



Safer Recruitment Procedure

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Related documents

- [Keeping Children Safe in Education \(KCSIE\) \(September 2018\)](#)
- [Working Together to Safeguard Children \(July 2018\)](#)
- [The Children Act 1989](#) and [2004 amendment](#) which provide a framework for the care and protection of children
- [Part 3 of the schedule to the Education \(Independent School Standards\) Regulations 2014](#) which places a duty on academies and independent schools to safeguard and promote the welfare of pupils at the school
- [The Rehabilitation of Offenders Act 1974](#), which outlines when people with criminal convictions can work with children
- [Schedule 4 of the Safeguarding Vulnerable Groups Act 2006](#), which defines what 'regulated activity' is in relation to children
- [DfE Factual Note by HM Government](#) – Regulated Activity in Relation to Children: Scope
- [The Childcare \(Disqualification\) and Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) \(Amendment\) Regulations 2018](#) (referred to in this policy as the "2018 Childcare Disqualification Regulations") and [Childcare Act 2006](#), which set out who is disqualified from working with children
- [NSPCC Briefing on key updates to statutory guidance for schools in England - Keeping Children Safe in Education \(2018\)](#), May 2018

Definitions

- Where the word 'Trust' is used in this document it refers to The Elliot Foundation Academies Trust.
- Where the word 'Governing Body' is used it refers to the Local Governing Body of an individual academy within the Trust.
- Where appropriate the Local Governing Bodies of individual academies will publish details of the procedures and practices to implement Trust policies.
- Other definitions:
 - Chief Executive Officer (CEO)
 - Designated Safeguarding Lead (DSL)
 - Local Authority Designated Officer (LADO)

1. Introduction

- 1.1. Keeping Children Safe in Education (September 2018) states that “safeguarding and promoting the welfare of children is everyone’s responsibility”. This is defined within the statutory guidance as protecting children from maltreatment; preventing impairment of children’s health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes.
- 1.2. The Elliot Foundation Academies Trust and each academy within the Trust have a responsibility to deter, reject and prevent people from working with children who pose a risk of harm by adhering to statutory responsibilities to undertake appropriate processes and checks in relation to potential employees and other relevant stakeholders and taking proportionate decisions on whether to pursue any additional checks beyond what is ordinarily required.
- 1.3. This procedure sets out the processes in place to ensure that both the Trust and individual academies fulfil their responsibilities in relation to safer recruitment practices. It has been created having due regard to both the statutory requirements and recommended best practice as identified in the related documents above.

2. Safer Recruitment Training

- 2.1. In accordance with the Keeping Children Safe in Education (September 2018) guidance, at least one member of every interview panel will have completed an accredited safer recruitment training programme within the previous three years.
- 2.2. In addition, the Trust and academies will strive to ensure as many members of staff, Trustees and governors involved in recruitment and selection processes will have completed this training. This will be achieved through the provision of an online course and/or regular training sessions provided by an accredited trainer targeting new employees whose roles are likely to involve recruitment and selection, together with the operation of a rolling programme of renewal for existing employees.
- 2.3. Certificates of course completion will be retained on the attendee’s personnel file and a record kept, together with renewal dates, on a central log of training which will be held and maintained by the central HR Team for head office staff and by academies for academy based staff.
- 2.4. In addition, the Trust and academies will ensure that those postholders responsible for the administration of recruitment and safer recruitment checks

will also receive suitable training to ensure they understand the importance of safer recruitment and how to effectively conduct the appropriate checks.

3. Recruitment Material

- 3.1. Prior to advertising a job, the Trust/academy will consider the post and type of individual required, including the necessary skills, abilities, experience, behaviours and attitude/motivation and values towards children and young people. They will define the role in a job description and person specification ensuring that these factors are reflected in the documents.
- 3.2. All recruitment material will evidence the Trust/academy's commitment to safer recruitment by specifically stating that any successful candidates will be required to undergo satisfactory pre-employment checks, including but not limited to a Barred List Check, Disclosure and Barring Service Check and reference screening (Appendix A).
- 3.3. In addition, relevant posts will also be advertised citing the requirement to provide a satisfactory Childcare Disqualification Declaration.
- 3.4. The Trust's relevant template application form (Appendix B1-B3) will be provided to all applicants to ensure key information is captured from them, including:
 - the applicant's full work history;
 - reason for leaving their previous post;
 - qualifications;
 - referees; and
 - a signed declaration the content is true.

Applicants are also asked to provide a personal statement to meet the person specification. CVs may be accepted to enhance the application form but will not be accepted as an alternative.

4. Shortlist and Interview Process

- 4.1. At the outset of a recruitment process, the shortlist and interview panel will be identified to include at least one member who has completed accredited Safer Recruitment Training.
- 4.2. Shortlisting will take place by at least two members of the recruitment panel.
- 4.3. Invitations to interview (Appendix C) will include a Disclosure Form (Appendix D) which requires the interviewee to declare:
 - all criminal convictions, cautions, warnings and bindovers (save for those which are protected/filtered, see paragraph 9 for further details) and provide an explanation in relation to each one where relevant;
 - details of any period of 6 months or more living or working abroad in the 5 years immediately preceding their application;

- confirmation of whether they have been subject to any safeguarding investigation.
- 4.4. The Disclosure Form must be completed by the applicants and returned to the Trust/academy prior to or on arrival at interview.
 - 4.5. Invitations to interview will also require interviewees to produce identification and certificates confirming their relevant qualifications as per their application form and the relevant person specification at interview (Appendix C). These should be photocopied on arrival to interview at the Trust/academy and returned to the candidate before their departure from site.
 - 4.6. Invitations to interview will reiterate that references will be requested in advance of interview and request that the interviewee ensures their referees are aware of this and asks for their co-operation in a speedy response (please refer to paragraph 8 for further details).
 - 4.7. The interview panel will be required to identify any gaps in employment from the application form and record their discussions in relation to these gaps with the interviewee at interview and whether the panel were satisfied with the explanation. They will also be required to record any discussion in relation to relevant aspects of the references, particularly any issues of concern. The paperwork recording these discussions must be retained on the successful candidate's personnel file (Appendix E).
 - 4.8. The interview panel will ensure that questions are asked of each candidate that explore the candidate's understanding, attitude towards and experience of safeguarding issues. The panel will avoid hypothetical questions and instead will probe the candidate's own experiences and judgements where at all possible (examples of safeguarding questions can be found at Appendix F).
 - 4.9. All candidates will be advised at interview that the post will be subject to an enhanced DBS Check and will be asked whether the candidate has been the subject of any caution, conviction or other relevant involvement with the police in order that the details of this can be discussed at interview. This paperwork recording this discussion must be retained on the successful candidate's personnel file (Appendix E).

5. Offer of Employment

- 5.1. Following the determination of an employee appointment, the following information and documentation must be provided by the interview panel to the individual at the Trust/academy administering the appointment process to allow expedient checks to be undertaken:
- written confirmation of appointment, providing details (name, role, start date, hours/weeks/teaching percentage, salary and any other relevant details);
 - photocopies of certificates provided by the candidate at interview;
 - photocopies of identification provided by the candidate at interview;
 - and
 - relevant interview materials, to include interview notes and paperwork confirming discussions in relation to gaps in employment and any criminal record.
- 5.2. Any agreed start date will be contingent on safer recruitment checks having been satisfactorily completed before the start date, save for *exceptional* circumstances (please see paragraph 20 for further details).
- 5.3. The Trust/academy will provide the successful candidate with an offer of employment letter which makes it clear that the appointment is subject to the satisfactory completion of the relevant safer recruitment checks and that their start date is contingent on those checks being completed prior to the start date (Appendix G). The letter will request the candidate's co-operation in pursuing those checks.
- 5.4. Immediately upon receipt of the relevant information, the Trust/academy will ensure that the personal details of a new employee appointment are entered on the relevant Single Central Record and details of the checks will be added as they are completed (please refer to paragraph 22).

6. Safer Recruitment Checks - Introduction

- 6.1. Any offer of employment will be subject to satisfactory completion of the following safer recruitment checks where applicable to the post in question:
- a) Identification (see paragraph 7);
 - b) Reference screening (see paragraph 8);
 - c) Disclosure and Barring Service Check (see paragraph 9);
 - d) Barred List check (see paragraph 10);
 - e) Right to Work in the UK (see paragraph 11);
 - f) Teacher Prohibition Order (see paragraph 12);
 - g) Medical Fitness (see paragraph 13);
 - h) Childcare Disqualification (see paragraph 14);
 - i) Professional Qualifications (see paragraph 15);
 - j) Further checks for those having lived and/or worked abroad as applicable (see paragraph 16);
 - k) EEA Sanction/Restriction (see paragraph 17); and
 - l) S128 Check (see paragraph 18).
- 6.2. The Trust/academy will instigate these checks expediently and maintain a record of progress in relation to the checks in accordance with their internal procedures.
- 6.3. The results of the checks will be recorded on the Trust/academy's Single Central Record (please refer to paragraph 22).
- 6.4. The progress of these checks will be reviewed regularly to ensure expedient progress and will be escalated internally should the rate of progress indicate that the checks may not be completed by the agreed start date.
- 6.5. In instances that the necessary safer recruitment checks are not in place prior to the intended date that employment is scheduled to commence, the start date will be postponed until completion of those outstanding checks save for *exceptional* circumstances. In such exceptional circumstances, a determination may be made to proceed with the employment on the original intended start date. However, a full risk assessment will be conducted and recorded in accordance with paragraph 20 and Appendix M.

7. Safer Recruitment Checks - Identification

- 7.1. The Trust/academy will verify a new appointment identification by checking relevant original, documentation in accordance with current Home Office guidance, at least one form of which will be photo identification such as a passport or photo driving licence.
- 7.2. Interview candidates will be asked to bring relevant identification with them to interview (Appendix C) and a photocopy of this will be taken during the interview process.

- 7.3. If relevant identification has not been provided by the appointed employee at the interview stage, the Trust/academy will ensure this is provided and checked prior to the individual's start date.
- 7.4. Confirmation of this check will be recorded by the Trust/academy on the relevant Single Central Record. However, in accordance with relevant data protection requirements, a copy of this identification will not be retained once identity has been established, except for the identification which is required to be retained by the Border Force in order to demonstrate entitlement to work in the UK (please refer to paragraph 11).

8. Safer Recruitment Checks - Reference Screening

- 8.1. Every job applicant will be required to provide the details of at least two referees as part of the application process, including their current or most recent employer.
- 8.2. The Trust/academy will request and pursue the return of references for candidates shortlisted for interview prior to the interview date. Candidates will be asked to assist with this process when invited for interview by contacting their referees themselves too, seeking a prompt return of the reference to the Trust.
- 8.3. In circumstances in which a shortlisted candidate requests that references are not sought prior to the interview date, consideration will be given to this request. If the interview proceeds without references having been sought and the candidate is appointed, the Trust/academy will make it clear that any verbal and written offer of employment is made subject to receipt of two satisfactory references and that the Trust/academy may wish to discuss the content of the references with the candidate upon receipt.
- 8.4. Reference requests will provide the referee with a copy of the job description and person specification relevant to the post applied for. They will request specific confirmation of the referee's view as to the candidate's suitability to work with children and young people and whether there are any current disciplinary issues outstanding or on file, or were at the point of termination of employment where employment has ceased (Appendix H).
- 8.5. Referees will be advised that the content of any reference provided may be shared with the candidate.
- 8.6. Open references will not be accepted in any circumstances.

- 8.7. The interview panel will be provided with copies of the references to discuss the content of the references with the candidate at interview and will check the reference content for consistency against the application information provided by the candidate.
- 8.8. In circumstances in which it proves impossible to acquire two written references prior to interview, the Trust/academy will endeavour to acquire a verbal reference from the referee as an interim measure. The content of any verbal reference will be recorded and provided to the interview panel. However, it will not replace the requirement to acquire a written reference from the relevant referee should that candidate be offered a post of employment and any offer of employment will make it clear that it is made as a conditional offer subject to receipt of any outstanding written references.
- 8.9. Where a conditional offer of employment is made prior to return of at least two satisfactory written references, the individual will not start employment with the Trust until the outstanding reference/s have been returned satisfactorily, save for *exceptional* circumstances and subject to a suitable risk assessment (please refer to paragraph 20 and Appendix M).
- 8.10. References will be deemed satisfactory subject to the content of the reference and only when:
- provided signed by the referee and on headed paper or when accompanied by a compliment slip or official stamp;
 - where the referee is no longer employed by the relevant organisation themselves, with formal confirmation of the professional capacity that the reference is provided by the relevant organisation; or
 - when provided electronically, where the source of the electronic reference is established as legitimate and the covering email retained alongside it.
- 8.11. Any concerns of a safeguarding nature disclosed on a reference will be considered by the CEO/HR Director and/or Executive Principal/Principal and advice will be sought from relevant internal and external sources, where appropriate before a decision is made as to how to proceed on a case by case basis. If a decision is taken to proceed with an appointment in these circumstances, a risk assessment will be completed and retained on the individual's personnel file (please refer to paragraph 20 and Appendix M).
- 8.12. Following an offer of employment, the progress in relation to reference screening will be recorded by the Trust/academy in accordance with their internal procedures. Once received, copies of the references will be retained on the employee's personnel file and the details recorded on the Trust's Single Central Record.

9. Safer Recruitment Checks - Disclosure and Barring Service Check (DBS)

- 9.1. Individuals employed to work on a basis which constitutes Regulated Activity will be subject to an enhanced Disclosure and Barring Service Check (DBS check) prior to commencing work (please refer to Appendix I for a definition of Regulated Activity).
- 9.2. The Trust/academy will process a DBS Check as expediently as possible upon offer of appointment but not earlier than three months prior to the scheduled start date to ensure the validity and relevance of the check. Please refer to Appendix J for details of the identification required to process a valid DBS check.
- 9.3. The progress of the inherent stages of a DBS Check will be recorded by the Trust/academy using their own internal procedures. Any delay in acquiring the check will be identified by the Trust/academy and both the individual and their appointing manager will be alerted.
- 9.4. The Trust/academy will ensure that they are provided with sight of the original DBS certificate prior to the individual's start date and will ensure that they have checked the content. The Trust/academy will record that they have done so along with the details of the DBS check on the DBS Seen Form (Appendix K) which will be retained on the employee's personnel file and recorded on the relevant Single Central Record.
- 9.5. Where the employee has subscribed to the DBS Update Service, the Trust/academy will check the content of the DBS Update for the employee in question and require sight of the original DBS certificate prior to the individual's start date (please refer to Appendix K for guidance on how to conduct a DBS Update Service check). The Trust/academy will ensure that they have checked the content of the certificate and will record that they have done so along with the details of the DBS check on the DBS Seen Form (Appendix L) which will be retained on the employee's personnel file and recorded on the relevant Single Central Record.

- 9.6. If a DBS check is returned identifying any criminal record, the CEO or HR Director and/or Executive Principal or Principal, will meet with the individual concerned to discuss the matter and address the following points:
- the nature of the role the individual is appointed to perform within the Trust/academy;
 - the nature of the offences/criminal record;
 - the explanation by the individual in relation to the circumstances of the criminal activity;
 - the time that has lapsed since the last criminal activity was recorded;
 - the attitude shown by the individual in relation to any commitment not to reoffend; and
 - whether the individual declared the criminal activity on their Disclosure Form at interview stage and/or the DBS Check application.
- 9.7. A record of the discussion and determination as to whether to proceed with the appointment will be retained, along with any necessary risk assessment on the employee personnel file (please refer to paragraph 20 for further details and Appendix M).
- 9.8. If an employee has spent six months or more living and/or working abroad in the five years immediately preceding their appointment, then a further check/s will be conducted by way of Certificates of Good Conduct from the relevant country/countries (please refer to paragraph 16 for further details).
- 9.9. Some minor offences are filtered or protected and will not appear on a DBS Certificate (see Appendix N for further details). The Trust/academy will not expect employees to have disclosed such filtered or protected offences on the Disclosure Form used at interview stage.

10. Safer Recruitment Checks - Barred List Check

- 10.1. The Trust/academy will ensure that a Barred List check has been conducted in relation to every employee in regulated activity **prior** to their start date (please refer to Appendix I for a definition of Regulated Activity).
- 10.2. The Trust/academy will ensure that the progress in relation to Barred List checks will be recorded in accordance with their internal procedures and when acquired, the details will be recorded on the relevant Single Central Record and a copy placed on the employee's personnel file.
- 10.3. If any employee is barred from working with children by virtue of the Barred List, the Trust/academy will withdraw all offers of employment **with immediate effect** and report the individual's attempt to secure work within a barred setting to the appropriate authorities via the Trust's central HR Team.

11. Safer Recruitment Checks - Right to Work in the United Kingdom

- 11.1. It is an offence to employ anyone who is not eligible to work in the UK, [Employer's Guide](#). Therefore, a right to work in the UK check will be undertaken by the Trust/academy in relation to every employee **prior** to their start date. If the relevant identification confirming the right to work in the UK has not been provided by the employee at the interview stage, the Trust/academy will ensure this is provided and checked prior to the individual's start date.
- 11.2. The check will be fulfilled using relevant original, documentation in accordance with current Home Office guidance, at least one form of which will be photo identification [Right to Work Checklist](#). A record of the check will be completed by the Trust/academy which identifies the documents seen and verified and the date of the check. The record of the check and relevant documents will be retained on the employee's personnel file and recorded on the relevant Single Central Record..
- 11.3. The check may be replaced by a government online Right to Work check, only in relation to:
- non-EEA nationals who hold biometric residence permits or biometric residence cards
 - EEA nationals who have been granted settled status under the EU Settlement Scheme
- Evidence of this check will be retained on the employee's personnel file and recorded on the relevant Single Central Record.
- 11.4. In circumstances in which time limited right to work in the UK is evidenced, a follow-up check will be conducted by the Trust/academy in sufficient time prior to expiry of the limited period.

12. Safer Recruitment Checks - Teacher Prohibition Check

- 12.1. It is a statutory requirement to check all employed teachers and those support staff engaged to perform teaching work against the online Teacher Regulation Agency Prohibited List to ensure they are not prohibited from teaching (previously conducted by the National College for Teaching and Leadership (NCTL)). Therefore, the Trust/academy will ensure that this check is completed prior to the employee's start date.
- 12.2. The check will be conducted using the TRA online facility [Teacher Regulation Agency](#). The check will be printed and retained on the employee's personnel file and recorded on the Trust's Single Central record.

- 12.3. If any teacher or relevant member of support staff is prohibited from teaching, the Trust/academy will withdraw all offers of employment with immediate effect and report the individual's attempt to secure work within teaching to the appropriate authorities via the Central HR Team.

13. Safer Recruitment Checks - Medical Fitness

- 13.1. It is a requirement that the Trust/academy verifies an employee's mental and physical fitness to perform their work duties.
- 13.2. Employees will be required to complete an occupational health questionnaire after an offer of employment has been made.
- 13.3. The completion of the occupational health questionnaire by the employee and receipt of the subsequent certification of Fitness for Work will be tracked by the Trust/academy via their internal procedures.
- 13.4. Certification of Fitness for Work will be retained on the employee's personnel file and recorded on the Trust's Single Central Record.
- 13.5. If the Trust's occupational health advisors require further information before being able to assess medical fitness for role, the Trust/academy will ensure they communicate the importance of engaging with the occupational health provider to facilitate this with the employee.
- 13.6. If the Trust/academy's occupational health advisors provide a report detailing medical information in relation to an employee's fitness for work, this will be considered by the CEO or HR Director and/or Executive Principal/Principal. Usually a meeting will be arranged with the individual concerned to discuss the report and address the following points:
- the nature of the role the individual is appointed to perform within the Trust/academy;
 - the nature of the medical condition/information provided by the occupational health advisors and the individual concerned and the impact of this on their ability to perform the role they have been appointed to perform;
 - whether the terms of the Equality Act 2010 are applicable;
 - the advice provided by the occupational health advisors in relation to possible support and management of the medical condition which should be considered by the Trust/academy; and
 - the business operation of the Trust/academy which will include possible impact of any adjustments on service delivery (including teaching and learning), colleagues and cost implications.

- 13.7. The Trust/academy will pay the cost of the medical assessment for fitness to work. However, in circumstances that the employee/trainee does not attend or take a telephone appointment which has been scheduled by the occupational health advisors in order to enable them to make their assessment, the Trust/academy will contact the employee/trainee to advise a second appointment will be made and remind them that the offer of employment/offer of training placement is contingent on certification of medical fitness and will be withdrawn if not provided (Appendix O).

14. Safer Recruitment Checks - Childcare Disqualification Declaration

- 14.1 The Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018, Childcare Act 2006 and the Disqualification under the Childcare Act 2006 Statutory Guidance (August 2018) require that childcare disqualification checks should be carried out on those individuals who are employed or engaged in roles which fulfil the following categories:

Early Years (birth up to and including Reception age):

- Those providing any care for Early Years children
- Those directly concerned in the management of such provision

Later Years (children under 8 years of age):

- Those employed or engaged to work in childcare provided by the Trust for Later Years children **outside of school hours**
- Those directly concerned in the management of such provision

- 14.2 The Trust/academy will identify on appointment any new employees/trainees or volunteers/regular visitors/self employed individuals whose role fulfils the above criteria. They will ensure the individual completes the appropriate self declaration form prior to the commencement of the relevant work (Appendix P).
- 14.3 The declaration form will require the individual to confirm whether they are disqualified from providing early or later years childcare or from being directly concerned in the management of that childcare. The completed declaration will be retained on the individual's personnel file and recorded on the Trust's Single Central Record.

- 14.4 If an individual refuses to complete the relevant declaration or declares a disqualification, this will be referred to the CEO/HR Director who will discuss and agree how to proceed on a case by case basis. If satisfied that an individual working or appointed to work in a relevant setting falls within one of the disqualification criteria in the 2009 Regulations, a referral will be made to Ofsted and consideration given as to whether the individual may be eligible to apply for a waiver from Ofsted in order that they may continue to work in that setting/proceed with their appointment. Consideration may be given to re-deployment into a role which does not fulfil the relevant childcare disqualification criteria whilst the matter is being addressed. However, the individual will not be permitted to work with Early Years or Later Years children in a relevant capacity whilst the matter is considered and until resolved.
- 14.6 It should be noted that Trustees and governors will not be required to complete this check unless their role requires them to be more directly involved in the management of the relevant care than would ordinarily be required in the role of Trustee or governor.
- 14.7 It should also be noted that the following roles would normally be excluded from this check:
- caretakers
 - cleaners
 - drivers
 - transport escorts
 - catering staff
 - office staff

15. Safer Recruitment Checks - Professional Qualifications Check

- 15.1. The Trust/academy will ensure that they check the relevant professional qualifications of new employees in accordance with the person specification essential criteria.
- 15.2. Interview candidates will be asked to bring their qualifications as cited on their application form and the person specification to interview (Appendix C) and a photocopy of these will be taken during the interview process (please refer to paragraph 4.5).
- 15.3. If relevant qualifications have not been provided by the employee/trainee at the interview stage, the Trust/academy will ensure these are provided and checked prior to the individual's start date.
- 15.4. Confirmation of this check will be recorded by the Trust/academy on the Single Central Record and a copy of the relevant qualifications will be retained on the employee/trainee's personnel file.

16. Safer Recruitment Checks - Overseas Checks

- 16.1. If an employee or trainee has spent six months or more living and/or working abroad in the last 5 years leading to appointment then a further check/s will be conducted by way of Certificates of Good Conduct from the relevant country/countries. The employee or trainee will be responsible for acquiring such certificates (at their own cost where relevant) and providing them to the Trust/academy (further government guidance can be found here <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>).
- 16.2. The Trust/academy will place a copy of the overseas certificate/s of good conduct on the employee/trainee's personnel file and record the details on the relevant Single Central Record.
- 16.3. Where required, Certificate/s of Good Conduct should be acquired prior to the employee's start date. However, often overseas checks can take a number of months to be processed, therefore the Trust/academy will take the following steps:
- write to the prospective employee using the template located at Appendix T to inform them that an overseas criminal record check is required and provide them with the necessary guidance using the relevant website to enable them to apply for the check;
 - ask the individual to provide evidence of the criminal record check having been processed (eg. fingerprints processed, receipt of payment for the check to be undertaken);
 - place evidence on the personal file of the criminal record check having been chased; and
 - once the check has been obtained, place it on the personal file and record it on the SCR.
- 16.4. Where the check has not been obtained prior to the start date, a risk assessment will be undertaken to assess the individual circumstances and any necessary measures to mitigate the risk of commencing the employment prior to receipt of the certificate/s (please refer to paragraph 20 and Appendix M). In such cases, a deadline of three months from start date will be specified for the provision of the certificate/s. Failure to provide the certificate/s within this time period will result in withdrawal of the offer of employment/training save for *exceptional* circumstances.

- 16.5. If a Certificate of Good Conduct is returned with any criminal record or information of concern, the CEO or HR Director and/or Executive Principal or Principal, will meet with the individual concerned to discuss the matter and address the following points:
- the nature of the role the individual is appointed to perform within the Trust/academy;
 - the nature of the offences/criminal record on the overseas check;
 - the explanation by the individual in relation to the circumstances of the criminal activity;
 - the time that has lapsed since the last criminal activity was recorded;
 - the attitude shown by the individual in relation to any commitment not to reoffend; and
 - whether the individual declared the criminal activity on their Disclosure Form at interview stage and/or the DBS Check application.
- 16.6. A record of the discussion and determination as to whether to proceed with the appointment will be retained, along with any necessary risk assessment on the employee personnel file (please refer to paragraph 20 for further details and Appendix M).

17. Safer Recruitment Checks - European Economic Area (EEA) Prohibition/Sanction Check

- 17.1. European Economic Area (EEA) authorities which have responsibility for regulating the teaching profession, are obliged to share teacher prohibitions/sanctions with other EEA teacher regulators.
- 17.2. This check is to be completed in relation to any post of employment which an individual who qualified as a teacher abroad in an EEA country is appointed to (including a support staff role).
- 17.3. The Trust/academy will perform the online check via the Teacher Regulation Agency [Teacher Regulation Agency](#) to ascertain whether the individual is subject to a prohibition, restriction or sanction applied in relation to their suitability to teach and a record of this check will be retained on the personnel file.

- 17.4. If an EEA Prohibition or Sanction check is returned identifying any prohibition, restriction or sanction, the CEO or HR Director and/or Executive Principal/Principal, will meet with the individual concerned to discuss the matter and address the following points:
- the nature of the role the individual is appointed to perform within the Trust/academy;
 - the nature of the prohibition, restriction or sanction;
 - the explanation by the individual in relation to the circumstances of the prohibition, restriction or sanction;
 - the time that has lapsed since the prohibition, restriction or sanction was recorded;
 - the attitude shown by the individual in relation to the prohibition, restriction or sanction; and
 - whether the individual declared the prohibition, restriction or sanction at recruitment stage.

A record of the discussion and determination as to whether to proceed with the appointment/offer of training placement will be retained, along with any necessary risk assessment on the employee/trainee's personnel file (please refer to paragraph 20 for further details and Appendix M).

18. Safer Recruitment Checks - Section 128 of the Education and Skills Act 2008 Direction Check

- 18.1. A section 128 check will identify whether the Secretary of State has issued a direction under s128 of the Education and Skills Act 2008 prohibiting or restricting a person from taking part in the management of an independent school, academy or free school.
- 18.2. The Trust/academy will ensure that they check whether a s128 Direction has been issued by checking the DBS certificate for any member of staff or governor appointed to a role which will entails management or taking part in the management of an academy or the Trust or by checking the list maintained by the Teacher Regulation Agency (previously held by the NCTL) using the online facility [Teacher Regulation Agency](#). A record of this check will be retained on the personnel file (Appendix Q).

19. Additional Documentation Provided

- 19.1. **Keeping Children Safe in Education (September 2018)**
In accordance with statutory requirement, all new employees/trainees/ Trustees/governors will be provided with Part One of the Keeping Children Safe in Education (September 2018) Statutory Guidance.

- 19.2. This guidance will be provided by the Trust/academy on offer of appointment/training placement and the recipient will be required to complete and return an acknowledgement to confirm that they have received and read the guidance (Appendix R).
- 19.3. This acknowledgement will be retained on the employee/trainee's personnel file.
- 19.4. **IT Acceptable Use Policy**
A copy of the Trust/academy's IT Acceptable Use Policy will be provided by the Trust/academy on offer of appointment/training placement and the employee/trainee/ Trustee/governor will be required to complete and return an acknowledgement to confirm that they have received this (Appendix Q).
- 19.5. **Other policies**
A copy of the Trust's Golden Rules/Code of Conduct, Extremism and Radicalisation Policy, Health and Safety Policy, Safeguarding Policy and Whistleblowing Policy will be provided by the Trust/academy on offer of appointment/training placement and the employee/trainee/Trustee/governor will be required to complete and return an acknowledgement to confirm that they have received these (Appendix Q).

20. Risk arrangements and assessments

- 20.1. Risk arrangements and assessments will be used as a means of managing and recording any pre-employment and post-employment safeguarding risks associated with staff employment and trainee placements (please refer to Appendix M for template risk assessments).
- 20.2. The risk assessment will record the nature of the risk, the context and relevant circumstances of the risk, details of the post of employment/trainee placement and the decision taken in relation to the risk.
- 20.3. Having considered an identified risk, if a decision is taken to proceed with the employment or training placement, the risk assessment will record the reasons for this and the measures agreed and to be implemented to minimise, manage and monitor the risk. This will include the personnel responsible for each element of the risk management and monitoring process.
- 20.4. Risk assessments will be agreed and signed as approved by at least two of the following:
- Chief Executive Officer;
 - Regional Director;
 - HR Director;
 - Executive Principal;
 - Principal; and/or

- Trustee/Governor with remit for safeguarding.

21. Post Appointment

- 21.1. **Compliance Training: Safeguarding, Prevent, Whistleblowing and FGM**
Following a new employee/trainee commencing work/training, the Trust/academy, in liaison with the relevant Designated Safeguarding Leads, will ensure that Safeguarding, PREVENT, Female Genital Mutilation (FGM) and Whistleblowing training is provided to them as expediently as possible. This training will be tailored to role and may constitute a face to face or online training session/s.
- 21.2. Online FGM training will be provided on appointment and an additional face to face session is recommended for relevant postholders in the Spring Term as this is deemed to be a more appropriate time given the proximity to “cutting season” over the summer months.
- 21.3. A record of the compliance training will be retained on the Trust/academy’s central log of training and the relevant certificate/s placed on the individual’s personnel file.
- 21.4. **Induction**
Every new employee/trainee who joins the Trust will be provided, either prior to start date or in an induction pack, the policies as detailed in paragraph 19 and the details of the relevant designated safeguarding leads for their setting and the Trust.
- 21.5. Every new employee/trainee who joins the organisation will be provided with an induction to encompass guidance as to how to report safeguarding concerns and the designated safeguarding leads in the relevant setting will be clearly signposted around the building.
- 21.6. Particular support will be given to those individuals appointed to apprenticeships through the induction and probation processes to ensure that they understand the requirements on them in relation to their conduct, maintenance of professional boundaries with students and how to seek additional support and guidance in relation to relevant matters.
- 21.7. **Probation Procedure**
All new support staff (non-teaching) employees are subject to a six month probation period and Newly Qualified Teachers are subject to an NQT assessment period. The Trust/academy will implement the Probation Procedure and NQT assessment period to ensure any training needs of a safeguarding/conduct/student interaction nature are addressed.

- 21.8. Any support, guidance, training or instruction given to a new employee in this regard will be documented as part of the probation procedure/NQT assessment paperwork and retained on the employee's personnel file. Line managers/NQT co-ordinators will ensure that the staff member understands how they can access additional support and guidance in relation to these matters if necessary.
- 21.9. Allegations of a safeguarding nature relating to a member of staff will be dealt with in accordance with the Trust's Safeguarding Policy and Procedure for Dealing with Allegations of Abuse Against Staff and Volunteers, regardless of whether they are still subject to a probation/NQT assessment period or not.

22. Single Central Record

- 22.1. The Trust/academy will retain an electronic Single Central Record (SCR) for their setting containing the details of all relevant safer recruitment checks relating to all employees/trainees/volunteers and visitors/agency staff and Trustees/governors. This will be in the electronic Trust template and shared with the HR Director and Trust DSL.
- 22.2. The responsibility for ensuring appropriate recruitment checks take place and are recorded on the relevant SCR is delegated to the HR Director in relation to central head office appointments and to Principals in relation to academy based appointments. These individuals must satisfy themselves that effective safer recruitment processes are in place and monitor compliance on a regular basis (see paragraph 23).
- 22.3. The day to day responsibility for conducting the recruitment checks and maintaining the SCR will be delegated by the HR Director/Principals and will be clearly defined in postholder's job descriptions. Those responsible will record the details of the relevant checks on the SCR in a timely manner as the checks are progressed.
- 22.4. The HR Director and Trust Designated Safeguarding Lead (DSL) will monitor central Trust and academy compliance (please refer to paragraph 23).

23. Monitoring of Procedure

- 23.1. The Trust/academy will ensure internal processes to record every offer of employment/offer of training placement made and the progress of the relevant safer recruitment checks and other safeguarding checks/processes.
- 23.2. All new personnel files will contain a Personnel File Checklist which will be used to record the relevant safer recruitment checks as they are completed and retained on file. Please refer to paragraph 25 and Appendix S for further details.

- 23.3. **Any new appointment is required to be authorised to start work/training with the Trust/academy by the HR Director (if a Trust appointment) or the Principal/individual identified by the Principal (if an academy appointment) before being able to do so.** In order to authorise this, the HR Director or Principal/identified individual will need to be satisfied that all necessary safer recruitment checks are in place and in circumstances where this has not been possible, relevant risk arrangements and a risk assessment has been completed and duly signed by the appropriate personnel (please refer to paragraph 20 and Appendix M). This authorisation will be recorded on the relevant personnel file checklist (Appendix S).
- 23.4. Satisfactory completion of the relevant SCR will also be checked prior to authorisation of a new employee/trainee commencing work by the HR Director/Principal/identified individual.
- 23.5. The HR Director (Trust) or Principal/identified individual (academy) will meet with the Trust DSL/governor with remit for safeguarding once every term in order to discuss the safer recruitment procedure, progress of relevant checks and examine the relevant Single Central Record.
- 23.6. In addition, the Trust DSL and HR Director will check the SCR for each academy on a termly basis.

24. Staff employed by the Trust as a result of a relevant transfer under the Transfer of Undertakings (Protection of Employment) (TUPE) Regulations

- 24.1. The suitability of staff who are to become an employee of the Trust through a recognised transfer under the Transfer of Undertakings (Protection of Employment) Regulations must be established prior to employment commencing.
- 24.2. The central HR Team will ensure that any due diligence process undertaken with the Transferor (outgoing employer) requests written confirmation from them in advance of the proposed transfer date of all the necessary pre-employment checks as outlined in paragraph 6.
- 24.3. If any of the checks are confirmed by the Transferor as identifying any criminal record or activity or any other issue of concern, the HR Director, in liaison with the CEO/Trust DSL, will determine whether additional information should be sought from the Transferor and/or proposed employee and whether that check/s should be repeated by the central HR Team on behalf of the Trust. A risk assessment will be completed and retained on file to record this process in accordance with paragraph 20 and Appendix M.

- 24.4. In instances in which the Transferor is unable to provide written confirmation of all of the necessary pre-employment checks, the central HR Team will ensure the Transferor completes those checks and provides written evidence prior to transfer or alternatively, will conduct those missing checks themselves.

25. Personnel Files

- 25.1. The Trust/academy will maintain a personnel file for each employee which evidences and correlates to all of the safer recruitment checks that have been evidenced on the Single Central Record (please refer to Appendix S for example personnel file checklists).
- 25.2. The personal file will also include:
- Job pack
 - Application form
 - Recruitment documentation to include responses to interview questions, evidence of responses to safeguarding questions that have been asked and any tasks that may have been undertaken at interview (eg teaching task, written task, presentation).
 - Any forms that are necessary to ensure the Trust hold the correct personal details.

26. Trustees/Governors

- 26.1. Please refer to Appendix Y(d) for further information. The Trust/academy will ensure that all Trustees/governors complete a Personal Details Form (template at Appendix U) and will retain a personnel file for each individual (template personnel file checklist at Appendix S(d)).
- 26.2. The following safer recruitment checks will be conducted in relation to all Trustees/governors:
- Identity (in accordance with paragraph 7);
 - Enhanced DBS Check (in accordance with paragraph 9);
 - S128 Check (in accordance with paragraph 18).

- 26.3. Where necessary, the following additional checks will be conducted:
- Barred List check (only in relation to Trustees/governors who undertake work with the Trust/academy over and above that ordinarily expected of a Trustee/governor which constitutes Regulated Activity in accordance with the definition provided at Appendix I);
 - Childcare Disqualification Check (only in relation to Trustees/governors who undertake work with the Trust/academy over and above that ordinarily expected of a Trustee/governor which satisfies the criteria as set out in paragraph 14); and
 - Overseas Certificates of Good Conduct (only in relation to Trustees/governors who have spent 6 months or more living or working abroad in the 5 years immediately preceding their appointment and in accordance with paragraph 16).
- 26.4. Evidence of all checks completed will be retained on the personnel file and recorded on the SCR.
- 26.5. The Trust/academy will provide all Trustees/governors with the relevant policies and documentation as set out at paragraph 19 above. The Trustee/governor will be required to complete and return an acknowledgement to confirm that they have received and read the policies and documentation (Appendix R). This acknowledgement will be retained on the Trustee/governor's personnel file.
- 26.6. **Training** - following a new Trustee/governor commencing work the Trust/academy, in liaison with the relevant Designated Safeguarding Leads, will ensure that Safeguarding, PREVENT, Female Genital Mutilation (FGM) and Whistleblowing training is provided to them as expediently as possible. This training will be tailored to role and may constitute a face to face or online training session/s.
- 21.10. A record of the training will be retained on the Trust/academy's central log of training and the relevant certificate/s placed on the individual's personnel file.

27. Regular Visitors/Volunteers

- 27.1. Regular visitors and volunteers are those individuals who are not paid employees through payroll but attend the Trust/academy and/or perform work (paid via invoice or unpaid) for the Trust/academy. The definition of regular for these purposes is more than 3 times in any 30 day period.
- 27.2. The Trust/academy will ensure that all regular visitors and volunteers complete a registration form (template at Appendix X) which provides important information to enable checks to be conducted but also ensures the interests of the regular visitor or volunteer are protected whilst on

Trust/academy premises. The form will be retained on a personnel file for each individual (template personnel file checklist at Appendix S).

- 27.3. The manner in which a regular visitor/volunteer engages with the Trust/academy and works with them will inform the processes and checks which are required to be conducted and by whom.

27.4. Third party supplied regular visitors and volunteers

These regular visitors and volunteers are supplied to the Trust/academy by a third party organisation eg a school nurse by the NHS or a sports coach by a football club. Please refer to Appendix Y(b) for further guidance.

- In addition to the registration form, the Trust/academy will ensure that an identity check is conducted in relation to all third party supplied regular visitors and volunteers **prior** to them commencing work on their premises. This check will require photographic identification in accordance with paragraph 7.
- The Trust/academy will also ensure they receive written confirmation from the third party supplier that all relevant checks in accordance with Keeping Children Safe in Education and paragraph 6 have been completed satisfactorily by the organisation. The Trust/academy will provide the organisation with the template letter at Appendix W confirming this and ensure it is returned on headed paper and signed **before** the regular visitor or volunteer commences work with the Trust/academy.
- Evidence of the identity check and third party supplier confirmation will be retained on the personnel file and recorded on the SCR.
- The Trust/academy will provide these regular visitors and volunteers with a policy pack in accordance with Appendix Z, subject to relevance to their role. The regular visitor/volunteer will be required to complete and return an acknowledgement to confirm that they have received and read the policies and documentation (Appendix Z). This acknowledgement will be retained on the regular visitor/volunteer's personnel file.
- The Trust/academy will determine the level of supervision appropriate in relation to a regular visitor or volunteer on a case by case basis. Further advice can be sought from the central HR Team.

27.5. Self employed visitors

These individuals provide work or services to the Trust/academy on a self employed basis. Please refer to Appendix Y(a) for further guidance.

- The Trust/academy will meet with all self employed regular visitors who make direct arrangements with the Trust/academy to do so, **prior** to commencing work. This meeting will include safer recruitment questions to enable the Trust/academy to explore the visitor/volunteer's attitudes and motivation to work with children and

young people. A copy of these meeting notes will be retained on the personnel file.

- In addition to the registration form, these regular visitors will be subject to the same checks (subject to applicable criteria in relation to role and circumstances) which will be conducted by the Trust/academy **prior** to commencing work.
- Evidence of all checks completed will be retained on the personnel file and recorded on the SCR.
- The Trust/academy will provide these regular visitors with a policy pack in accordance with Appendix Z, subject to relevance to their role. The regular visitor will be required to complete and return an acknowledgement to confirm that they have received and read the policies and documentation (Appendix Z). This acknowledgement will be retained on the regular visitor/volunteer's personnel file.
- The Trust/academy will determine the level of supervision appropriate in relation to a self employed regular visitor on a case by case basis. Further advice can be sought from the central HR Team.
- Subject to relevance to role, following a new self employed regular visitor commencing work the Trust/academy, in liaison with the relevant Designated Safeguarding Leads, will ensure that Safeguarding, PREVENT, Female Genital Mutilation (FGM) and Whistleblowing training is provided to them as expediently as possible. This training will be tailored to role and may constitute a face to face or online training session/s. A record of the training will be retained on the Trust/academy's central log of training and the relevant certificate/s placed on the individual's personnel file.

27.6. Direct arrangement with the Trust/academy

These regular visitors and volunteers make direct arrangements with the Trust/academy to work with them. Please refer to Appendix Y(a) for further guidance.

- The Trust/academy will meet with all regular visitors or volunteers who make direct arrangements with the Trust/academy to do so, **prior** to commencing work. This meeting will include safer recruitment questions to enable the Trust/academy to explore the visitor/volunteer's attitudes and motivation to work with children and young people. A copy of these meeting notes will be retained on the personnel file.
- These regular visitors/volunteers will be subject to the same checks (subject to applicable criteria in relation to role and circumstances) which will be conducted by the Trust/academy **prior** to commencing work.
- Evidence of all checks completed will be retained on the personnel file and recorded on the SCR.

- The Trust/academy will provide these regular visitors and volunteers with a policy pack in accordance with Appendix Z, subject to relevance to their role. The regular visitor/volunteer will be required to complete and return an acknowledgement to confirm that they have received and read the policies and documentation (Appendix Z). This acknowledgement will be retained on the regular visitor/volunteer's personnel file.
- The Trust/academy will determine the level of supervision appropriate in relation to a regular visitor or volunteer on a case by case basis. Further advice can be sought from the central HR Team.
- Subject to relevance to role, following a new regular visitor/volunteer commencing work the Trust/academy, in liaison with the relevant Designated Safeguarding Leads, will ensure that Safeguarding, PREVENT, Female Genital Mutilation (FGM) and Whistleblowing training is provided to them as expediently as possible. This training will be tailored to role and may constitute a face to face or online training session/s. A record of the training will be retained on the Trust/academy's central log of training and the relevant certificate/s placed on the individual's personnel file.

28. Contractors

28.1. Please refer to Appendix Y(c) for further guidance.

- The Trust/academy will ensure that an identity check is conducted in relation to all contractors prior to them commencing work on their premises. This check will require photographic identification in accordance with paragraph 7.
- The Trust/academy will ensure that any contractor, or any employee of the contractor, who is to work at the Trust/academy has been subject to an enhanced DBS check by their employer.
- Contractors engaging in regulated activity in accordance with the definition at Appendix I must also have been subject to a Barred List check by their employer.
- The Trust/academy will seek written confirmation of the enhanced DBS check and Barred list check (where applicable) from the contractor using the template Contractor Checks Compliance Letter at Appendix X. Please note, the proprietor of a contractor firm cannot confirm pre-employment checks in relation to themselves. In these circumstances please follow the process set out for self employed regular visitors and volunteers at paragraph 27.5 above.
- 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.

- The Trust/academy will provide contractors with a policy pack in accordance with Appendix Z, subject to relevance to their role. The contractor will be required to complete and return an acknowledgement to confirm that they have received and read the policies and documentation (Appendix Z). This acknowledgement will be retained on the regular visitor/volunteer's personnel file.
- The Trust/academy will determine the level of supervision appropriate in relation to a contractor and/or employee of a contractor on a case by case basis. Further advice can be sought from the central HR Team.

29. Agency Staff

29.1. Please refer to Appendix Y(e) for further guidance.

- In addition to the registration form, the Trust/academy will ensure that an identity check is conducted in relation to all agency staff **prior** to them commencing work on their premises. This check will require photographic identification in accordance with paragraph 7.
- The Trust/academy will also ensure they receive written confirmation from the agency, usually via a Vetting Form, that all relevant checks in accordance with Keeping Children Safe in Education and paragraph 6 have been completed satisfactorily by the agency. In the absence of a vetting form, the Trust/academy will provide the agency with the template letter at Appendix W confirming this and ensure it is returned on headed paper and signed **before** the agency staff commences work with the Trust/academy.
- Evidence of the identity check and third party supplier confirmation will be retained on the agency records file and the names of agencies and where the records are retained recorded on the SCR.
- The Trust/academy will provide agency staff with a policy pack in accordance with Appendix Z, subject to relevance to their role.
- The Trust/academy will determine the level of supervision appropriate in relation to agency staff on a case by case basis. Further advice can be sought from the central HR Team.