



LOCATION: SCHOOL HANDBOOK, SECTION 2, DOCUMENT 9

**RECRUITMENT AND SELECTION POLICY
(INCLUDING DISCLOSURE AND BARRING SERVICE)**

Date policy first adopted: May 2019

Date reviewed: March 2024

Reviewed By: Vicky Aspin

Date ratified by Governing Body: March 2024

Date of next review: Spring 2026

Medway's HR Schools team undertakes to check and review this model policy annually, and where necessary, update it to comply with current legislation and good HR practices.

All trade unions and professional associations formally recognised by Medway Council have been consulted in the development of this policy.

Latest revision –October 2022

Recruitment and Selection Policy (Including Guidance Notes for School Leaders)

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1. Policy

1. Policy Statement

This policy has been adopted by the Governing Body of this school to provide a policy framework for the recruitment and selection of staff to all posts within the approved staffing structure. The school is committed to safeguarding and promoting the welfare of children and young people and requires all staff and volunteers to share and demonstrate this commitment.

Members of the Governing Body of this school fully understand their responsibilities in ensuring that recruitment procedures are free from unlawful discrimination in line with the Equality Act 2010. The Governors also fully appreciate the importance of fair, open and effective procedures to enable the school to recruit people with the right skills, aptitudes and attitudes.

The Governors of this school will ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department of Education (DfE), including:

- Keeping Children Safe in Education (KCSIE);
- Disqualification under the Childcare Act (DUCA) 2006 and the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 and any related updates,
- the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS).

The Governors of this school understand their responsibilities in managing the personal data of job applicants in line with the General Data Protection Regulations (GDPR).

All staff, governors and volunteers are expected to share a commitment to safeguard children and vulnerable groups and, as part of that commitment, follow 'Safer Recruitment' guidance in line with the Keeping Children Safe in Education – statutory guidance for schools and colleges.

As part of our commitment to safeguarding children and vulnerable groups, Enhanced DBS checks and/or Barred List checks on all posts must be carried out where they are required.

All staff and governors involved in recruitment and selection decisions are required to work in ways that are entirely consistent with this policy at all times. The school will ensure that recruitment and selection training is provided for all staff and governors involved in the recruitment and selection of staff and that it is appropriate to their role.

It is a statutory requirement for maintained schools that all selection panels must include at least one member who has successfully completed safer recruitment training. This forms part of the School Staffing (England) Regulations 2009.

2. Scope

This Policy applies to all employees of this school.

3. Adoption Arrangements and Date

This policy was adopted by the Governing Body of Abbey Court School on 12th March 2024 and supersedes any previous Recruitment Policy.

This policy will be reviewed by the Governing Body every 2 years, or earlier if there is a need.

4. Equal Opportunities Statement

This school is committed to ensuring that each stage of the recruitment and selection process is accessible to all and providing all reasonable adjustments under this policy in accordance with The Equality Act 2010.

We will review the recruitment policy and procedure regularly to ensure that it takes account of the Equality Act 2010 and does not discriminate against applicants on the grounds of race, religion or belief, disability, age, pregnancy and maternity, gender reassignment, marriage and civil partnership, sex or sexual orientation.

5. 'Prevent'

The school has a duty under section 26 of the Counter-Terrorism and Security Act 2015 ("the CTSA 2015") to have "due regard to the need to prevent people from being drawn into terrorism". This duty is known as the Prevent duty.

In carrying out its obligations under 'Prevent' the school will assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. The school will not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partnership status, disability or age.

6. Prior to Advertising

When a vacancy occurs the recruiting manager will review the need for the post and consider all options (internal and external) before deciding that there is a need to recruit. If there is a need to recruit the job description and person specification should be reviewed in line with the school workforce plan prior to seeking the approval of the Headteacher to commence recruitment.

Consideration should also be given to the working hours and contractual arrangements for each post to ensure that posts are open to applicants wishing to work on a part-time or job-share basis where possible and practical.

7. Job Description

The job description is a statement of purpose and scope, and defines both the job role and expectations. It will:

- Summarise the job purpose/impact
- Set out key responsibilities and accountabilities
- Set out reporting and line management arrangements

An up-to-date job description and person specification will be available for each vacancy advertised.

Managers will refer to the Teacher Standards and to the School Teachers' Pay and Conditions Document (which sets out the expected attributes of Main Scale, Post Threshold, Advanced Skills and Excellent Teachers) when creating job descriptions for teaching posts.

All job descriptions and person specifications should clearly state to what extent the role will involve contact with children, whether they will be involved with regulated activity relevant to children, and the post holder's responsibility for promoting and safeguarding the welfare of children and young people.

8. Person Specification

The person specification is a description of the qualifications, experience, knowledge, skills, competencies and other attributes of the ideal person to fill the role. It will classify each attribute as either 'Essential' to do the job or as a 'Desirable' attribute for the post holder to have and indicate how each attribute will be assessed e.g. application form, interview, reference, test etc.

All attributes should be measurable and quantifiable and should take care not to unlawfully discriminate against particular groups of people, either directly or indirectly.

9. Advertising

All vacant posts will be advertised in a fair, open and honest manner and will be advertised by means of a formal notice on the staff notice board as a minimum. In most cases, vacant posts will be advertised externally.

To demonstrate to potential job applicants our commitment to Safeguarding and the welfare of children, the following statement should be included in any relevant advertisements and documentation sent out to applicants:

Our School and all its personnel are committed to safeguarding and promoting the welfare of the children. This post is subject to an Enhanced Disclosure Application to the Disclosure and Barring Service.

The advert should include the safeguarding responsibilities of the post as set out in the job description and person specification, and state whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exemptions Order 1975, 2013 and 2020. If the school chooses to follow the Keeping Children Safe in Education updated guidance effective from September 2023 to undertake online searches on shortlisted candidates to check information that is publicly available online, a statement notifying candidates will be included in the advertisement (see Section 11.1). The following statement will be added in addition to the Safeguarding/DBS paragraph:

In line with KCSIE 2022 guidance, as part of the shortlisting process, the School reserves the right to research shortlisted candidates on social media and the internet as part of our due diligence. The recruitment panel may take this information into consideration during the recruitment process. Any information will be treated as confidential and will only be used in relation for the post for which you have applied for.

The requirements when advertising for Headteacher and Deputy Headteacher vacancies are set out in the School Staffing (England) Regulations 2009 which require the Governing Body to advertise Headteacher and Deputy Headteacher vacancies “unless it has a good reason not to” and in sections 35 and 36 of the Education Act 2002.

Before the Governing Body decide not to advertise, the DfE recommend that they seek advice from the local authority. Any decision not to advertise should be documented in full and should only be taken if the governing body can demonstrate there is a good reason not to and that their decision does not leave them open to challenge. "Staffing and Employment Advice for Schools" document October 2018 (sections 2.14).

10. Applications

All applicants must complete the relevant application form in full to enable the panel to shortlist in a fair and objective manner. Applicants will no longer be asked to complete Criminal Convictions Declaration within the application form or complete a separate Self Disclosure Form as part of their application. Due to changes in Keeping Children Safe in Education this will be done at shortlisting stage to ensure the processing of criminal data is targeted and proportionate.

The application form should also state that providing false information can result in de-selection. All applicants are required to sign and date the declaration and their application.

The school may reasonably decide to reject an application where incomplete and/or ambiguous information is provided. Applications by CV or letter alone will not be considered and will only be accepted alongside a full application form.

The school should include a statement in the application form, or elsewhere in the information provided to applicants, that it is an offence to apply for a role if the applicant is barred from engaging in regulated activity relevant to children. Schools should also provide a copy of the school's child protection safeguarding policy and practices, and policy on employment of ex-offenders in the application pack or refer to a link on its website.

11. Shortlisting

Shortlisted candidates will be asked to complete a separate Criminal Convictions Self Disclosure Form and must be signposted to publicly available guidance and support on which cautions or convictions they must disclose and be given time to obtain advice. This information is available [here](#) and the [Ministry of Justice](#) website.

Candidates will be required to declare unspent convictions or conditional cautions, any spent adult convictions (simple or conditional) or convictions that are not protected as defined by either Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended in England, Scotland and Wales, or the rehabilitation of Offenders (Northern Island) Order 1978 as amended in Northern Island.

They will be also asked to declare:

- Whether they are known to any Children's Services department or Police as being a risk or potential risk to children.
- Whether they have been the subject of any investigation and/or sanction by a professional body due to concerns about their behaviour towards children.
- Whether they have ever been the subject of any disciplinary sanctions or been asked to leave employment or voluntary activity due to inappropriate behaviour towards children.
- Whether they have any overseas convictions.
- Whether they are on the DBS barred list.
- Whether they are prohibited from teaching (for teaching roles and those with previous teaching experience – see 14.3), and
- Whether they have a Section 128 order (for management and governor roles – see 14.4)

Failure to declare relevant information may disqualify the candidate from the appointment and, if appointed, may render the individual liable to immediate dismissal without notice

All applicants are required to sign and date the Self-Disclosure Form to confirm that the information they have provided is accurate. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the form at the point of interview.

It is recommended that at least 2 people are involved in the shortlisting process, one of whom should be the line manager. At least 1 member of the panel will be trained in Safer Recruitment practices.

All shortlisting decisions will be made with clear reference to the skills and qualities set out in the person specification using an agreed method of scoring against the essential and desirable criteria. Each candidate will be considered on their own merit and shortlisting panels are reminded that positive discrimination (i.e. giving preferential treatment to applicants from under-represented or disadvantaged groups regardless of their ability to do the job) is unlawful.

The equal opportunities monitoring form will be separated from the main application form to reduce any likelihood of conscious or unconscious bias.

11.1 Online Searches

In accordance with the statutory guidance laid out in Keeping Children Safe in Education 2022 para 221, the school will undertake an online search on shortlisted candidates as part of the due diligence checks. These searches are necessary for the school to meet its statutory/safeguarding obligations and to uphold the reputation of the school.

The online searches the school may carry out include searches of internet search engines, websites and social media platforms. Applicants are not required to provide account passwords or grant the school access to private social media accounts.

In carrying out online searches, the school will be looking for publicly available information about the applicant that may be relevant to their suitability to work with children and/or may have an impact on the school's reputation.

Where possible, this check will be conducted by someone not involved with the interview process. Any pertinent information found will be passed to the interview panel and may be discussed with the candidate at interview stage.

The information generated from online searches, notes of the shortlisting panel and details of the scoring will be retained for six months from the appointment date in line with the school's document retention schedule. Documents will be securely disposed of.

12. References

In order to comply with Keeping Children Safe in Education, it is the policy of (name of school) that all references will be obtained, and concerns resolved before the appointment is confirmed, including internal candidates. This will be done either by letter seeking to verify the skills, experience, competencies and employment history of the applicant or by a standard reference form.

It is the school's practice, with the consent of the applicant, to take up references before interview. If applicants have indicated that they do not consent to references being sought prior to interview, further information will be sought, and agreement obtained where possible.

On receipt, references will be checked to ensure that all specific questions have been answered satisfactorily. Any discrepancies or anomalies should be noted and addressed during the applicant's interview.

Specific questions should be included to explore the applicant's suitability to work with children and if the referee has any concerns, they should be asked to give their reasons.

In order to comply with the Equality Act 2010, reference requests sent prior to an offer of employment will not request details of attendance or absence however; further information may be requested and compared with the medical questionnaire following the applicant's acceptance of an offer of employment – see 14 below.

Applicants will be asked to specify the details of at least 2 referees, one of which should be the current or most recent employer and references will only be obtained directly from the referee: testimonials or open references (those addressed 'To whom it may concern') will not be considered. Referees will be provided with a copy of the job description and person specification to assist them in their response.

References for staff working in an education setting will be sought from the Headteacher in order to ensure the information about disciplinary investigations is accurate and, in other settings, it would be appropriate to seek a reference from the line manager.

Where a candidate is not currently working in a school or childcare setting but has done so in the past, one reference should be from their most recent children's workforce employer in line with Safer Recruitment guidelines.

We will seek to confirm whether the candidate has been subject to any formal disciplinary procedures within the last two years and to establish any details, outcomes or 'live' sanctions which are in place.

In cases where there have been disciplinary concerns which involved children or safeguarding that have been substantiated, the referee will be required to confirm details.

In accordance with Keeping Children Safe in Education cases in which an allegation is proven to be false, unsubstantiated, unfounded or malicious should not be included in employer references.

In the case of recruitment to maintained schools

In accordance with the School Staffing Regulations 2012, we will seek to confirm whether candidates for teaching posts have been subject to formal capability proceedings in the past two years.

In the case of recruitment to all other posts, we will ask referees to confirm whether candidates have been subject to formal capability proceedings in the past 2 years as part of our appointment process.

In the case of recruitment to Academies established from April 2013 where there is a requirement to disclose teaching capability information as part of the funding agreement

When recruiting to teaching posts we will seek to confirm whether candidates have been subject to formal capability proceedings in the past 2 years as part of our appointment process.

In the case of recruitment to all other posts, we will ask referees to confirm whether candidates have been subject to formal capability proceedings in the past 2 years as part of our appointment process.

In the case of Academies established prior to April 2013 (not covered by the funding agreement provisions)

We will ask referees to confirm whether candidates have been subject to formal capability proceedings in the past 2 years as part of our appointment process.

13. Interview and Selection

The school is committed to ensuring that all interviewees are assessed according to their ability to meet the criteria of the job description and person specification and to fulfil their obligation regarding keeping children safe.

Applicants may have indicated on their application form that they have a disability and, in order to promote fairness and to meet our obligations under the Equality Act 2010, the letter of invitation will encourage applicants to contact the school if they require any adjustments to enable them to attend the interview.

Candidates should also be required to bring evidence of relevant qualifications to interview where the original documents must be checked, and a signed and dated copy retained. Where signed electronically, when attending an interview, each candidate will be asked to sign a copy of their application form and their self-declaration.

Documents relating to unsuccessful candidates will be retained with the interview papers and destroyed six months from the date on which the position was offered and accepted.

The interview panel will include at least one member who has undertaken safer recruitment training in accordance with the School Staffing (England) Regulations 2009 and the panel should not include an employee or governor where one of the applicants is a relative or partner.

The panel will take notes during the interview to enable a scoring matrix to be completed and, at the conclusion of the interviews; the panel will consider each of the candidates against the criteria for the post before reaching their decision.

The notes for all interviewees will be retained for a minimum of 6 months from the date on which the position was offered to enable constructive feedback to be given to unsuccessful candidates. Documents will be securely disposed of.

14. Pre-employment Checks

All offers of employment will be conditional on the successful completion of the pre-employment checks listed below and will include confirmation of salary, start date and any information that the successful applicant needs to provide before commencing employment e.g. DBS form and pre-employment questionnaire. All offers of employment will be subject to and conditional upon:

- Enhanced DBS check
- DBS Barred list check where applicable (i.e. if working in regulated activity)
- Verification of identity including Date of Birth
- Verification of entitlement to work in the UK
- Verification of any relevant qualifications including checking TRA's Employer Access Service to verify Qualified Teacher Status and completion of induction and probation.
- Receipt of at least 2 satisfactory references
- Satisfactory pre-employment health clearance
- Prohibition checks for those in teaching work and those with previous teaching experience (including unqualified teachers, HLTA's etc)
- A section 128 Prohibition from Management check (Independent/free schools/academies only). Keeping Children Safe in Education also recommends that maintained school governors have section 128 checks
- Overseas checks as appropriate (please refer to 14.5)
- Where appropriate, disqualification checks under the 2018 Childcare Qualification Regulations for individuals employed to work in reception class, or in a wraparound care for children up to age of 8 in schools providing childcare. Further information can be found at: <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006>

If these are not satisfactory a conditional offer of employment may be withdrawn or where an individual has commenced work, employment may be terminated.

14.1. Right to Work

In order to comply with the Asylum and Immigration Act 1996 – Prevention of Illegal Working – interview candidates will be asked to bring certain documentation to the interview which shows their eligibility to work in the UK. No offer of employment can be made unless one of the original documents listed on the Home Office Right to Work Checklist is produced.

The candidate's original documents must be checked, and a signed and dated copy retained. Documents relating to unsuccessful candidates will be retained with the interview papers and securely destroyed six months from the date on which the position was offered and accepted.

The Home Office Right to Work Checklist shows the acceptable identity documentation as currently defined by the Home Office and further information on establishing an individual's right to work can be found at: <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>

14.2. DBS and Barred List Checks

All those directly employed by Schools and Academies in paid positions are required to obtain an enhanced Disclosure and Barring Service (DBS) check.

It is an offence to employ, in a school or academy, an individual who is barred from working with children. A check against the Children's Barred List will be requested as part of the enhanced DBS Disclosure for all employees working in regulated activity i.e. having unsupervised, frequent, or intensive contact with children.

It is the school's practice that individuals obtain a satisfactory enhanced DBS check before commencing work. In exceptional circumstances where the applicant is required to commence work before the full disclosure certificate is received, where working in regulated activity, a barred list check must be carried out before employment commences. All other relevant checks must have been carried out and supervision must be in place until a satisfactory DBS check is obtained.

In cases where we are notified that a DBS check is positive for criminal convictions, cautions, warnings etc, the contents of the certificate will be discussed with the School's HR Consultant/Provider. It would be appropriate for a meeting to be convened with the employee, with representation, to discuss the situation; this could result in formal disciplinary action up to and including summary dismissal.

For further details of what constitutes regulated activity and guidance on DBS checking for unpaid positions, including Governors and volunteers, please refer to Part 2 – Guidance Notes for School Leaders.

14.3. Prohibition of Teachers

We are required to check that anyone appointed to teach has not been prohibited from doing so by the Secretary of State in accordance with the Teachers' Disciplinary (England) Regulations 2012. All those in teaching work, or those with previous teaching experience, will require a prohibition check. Teaching staff will be checked on the Teacher Regulation Agency Employer Access Service to ensure that they have the required teaching qualifications, have successfully completed statutory induction where it is necessary i.e. for teachers who obtained QTS after May 1999, and have not been prohibited from teaching. A person who is prohibited must not be appointed to a role that involves teaching work.

14.4. Section 128 Management Checks (Academies & Free Schools only)

Section 128 directions are made by the Secretary of State under s. 128 of the Education and Skills Act 2008, barring individuals from taking part in the management of Independent Schools, Academies and Free Schools. The school will undertake a section 128 check for those taking up management positions at Independent Schools, Academies and Free Schools to ensure they are not prohibited under the provisions. This includes Governors, Directors and Trustees.

(Maintained Schools)

Section 128 directions are not made in relation to employees in maintained schools however, the Secretary of State, under s. 128 of the Education and Skills Act 2008, may prohibit someone from serving as a maintained school governor. In accordance with this the school will undertake a section 128 check for all Governors at the school to ensure they are not prohibited under the provisions.

14.5. Overseas Checks

In accordance with Keeping Children Safe in Education, we will ensure that individuals who have lived or worked outside the UK will undergo the same checks as all other staff. This includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK.

In addition, we will make any further appropriate checks so that any relevant events that occurred outside the UK can be considered. The school will 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. This could include:

- obtaining a criminal record check for time spent abroad. Further information on how to obtain such a check can be found at: <https://www.gov.uk/government/publications/criminal-recordschecks-for-overseas-applicants/guidance-on-the-application-processfor-criminal-records-checks-overseas>
- for teaching positions obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach. Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database. Applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body.

The overseas checks will be carried out in addition to obtaining an enhanced DBS check as the DBS check alone is not sufficient to establish the candidate's suitability to work with children.

For all Skilled Worker Visa applicants, it is a requirement that they must provide a criminal record certificate from any country where they have lived for 12 months or more (whether continuously or in total) in the last 10 years.

From 1st January 2021 the Teaching Regulation Agency will no longer maintain a list of EEA teachers with sanctions.

14.6. Proof of Qualifications

Proof of qualifications will be checked to ensure that they match with the candidate's application form. The name of the qualification, awarding institution, date of qualification and candidate name will be checked. A signed and dated copy of the certificate will be retained as evidence of when the check was carried out, and by whom.

In the case of teachers, Qualified Teacher Status (QTS) will be checked via the Teacher Regulation Agency's Employer Access Portal at: <https://teacherservices.education.gov.uk/>

In the event of any concerns regarding the validity of the qualification, a candidate may be required to obtain confirmation or clarification in writing from the exam board or awarding institution.

14.7. Follow-up References

Following a written conditional offer of employment to the successful candidate, a supplementary reference request will be sent to their original referees. This is an opportunity to request information about sickness absence and attendance records which cannot be requested prior to an offer of employment in order to comply with the Equality Act 2010. The offer of employment is conditional on both parts of the reference being satisfactory.

14.8. Pre-employment Medical History Questionnaire

The school will require all successful applicants to complete a medical history questionnaire to verify their medical fitness. There is also a requirement for schools to ensure that staff appointed to teaching posts have the necessary physical and mental fitness to teach under the Education (Health Standards) (England) Regulations 2003.

Completed medical history questionnaires will then be considered in conjunction with the follow-up references which specifically explore sickness absence and attendance issues and, where appropriate, further advice about fitness to carry out a role will be sought from Occupational Health, subject to the employee's consent. In order to comply with the Equality Act 2010, reasonable adjustments will be made to enable a candidate to take up their role.

15. Withdrawal of Offers

In the event that the pre-employment checks are unsatisfactory, or where the identity, qualifications or right to work in the UK of a successful candidate cannot be verified, (name of school) will consider withdrawing the conditional offer of employment. Where the successful candidate has started in post and information becomes available which would have caused the offer to be withdrawn, employment may be terminated. In these circumstances, advice will be sought from the School's HR Consultant/Provider.

16. Single Central Record

In accordance with the terms of the School Staffing (England) Regulations (as amended) (name of school) will retain details of recruitment and vetting checks undertaken in a Single Central Record (SCR). This data will be collated, used, stored and deleted in line with GDPR and Data Protection regulations. Further details of the information required can be found in Part 2 - Guidance Notes for School Leaders.

17. Complaints

An individual who feels that their treatment during the recruitment and selection process is unfair may raise a formal complaint by writing to the Chair of Governors setting out the key points of their complaint. The complaint will be investigated in line with (*name of school*)'s Complaints Procedure which is available on the school's website. Existing employees of the school should raise their concerns through the Grievance Procedure.

18. Induction

Induction is essential in ensuring that new employees are properly equipped for work, their role in the life of the school and feeling part of the school community.

This school will put in place an induction programme for all staff joining the school. This will vary taking into account previous experience and the nature of the role but will ensure that all staff and volunteers receive guidance on safe working practices and the safeguarding policies of the school.

19. Record Keeping

Accurate and contemporaneous records including copies of application forms, shortlisting and interview notes and details of scoring will be kept throughout the process and will be retained for a minimum of 6 months from the appointment date in line with the school's document retention schedule.

At the end of the appointment process all copy identity documentation (passport/birth certificate etc.) relating to unsuccessful candidates should be securely destroyed however, copies of application forms, shortlisting and interview notes, scoring and references should be retained for six months from the date that the post is offered and accepted. All personal data will be stored and destroyed in line with GDPR. Original and copy DBS forms will not be retained on personal files; the details will be recorded on the Single Central Record.

20. Confidentiality

This school recognises its obligations under the General Data Protection Regulation and associated legislation, and the rights of Employees with regards to the personal data held on them.

All records relating to the recruitment process will be gathered, processed, held, and shared in accordance with the requirements of the General Data Protection Regulation and Data Protection Act. Please refer to the School's Data Protection Policy and Privacy Notice for further details.

Part 2

Guidance Notes for School Leaders - a reference document for schools

1. Job Descriptions

The manager responsible for recruiting to the role will be expected to ensure that the job description and person specification are designed or updated to attract the best candidates for the role. A carefully considered and precise job description and person specification will help to narrow the field of applicants, leaving fewer, better suited candidates to consider for interview. Some key considerations include:

- Clarifying the pay grade, job title, reporting and supervisory arrangements and working hours/weeks;
- Identify and list the tasks that are to be carried out by the post holder;
- Setting out the purpose of the role, the key responsibilities, accountabilities and wider expectations of the role in the job description. Examples of wider responsibilities would be an expectation that all staff take part in regular continuing professional development or that all staff have a responsibility for their own health and safety and that of others; and
- A statement about safeguarding responsibilities should be included in all job descriptions and should also refer to promoting the welfare of children

2. Person Specifications

A well thought out person specification will help potential candidates to determine if they have the right skills for the role and candidates should aim to demonstrate their experience and suitability for the role against the criteria. The criteria should be exported to a shortlisting grid to enable the shortlisting panel to measure and judge candidates against each expectation using an agreed scoring method.

Some key considerations include:

- Ensuring that the criteria in the person specification are objective and measurable – for example, asking for someone with a good sense of humour is subjective and cannot be measured;
- Criteria should be based on relevant knowledge, skills, attitudes and aptitudes and should include essential and desirable qualifications and experience. It is possible to ask for particular personal qualities, but consideration should be given to how they will be measured;
- Ensuring that the criteria are not discriminatory – for example, asking for applicants over a certain age or of a particular gender unless it is a Genuine Occupational Qualification (GOQ). This is a very difficult threshold to meet, and advice should be sought from your HR Consultant/Provider or Medway Recruitment Team in the first instance;
- Details of how candidates will be assessed against the criteria i.e. application form, interview, tests, references etc.; and
- The person specification must make it clear that it is an essential criterion for all staff to understand their safeguarding responsibilities and should include criteria linked to the suitability of the post holder to work with children. This can be assessed through application form, references and interview.

3. Advertising a Vacancy

Consider whether any other posts in school are at risk of redundancy (including staff on Fixed Term Contracts who are due to expire), and whether this role could be a suitable alternative post which could be ring fenced for the 'at risk' staff. If this is the case the post would not need to be advertised outside of this group of staff.

Consider what makes your job or school stand out from the others. Think about what the candidate will need to know, for example:

- Job title
- Salary
- School name and location
- Hours per week/weeks per year
- Fixed term/permanent/term time only

- Key features of the role including qualification and experience levels
- Unique features of your school – what makes the school a great place to work?
- Benefits of working for your school – what can you offer candidates?
- How to find out more including opportunities to visit the school
- Recruitment timetable including closing date
- Safeguarding statement
- Details of the checks/conditions that the post is subject to. From September 2022, this should include a statement that online searches will be conducted on shortlisted candidates as part of updated safer recruitment processes in line with changes to Keeping Children Safe in Education statutory guidance.
- Relevant Information appropriate to the role will be provided to prospective applicants.
- For senior and hard-to-fill roles, consider sending out a pack of information or creating the same pack online with details of the area, the school, the role, the most recent Ofsted and prospectus, an introductory letter from the Headteacher or Chair of Governors, quotes from pupils and parents etc. The Medway Recruitment Team can advise on the use of micro-sites (a website dedicated to your vacancy) and alternative methods of advertising.

Your HR Consultant and the Medway Recruitment Team can provide advice, guidance and assistance to the Governing Body throughout the Headteacher Recruitment process.

4. Application Forms & Recruitment Information

Application forms should be the key method of application, whether paper based or on-line. The candidate should be invited to provide a covering letter or supplementary information however changes to Keeping Children Safe in Education 2022 clarifies that a CV should only be accepted alongside a full application form and is not sufficient on its own to support safer recruitment. CV's give the shortlisting panel no control over the information being provided to them and this will limit the ability to directly compare applicants and may indirectly lead to discrimination as CV's are more likely to compare equal opportunities information which cannot be separated prior to shortlisting.

A statement should be included in your application form, or elsewhere in the information provided to applicants, that it is offence to apply for a role if the applicant is barred from regulated activity relevant to children.

Consider whether the application form (in addition to the advertisement and recruitment information), includes a statement that schools posts are exempt from the Rehabilitation of Offenders Act 1974. If the applicant is invited to interview any relevant convictions, cautions and bind-overs, including those considered a 'spent', must be declared on a separate self-disclosure form, except those that are protected following amendments to the Exceptions Order 1975 (2013 and 2020), and that a DBS will be requested in the event of being offered a position. Further reference to this legislation will help to deter unsuitable applicants from applying to work with children.

You may wish to include a statement within the application form and/or recruitment information that online searches will be undertaken on shortlisted candidates as part of your due diligence (See 5.1).

You may also consider including a signed statement declaring that the person is not on the children's barred list, disqualified to work with children, or subject to any sanctions imposed by a regulatory authority, such as the General Teaching Council, however this can be included on the Criminal Convictions Self-Disclosure form which will be sent to shortlisted

candidates rather than to all applicants This is to ensure that the processing of criminal data is targeted and proportionate. Contact your HR Provider for a template self-discourse form

All application forms should include a privacy notice which details how personal data will be collated, used and stored, and the timeframe for deletion or direct applicants to where they can view the school's privacy notice.

5. Shortlisting

Shortlisting should take place after the closing date detailed in the advert by a minimum of two people who will be on the interview panel. One of the people shortlisting should be safer recruitment trained and one would usually be the line manager.

All applications should be assessed equally against the criteria of the person specification and a fair and systematic method of scoring must be used. Discrepancies, gaps in employment, inconsistency, repeated changes in employment or any concerns regarding the application must be noted and followed up with the applicant if they are invited to interview.

Generalised assumptions about how age, disability, gender, pregnancy and maternity, race, religion or belief, sex or sexual orientation will affect the applicant's ability to do the job, and any tendency to achieve a fair quota of men/women etc. must be avoided when shortlisting. Information of this nature, such as equal opportunities forms, would need to be detached from the application form before shortlisting.

Reasons for not inviting people to interview must be recorded so that feedback can be provided to the applicant if requested at a later date. This paperwork must be kept for a minimum of 6 months, and then securely destroyed along with the application forms.

At the shortlisting stage, the selection methods for interview should be decided, questions set and who will ask which questions agreed. The person specification should directly inform your interview questions, and these should be agreed in advance of the interview.

The purpose of shortlisting is to arrive at an initial list of candidates for further consideration at interview. Care should be taken to ensure the list is both fair and objective.

The panel should be familiar with the job description and person specification prior to shortlisting. It may be useful to scan-read all applications initially to get a feel for the candidates.

All application forms should be carefully scrutinised to ensure that they are fully and properly completed. Unsigned application forms should be returned for signature or signed at the interview – online application forms may also be signed at interview.

Any discrepancies, reasons for leaving employment or gaps in employment should be noted so they can be clarified at interview.

All candidates should be assessed equally, fairly and consistently against the criteria contained in the person specification. Evidence provided in the application form should be carefully scrutinised by the panel to assess which candidates best meet the experience, attributes and skills required for the post. Look for practical examples of how the candidate fulfils the criteria - is there actual evidence, rather than an unsupported statement?

If the applicant is an internal candidate, only information provided within the application form should be considered as part of the shortlisting process. Formal educational qualifications alone may not be an accurate indicator of capability. Consider skills and experience gained outside of the traditional work environment - for example, voluntary work and life experience.

Use of a shortlisting matrix is recommended in order to justify shortlisting decisions, and to enable comments to be recorded for each candidate against the person specification. Such notes should assist in providing candidate feedback if required.

A scoring system may be useful to objectively identify the relative merits of each candidate. Consider inviting a larger number of candidates to an initial selection activity and then selecting the strongest of these for interview. Plan the questions and tasks for the interview day and decide who will ask each question.

5.1 Online Searches

From September 2022, the [Keeping Children Safe in Education](#) guidance advises that, as part of the shortlisting process schools should consider carrying out an online search as part of their due diligence on the shortlisted candidates. The definition of “should” within the KCSIE is advice that should be followed unless there is good reason not to. Schools should keep a written record of rationale if not following the guidance.

The purpose of an online search is to identify any incidents or issues that may have happened, publicly available online, which may help to determine whether the individual is suitable to work with children and keep them safe, and/or may harm the reputation of the school, which the school might want to explore with the applicant at interview.

Publicly available means available to anyone through the common search engines (e.g. Google, Yahoo, Bing) and websites. This can include social media websites such as Twitter, Facebook, Instagram, TikTok, You Tube and LinkedIn and any other sites that you consider necessary. A LinkedIn search can be useful to check who has been identified as previous employers against the employment history provided on the application form, along with a comparison of employment dates stated, qualifications and institutions attended. However, consideration should be given to reasons why the profile may not be up to date and discrepancies should be explored interview.

The candidates should not be asked to show or provide for log in details for private/locked down social media accounts, nor should requests be made to connect with the applicant to access their private profile.

An approach that may be reasonable when undertaking a name search on a search engine is to check both the general results page and news tab. You may wish to also consider name coupled with:

- Current employer
- Last/former employer
- Current location/previous location
- Any previous other countries resided
- Name of a local newspaper
- Name of a national newspaper (e.g. Daily Mail)

Search should also be performed with derivatives of first name, any preferred name given on the application form and any other known previous surnames.

It is important that the same approach is adopted for all shortlisted candidates. Care must be taken to avoid unconscious bias and any risk of discrimination in relation to protected characteristics under the Equality Act 2020, such as relating to disability, race, or sexual orientation. For example, the candidate has discussed a health related matter on their social media, or poor grammar both of which may be linked to a disability. In line with that approach, online checks should be carried consistently, and the school should consider having someone not on the appointment panel to conduct the search. It is important that the person undertaking the check only considers content that could call into question the candidate's suitability to work with children and young people or might cause harm to the reputation of the school and no other aspects of their personal profiles should be used to form an opinion of the candidate. This is looking for content that may evidence inappropriate or offensive behaviour, discrimination, drug/alcohol misuse, inappropriate photos, or videos.

The period looked back on should not be overly excessive. As a guide, 5 years is sensible, however, there may be rationale on case by case basis for a shorter or longer time frame.

The school should have a process for how the search will be conducted and apply this consistently. Only information that is relevant and of concern should be shared with the interview panel which they might want to explore with the candidate at interview. There may be circumstances where the content is so serious that the school may wish to bring the recruitment process to an end. The school is advised to seek further advice from their HR Provider in these cases.

A record that the check has taken place should be held which could include:

- Search Parameters
- Concerns raised or nothing found
- Check completed by xx
- Check Completed on xx
- If a concern has been referred to the interview panel

The record could be a form specifically to record the online check that is passed to the interview panel as confirmation that the check has been undertaken, with any information found that is of concern. If you have a checklist for recruitment, you should also add the undertaking of an online check to that checklist.

There is no requirement for any documents such as screen shots or printed pages to be retained on an employee's personnel file. It would be advisable to retain any notes taken by the interview panel which record where and how the now employee explained any online content that was deemed appropriate.

6. References

It is advisable to request references after short-listing but prior to interview for posts which require an enhanced DBS check, however, this may not always be possible, and some applicants may not wish their current employer to be contacted in advance. (See section 12 above.)

A minimum of two satisfactory references will be obtained, one of which must be from the candidate's current or last employer. All references should be requested directly from the referee. References or testimonials provided by the candidate and open references addressed "To whom it may concern" must not be relied upon.

References for staff working in education settings should be sought from the Headteacher, and, in other settings, it would be appropriate to seek a reference from the line manager of the applicant.

Where a candidate is not currently working in a school or childcare setting but has done so in the past, one reference should be from their most recent children's workforce employer in line with Safer Recruitment guidelines.

The application form should seek the consent of the applicant to request references prior to interview. If consent has not been given, further information should be sought from the applicant with the aim of obtaining consent. The School can reserve the right to request that the applicant provides alternative referees where the initial referees are deemed inappropriate for our purposes e.g. where the current or most recent employer is not provided.

If there are any concerns regarding a reference, you are advised to contact the referee for further clarification. Where possible, any additional information should be confirmed by email so that an audit trail exists.

Any offer of employment should be made subject to satisfactory references and other employment checks.

7. Interview and Selection

Whenever possible, shortlisted candidates should be invited to interview in writing. The letter of invitation should give an outline of the interview format and details of any other selection activities which candidates will be required to undertake.

Candidates should be advised that their suitability to work with children will be explored at interview and that they will be required to bring original documentary evidence of their:

- Identity - passport, driving license, full birth certificate (Keeping Children Safe in Education guidance is to check birth certificate where this is available)
- Entitlement to work in the UK - passport, birth certificate or other documentation taken from the approved border agency list
- Educational and professional qualifications
- A completed Criminal Convictions Self Disclosure form in a sealed envelope marked Private and Confidential, Name, Self-Disclosure Form.

A member of staff should be available to greet candidates and to take copies of all requested information for the panel. Copies of all relevant documentation should be taken at interview and must be signed and dated by the person with the responsibility for checking the documents. It is best practice to ask all candidates whether they have any additional requirements regardless of whether they have disclosed a disability.

8. Interview Preparation Guidance

Questions should be planned in advance of the interviews and should aim to cover each key area of the role seeking to provide evidence that the candidate can meet the person specification. A range of questioning techniques should be used to explore experience, skills and competencies as well as attitude and understanding. The panel should take the opportunity to remind candidates of the requirement for an enhanced DBS check and ask whether they have completed the Criminal Convictions Self Disclosure Form. Other key points are:

- Ensure the panel is familiar with the job description/person specification and requirements of the post.
- Ensure the panel is familiar with the candidates' applications and identify areas which need further exploration or clarification, which may include any declarations made by the candidate on the Self Disclosure Form and/or relevant information found during the online searches carried out as part of the school's due diligence processes.
- Ensure one member of the panel has attended accredited safer recruitment training and that safe recruitment questions are incorporated within the interview plan.
- Beware of any questions that could be perceived as discriminatory.
- Ensure enough time is set aside for each interview, allowing time for deliberation/reflection after each candidate and at the close of the process.
- Plan the structure of the interview so questions 'flow' in a logical order and there is a clear opening, middle and end.
- Think about the information candidates are likely to want to know and make sure it is available.
- Ensure the venue is properly organised - welcome arrangements, room layout, refreshments, etc.
- Ensure the panel is aware of any additional requirements candidates may have.
- Ensure there are no interruptions/distractions.
- Think about what 'first impressions' you want to give to the candidates.
- Consider offering the candidates a workplace tour/opportunity to meet potential colleagues.

9. Interview Panel

The interview panel must include at least one member who has undertaken safer recruitment training in accordance with Working Together to Safeguard Children in Education 2018 and should also consider equalities, seniority of panel members and whether there is any relationship to any of the candidates when deciding on the panel members.

In line with the School/Academies Code of Conduct and/or Workplace Relationship Protocol, an employee should not be involved in a recruitment process, or promotion decision where one of the applicants is a relative or partner.

10. Additional Selection Activities

Other selection methods may be used to complement the interview process, but these must be proportionate, appropriate and related to the person specification. Examples include: an in-tray exercise, a written task, a presentation, a meeting with the student council and teaching a task.

Tests may provide useful information about an individual's practical work skills, working style and aptitude, in addition to that gained from an interview. Selection activities must be objectively assessed/scored and be relevant to the requirements of the job.

Candidates should be made aware of additional selection tasks when they are invited to interview and given notice of presentation titles, available equipment (e.g. laptop, projector, etc.).

A wide range of selection activities can be used including:

- Interviews: An essential selection tool. Required for all posts for people who work with children.
- Psychometric testing: Provides a quantifiable, scored assessment of candidates' abilities.
- Presentation exercise: Tests clarity of communication and subject knowledge
- Group exercise: Tests communication, team working, time management and interpersonal skills.
- Role play: Tests candidate's ability to manage real-life scenarios - particularly conflict situations and customer service skills.
- In-tray exercises and case studies: Tests clarity of thought, ability to prioritise and attention to detail.
- Technical exercises (e.g. typing/WP/finance tests): Tests technical competencies relevant to the post.
- Observed exercise with pupils.

11. Checks at Interview

11.1. Right to Work in the UK

As part of your recruitment processes you should satisfy yourself that any potential worker has an entitlement to work in the UK. From 27 January 1997 the Asylum and Immigration Act 1996 introduced a requirement for employers to carry out 'right to work in the UK' checks on people they intended to employ in order to provide a defence against prosecution. The statutory provisions have been amended several times since and the current guidance was introduced in April 2022. The documents that are considered acceptable for demonstrating right to work in the UK are set out by the Home Office in their Right to Work Checklist which can be found here:

<https://www.gov.uk/government/publications/right-to-work-checklist/employers-right-to-work-checklist-accessible-version>

List A contains the range of documents which may be accepted for checking purposes for a person who has a permanent right to work in the UK. If you follow the prescribed right to work checks you will establish a continuous statutory excuse for the duration of that person's employment with you. List B contains the range of documents which may be accepted for checking purposes for a person who has a temporary right to work in the UK.

To comply with the legislation employers must:

- Ask to see original documents that demonstrate an entitlement to work in the UK;
- Check the validity of documents, e.g. photographic evidence, cross-checking dates of birth, expiry dates, visas etc.;
- Make reasonable checks to ensure documents appear to be genuine and have not been tampered with;
- Ask the employee for a reason, and a further document, if he/she gives you 2 documents which have different names. The further document could be a marriage certificate, a divorce decree, a deed poll or statutory declaration.
- Retain a copy of these documents on file. In particular you should copy any pages that provide details of nationality, his or her photograph, date of birth, signature, date of expiry of biometric details, and any page containing Government endorsements.
- Date and sign copies as evidence as to when the check was carried out, and by whom. Copies must be kept for 2 years after employment has ceased.

The UK Visas and Immigration can require an employer to show them evidence at any time of an individual's right to work in the UK. If you fail to produce this and the employee is found to be working illegally, the school will be fined up to £20,000 in each case. There is a further penalty of imprisonment that could be imposed where an employer is knowingly employing someone illegally.

Following Brexit, from 1st January 2021 employers require a sponsor licence to employ all overseas nationals coming into the UK, including EEA and Swiss citizens. Both EU and non-EU nationals first resident in the UK after 31 December 2020 and wishing to work for the first time after 1st January 2021 will need to apply for a points-based immigration scheme visa.

Further information can be found here: <https://www.gov.uk/guidance/recruiting-people-from-outside-the-uk>

Further information on recruiting teachers from overseas can be found here: <https://www.gov.uk/guidance/recruit-teachers-from-overseas#the-points-based-immigration-system>

The requirements regarding evidencing right to work checks and recording these on the Single Central Record are unchanged.

11.2. Overseas Trained Teachers

In addition to teachers who have been awarded QTS, and completed the basic skills tests in England and Wales, the following may apply to have their qualifications recognised via the DfE:

- Teachers who qualified in Scotland & Northern Ireland
- Teachers who qualified in European Economic Area
- Teachers trained in US, Canada, Australia, New Zealand

Other overseas trained teachers other than those who qualified in the European Economic Area, US, Canada, Australia and New Zealand can only work as unqualified teachers in the UK for a maximum of 4 years before requiring UK Qualified Teacher Status.

When employing a teacher from overseas, schools should check that the applicant has the appropriate permissions/visa to work in the UK.

12. Pre-employment Checks

The primary purpose of pre-employment checks, particularly enhanced DBS checks and barred list checks, is to try and identify those who would be unsuitable to work with children and young people, to deter the small minority who would actively seek to harm children and young people, and to select and maintain a workforce who will be vigilant and seek to protect children and young people from harm.

12.1 List of Prohibited Teachers

Since 2nd September 2013 Schools and Academies have been required to ensure that they perform a check against the list of prohibited teachers and record the result on the Single Central Record. This check is in addition to the normal barred list check which is part of the DBS checking process.

The Teacher Regulation Agency Employer Access portal provides information relating to an individual's employment details, initial teacher training qualifications and induction history. Employers, and potential employers, can view the record of any teacher with Qualified Teacher Status (QTS) or any employee carrying out teaching work with an active restriction (including any teacher with QTLS to whom this applies) and allows access to the following lists:

- Those carrying out 'Teaching Work' who have been prohibited from teaching;
- Teachers who may be the subject of a suspension or conditional order imposed by the GTCE (prior to its abolition) that is still current; and
- Teachers who have failed to successfully complete their induction or probation period.

The Teachers' Disciplinary (England) Regulations 2012 define those that carry out teaching work as: planning and preparing lessons and courses for pupils; delivering lessons to pupils; assessing the development, progress and attainment of pupils; and reporting on the development, progress and attainment of pupils. It is not 'teaching work' if the person carrying out the work does so under the direction of a teacher, for example, work undertaken by teaching assistants or volunteers.

12.2. Section 128 Prohibition from Management Check

The revised standards require that checks be made for the existence of directions made by the Secretary of State, under s. 128 of the Education and Skills Act 2008, barring individuals from taking part in the management of an independent school, academy or free school. The power to make such directions came into force on 8 September 2014.

There are two methods of checks for a Section 128 direction.

- As part of an enhanced DBS check; or
- Separately using the Teaching Regulations Agency's Employer Access online portal.

If a check for a Section 128 direction is made through a DBS application, you must include on the DBS application form, within the position applied for, the words 'Management of Independent school'. Keeping Children Safe in Education advises that a section 128 check should also be carried via the Teacher Regulation Agency Employer Access Service portal when recruiting new governors in maintained schools

12.3. Overseas Checks

Applicants are responsible for obtaining certificates of good character. The application process for criminal records checks or 'Certificates of Good Character' for someone from overseas varies from country to country.

For those applicants on a Skilled Worker Visa, they must provide a criminal record certificate from any country where they have lived for 12 months or more in the last 10 years, while aged 18 or over.

For all other overseas checks for those who have worked or lived abroad, it is for the school may to consider what is appropriate based on the circumstances of each individual case. As a general rule, it is advisable to request for all applicants who have lived overseas for a period of 6 months or more in the last 5 years to provide an overseas check. A DBS can only check records within the UK, so it's an important step of the pre-employment checks to obtain this.

From 1st January 2021 the Teaching Regulation Agency will no longer maintain a list of EEA teachers with sanctions.

12.4. DBS Checks

A Disclosure and Barring Service (DBS) check is required for all staff, including Casual staff, directly employed by Schools and Academies in paid positions who will be engaging in regulated activity. Exceptions to this are those who have been continuously employed, or with a break of no more than 12 weeks, within the education sector prior to March 2002.

For those working in regulated activity, confirmation must be sought that the candidate is not included on the Children's Barred List. A check against the Children's Barred list will be requested as part of the DBS disclosure.

Casual staff may be employed by the school to undertake work on an ad hoc and as and when basis. All of the checks listed in section 14 of the Recruitment & Selection Policy (Part 1 of this document) must be completed. Most Casual Workers in schools will be carrying out regulated activity. For Casual Workers who have the opportunity for regular contact with children but are not engaging with regulated activity an Enhanced DBS certificate which does not include a barred list check will be appropriate e.g. a supervised Casual Exam Invigilator.

Regulated activity is defined as: -

1. Activity of a specified nature e.g: Teaching, training, instruction, care or supervision of children (except if the person undertaking the activities is under regular supervision) if carried out by the same person frequently or overnight. - Advice or guidance (except legal advice) provided wholly or mainly for children which relates to their physical, emotional or educational well-being if carried out by the same person frequently or overnight.
2. Activity within specified establishment e.g. Any activity that is for or on behalf of the establishment with the opportunity for contact with children if carried out frequently.
3. Health or personal care of a child e.g. - Healthcare provided to a child by a healthcare professional or by a person acting under the direction or supervision of a healthcare professional - Physical help with eating, drinking, toileting, washing etc.
4. Day to day management of regulated activity - Day to day management, on a regular basis, of a person who is providing regulated activity in relation to children.

In addition to those in paid employment, it is important to note that all volunteers having unsupervised, frequent, or intensive contact with children (i.e. regulated activity) must obtain an enhanced disclosure with a barred list check. Schools/Academies may obtain an enhanced DBS certificate (not including barred list information) for volunteers who have the opportunity to come into contact with children on a regular basis who are not engaged in regulated activity, but e.g. supervised volunteer. Volunteers undertaking other one-off contact such as helping on Sports Day are not required to have an enhanced DBS check however, adequate supervision must be in place.

Governors of Maintained schools and Governors/Trustees of Academies are required to have an enhanced criminal records certificate from the DBS on appointment (not including barred list information unless in addition to their governance duties, they also engage in regulated activity).

The Keeping Children Safe in Education 2021 statutory guidance clarified in what circumstances a **separate** barred list can be carried out:

- for newly appointed staff who are engaging in regulated activity, pending the receipt of an Enhanced Certificate with Barred List information from the Disclosure and Barring Service (DBS); or
- where a person has worked in a post in a school in a role that brought them into regular contact with children or young people and this role ended not more than 3 months prior to their appointment.

12.5. Disqualification Under the Childcare Act 2006

In February 2015, the government issued new statutory guidance called “Disqualification under the Childcare Act 2006” which replaces the former October 2014 document and clarifies the position with regard to schools. This guidance builds on the Childcare (Disqualification) Regulations 2009, which came about following the Education Act 2006. The Regulations prohibit anyone who is disqualified themselves under the Regulations from working in a relevant setting, including in schools.

Schools/academies must ensure that anyone who falls under the regulations (whether paid, unpaid or work placement) are made aware of the legislation and a check is made to determine whether a person is disqualified.

Schools are free to decide how to bring these requirements to the attention of their staff. As a means of making staff aware of their duty to provide such information, they may for example choose to include a section in the school’s safeguarding policy, or another policy document, or by means of an addition to new staff members’ contracts of employment. Schools should draw this guidance to the attention of their staff and the information provided by Ofsted.

Who is covered under the regulations?

The rules in relation to disqualification apply to the following: -

- Staff working directly with children under 5 years of age within the Early Years Foundation Stage
- Those providing ‘wrap around’ care (after school and breakfast clubs) with children up to 8 years of age.

The legislation applies to agency staff and volunteers as well as staff employed by a school. With regard to agency staff, the obligation to have fulfilled the requirements of the legislation is on the agency that employs them. Schools must obtain written confirmation that agencies have done so.

	During School Hours	Outside School*
Reception age or younger	Covered	Covered
Older than Reception age until age 8	Not Covered	Covered
8 years or older	Not Covered	Not Covered

*Outside school hours do not include school clubs e.g. Choir or sports’ team, or detentions, but does include breakfast clubs or after-school provision.

Ensure that this check is not applied to individuals where the post they have been appointed to does not fall within the scope of the regulations.

Staff such as caretakers, cleaners, drivers, transport escorts, catering and office staff, who are not employed to directly provide childcare, are NOT covered by the legislation.

Anybody involved in any form of health care provision for a child, including school nurses, and local authority staff (such as speech and language therapists and education psychologists) are NOT covered by the legislation.

School governors and proprietors are NOT covered by the legislation unless they directly manage work or volunteer in a relevant provision.

Please note: it is not necessary for schools to ask individuals to complete a self-declaration form to obtain information in relation to childcare disqualification. However, should the decision be made to adopt this approach, it is important that the questions posed in the declaration are relevant and limited to the requirements of the legislation.

The guidance is available at:

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

13. Offer of Employment

Offers of employment may be made verbally but should always be confirmed in writing and must always be conditional. Verbal offers are legally binding, so care should be taken to ensure the terms offered are correct and accurate. Care should be also taken when discussing terms at interview since any offers made or implied could be regarded as binding. All written and verbal offers must be made conditional upon the receipt of:

- Enhanced DBS check & DBS Barred check where applicable
- Verification of identity
- Verification of entitlement to work in the UK
- Verification of any relevant qualifications
- Receipt of at least 2 satisfactory references
- Satisfactory pre-employment health clearance

In addition, employees are required to confirm their date of birth and national insurance number. Any verbal or written offer should clearly state that if these checks are unsatisfactory the offer of employment may be withdrawn. If the individual has commenced work, employment may be terminated with the minimum statutory notice however advice should always be sought from your HR Consultant/Provider before taking any action.

14. Unsuccessful Candidates

Unsuccessful candidates should be notified in writing of the outcome of the selection process. It is good practice for candidates to be offered the opportunity to request feedback. Feedback should be constructive and evidence-based and should reference the person specification criteria.

At the end of the appointment process all copy identity documentation (passport/birth certificate etc.) relating to unsuccessful candidates should be securely destroyed however, copies of application forms, interview notes and references should be retained for six months from the date that the post is offered and accepted. All personal data will be stored and securely destroyed in line with GDPR and data protection regulations.

15. Single Central Record

Under the terms of the School Staffing (England) Regulations (as amended) schools are statutorily required to maintain records of the recruitment and vetting checks they make in a Single Central Record (SCR). Some checks are specifically required by Ofsted, while others are required in order to comply with the Keeping Children Safe in Education statutory guidance.

The Single Central Record (SCR) is a requirement for all schools and should be completed for:

- all staff (including supply staff, and teacher trainees on salaried routes) who work at the school. In colleges, this means those providing education to children; and
- for independent schools, including academies and free schools, all members of the proprietor body.

For supply staff or anyone providing education on behalf of the school (including through online delivery), schools should also include that written confirmation has been received that the agency or third party agency has carried out the relevant checks and obtained the appropriate certificates, the date that confirmation was received and whether any enhanced DBS check certificate has been provided in respect of the member of staff. Each person's identity should be confirmed on arrival in school.

For contractors working in the school, the contractor should be asked to provide the DBS Disclosure number and date of issue for each individual. You must also confirm each person's identity on arrival in the school.

Categories to be included on the SCR

Fields marked with * are mandatory and are required by Ofsted. Additional fields do not have to be completed as part of the Single Central Record; however, these pre-employment checks should be undertaken to ensure compliance with the Keeping Children Safe in Education Statutory Guidance.

Post Details - Date Appointed, Position

Identity Checks - Name*, Address*, Date of Birth*

Eligibility to work in the UK - What Evidence was seen, Evidenced by*, Date Evidence Seen*

Qualifications - Evidence Seen, Evidenced by*, Date Evidence Seen*, Qualifications Required (Y/N)*, What Qualifications were seen

Disclosure and Barring Service (DBS) Checks - Evidenced by*, Date Evidence Seen*, Disclosure Number*, Issue Date*, Registered Body, Level of Disclosure*

Disclosure and Barring Service (DBS) Barred List Check - Children's Barred List Check (Y/N)*, Date Barred List Completed*, Evidenced by*, Date Evidence Seen*, Disclosure Number*

DfE Prohibited Teacher List – Date list checked*, Checked by*

Section 128 Direction – Section 128 Check (Y/N)*, Date Check Completed*, Evidenced by*, Date List Checked*

Overseas Checks - Overseas Check Required (Y/N)*, Evidenced by*, Date Evidence Seen*

References - Reference 1 - Date Requested, Reference 1 - Date Received, Reference 2 - Date Requested, Reference 2 - Date Received

Schools are free to record any other information deemed relevant. For example, online searches, checks for volunteers and governors, childcare disqualification, safeguarding training and who the evidence was seen by.

16. Induction

The individual induction programme should cover the training required by the new starter to carry out their role and to maintain safe working practices; this may include:

- Health and safety training
- Manual handling
- Child protection/safeguarding training
- Staff Code of conduct
- Behaviour policies and how to report concerns
- Childcare Disqualification requirements
- Prevent
- GDPR
- Part 1 of Keeping Children Safe in Education 2022 should be provided to all members of staff*
- Annex B of Keeping Children Safe in Education 2022 should be read by School Leaders and those who work directly with children

*Annex A of Keeping Children can be provided instead of part 1 to those staff who do not work directly with children. Please refer to the Child Protection Policy. This decision should be documented within that policy.

An effective induction helps the new starter to understand their role and how they fit into the school/department, become fully effective in their role in the shortest possible time and establish effective working relationships leading to improved performance and effectiveness.

A checklist of basic information should be given to all new starters together with details of where they can access all school policies and procedures, who is available to support them in their new role, the expectations of the school and how to raise issues and concerns between reviews.

Probation review dates or induction review dates should be included in the initial induction plan to ensure that line managers and staff have clear expectations of when they will meet.

These meetings are an opportunity for:

- progress to be recognised and praised;
- the line manager to make the new starter aware of any concerns or gaps between performance and expectation;
- the employee to ask questions or raise concerns that they may have;
- training and development to be reviewed.

16.1 New Governors and Trustees

All governors and trustees should receive appropriate safeguarding and child protection training (including online safety) at induction, and that this should be regularly updated. Such training should have a different emphasis to the operational updates for staff in order to provide them with the knowledge to provide strategic challenge to test and assure themselves that the safeguarding policies and procedures in place are effective and support the delivery of a robust whole school approach to safeguarding.