Victorious Academies Trust
Success in education

Safer Recruitment Policy	
Policy Ref:	HR 023
Status	
Purpose	To set out the Trust approach to safer recruitment across the Trust
Committees	Trust Board
Other linked policies	
Issue date	June 2024
Review Date	June 2025

Statement of intent

Victorious Academies Trust has implemented this policy to assist with recruitment and employee selection. It outlines the school's recruitment procedure and how the school ensures safer recruitment is considered at all levels of the recruitment process.

The safety and protection of the Trust's pupils is always at the forefront of the Trust's concerns, which is why this policy aims to embed a robust safeguarding culture into the recruitment practices across the Trust.

Legal framework

1. This policy has due regard to all relevant legislation including, but not limited to, the following:

- Children Act 1989
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- The Education (School Teachers' Appraisal) (England) Regulations 2012 (as amended)
- Sexual Offences Act 2003
- The School Staffing (England) Regulations 2009
- Rehabilitation of Offenders Act 1974
- Education and Skills Act 2008
- Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- Education Act 2002
- Equality Act 2010
- Amendments to the Exceptions Order 1975, 2013 and 2020

2. This policy has due regard to all relevant guidance, including, but not limited to, the following:

- DfE (2023) 'Keeping children safe in education'
- DfE (2021) 'Staffing and employment advice for schools'
- DfE (2020) 'Governance handbook'
- DfE (2022) 'ID checking guidelines for standard/enhanced DBS check applications from 1 July 2021'
- DfE (2020) 'Changes to checks for EU sanctions on EEA teachers from 1 January 2021'
- DfE (2021) 'Basic check ID checking guidelines from 1 July 2021'
- DfE (2023) 'Recruit teachers from overseas'
- DfE (2021) 'Right to work checks: employing EU, EEA and Swiss citizens'
- DfE (2021) 'Right to work checks: an employer's guide'
- Disclosure & Barring Service (2018) 'Regulated activity with children in England'
- Home Office (2022) 'Employer's guide to right to work checks'
- Safer Recruitment Consortium (2022) 'Guidance for safer working practice for those working with children and young people in education settings'

3. This policy operates in conjunction with the following school or Trust policies

- Child Protection and Safeguarding Policy
- Complaints Policy
- Disciplinary Policy and Procedure
- Teacher Appraisal Policy
- Teacher Capability Policy
- Single Central Record (SCR) Policy
- DBS Policy
- Records Management Policy
- Data Protection Policy
- Equality, Equity, Diversity and Inclusion Policy
- IT Acceptable Use Policy

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Definitions

4. **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 educational wellbeing, or driving a vehicle only for children.
   - Working 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 undertaken by supervised volunteers.
   - Engaging in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

5. Regulated activities do not include:
   - Paid work in specified places which is occasional and temporary and does not involve teaching or training.
   - Supervised activities which are paid in non-specified settings.
   - A supervised volunteer who regularly teaches or looks after children.

6. **Teaching role** – refers to a role involving planning and preparing lessons and courses for pupils; delivering lessons to pupils; and assessing and reporting on the development, progress and attainment of pupils. These activities are **not teaching work** for the purposes of 'Keeping children safe in education' (KCSIE) if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher or other person nominated by the Headteacher/Principal to provide such direction and supervision.

7. **Standard DBS** – this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer, regardless of whether or not they are spent under the Rehabilitation of Offenders Act 1974.

8. **Enhanced DBS** – this provides the same information as the standard DBS, plus any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed.

9. **Enhanced DBS with barred list check** – this check is required for when people are working or seeking to work in regulated activity with children. This check allows for additional checks to be made as to whether the person appears on the children's barred list.

10. **Children's barred list** – the DBS maintains a 'barred list' of individuals who are unsuitable to work with children and vulnerable adults. In addition, where an enhanced DBS including a barred list check is obtained, the certificate will also detail whether the applicant is subject to a direction under section 128 of the Education and Skills Act 2008 or section 167A of the Education Act 2002.

11. **Section 128 check** – this provides for the Secretary of State to direct that a person may be prohibited or restricted from participating in the management of an independent school (which includes academies and free schools). A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a maintained school.

12. **Safer recruitment** – this is the safeguarding and protection of pupils during the recruitment and selection process. Its overall purpose is to help identify and deter or reject individuals who are deemed to be at risk of abusing children

Roles and responsibilities

13. The **Trust Board** is responsible for:
    - Agreeing and monitoring effective policies to ensure recruitment at the school is in accordance with the legislation outlined above.

- Ensuring that staff recruitment is as safe as possible, as well as fair and compliant with the relevant legislation.
- Ensuring appropriate checks have been carried out on staff, volunteers, contractors and agency workers working within the school.
- Appointing an appropriate recruitment panel.
- Ensuring that all recruitment panel members have undertaken unconscious bias training before the selection process begins.
- Ensuring that at least one member of the recruitment panel has undergone safer recruitment training.
- Ensuring that all members of the recruitment panel understand their role, i.e. advisory or decision making.
- Monitoring the advertising of vacancies, assessing how they are being advertised and whether the adverts are maximising all of the opportunities to attract the appropriate candidates.
- Benchmarking the success of any advertising methods used, as well as the overall success of the recruitment process.
- Ensuring a member of the board is on the recruitment panel for a new Headteacher / principal.
- Ensuring that all members of the recruitment panel are familiar with their obligations with regards to safer recruitment, as set out in KCSIE.
- Monitoring the school's SCR to ensure that the necessary vetting checks for employees are carried out.
- Ensuring that equal opportunities are established and implemented throughout the recruitment process.
- Ensuring that the salary of the successful candidate is determined.
- Accommodating the needs of new employees and making reasonable adjustments when necessary.
- Ensuring that the DPO reviews this policy and that any recruitment data that is kept is in accordance with the Records Management Policy.
- Ensuring that they have the skills to carry out effective selection processes, including knowing when and how to request references.
- Establishing a recruitment panel including at least one individual who has completed safer recruitment training within the past five years.

14. The **recruitment panel** is responsible for:
    - Discussing and creating the advert with the Trust Core Team ensuring it meets all the necessary requirements.
    - Shortlisting the potential candidates with the aim of reducing the application field and identifying those with the potential to effectively undertake the role.
    - Appropriately delegating responsibility for recruitment to the **Headteacher/Principal**.
    - Setting appropriate recruitment procedures, as per the scheme of delegation.
    - Ensuring that the interview addresses leadership ability, team working skills, reasons for interest in joining the school, integrity, understanding of the school's ethos and vision, and why the candidate believes they would be a good fit for the school.
    - Ensuring that the interview addresses safeguarding practices.
    - Appointing an **appointing officer** who will be responsible for the entire management of the recruitment process (this may be the Headteacher / Principal, other member of the school senior leadership team or the School Business / Officer Manager).
    - Agreeing with the successful candidate when other members of the school community will be informed about their appointment, including staff members and parents.
    - Ensuring that references have been received where requested.
    - Ensuring that all references for a shortlisted candidate are properly scrutinised and that information is not contradictory, unclear, or incomplete, with clarification requested when appropriate.
    - Asking previous employers of new staff members whether the individual has been subject to capability procedures in the previous two years.

15. The **appointing officer** is responsible for:
    - Managing the entire recruitment process.

- Sourcing suitable candidates.
- Acting as a point of contact between candidates and the school.
- Reviewing candidates' applications.
- Preparing the recruitment panel to conduct interviews.
- Organising interviews with shortlisted candidates.
- Ensuring the recruitment process is carried out in line with the relevant school policies.
- Ensuring that the candidate chosen to fill a vacancy is suitable for the role.

16. The **Headteacher/Principal** is responsible for:
    - Ensuring appropriate checks have been carried out on prospective staff, volunteers, contractors and agency workers working within the school.
    - Ensuring that appropriate supervision of employees/volunteers is organised, and for promoting the safety and wellbeing of pupils generally and throughout the recruitment process.
    - Leading the interview when the candidate is at a lower level than **Headteacher/Principal**.
    - Ensuring that all relevant staff members are familiarised with this policy.

17. During the recruitment process, and especially during the initial stages, the **recruitment panel** and the **Headteacher/Principal** will be watchful of candidates displaying the following characteristics:
    - No understanding or appreciation of children's needs
    - Expressing that they want the role to meet their needs at the expense of children
    - Using inappropriate language in relation to children
    - Expressing extreme views or views that don't support safeguarding practices
    - Displaying unclear boundaries with children
    - Providing vague answers when asked about their experience and being unable to explain gaps in their employment

18. The **DPO** is responsible for:
    - Ensuring that all references are handled in line with the Data Protection Policy and relevant legislation.

19. The **DSL** is responsible for:
    - Deciding when it is appropriate or necessary to disclose any safeguarding concerns or allegations as part of a reference.
    - Discussing with the Headteacher/Principal the suitability of a candidate when a reference has disclosed safeguarding concerns or prior allegations.

Equal opportunities

20. When recruiting, the school will adhere to the Trust **Equal Opportunities and Dignity at Work Policy**.

21. Each school will not discriminate against any protected characteristics, such as disability or gender, and will always promote difference and inclusion throughout the school.

22. When processing candidates who are not from the UK, the school will not discriminate against anyone based on where they are from.

23. Each school will, where necessary, make reasonable adjustments to ensure the interview is accessible to all candidates. Candidates should inform the school of any reasonable adjustments that they need when they receive the invitation for an interview.

24. The **Trust Board** will review recruitment procedures **annually** to ensure they are accessible and do not directly or indirectly discriminate against candidates.

25. Candidates will not be asked about their health or any disabilities before a job offer is made, unless one of the following exemptions applies:
    - Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments)
    - Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment
    - Positive action to recruit people with disabilities
    - Equal opportunities monitoring (which will not form part of the decision-making process)

Planning, advertising and shortlisting

26. The job information and associated documents will be published online. The full requirements of the role will be clearly explained, including any employment vetting requirements such as a DBS check.

27. The recruitment panel will comprise an appointing officer, who is responsible for the management of the entire recruitment process, and at least two other members of staff, with the Headteacher usually being one of these. The recruitment panel will be an odd number so majority votes can be cast. At least one member of the recruitment panel will have successfully completed up-to-date safer recruitment training. The recruitment panel will create the advertisement.

28. Once a vacancy has been identified, the school will allow an appropriate amount of time for planning and structuring the recruitment process.

29. The **Headteacher / Principal** will:
    - Decide on the recruitment timeframe.
    - Decide who will be involved in the process and what their roles will be, e.g. who forms the recruitment panel and who will lead interviewing.
    - Prepare the documents that will be provided to the Trust Core Team to be provided to the candidates, including the job description, person specification and application form – ensuring that these documents contain a clear message about safeguarding, the checks that will be carried out and that references will be sought.
    - Ensure that application packs, where relevant, state that candidates must be willing to sign the staff disqualification declaration.

Advertising

30. The school will consider the following information when advertising for a role within their school:
    - The skills, abilities, experience, attitude and behaviours required for the post
    - The safeguarding requirements, including to what extent the role will involve contact with children and young people and whether the appointed staff member will be engaging in regulated activity

31. The Trust Core Team will manage the advertising process and advertisements will include:
    - A statement of the school's commitment to safeguarding and promoting the welfare of pupils whilst making clear that safeguarding checks will be undertaken.
    - The safeguarding responsibilities of the post as per the job description and person specification.
    - Information surrounding whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020.

32. Vacancies will be advertised through external media, such as the local newspaper, with due consideration to the Trust's Equality, Equity, Diversity and Inclusion Policy, ensuring that the advertisement reaches a wide range of groups. Advertisements will contain a statement of commitment to ensuring equal rights. Advertisements will include, or link to, a job description, person specification and detail the closing date. The contact number of the appointing officer and details of the application process will be clearly outlined.

33. Application forms are accessible on the Trust website.

34. The school may utilise social media for recruitment, and if doing so, will create a social media recruitment strategy to ensure that the advertisement is reaching the right people and is communicating the ethos of the school effectively.

35. When an advert receives a response, the recruitment panel will ensure that candidates receive the application pack.

Application forms

36. Applicants will be reminded in the application form or elsewhere in the information provided to applicants that it is an offence to apply for the role if they are barred from engaging in regulated activity relevant to children.

37. The school will also provide a copy of the Child Protection and Safeguarding Policy and information on employment of ex-offenders in the application pack.

38. Applicants will be required to provide the following:
    - Personal details, e.g. their current and former names, current address and national insurance number
    - Details of their current or most recent employment, including the reason for leaving
    - Full employment history, including explanations for any gaps in their employment
    - Qualifications, the awarding body and the date of the award
    - Details of references
    - A statement of their personal qualities and an explanation of why they meet the person specification to be a suitable candidate for the role
    - Where appropriate a declaration form outlining whether they are barred from teaching

39. The school will never accept a CV alone, only completed application forms. When shortlisting candidates for an interview, all application forms will be considered. Candidates who are shortlisted will meet all the essential aspects of the person specification requirements. The school will ensure that the shortlisting process is as systematic as possible, and that the recruitment panel reads through all applications. Each member of the panel will create their own shortlist which will then be collated and discussed. Candidates will be assessed against the same shortlisting criteria to ensure a fair process.

40. Schools will use the application form to make clear that shortlisted candidates may be subject to online searches.

Shortlisting

41. Shortlisted candidates will be asked to complete a self-declaration of their criminal record or disclosure of any information making them unsuitable to work with children.

42. Only those candidates who have been shortlisted will be asked to disclose any relevant information including:
    - Information of any criminal offences committed.
    - If they are known to the police and children's social care services.
    - Whether they have been disqualified from providing childcare.
    - Any relevant overseas information.

43. Applicants will need to sign a declaration which confirms that the information they have provided is true.

44. When shortlisting candidates, each school will:
    - Ensure that at least two people carry out the shortlisting proceedings (these two people will ideally also conduct the interview).

- Assess whether there are any inconsistencies or gaps in the candidate's employment and consider the reasons given for them.
- Consider undertaking online searches, as necessary, and explore any further potential concerns.
- Explore any further potential concerns.

45. Requests for further information from candidates will be replied to promptly. All applications will be replied to with a letter notifying candidates whether they have been shortlisted or not.

46. Interviews will be arranged for the shortlisted candidates.

Invitation to interview

47. Before interview invitations are sent, the **recruitment panel** will ensure that application packs are sent and include the following:
    - A copy of the advertisement
    - A comprehensive job description
    - A comprehensive person specification
    - Any equal rights material, e.g. an equal opportunities statement
    - A brief outline of the Trust/school, its values and aims
    - Any relevant school policies, e.g. the Child Protection and Safeguarding Policy

48. Once a shortlist has been confirmed, the candidates to be invited for interviews will be contacted by the appointing officer and suitable interview times will be decided. The recruitment panel will ensure that all shortlisted candidates receive information about the interview arrangements, how they will be conducted, the areas that will be explored and what documents they should bring.

Pre-interview checks

49. The **recruitment panel** will complete the necessary pre-interview checks.

50. Pre-interview checks **will** include the following:
    - Requesting **two** references from each shortlisted candidate directly from the referees – where possible, one reference will be obtained relating to the role in which the candidate worked with children
    - Verifying that the candidate has qualifications or experience relevant to the post
    - Checking references against application forms and noting down discrepancies or concerns, and following up these concerns with referees
    - Checking and, where necessary, following up candidates' self-declaration forms

Requesting references

51. Once a candidate, including an internal candidate, has been shortlisted for a position, references will be requested and scrutinised by the recruitment panel. Any concerns will be resolved satisfactorily prior to confirming an appointment. References will always be requested directly from the referee and from a senior person with appropriate authority, rather than a colleague.

52. References will be requested in written form from the candidate's current employer – if they are unemployed, verification of their most recent period of employment and reasons for leaving will be obtained from their previous employer. Wherever possible, at least one reference will be from employment through which the candidate worked with children.

53. If the applicant has never worked with children, ensure that a reference from their current employer is received.

54. If the candidate is a school leaver or has not been in work for over two years, a character reference will be requested.

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55. When a candidate is applying for a teaching role (including the role of Headteacher/Principal), information about the details of any capability procedures in the previous two years that they may have been subject to, and the reasons for these, will be requested from their current or former employer.
56. Concerns raised following a candidate's reference(s) will be explored further with the referee where appropriate and discussed with the candidate at interview.

57. Open references, e.g. 'to whom it may concern' testimonials, and unverified information provided by the candidate as part of the application process, will not be relied upon. Electronic references will be checked to ensure that they originate from a legitimate source.

Checking references

58. References will be checked upon receipt to ensure that all questions have been answered satisfactorily and that information is not contradictory or incomplete. The referee will be contacted to provide further clarification where appropriate, e.g. if some answers are vague or insufficient, or contradictory information has been provided. The reference will be compared for consistency with the information on the candidate's application form. Discrepancies between the reference and the application form will be discussed with the candidate at interview.

59. Where a reference appears incomplete or other concerns arise, the school will carry out one of the following actions:
    - Call the referee to discuss the reference further
    - Email the referee the reference for confirmation of its accuracy

60. The recruitment panel will ensure that any past disciplinary action or allegations disclosed as part of a reference are considered carefully when assessing the candidate's suitability for the role. If this involves safeguarding or potential safeguarding concerns, the DSL will be consulted to help assess the candidate's suitability.

61. Before making a decision not to appoint a candidate based on an unsatisfactory reference, the recruitment panel will consider if HR advice is necessary. Once the decision is made, the Headteacher will record this on the recruitment file as the reason for non-appointment.

62. All members of staff who provide a reference will be responsible themselves for checking the content to ensure that it only contains factual and verifiable statements. If there is any doubt about whether to include information, caution will be exercised and it will be omitted. Alternatively, advice will be sought from a senior figure, e.g. the Headteacher or the chair of governors.

Providing references

63. References will only be provided once written consent has been obtained from the person requesting a reference.

64. The member of staff providing a reference will follow this policy's procedures and the prospective employer's requests as much as is reasonably possible, e.g. if a pro-forma is provided, they will complete the form. If the reference is not requested in a specific format, the member of staff will decide the most appropriate method, e.g. a pro-forma or a letter-formatted reference.

65. The Headteacher/Principal will decide in exceptional circumstances if a reference cannot be provided or if certain questions asked by the prospective employer cannot be answered, with HR advice sought when appropriate.

66. Staff members will make the Headteacher/Principal aware when they have been asked to provide a personal reference, e.g. for a current or former colleague. The staff member will make it clear within the reference that it is a personal one and is not written for or on behalf of the school. The staff member will use their own paper or an email address unaffiliated with the school and ensure that the reference is not linked to the school in any way.

67. Details of any capability procedures in the previous two years for a teacher (including Headteacher) or former teacher at the school, and the reasons for these, will be provided if requested.

68. If, as part of a settlement agreement, the school has agreed to provide a reference for a member of staff, the Headteacher will ensure it is provided in line with the agreement and this policy. In circumstances where new evidence emerges that indicates information provided in the reference is incorrect, the Headteacher will decide if the reference is changed or withdrawn, with legal advice sought where necessary, and will notify the employee of any decision first.

69. Each school will ensure that any information provided confirms whether they are satisfied with the applicant's suitability to work with children, and only provide the facts of any substantiated safeguarding concerns or allegations, including a group of low-level concerns about the same individual, that meet the harm threshold.

70. Any repeated concerns or allegations which do not meet the harm threshold which have been found to be false, unfounded, unsubstantiated, or malicious will not be included in any reference.

Content of references

71. Basic information will always be expected in references received and provided, e.g. skills, knowledge, duties undertaken, experience working with children, and personal characteristics, in addition to any information relating to safeguarding. Further relevant comments will be made as much as is reasonably possible in line with the employer's requests, provided they are verifiable and objective, e.g. through appraisals or attendance records.

72. References will contain only factual and verifiable information and will not include speculation, e.g. about a former employee's suitability for a job, or hearsay. The person providing the reference will ensure all comments have a factual basis and that an impression is not given which is misleadingly positive or negative. Performance issues or concerns which have not been discussed or raised with the employee beforehand will not be mentioned.

73. All members of staff providing references will be made aware that information provided verbally to the prospective employer is subject to the same duties as written information and will avoid making verbal statements. Where it is necessary or appropriate, verbal information will be provided only in line with this policy's procedures, e.g. all statements must be verifiable and objective.

Previous disciplinary action

74. The recruitment panel will ensure that any references requested by the school include a section asking for any past disciplinary action or allegations to be disclosed. Any disclosures will be carefully considered when assessing the candidate's suitability for the role, in line with this policy.

75. Information from DBS checks will not be included in references provided by the school. Information regarding criminal offences from other sources will not be included, unless the Headteacher/Principal deems it appropriate and HR advice has been sought.

76. When providing references, the disclosure of information about past disciplinary action or allegations not relating to safeguarding will be provided where it is deemed appropriate, e.g. it is relevant to the staff member

of former staff member's suitability for the role. Information relating to disciplinary action will generally only be disclosed if penalties or sanctions remain in place for the employee.

77. Allegations which were proven to be false, unsubstantiated or malicious, e.g. relating to misconduct, will not be included in a reference – this includes if it is a history of repeated concerns or allegations which have been found to be false, unsubstantiated or malicious. The member of staff providing the reference will make no comments about their own personal views on the veracity of allegations.

78. If an allegation exists which has yet to be investigated or an investigation is incomplete, the Headteacher/Principal will seek HR advice, and legal advice where necessary, on what information, if any, should be provided to the prospective employer.

Use of data and confidentiality

79. Personal data relating to references will be handled in line with the Data Protection Policy. All references will be properly addressed and marked private and confidential.

80. In accordance with the Data Protection Act (2018) and the UK GDPR any personal information will be processed fairly and lawfully, and will be kept safe and secure e.g. in locked, non-portable containers or, for electronic information, password protected. Access will be strictly controlled and limited to those who are entitled to see it as part of their duties.

81. Information relating to an individual's health and sensitive personal data, e.g. information relating to the individual's ethnicity, religion or trade union membership, will not be disclosed as part of a reference unless 'express consent' has been received from the individual for this purpose.

82. The person requesting a reference will be offered the opportunity to see it before it is sent, unless the Headteacher/Principal decides this is not appropriate; however, the school is aware that ultimately, they cannot prevent the person receiving a copy in line with the Data Protection Act. If the person raises comments about the reference before it is sent, the member of staff responsible for the reference will consider the comments and, if they decide to leave it unchanged, record the reason(s) behind their non-agreement.

Online searches on shortlisted candidates

83. In line with KCSIE, the school will consider carrying out online searches on shortlisted candidates as part of their due diligence. Online searches solely aim to help identify any incidents or issues that have happened, and are publicly available online, which the school may want to explore with the applicant at interview.

84. Online searches will be conducted on shortlisted candidates only, and only where the school considers this appropriate. The school will consider any potential risks of online searches, e.g. unlawful discrimination or invasion of privacy, and will ensure staff conducting online searches are clear on the purpose of the search. Shortlisted candidates will be made aware that online searches may be conducted as part of due diligence checks.

85. Online searches will only examine data that is publicly available. Staff will not 'follow' or submit a friend request to shortlisted candidates on social media platforms to access further details or information.

86. Online searches will be carried out by an individual who is independent of the recruitment process to minimise the risk of bias or discrimination and to ensure that only relevant information is considered. The person responsible for carrying out online searches will have due regard to Part three of KCSIE.

87. The online search process may include searching for the candidate by name via search engines and social media, such as Google, Facebook, linkedIn, etc.:

88. When carrying out searches of shortlisted candidates' online presence, the school will look out for indicators of concern, such as:
    - Inappropriate behaviour, jokes or language.
    - Discriminatory comments.
    - Inappropriate images.
    - Drug or alcohol misuse.
    - Anything that suggests the candidate may not be suitable to work with children.
    - Anything that could harm the reputation of the Trust or the school or other schools within the Trust.

89. Any concerns will be addressed during the interview process. The school will ensure that candidates are given an opportunity to discuss any concerns raised by the online search.

The interview

90. During the interview process, candidates will be asked standard questions and their responses will be recorded for ease of comparison.

91. Any concerns raised through contact with referees will be discussed with the candidate at this stage.

92. The **recruitment panel** will ask open questions to assess the candidate's experience and suitability for the post, and to explore the candidate's motivation towards safeguarding and their suitability to work with children.

93. The school will use a range of selection techniques to identify the most suitable person for the post.

94. Interview questions seek to:
    - Find out what attracted the candidate to the post being applied for and their motivation for working with children
    - Exploring their skills and asking for examples of experience of working with children
    - Looking at any gaps in employment or where the candidate has changed employment or location frequently and asking about the reasons for this.
    - Seek examples of the candidate's previous experience.

95. Interviews will also be used to explore the potential areas of concern to determine the applicant's suitability to work with children.

96. Areas that may raise concerns and lead to further enquiry include:
    - Implication that adults and children are equal
    - Lack of recognition or understanding of the vulnerability of children
    - Inappropriate idealisation of children
    - Inadequate understanding of appropriate boundaries between adults and children
    - Indicators of negative safeguarding behaviours.
    - Attempts to push or overstep boundaries.
    - Consistent rule-breaking behaviour.

97. Candidates shortlisted for interview will be given the opportunity to complete a self-disclosure form upon arrival for their interview. The form is given to the appointing officer in a sealed envelope prior to the candidate entering their interview.

98. The candidate will be given the opportunity to discuss any concerns or ask any questions. The process will always comprise a face-to-face interview; however, the recruitment panel may also request that candidate's complete additional exercises.

After the interview

99. After the interview has been completed, the recruitment panel will:
    - Assess all candidates' performance using the same agreed criteria.
    - Ask the successful candidate to provide proof of identification and qualifications, and to complete the DBS check as soon as possible.
    - Contact and provide feedback to the unsuccessful candidates – feedback will be verbal and based on evidence of their performance against the person specification for the role.

100. Interview notes and assessment materials will be held securely for an appropriate amount of time after the interviews, in line with the **Records Management Policy**, in case any aspect of the recruitment process is challenged.

101. After choosing a successful candidate, the school will:
    - Make a conditional offer of employment to the candidate.
    - Ask the successful candidate to provide identification and proof of qualifications, if this has not already been done.
    - Complete the relevant pre-appointment checks.

102. Once an offer of employment has been made, the candidate's self-declaration form will be reviewed. If a conviction has been declared, and it is spent or filtered, the offer of employment will not be retracted based on this; however, the school will undertake the relevant assessments to determine whether the candidate is suitable to work in the school.

Remote recruitment

103. Schools will follow all the requirements set out in this policy when recruiting remotely, changing only the in-person nature of the interview, and implementing the necessary additional steps to support this. The ICT technician will research and select a suitable online platform through which online interviews may take place, taking into account ease of use, privacy measures and suitability for the purposes of online interviews. Online interviews will be conducted in line with the school's ICT Acceptable Use Policy and Data Protection Policy at all times.

104. Staff members conducting an online interview will ensure they understand how to operate the various relevant functionalities of the online interview platform, e.g. how to share their screen, prior to the interview commencing. Staff members conducting an online interview will ensure privacy settings are adjusted appropriately on the provider's site or application.

105. Schools will be aware of, and have due regard for, the potential risks associated with online communication, e.g. ease of anonymity, and will ensure it takes suitable precautions, e.g. encrypting data where possible. The school will ensure that any tasks set for candidates during the interview are compatible with the online nature of the interview, e.g. they do not require the exchange of physical paper resources.

106. Schools will communicate their expectations to candidates regarding the use of the online platform in good time prior to the interview. These expectations will include, but will not be limited to, the following:
    - The candidate will participate in the interview with both the video camera and microphone features enabled at all required times
    - The candidate will participate in the interview in a suitable setting – a quiet area with a neutral background

- The candidate will keep personal information which is not relevant to the recruitment process private, e.g. their email password, and will not ask the staff members conducting the interview to share any such private information
- Where necessary, the candidate will be aware that the school will record the online interview, and that they will be required to consent to this in order for the interview process to continue.

107. When recording an online interview, prior permission will be acquired from the candidate in writing via email and all members of the interview will be notified before the interview commences via email, and again once they have joined the interview before recording commences. If the candidate does not provide consent to recording the interview, the school will consider whether the online interview can still take place in line with school's safeguarding and records management responsibilities.

108. Schools will not discriminate against candidates who are recruited remotely; they will be considered fairly alongside any candidates who are not recruited remotely.

109. If a candidate refuses to interview remotely, the school will consider whether alternative arrangements for an in-person interview are possible, having due regard to the school's equality duties at all times. If this is not possible, then the school will sensitively inform the candidate that the remote interview process is a requirement of the application process, and have a considerate and good-natured discussion with the candidate as to whether they can continue with the recruitment process at this time. The school will direct candidates towards the DfE's advice on 'Attending your first remote interview' prior to the interview.

Pre-appointment checks

110. All appointments will be conditional on satisfactory completion of the necessary pre-appointment checks. These checks seek to identify whether there is anything that would make the candidate an unsuitable appointment for working with children or as a teacher.

111. When appointing new staff, the school will complete the following checks:

- Verify the candidate's identity e.g. checking the name and birth date on a birth certificate and verifying any name changes.
- Obtain an enhanced DBS certificate (via the applicant) and, for candidates engaging in regulated activity, barred list information
- Obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available
- Where it has been deemed necessary, obtain an enhanced DBS check with children's barred list information.
- Verify the person's right to work in the UK
- Make further checks on any individual who has lived or worked outside the UK
- Verify professional qualifications, as appropriate
- Ensure that appropriate checks are carried out to ensure that individuals employed to work in Reception classes, or in wraparound care for children up to the age of 8, are not disqualified from working in these settings under the 2018 Childcare Disqualification Regulations.
- For those in management, trustee or governor roles, a section 128 check will be carried out

112. The **recruitment panel** will ensure any candidate employed to carry out teaching work is not subject to a prohibition order or any sanction or restriction imposed (that remains current) by the GTCE before its abolition in March 2012.

113. The recruitment panel will assess all cases fairly and on an individual basis. Where a decision has been made not to appoint somebody because of their conviction(s), it will be clearly documented to enable the school a chance to defend its decision if challenged.

114. The school will consider the following when assessing any disclosure information on a DBS certificate:
- The seriousness and relevance to the post which they have applied to
- How long ago the offence occurred
- The country where the offence occurred
- Whether it was a one-off incident or a history of incidents
- The circumstances around and at the time of the incident
- Whether the individual accepted responsibility for what happened
- Whether the offence has been decriminalised

115. If the school has reason to believe that an individual is barred, it is an offence under section 9 of the Safeguarding Vulnerable Groups Act (SVGA) 2006 for the school to allow the individual to carry out any form of regulated activity.

116. Checks for all prohibitions, directions, sanctions and restrictions will be carried out by using the secure access portal on the Teacher Services' web page.

117. There is no requirement to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the candidate has worked:
- In a school in England in a post which brought them into regular contact with children or young people; or
- In any post in a school since 12 May 2006 which did not bring the person into regular contact with children or young persons.
  (This is because the candidate will have already undergone this process in their previous position.)

Volunteers

118. For all volunteers, the school will undertake a written risk assessment and use professional judgement and experience when deciding what checks, if any, will be required.

119. All unsupervised volunteers engaging in regulated activity will be required to provide the school with an enhanced DBS check with a barred list check. Existing volunteers in regulated activity do not need to be re-checked if they have already had a DBS check (including barred list information); however, the school may decide to conduct a repeat DBS check.

120. The school will only request barred list information for volunteers in regulated activity.

Candidates who have lived outside the UK

121. The Teaching Regulation Agency no longer maintains a list of EEA teachers with sanctions. Our Trust and schools continue to carry out safer recruitment checks on all candidates and must make any further checks they think relevant.

122. For candidates who have lived outside the UK, all mandatory checks outlined in this policy will be carried out, along with additional checks where necessary, including an enhanced DBS certificate with barred list information for those engaging in regulated activity, even if they have never been to the UK before.

123. The school will make any further checks that it deems appropriate so that any relevant events occurring outside the UK can be considered, e.g. obtaining proof of past teaching conduct for any candidate for a teaching position from the professional regulating authority in the country in which they worked, where available.

124. If a candidate is unable to provide the correct documentation, they cannot submit a DBS check. This is because the right to work in the UK cannot be established.

125. Following the UK's exit from the EU, schools and colleges should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world.

Agency and third-party staff

126. In the case of any employee working at the school who is sourced from an agency or third-party organisation, the school will obtain written notification from the organisation confirming that they have carried out the same checks as the school would otherwise perform on any individual who will be working at the school, or who will be providing education on the school's behalf, including through online delivery.

127. Confirmation will also be obtained that the individual who presents for work is the same person on whom all checks have been completed. A copy of photographic identification will generally be kept where appropriate.

Trainee/student teachers

128. The school will ensure that enhanced DBS certificates and barred list checks are obtained on all salaried applicants for initial teacher training who are in regulated activity.

129. Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks.

130. The school will obtain written confirmation from the agency that the checks have been carried out.

Existing staff

131. If a member of staff moves from a post that was not regulated activity to one that is, the relevant checks will be carried out.

132. The **recruitment panel** will carry out further checks where there is a concern about a member of staff's suitability to work with children.

133. An investigation will be carried out to gather enough evidence to establish if an allegation has a foundation. The employer of the school will ensure they have sufficient information to meet the referral duty criteria included in this policy.

134. The school will 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 harm.
- 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.
- The individual is deployed to another area of work not in regulated activity, or where they have been suspended.

135. Referrals to the DBS will be made on conclusion of an investigation where an individual has been removed from regulated activity.

136. Referrals to the DBS will be made as soon as possible after the resignation, removal or redeployment of the staff member.

Contractors

137. The school will ensure that any contractor, or any employee of the contractor, 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).

138. 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.

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

140. The school will set out its safeguarding requirements in the contract between the contractor's organisation and the school.

141. If a contractor is self-employed, the school 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.

142. The school will always check the identity of contractors and their staff on arrival.

Adults who supervise children on work experience

143. Where schools are organising work experience placements, they will ensure that the placement provider has policies and procedures in place to protect children from harm. More information related to checks on work experience providers is outlined in the school's Work Experience Policy.

Children staying with host families

144. Schools may make arrangements for a child to have learning experiences where, for short periods, the child may be provided with care and accommodation by a host family to whom they are not related. In these circumstances, the Trust Core Team and where appropriate the LA will be consulted.

Governors

145. The local governing board may request an enhanced DBS certificate without a barred list check on an individual as part of the appointment process for governors. An enhanced DBS certificate (which will include a barred list check) will only be requested if the governor will be engaging in regulated activity; this also applies to volunteer governors.

146. Associate members will not be asked to undertake a DBS check.

147. Trustees and members will be subject to a section 128 check.

148. Newly appointed chairs of trustees will be subject to a suitability check, which includes:

- An identity check.
- Confirmation of the right to work in the UK.
- An enhanced DBS check.
- Where required, additional information if the individual has lived outside the UK for a period of 12 months or longer.

Right to work checks

149. EU, EEA, or Swiss citizens need to provide evidence of lawful immigration status in the UK. Individuals from these areas will no longer be able to use their passport or national ID as proof of right to work. Schools will need to check candidate's right to work online. The UK operates a points-based immigration system which affects how schools employ teachers who are not UK or Irish nationals. All overseas nationals, including those from the EEA and Switzerland, arriving in the UK from 1 January 2021 come under the new system.

150. Schools will obtain evidence that all candidates for a position have the right to work in the UK by either conducting a manual document-based check, or by using the government's online portal. This will be done before a candidate is offered a position.

151. When conducting a manual, document-based check, the school will ensure that the documents received from candidates are acceptable in line with government guidance, and from the appropriate list: List A for candidates with a permanent right to work in the UK, or List B for candidates with a temporary right to work in the UK. Checks on documents will be conducted in line with this policy.

152. Schools will obtain proof of candidates' immigration status in the UK.

153. Schools will contact the Home Office in the event that a statutory excuse must be established in the following circumstances:

- The candidate provides a document confirming receipt of an application to EUSS on or before 30 June 2021
- The candidate provides a non-digital certificate of application confirming receipt of an application to the EUSS on or after 1 July 2021
- The school has checked a digital certificate of application and has been directed to the Home Office's Employer Checking Service
- The candidate provides an Application Registration Card stating the holder is permitted to undertake the work in question
- The school is satisfied it has not been provided with any acceptable documents because the candidate has an outstanding application with the Home Office made before their previous permission expired, or has an appeal or review pending against the Home Office's decision and cannot provide evidence of their right to work as a result
- The school considers that it has not been provided with any acceptable documents, but the person presents other information indicating they are a long-term resident of the UK, i.e. having arrived before 1988.

154. Each school will not make assumptions about a person's right to work in the UK, or their immigration status, on the basis of their race, ethnicity, nationality, length of residence in the UK or background. All candidates, including British citizens, will have their right to work in the UK checked.

155. Where a candidate's right to work is time-limited, the school will conduct a follow-up check in advance of its expiry.

156. The school may use a certified digital identity service provider (IDSP) to conduct right to work checks on candidates.

Identification checking process

157. When checking the validity of identifying documents, the school will ensure that this is done in the presence of the holder, e.g. in person or via a live video link. In both cases, the school will be in physical possession of the original documents. The school will not rely on the inspection of the documents via a live video link, or by checking a faxed or scanned copy. The school will only accept valid, current and original documentation. The school will not accept photocopies or documentation printed from the internet e.g. internet bank statements.

158. The school will request documents with photographic identity, such as a passport, and compare this against the candidate's likeness. The school will not accept documents that are not in the candidate's current name as recorded on the application form.

159. The school will ensure that the candidate declares all previous name changes and provides documentary evidence to support the name change. If the candidate is unable to provide evidence to support the name change, the school will hold a discussion with the candidate about the reasons why, before validating their identity.

160. The school will compare the candidate's address history with any other information the candidate has provided, such as their CV.

161. The school will ensure that all letters and statements provided by the candidate are recent e.g. within a three-month period.

162. The school will keep a dated record of every document that has been checked for the duration of the candidate's employment and for a further two years after they have left the school. This will be either as a hard copy or in a scanned format which cannot be manually altered, e.g. JPEG or PDF document, and will be made available to the appropriate authorities if and when requested.

163. In line with the UK GDPR and Data Protection Act 2018, the school will only retain copies of DBS certificates where there is a valid reason for doing so, and only for as long as is needed to consider the information provided – this will not be for longer than six months.

164. When information is destroyed, the school may keep a record of the fact that vetting was carried out, the result of this vetting, and the recruitment decision taken.

165. The school may use a certified digital IDSP to secure DBS checks on candidates.

After the pre-appointment checks

166. Once the pre-employment checks have been completed, the **recruitment panel** will:

- Agree a start date with the candidate.
- Destroy the completed self-declaration forms.
- Submit contractual paperwork, including the completed DBS check, copies of identification, references, proof of qualifications, pre-employment medical enquiry form, P45, application/equal opportunities and emergency contacts.
- Add the required details of the checks carried out to the school's SCR.

Single central record (SCR)

167. All schools within the Trust will maintain and regularly update their SCR.

168. All new employees will be added to the record, which will include:

- All staff (including supply staff) who work at the school.
- All others who work in regular contact with children in the school or college, including volunteers.

169. The bullet points below set out the minimum information that must be recorded in respect of staff members (including teacher trainees on salaried routes). The record will 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
- A barred list check
- An enhanced DBS check
- A prohibition from teaching check
- Further checks on people living or working outside the UK, including checks for European Economic Area (EEA) teacher sanctions and restrictions

- A check of professional qualifications
- A section 128 check
- A check to establish the person's right to work in the UK
- For those in management, trustee or governor roles, a section 128 check

170. For supply staff, the school will 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 check certificate has been provided in respect of the member of staff.

171. If checks are carried out on volunteers, this will be recorded in the SCR.

172. The Trust will not keep separate SCRs for each academy; however, it will ensure that all those who need to see the central SCR can easily do so and that the SCR can easily be filtered by academy.

173. The details of individuals will be removed from the SCR once their employment with the school ends.

Safer recruitment training

174. At least one member of the **recruitment panel** will have completed formal safer recruitment training.

175. As a measure of good practice, the school will ensure that this training is renewed **every five years**.

176. Staff and governors involved in the recruitment process will have an awareness of information regarding the following:

- The recruitment and selection process
- Pre-appointment and vetting checks, regulated activity and recording of information
- Other checks that may be necessary for, staff, volunteers and others
- How to ensure the ongoing safeguarding of children and legal reporting duties on employers

Safeguarding

177. For references provided to the school, the candidate's suitability will always be assessed with particular regard paid to their suitability to work with children. The DSL will be consulted where appropriate.

178. The DSL will recognise the school's duty to disclose safeguarding concerns overrides any other duties to an employee, and ensure the school complies with its safeguarding obligations. The DSL will ensure records are kept of all allegations against staff in line with the most up-to-date version of KCSIE.

179. For all safeguarding allegations, excluding those proven to be malicious, a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken, and decisions reached, will be kept on the confidential personnel file of the accused member of staff. Accurate information based on these records will be given in response to future requests for a reference, where appropriate. Safeguarding information will not be given in circumstances where the allegation was found to be false, unsubstantiated or malicious – this includes if it is a history of repeated concerns or allegations which have been found to be false, unsubstantiated or malicious. The member of staff providing the reference will make no comments about their own personal views on the veracity of allegations.

Monitoring and review

180. This policy will be reviewed **annually**, or when new legislation/guidance regarding the subject is published and requires the approval of the **Trust board**.

181. Any changes made to this policy by the **Trust board** and **Chief Executive Officer** will be communicated to all members of staff.

Victorious Academies Trust
Success in education

182. All members of staff are required to familiarise themselves with all processes and procedures outlined in this policy as part of their induction programme.

End