, the form will be securely disposed of after 6 months. In accordance with new GDPR regulations, all information supplied to us will be kept securely.

REVIEW

This policy will be reviewed every two years.

Reviewed October 2021

Judith Evans

Chair of Governors

Carl Bates

Headteacher