

CHESLYN HAY ACADEMY

MANAGEMENT POLICY

Safer Recruitment

Introduction

Cheslyn Hay Academy is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. We adopt a stringent approach to the safer recruitment of staff as required by the appropriate national legislation in line with the DfE statutory guidance for schools and colleges "Keeping children safe in education – Statutory guidance for schools and colleges" September 2019.

Aim

Governors seek to fulfil their legal obligations to safeguard children and young people by adopting a safer recruitment process that:

- is robust in protecting both children and young people and those adults working with them (including governors, volunteers and those involved in extended schools and community initiatives);
- ensures clarity for all those applying for posts within the school so that the school can recruit the best available people to complement and enhance teaching, learning and school support services;
- deters unsuitable individuals from applying
- ensures equal opportunities for all applicants
- ensures an adequate supply of suitably qualified and experienced staff to meet the school's requirements and to deliver the school improvement plan
- ensure that all selection panels are suitably trained and experienced

Recruitment Process

Delegation of Appointments

The Governing Body delegates all staff appointments and all teacher appointments, below the level of Deputy Head, to the Head Teacher. At least one governor is to be invited to all interviews where there is a permanent post and or permanent TLR responsibility, an SLT post or where there are internal candidates. If a governor cannot then make the planned interviews, they are still to continue and the head teacher is able to appoint. No governor is excluded from being involved in staff appointments unless there is a conflict between the interests of the governor and the interests of the governing body.

Key responsibilities

Responsibilities for the Safer Recruitment Policy:

- For every appointment a member of the SLT will be delegated as lead person and will be accountable to the Head Teacher for ensuring that all aspects of this policy is adhered to
- A single central record of recruitment and vetting checks covering all employed staff and others having regular contact with children will be monitored by the School Business Manager and administered by the Bursar and Finance Assistant
- The preparation of job descriptions (and person specification) for all teaching and learning posts is managed by the Head Teacher (or their delegated authority)
- The preparation of job descriptions (and person specification) for all support staff posts is managed by the School Business Manager (or their delegated authority) in conjunction with the County Councils Job Evaluation Team.

Vacancies and advertisement

- The Head Teacher will identify or confirm vacancies (in consultation with the Trust when appropriate) in relation to the school's staffing structure to meet the need of the school improvement plan.

- Appropriate job descriptions and person specifications will be prepared and will include the level of criminal record checks (DBS checks), barred list checks and prohibition checks in accordance to the DfE "Keeping children safe in education – Statutory guidance for schools and colleges" September 2019.
- The time schedule for the recruitment and appointment process will be established in consultation with the Head Teacher.
- Those responsible for being part of the appointment panel will be identified in consultation with the Head Teacher (and Governors when appropriate).
- Every vacant permanent post or acting posts of one term or more will be advertised in a manner likely to bring it to the notice of persons qualified to fill the post, and will be equally accessible to race, sex, marital status, ethnic origin, age or disability, religion or belief.
- Advertisements will clearly demonstrate the school's commitment to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

Information for candidates

All applicants for all vacant posts advertised internally or externally will be provided with an information pack containing at least:

- A Job Description outlining the duties of the post and an indication of where the post fits into the organisational structure of the school including salary range and criminal record disclosure level.
- A Person Specification indicating the qualifications, skills and types of experience or expertise which the Governing Body regard as essential or desirable in relation to the job.
- The level of DBS check for the post
- Staffordshire County Council Application and Equal Opportunities Monitoring Forms.
- Information about the School and other general information relevant to the vacant post
- Appropriate extracts from this policy, which make the school's position on safer recruitment and equality of opportunity clear
- The closing date for the receipt of applications
- Interview date(s) wherever possible

The contents of the information pack will be available in hardcopy or downloadable electronically

Applications and short listing

- Applications will be scrutinised by those involved in the appointment using a short-listing matrix based on the job and person specification.
- Anomalies, discrepancies and employment gaps will be noted and pursued at interview if the candidate is short-listed. Declaration of disability will be checked at this stage
- If the field of applicants is felt to be weak the Head Teacher may decide to re-advertise the post.
- A short list of candidates will be drawn up.
- Two references will be called for those short-listed, seeking information based on the job and person descriptions as well as a direct question addressing safeguarding children and young people.
- The reasons for non-selection for interview may not be given or offered.

Interviews

- Short listed candidates will be invited to attend for interview and informed about the structure and process involved as well as the necessity to provide certain documentation at the interview.
- All short-listed candidates will be asked to bring the means to verify their identity, (these may be a passport, current photo driving licence and a full birth certificate; any documentation evidencing a change of name; a utility bill or financial statement showing candidates name and address), qualifications and professional status (these must be original documents, certificates, GTC reference, written confirmation by awarding body. These will be presented to the panel leader during the course of the day and relevant details will be recorded.
- Formal interviews of applicants will be undertaken by no less than two people, one of whom will be a current member of the Leadership team (and will have appropriate safe recruitment training).

Competencies

- All teaching post appointments will include observation of teaching a lesson.
- In specialist skill areas other aspects of competency will be assessed (eg. Music, Languages)

- Support services will have the key competencies and skills tested

Interview programme

The format, style and duration of the interviews are matters for the Head Teacher or delegated person in consultation with governors and others involved in the process to decide but will include:

- A briefing at the start of the interview
- Relevant information about the school to enable the candidate to make further enquiries about the advertised job
- A tour of the school and where possible introduction to any relevant team / department

Before the interviews the selection panel will agree on the interview process (e.g. tasks, short interviews, final interview etc) to be followed and will ensure that similar questions are put to each candidate. The questions asked will be aimed at obtaining evidence of how each candidate meets the criteria listed on the person specification and each candidate will be assessed against all of the criteria for the post. The same areas of questioning will be covered for each applicant and no questions which would discriminate directly or indirectly on grounds of race, sex, marital status, ethnic origin, age or disability, religion or belief. The interview will also deal with the issues of safeguarding children. A student interviewing panel may be used which will be chosen from the school council.

Before the interviews the Headteacher, in consultation with the governors involved with the interview, will decide a procedure for evaluating the candidates at the end of the interviews. The notes taken and documentation used in this evaluation process will form part of the formal record of why candidates were or were not selected and will be retained by the school for at least one month for all applications and six months for those called for interview; after that time unsuccessful candidates' documents will be destroyed.

Conditional Offer of Appointment

Any offer to a successful candidate will be conditional upon:

- Receipt of satisfactory references. Where possible these will have been received by the day of interview
- Verification of identity and qualifications. Where possible these will have been received by the day of interview
- Satisfactory Enhanced DBS Disclosure
- Verification of professional status. Where possible these will have been received by the day of interview
- Where the successful candidate has worked or been resident overseas in the previous five years, such checks and confirmations as the school may require in accordance with statutory guidance and/or requirement.
- Satisfactory completion of a probationary period (if appropriate)
- For foreign nationals, when the individual's right to work in the UK is to be confirmed
- Satisfactory medical checks (if appropriate)

The reasons for the conditional offer will be stated in the letter that makes the offer.

Unsuccessful Candidates

Unsuccessful candidates will be offered a telephone debrief up to one week after the day of interview but not on the day of the interview. The initiative is with the unsuccessful candidate.

Induction

All newly appointed staff will, either prior to or at the point of taking up the post, undergo a programme of induction appropriate for their post. The induction will specifically address issues concerning the safeguarding of children and young people as well as matters directly related to the operation of the post.

Training

All staff in the school will be reminded annually of key issues related to the safeguarding of children and young people and relevant child protection training organised by the Assistant Head Teacher at appropriate intervals. Staff involved in recruitment and

Non-school staff including: Governors, Volunteers, Contractors, and Other Agencies

For all individuals who come into contact with pupils in school, the appropriate level of supervision and checks will be determined by the Headteacher or School Business Manager in accordance with the DfE

“Keeping children safe in education – Statutory guidance for schools and colleges” September 2018.
See Appendix A.

Existing staff

If there is concern about an existing staff member’s 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 or college moves from a post that was not regulated activity, into work which is regulated activity, the relevant checks for the regulated activity will be carried out.

The school will carry out its 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 the 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 had they not left. The DBS will consider whether to bar the person. Referrals will be made as soon as possible after the resignation or removal of the individual.

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

Lead SLT member: CBY

Date of next review: summer term 2020

Reference: Safer recruitment CBY 08 19

Appendix A

Agency and third-party staff

Prior to starting at the school, written notification must be received from any agency or third-party organisation to confirm that the checks we would normally undertake on any individual who will be working at the school have been done, including a barred list check as necessary. A check that the person presenting themselves for work is the same person on whom the checks have been made must also be done.

Trainee/student teachers

Where applicants for initial teacher training are salaried by the school, all necessary checks we would normally undertake on any individual who will be working at the school must be done, prior to the individual starting at the school. As trainee teachers can undertake regulated activity, sometimes unsupervised, an enhanced DBS certificate and barred list check must be obtained. Where trainee teachers are fee-funded it will be the responsibility of the initial teacher training provider to carry out the necessary check, but a check that the person presenting themselves for work is the same person on whom the checks have been made must be done.

Volunteers

Under no circumstances will a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

New Volunteers

- For new volunteers in regulated activity who will regularly teach or look after children on an unsupervised basis or provide personal care on a one-off basis an enhanced DBS certificate with barred list check must be obtained before they start.
- For new volunteers not in a regulated activity we may obtain an enhanced DBS certificate before they start.

Existing Volunteers

For existing volunteers who provide personal care, we will obtain an enhanced DBS certificate with barred list check before they start.

For other existing volunteers who are unsupervised and continuing with their current duties, unless there is cause for concern we will not request a DBS check with barred list check as these have already have been checked.

For existing volunteers not in regulated activity, there is no requirement to request an enhanced DBS check. However, we may choose to request one as we judge necessary (but not a check of the barred list)

If a volunteer is not engaging in regulated activity, a risk assessment must be completed prior to them starting to decide whether to seek an enhanced DBS check. We will 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; and
- whether the role is eligible for an enhanced DBS check.

The Protection of Freedoms Act 2012 amended the Safeguarding Vulnerable Groups Act 2006, removing supervised volunteers from regulated activity and applying a duty on the Secretary of State to issue guidance to assist regulated activity providers such as schools and colleges, to decide what level of supervision is required so that this exclusion would apply. If the volunteer is to be supervised while undertaking an activity which would be regulated activity if it was unsupervised, the statutory guidance must be followed. The guidance issued following this change requires that:

- *there must be supervision by a person who is in regulated activity*
- *the supervision must be regular and day to day; and*

- *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

All Governors will be required to have an enhanced DBS check and will have a barred list check if the governor will be engaged in regulated activity.

Contractors

Before a contractor starts on site the appropriate level of DBS check must be determined by the Headteacher or School Business Manager in accordance with the DfE “Keeping children safe in education – Statutory guidance for schools and colleges” September 2018.

Where a contractor, or any employee of the contractor, is working at the school in a regulated activity the appropriate level of DBS check will be undertaken before they start.

The identity of all contractors must be checked when they arrive on site.

Contractors and contractors’ employees for whom an appropriate DBS check has not been undertaken must be supervised at all times if they will have contact with children.

If a contractor working at a school or college is self-employed, we will consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

Visitors

Schools and colleges do not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children’s’ relatives or other visitors attending a sports day). Headteachers and principals should use their professional judgment about the need to escort or supervise visitors.

Adults who supervise children on work experience

Barred list checks by the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement. We must consider the specific circumstances of the work experience, in particular the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations will include whether the person providing the teaching/training/instruction/supervision to the child will be:

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

If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity. 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.

Schools and colleges are not able to request an enhanced DBS check with barred list information for staff supervising children aged 16 to 17 on work experience.

If the activity undertaken by the child on work experience takes place in a ‘specified place’, such as a school or college, and gives the opportunity for contact with children, this may itself be considered to be regulated activity. In these cases and where the child is 16 years of age or over, the work experience provider should consider whether a DBS enhanced check should be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16

What is a “Regulated” activity?

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government have produced a factual note on *Regulated Activity in relation to Children: scope*.

Regulated activity includes:

a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,

b) work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers;

Work under (a) or (b) is regulated activity only if done regularly*. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:

- personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing**;
- health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

* The Safeguarding Vulnerable Groups Act 2006 provides that the type of work referred to at (a) or (b) will be regulated activity if "it is carried out frequently by the same person" or if "the period condition is satisfied". Paragraph 10 of Schedule 4 to this Act says the period condition is satisfied if the person carrying out the activity does so at any time on more than three days in any period of 30 days and, for the purposes of the work referred to at (a), it is also satisfied if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children. "Frequently" is not defined in the Act, but the Guidance Regulated Activity in relation to Children: scope describes "frequently" as doing something once a week or more.

**It is not intended that personal care includes such activities as, for example, parent volunteers helping with costumes for school plays or helping a child lace up football boots.