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# SAINT NICHOLAS SCHOOL

## SAFER RECRUITMENT, SELECTION AND DISCLOSURES POLICY

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**Note: This policy applies to all sections of the school including EYFS - This policy is available to parents on the school website.**

Reviewed November 2018

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### 1. Introduction:

The school is fully committed to safeguarding and promoting the welfare of children and young people, and other vulnerable groups. Its recruitment practices help to deter, reject detect and prevent people who might otherwise abuse pupils or who are unsuited to working with them. This policy describes in detail the recruitment practices and checks that are, or may be, required for any individual working in any capacity at, or visiting, the school.

The Governing body recognises its duty to act reasonably in making decisions about the suitability of the prospective employee based on checks and evidence. These checks include Disclosure and Barring Service (DBS) checks, barred list and prohibition checks, directions, sanctions and restrictions as-well as references and interview information.

This policy identifies good practice in safer recruitment and selection to ensure that Safeguarding is at the core of the school's recruitment procedures. The level of DBS certificate required, and whether a check for any prohibition, direction, sanction, or restriction is required will depend on the role that is being offered and duties involved.

#### 1.1 Scope:

This guidance guides the safer recruitment for all appointments at Saint Nicholas School (whether paid or unpaid) including, peripatetic staff, exam invigilators, volunteers, committee members and governors. This guidance also applies to any employment/supply agencies that provide staff to work with children and young people, for example contract minibuss drivers. All organisations that provide services for Saint Nicholas School must ensure that appropriate safe recruitment and selection procedures are in place before contracts are agreed.

As the majority of staff will be engaging in 'regulated activity', an enhanced DBS certificate which includes barred list information, will be required for most appointments. In summary, a person will be considered to be engaging in 'regulated activity' if, as a result of their work, they:

- will be responsible, on a regular basis in the school, for teaching, training instructing, caring for or supervising children; or
- will carry out paid, or unsupervised unpaid, work regularly in the school where that work provides an opportunity for contact with children; or
- engage in intimate or personal care or overnight activity, even if this happens only once.

For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will be appropriate. This would include contractors who would have the opportunity for contact with children and who work under a temporary or occasional contract. A **supervised** volunteer who regularly teaches or looks after children is not in regulated activity.

Any individual involved in the management of a school, including governors and staff on the senior leadership team, and any teaching positions which carry a department headship are subject to an enhanced DBS with barred list check. Where this information is requested, the certificate will also detail whether the applicant is subject to a direction made under section 128 of the Education and Skills Act 2008 or section 167A of the Education Act 2002. Such a direction prohibits an individual from taking part in the management or governance of an independent school.

## 1.2 Legislation:

There is a wealth of legislation and statutory guidance concerning safeguarding and promoting the welfare of children – for example, Children Act 1989 & 2004, Education Act 2002, Every Child Matters 2003, Working Together to Safeguard Children 2018, Keeping Children Safe in Education 2018, and Safeguarding Vulnerable Groups Act 2006, latterly the Protection of Freedoms Act 2012.

This safer recruitment guidance is an essential part of the process of ensuring that those employed to work with children at Saint Nicholas School are safe.

More recently **Keeping Children Safe in Education (2018) & Working Together to Safeguard Children (2018)** outline optimum practice for educational establishments. It is **statutory guidance** and the School **must** have regard to it when carrying out its safeguarding duties.

## 2. Safer Recruitment and Selection Policy and Procedure:

### 2.1 Policy Statement

The School should ensure that it has an explicit written recruitment and selection policy statement, and procedures that comply with best practice guidance. The statement should outline the School's commitment to safeguarding and promoting the welfare of children and young people, for example:

***“Saint Nicholas School is fully committed to safeguarding and promoting the welfare of children, young people and other vulnerable groups and expects all staff, parents and volunteers to share this commitment. All staff and volunteers, where appropriate, will be required to complete our safer recruitment checks including qualifications, references and enhanced DBS.”***

This statement is included in:

- all publicity materials;
- recruitment websites, and School website;
- job advertisements;
- candidate information packs, person specifications and job descriptions;
- induction training programmes.

### 2.2 Advertising a vacancy:

When a vacancy is advertised, the advertisement should include a statement about the School's commitment to safeguarding and promoting the welfare of children and advise that the successful applicant will require an Enhanced Disclosure or an Enhanced Disclosure with a Barred List check if working in “regulated activity” [see appendix] from the Disclosure and Barring Service (DBS) where appropriate, as well as the usual details of the post, salary, qualifications required etc. This gives candidates the opportunity to make an informed decision about whether or not they apply for the position. It is at this point that the School is looking to “**deter**” undesirable applicants.

### 2.3 Candidate Information Pack:

The candidate information pack should include a copy of:

- the application form and guidance notes about completing the form;
- the job description and person specification;
- any relevant information about the employer or establishment and the recruitment process and statements of relevant policies such as the employer's or establishment's policy about equal opportunities, the recruitment of ex-offenders, etc;
- the establishment's child protection policy statement;
- a statement of the terms and conditions relating to the post.

### 2.4 Application Form:

The school uses an application form to obtain a common set of core data from all applicants. **It is not accepted** by the School, nor is it good practice to accept a letter of application or curriculum vitae alone, because these will only contain the information the applicant wishes to present and may omit relevant details.

Apart from including details such as full name, date of birth, current address and national insurance number, the application

form should explain that the post is exempt from the Rehabilitation of Offenders Act 1974. Therefore, all convictions, cautions and reprimands including those regarded as “spent” or “pending” must be declared.

The application form should require a signed statement that the person is not disqualified from working with children or subject to any sanctions imposed by a regulating body such as the Health and Care Professions Council (HCPC). (See appendix) The application form should also contain a question about any outstanding complaints or investigations against the candidate which might in the future bring the organisation into disrepute.

### **2.5 Scrutinising and Short-Listing:**

All application forms should be scrutinised to ensure they are fully and properly completed; that the information provided is consistent and does not contain any discrepancies and to identify any gaps in employment history or any other issues that may cause concern. This should be done by at least two members of relevant staff, at least one of which has received safer recruitment training.

Other issues which may require further investigation include:

- frequent changes in employment that do not show any clear career or salary progression;
- a move from higher paid permanent employment to temporary or supply work;
- returning from overseas employment.

Any areas of concern should be explored and verified with the candidate at interview. In addition, the information provided by the applicant should be compared to that provided by the referees, this is done after the short-listing process.

### **2.6 References:**

References are a key and important part of the safer recruitment process, their purpose being to obtain objective and factual information to support appointment decisions. References should always be obtained from the candidate’s current employer. Where a candidate is not currently employed, verification of their most recent period of employment and reasons for leaving should be obtained from the school, college, local authority or organisation at which they were employed.

References should be scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed, including for any internal candidate. Obtaining references before interview, would allow any concerns they raise to be explored further with the referee and taken up with the candidate at interview. They should always be requested directly from the referee and preferably from a senior person with appropriate authority, not just a colleague.

Employers should not rely on open references, for example in the form of ‘*to whom it may concern*’ testimonials, nor should they only rely on information provided by the candidate as part of the application process without verifying that the information is correct. Where electronic references are received, employers should ensure they originate from a legitimate source.

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

Any information about past disciplinary action or allegations that are disclosed should be considered carefully when assessing the applicant’s suitability for the post.

### **2.7 Interviewing:**

All interview panels involved with the appointment of staff to work with children should have a least one panel member who is knowledgeable and experienced in safeguarding issues and who has completed the Safer Recruitment Training (which should be updated every three years). Trained members of Saint Nicholas staff are David Bown (Headmaster), Helen Hopkins (Deputy Head) and Yvette Mardel (Bursar).

There will be a face-to-face interview wherever possible, and the same panel will see all the applicants for the vacant position. Where possible, references will be taken up before interview. The only exception to this rule is where an applicant has specifically indicated on their application form that they do not wish their current employer to be contacted. In such cases, this reference will be taken up immediately after interview and prior to any formal conditional offer of employment being made.

Specific questions relating to child protection issues should form part of the standard selection process. All applicants will be questioned about gaps in employment and any other issues which may come to light and may cause concern.

All applicants who are invited to an interview will be required to bring evidence of their identity, address and qualifications. Only original documentation will be accepted and photocopies will be taken. Documents belonging to unsuccessful applicants will be destroyed at the end of the recruitment process.

Any **conditional** offer of employment should be made subject to all the relevant pre-employment checks being made before they take up the position e.g. right to work, references, qualifications, employment history, relevant DBS check and By Association Check.

### 3. Single Central Records:

Schools are required to maintain a single centrally-held record of pre-appointment checks covering the following people:

- all staff, including teacher trainees on salaried routes, agency and third party supply staff who work at the school.
- all members of the governing body.

The single central record must indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- an identity check. Identification checking guidelines can be found on the [GOV.UK](http://GOV.UK) website;
- a barred list check;
- an enhanced DBS check/certificate;
- a prohibition from teaching check;
- further checks on people who have lived or worked outside the UK including recording checks for those European Economic Area (EEA) teacher sanctions and restrictions;
- a check of professional qualifications, where required; and
- a check to establish the person's right to work in the United Kingdom
- a section 128 check (for all management positions- see below)

For agency and third party supply staff, schools must 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, and the date that confirmation was received and whether any enhanced DBS certificate check has been provided in respect of the member of staff.

Information disclosed as part of a DBS disclosure must be treated as confidential. However, before the disclosure is destroyed (in line with DBS guidance), records need to be kept detailing the date the disclosure was obtained, who obtained it, the level of disclosure and the unique reference number. This is not only good practice but also a source of primary evidence for regulatory bodies that will be looking closely at safer recruitment practice.

This register is in addition to the various staff records kept in School and on individual personnel files, a single centralised record of recruitment and vetting checks is kept in accordance with the DoFE requirements. This is kept up-to-date and retained by the Headmasters PA.

The Centralised Register will contain details of the following:

- all employees who are employed to work at the School;
- all employees who are employed as supply staff to the School whether employed directly or through an agency;
- all others who have been chosen by the School to work in regular contact with children. This will include volunteers, governors, peripatetic staff and people brought into the School to provide additional teaching or instruction for pupils but who are not staff members e.g. sports coaches etc.

### **Monitoring and Evaluation:**

The Head, the Designated Safeguarding Lead, and the Safeguarding Governor will be responsible for ensuring that this policy is monitored and evaluated throughout the School. The Safeguarding Governor will perform a spot check on the Single Central Register once per term.

The Single Central Register is completed by the HR / Recruitment administrator with the support of the Head. Once a new member of staff is deemed to be safely recruited i.e. all necessary checks undertaken and recorded after a safe recruitment interview, the Head will be asked to confirm that a member of staff may start work.

#### **4. Offer of Appointment and New Employee Process:**

The appointment of all new employees is subject to the receipt of a satisfactory DBS Certificate, references, and medical checks, copies of qualification and proof of identity. Offers for positions for staff working in the EYFS and after-school care for the under eights will also be subject to a By Association Declaration. A personnel file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment. The checklist will be retained on personal files.

### **The Rehabilitation of Offenders Act 1974**

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to pupils. Therefore, any convictions and cautions that would normally be considered 'SPENT' must be declared when applying for any position at Saint Nicholas School.

### **DBS (Disclosure and Barring Service) Certificate**

All staff at Saint Nicholas School require an enhanced DBS Certificate and therefore a DBS Certificate must be obtained before the commencement of employment of any new employee.

### **Staff Self Declaration Forms**

Pursuant to Childcare Act 2006 (as amended in 2018) all staff who work directly with pupils within EYFS (or are involved within the management of the setting) and all staff who may work directly with *later years children*\* before or after the normal hours of the school day, (or who are involved within the management of this activity), will be required to sign a declaration confirming no grounds for disqualification on the basis of the act.

*Members of staff at Saint Nicholas are aware of their obligation to inform the Headmaster of any cautions or convictions that arise after a DBS check has taken place. Members of staff will be reminded of this duty on an annual basis.*

### **Portability of DBS Certificates Checks:**

The DBS code of Practice does not facilitate portability of DBS Certificate checks unless the applicant has registered to the DBS Update Service. For clarity portability refers to the re-use of a DBS Certificate obtained for a position in one organisation and later used for another position in another organisation. Saint Nicholas School is committed to adhering to these Codes of Practice and does not accept DBS Certificates carried out by another organisation unless they are registered with the DBS Update Service.

### **Dealing with convictions:**

The school operates a formal procedure if a DBS Certificate is returned with details of convictions. Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- the nature, seriousness and relevance of the offence;
- how long ago the offence occurred;
- one-off or history of offences;
- changes in circumstances,
- decriminalisation and remorse.

A formal meeting will take place face-to-face to establish the facts with the Head or Bursar. A decision will be made following this meeting.

### **Prohibition orders.**

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 or manager in such a setting. A check of any prohibition can be carried out using the Employer Access Online Service. Prohibition orders are made by the Secretary of State following consideration by The Teacher

Regulation Agency (TRA). Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

### **Section 128 - Management positions**

Saint Nicholas is required to check all staff appointed to management positions after 12 August 2015 to ensure they are not prohibited from the management of independent schools directions (also known as section 128 directions). This check will be carried out at the same time as the DBS check for those appointed to the following positions:

- All Governors
- Headmaster
- Deputy Head
- Head of Lower School
- Deputy Head & Assistant Head of Lower School
- Assistant Head & Deputy Assistant Heads (Middle / Upper School)
- Heads of Department
- Bursar

### **Historic General Teaching Council for England (GTCE) sanctions and restrictions**

There are a number of individuals who are still subject to disciplinary sanctions, which were imposed by the GTCE (prior to its abolition in 2012). These sanctions and restrictions remain.

### **Individuals who have lived or worked outside the UK**

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 must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. These further checks should include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed, using the TRA [Teacher Services](#) system. Although restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, schools and colleges should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

### **Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status:**

All applicants invited to attend an interview at the School will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in UK in accordance with those set out in the Immigration, Asylum and Nationality Act 2006 and DBS Code of Practice Regulations.

In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification legally required for the position and claimed in their application form.

### **Medical Fitness:**

Anyone appointed to a post involving regular contact with children must possess the appropriate level of physical and mental fitness before any appointment offer is confirmed. All applicants are requested to complete a medical questionnaire and where appropriate a doctor's medical report may be required.

### **Induction Programme:**

All staff, including new staff as part of their induction process will read and receive training and regular updates with reference to:

- at least Part One & Annex A of KCSIE (2018)
- the schools Safeguarding & Child Protection Policy inc. information about the identity of the DSL, Deputy DSL and their role;
- behaviour policy;
- the Staff Code of Conduct inc. acceptable use of technologies;
- the Whistle Blowing Procedures;
- the safeguarding response to children who go missing from education.

## 5. Existing Staff:

If the school has concerns about an existing staff member's or governors suitability to work with children, the school will carry out all relevant checks as if the person were a new member of staff. Similarly, if a person working at the school moves from a post that was not regulated activity into work which is considered to be regulated activity, the relevant checks for that regulated activity must be carried out. Apart from these circumstances, the school is not required to request a DBS check or barred list check.

**Schools 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 where:**

- the harm test is satisfied in respect of that individual;
- the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and
- the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

Referrals should be made as soon as possible, and ordinarily on conclusion of an investigation, when an individual is removed from working in regulated activity, which could include being suspended, or is redeployed to work that is not regulated activity.

Where the school dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002.

## 6. 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.

Volunteers who, on an unsupervised basis teach or look after children regularly, or provide personal care on a one-off basis, will be in regulated activity. The school will obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information). Employers are not legally permitted to request barred list information on a supervised volunteer as they are not considered to be engaged in regulated activity.

The school will undertake a risk assessment (details of which to be recorded) and use their professional judgement and experience when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity.

In doing so they should consider:

- the nature of the work with children;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability;
- whether the role is eligible for an enhanced DBS check;

It is for schools to determine whether a volunteer is considered to be supervised. In making this decision, and where an individual is supervised, to help determine the appropriate level of supervision schools must have regard to the statutory guidance issued by the Secretary of State. This guidance requires that, for a person to be considered supervised, the supervision must be:

- by a person who is in regulated activity;<sup>2</sup>
- regular and day to day; and
- “reasonable in all the circumstances to ensure the protection of children.”

## **7. Contractors**

Schools should ensure that any contractor, or any employee of the contractor, who is to work at the school, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required. In considering whether the contact is regular, it is irrelevant whether 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. Schools are responsible for determining the appropriate level of supervision depending on the circumstances. If an individual working at the school is self-employed, the school should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account. The school always checks the identity of contractors and their staff on arrival.

## **8. Visiting Speakers**

Staff must not invite speakers into school without first obtaining permission from the Head, Deputy Head or Heads of School and informing Mrs Bradley (Headmaster’s PA) Before inviting visiting speakers the school, as part of its prevent duty, will carry out background checks eg. through an internet search to determine that these visitors are suitable. On attending the School, visiting speakers will be required to show an original current identification document including a photograph such as a passport or photo driving licence. Whilst on the School site, Visiting Speakers, will be supervised at all times.

