



SAFER RECRUITMENT POLICY

Lead HR Manager

Approved by TCT August 2023

Next Review July 2024

1. Introduction

- 1.1 *The Collegiate Trust (the Trust)* is a partnership of schools in Crawley and Croydon whose mission is *collaboration to deliver exceptional education*, and whose vision is *exceptional education for all*. This is reflected in our Trust's values: ambition & collaboration, as well as in our desired outcomes: achievement & enjoyment.
- 1.2 The Trust is committed to providing the best possible care and education to its students and to safeguarding and promoting the welfare of children and young people. The Trust recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment and who will successfully and positively contribute towards upholding the values of the Trust through providing a high-quality service at all times.
- 1.3 The Trust fosters a culture of ambition, focused on its PEOPLE and their LEARNING and is committed to establishing an enviable employee experience which includes: competitive pay and benefits package; prioritisation of staff wellbeing; learning and development opportunities; and providing a supportive and flexible working environment.
- 1.4 A motivated and committed workforce with appropriate knowledge, skills, experience and ability to do the job is critical to the Trust's performance and fundamental to the delivery of our mission statement.

2. Purpose

- 2.1 This policy has been developed to ensure compliance with all relevant legislation, recommendations and guidance, the statutory guidance published by the Department for Education (DfE), Keeping children safe in education (1 September 2023) (KCSIE), Disqualification under the Childcare Act 2006 (DUCA), 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); and to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.
- 2.2 The aims of the policy are as follows:
 - 2.2.1 To ensure the recruitment of both permanent and temporary staff is conducted in a fair, effective and economic manner; ensuring that those responsible for each stage of the recruitment process will demonstrate a professional approach by dealing honestly, efficiently and fairly with all internal and external applicants;
 - 2.2.2 To ensure that the safeguarding and welfare of children and young people occurs at each stage of the process;
 - 2.2.3 To ensure a consistent and equitable approach to the appointment of all Trust staff;
 - 2.2.4 To ensure that no job applicant is treated unfairly on any grounds relating to any of the protected characteristics from the Equalities Act 2010. It is against the law to discriminate against anyone because of: age; gender reassignment; being married or in a civil partnership; being pregnant or on maternity leave, disability; race including colour, nationality, ethnic or national origin, religion or belief, sex and sexual orientation.
 - 2.2.5 To ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
 - 2.2.6 To ensure the most cost-effective use is made of resources in the recruitment and selection process.
- 2.3 The policy applies to all employees and governors responsible for and involved in recruitment and selection of all school-based staff. Where the Principal is being appointed, The Collegiate Trust and/or the Local Governing Body may wish to consider whether any appropriate external guidance may support a rigorous recruitment process.
- 2.4 Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

3. Data Protection

3.1 The Trust is legally required to carry out the pre-appointment checks detailed in this procedure. Staff and prospective staff will be required to provide certain information to the Trust to enable the Trust to carry out the checks that are applicable to their role. The Trust will also be required to provide certain information to third parties, such as the Disclosure and Barring Service and the Teaching Regulation Agency. Failure to provide requested information may result in the Trust not being able to meet its employment, safeguarding or legal obligations. The Trust will process personal information in accordance with its Staff Privacy Notice.

4. Approaches to Attracting Talent

4.1 Attracting high calibre talent is crucial to delivering the Trust's strategic aims and providing high-quality education to all our students. As such, when creating role profiles and writing job descriptions, it is important to ensure that roles are attractive to potential applicants and highlight the benefits of working at the Trust.

4.2 It should be ensured that externally advertised posts are advertised in sector-leading commercial job boards.

5. Advertisement

5.1 All recruitment exercises must be planned and timetabled to ensure the Trust recruits the best and most suitable staff.

5.2 Prior to the commencement of any recruitment exercise a job description and person specification must be prepared for the vacant role. This will confirm that there is a genuine need for recruitment, and will assist the Trust in ensuring that the most appropriate candidate is recruited for the role. The job description and person specification must clearly define the role and include the following information:

5.2.1 the skills, abilities, experience, attitude, and behaviours required for the role; and

5.2.2 the safeguarding requirements of the role (i.e. the extent to which the role will involve contact with and responsibility for children, and whether it will amount to regulated activity with children).

5.3 A detailed timetable for the recruitment process must be drawn up and approved by the Principal before the role is advertised. The timetable must include when the advertisement will be placed and details of the personnel to be involved in the process.

5.4 The Principal (or Head of School) is responsible for all roles that are advertised at the school.

5.5 The Chief Executive Officer is responsible for all roles that are recruited at a senior level and in the Trust Central Team.

5.6 Advertisements must only be published after they have been approved by the Principal or CEO as appropriate. This applies to internal as well as external advertisements.

5.7 Inappropriate or poorly worded advertisements can give rise to legal claims against the Trust; therefore, care should be taken when deciding on the wording of adverts.

5.8 All adverts must carry the following information:

5.8.1 *"The Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. Applicants will be required to undergo child protection screening appropriate to the post, including checks with past employers and the Disclosure and Barring Service (DBS). The Trust will carry out online searches on shortlisted applicants and applicants may be required to provide details of their online profile, including social media accounts, as part of the application process.*

The post is exempt from the Rehabilitation of Offenders Act 1974. The Trust is therefore permitted to ask job applicants to declare all convictions and cautions on a self-declaration form in advance of attending an interview (including those which are "spent" unless they are "protected" under the DBS filtering rules) in order to assess their suitability to work with children."

5.8.2 The safeguarding responsibilities of the post as per the job description and person specification.

5.9 Advertisements should be clear and state briefly:

- the job title;
- number of hours (for non-teaching posts);
- whether available for job share;
- job requirement, if not explicit in the job title;
- essential criteria for job applicants;
- a brief description of the Trust;
- job location;
- contract terms, permanent or fixed term;
- how to apply, i.e. what the applicant must do to apply for the job and the closing date.

6. Safer Recruitment – Recruitment and Selection Training

6.1 Safer Recruitment Training is a tool developed for senior leaders and governors which aims to improve recruitment processes in schools to help deter, identify and reject applicants who might be unsuitable to work with children. It is a requirement that at least one member of the interview panel has completed this training successfully prior to the start of the recruitment process. The HR Manager keeps centralised records of Safer Recruitment training.

7. Recruitment and Selection Procedure

7.1 All applicants for employment will be required to complete the standard online application form which should be used to obtain a common set of core data. This is accessible directly from The Collegiate Trust website. No application can be considered without receipt of a completed online application form. The application form contains questions about their academic and employment history and their suitability for the role. Whilst a curriculum vitae (or similar, e.g. through Indeed) may be received initially from an applicant, the standard online application form must be completed before any recruitment process can be completed.

7.2 Applicants may also be asked to provide details of their online profile, including account names and social media handles to support online searches that will be carried out on shortlisted candidates (see Section 8 for more information).

7.3 The Trust will then conduct a shortlisting exercise by reviewing all application forms received in order to determine which applicants will be invited for interview. The shortlisting exercise will usually be conducted by at least two members of staff who will ideally also be involved in the interview process.

7.4 Shortlisted applicants will be invited to attend a formal interview at which their skills and experience will be discussed in more detail. All shortlisted applicants will be tested at interview about their suitability to work with children as appropriate.

7.5 All shortlisted applicants will be required to complete a self-declaration form prior to interview in which they will be asked to provide information about their criminal records history and other factors relevant to their suitability to work with children. This information will be considered and discussed with applicants at interview.

7.6 If the Trust decides to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- 7.6.1 the agreement of a mutually acceptable start date and the signing of a contract incorporating the Trust's standard terms and conditions of employment
- 7.6.2 verification of the applicant's identity (where that has not previously been verified)
- 7.6.3 verification of qualifications, whether professional or otherwise, which the Trust takes into account in making the appointment decision, or which are referred to in the application form, whether a requirement for the role or not
- 7.6.4 verification of the applicant's employment history
- 7.6.5 the Trust being satisfied that any information generated through online searches does not make the applicant unsuitable to work at the Trust;
- 7.6.6 the receipt of two references (one of which must be from the applicant's most recent employer) which the Trust considers to be satisfactory
- 7.6.7 for positions which involve teaching, information about whether the applicant has ever been referred to, or is the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency which renders them unable or unsuitable to work at the Trust
- 7.6.8 for applicants who have carried out teaching work outside the UK, information about whether the applicant has ever been referred to, or is the subject of a sanction issued by a regulator of the teaching profession in any other country which renders them unable or unsuitable to work at the Trust
- 7.6.9 where the position amounts to "regulated activity" (see section 11.2 below) the receipt of an enhanced disclosure from the DBS which the Trust considers to be satisfactory
- 7.6.10 where the position amounts to "regulated activity" (see section 11.2 below) confirmation that the applicant is not named on the Children's Barred List*
- 7.6.11 information about whether the applicant has ever been subject to a direction under section 142 of the Education Act 2002 which renders them unable or unsuitable to work at the Trust
- 7.6.12 for management positions, information about whether the applicant has ever been referred to the Department for Education, or is the subject of a direction under section 128 of the Education and Skills Act 2008 which renders them unable or unsuitable to work at the Trust
- 7.6.13 confirmation that the applicant is not disqualified from working in connection with early or later years provision (if applicable, see section 11.7 below)
- 7.6.14 verification of the applicant's medical fitness for the role (see section 11.8 below)
- 7.6.15 verification of the applicant's right to work in the UK; and
- 7.6.16 any further checks which the Trust decides are necessary as a result of the applicant having lived or worked outside of the UK which may include an overseas criminal records check, certificate of good conduct or professional references.

*The Trust is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The Trust is required to carry out an enhanced DBS check for all staff, supply staff and governors who will be engaging in regulated activity. However, the Trust can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.

- 7.7 Whether a position amounts to "regulated activity" must therefore be considered by the Trust in order to decide which checks are appropriate. It is however likely that in nearly all cases the Trust will be able to carry out an enhanced DBS check and a Children's Barred List check.

8. Pre-Employment Checks

- 8.1 In accordance with the recommendations set out in KCSIE and DUCA the Trust carries out a number of pre-employment checks in respect of all prospective staff.
- 8.2 In fulfilling its obligations to carry out pre-employment checks the Trust does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, gender reassignment, disability or age.

- 8.3 **Online searches:** In addition to the checks set out below, the Trust reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the Trust. In accordance with paragraph 221 of KCSIE 2023 this will include online searches on shortlisted candidates (**online searches**). The online searches the Trust carries out may include searches of internet search engines, websites and social media platforms.
- 8.4 Online searches may be carried out at the shortlisting stage or after an offer of employment has been made (but prior to work commencing).
- 8.5 The Trust will determine how it approaches online searches on a case-by-case basis. However, all applicants for a role at the Trust will be treated consistently with regard to online searches.
- 8.6 Wherever possible, online searches will be undertaken by a person who will play no other part in the recruitment process (including the shortlisting exercise) or the appointment decision. In carrying out online searches the Trust is looking for any publicly available information about an applicant that:
- may be relevant to their suitability to carry out the role for which they have applied;
 - may be relevant to their suitability to work at the Trust or in an education setting;
 - is of a safeguarding nature; and/or
 - may have an impact on the Trust's reputation (whether positive or negative).
- 8.7 Any information generated from online searches will be entered in an 'Online search results record'. Where online searches are undertaken on shortlisted applicants any relevant information generated will be provided to the interview panel for discussion with shortlisted applicants at interview. Where online searches are undertaken on the successful applicant only any relevant information generated will be discussed prior to employment commencing. All offers of employment will be conditional upon the Trust being satisfied that the successful applicant is suitable to work at the Trust in light of any information generated from online searches.
- 8.8 In evaluating any online information for relevance the Trust will use the following criteria:
- whether the information is relevant to the position applied for;
 - whether the information is relevant to the applicant's suitability to work at the Trust or in an education setting;
 - whether the information could have an impact on the Trust's reputation (whether positive or negative);
 - whether the information calls into doubt the applicant's willingness or ability to uphold the Trust's commitment to safeguarding and promoting the welfare of children;
 - the length of time since the information became publicly available and whether the applicant's circumstances have changed since the information was published;
 - whether the information reveals a pattern of concerning behaviour; and
 - the relevant circumstances and the explanation(s) offered by the applicant.
- 8.9 For successful candidates, the Trust will retain information generated through online searches for the duration of the individual's employment and in accordance with its Retention of Records Policy after employment ends.
- 8.10 For unsuccessful candidates, the Trust retains the information generated from online searches for six months from the date on which they are informed their application was unsuccessful, after which it will be securely destroyed.
- 9. Verification of identity, address, right to work in the UK and qualifications**
- 9.1 All applicants who are invited to an interview will be required to bring with them evidence of their identity, right to work in the UK, address, and qualifications.
- 9.2 The Trust asks for this information at interview to ensure that the person attending interview is who they claim to be, that they are permitted to work for the Trust if appointed and that they hold appropriate qualifications.

9.3 **Identity and address:** all applicants must bring with them to interview, original documents which evidence their identity and address as set out below and in the list of valid identity documents at Appendix 1 (these requirements comply with DBS identity checking guidelines):

- one document from Group 1*; and
- two further documents from either of Group 1*, Group 2a or Group 2b, one of which must verify the applicant's current address; and
- where an applicant claims to have changed their name by deed poll or any other means (e.g. marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change. They will also be required to provide their birth certificate.

(*applicants must always provide their birth certificate as one form of identity unless there is good reason why this cannot be provided).

9.4 The Trust asks for the date of birth of all applicants in order to verify identity and check for any unexplained discrepancies in the employment and education history. The Trust does not discriminate on the grounds of age.

9.5 **Right to work in the UK:** all applicants must also bring to interview a valid form of evidence which confirms their right to work in the UK. Valid forms of evidence can be found in the Home Office 'Right to Work Checklist': (Right to work checklist (publishing.service.gov.uk)).

9.6 The Trust will check this evidence in accordance with the Home Office 'Code of Practice on preventing illegal working: Civil penalty scheme for employers: 1 July 2021' (Code of practice on preventing illegal working (publishing.service.gov.uk)).

9.7 **Qualifications:** all applicants must also bring to interview original documents which evidence any educational and professional qualifications referred to in their application form and / or which the Trust requests.

10. References

10.1 References will be taken up on short listed applicants prior to interview where possible.

10.2 Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

10.3 All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the Trust. One of the references must be from the applicant's current or most recent employer. If the current / most recent employment does / did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend. If references appear to be discriminatory (according to the Equalities Act 2010) then the Trust will seek to obtain another reference. The Trust will ensure that electronic references originate from a legitimate source.

10.4 All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. All referees will be sent a copy of the job description and person specification for the role for which the applicant has applied. If the referee is a current or previous employer, they will also be asked to confirm the following:

10.4.1 the applicant's dates of employment, salary, job title / duties, reason for leaving, performance, sickness* and disciplinary record

10.4.2 whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired), except where the issues were deemed to have resulted from allegations which were found to be unsubstantiated, unfounded, false or malicious

10.4.3 whether any allegation or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, except where the allegation or concerns were found to be unsubstantiated, unfounded, false or malicious

10.4.4 whether the applicant could be considered to be involved in "extremism" (see the definition of "extremism" at section 14 below).

(*questions about health or sickness records will only be included in reference requests sent out after the offer of employment has been made.)

- 10.5 The Trust will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials.
- 10.6 The Trust will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant and the relevant referee before any appointment is confirmed.
- 10.7 If it has not been possible to obtain a reference prior to interview it will be reviewed upon receipt. Any discrepancies identified between the reference and the application form and/or the interview assessment form will be considered by the Trust. The applicant may be asked to provide further information or clarification before an appointment can be confirmed.
- 10.8 If factual references are received i.e. those which contain limited information such as job title and dates of employment, this will not necessarily disadvantage an applicant although additional references may be sought before an appointment can be confirmed.
- 10.9 The Trust may at its discretion make telephone contact with any referee to verify the details of the written reference provided.
- 10.10 The Trust treats all references given or received as confidential which means that the applicant will not usually be provided with a copy.
- 10.11 All references received from a school must be countersigned by the Principal of that school.
- 10.12 All internal candidates who apply for a new role at the Trust will have their application assessed in accordance with this procedure. References may be taken up on internal candidates as part of the application process and can be provided by colleagues as the Trust will be the most recent employer and will previously have taken up references from past employers.

11. Criminal Records Checks

Prior to 29th May 2013, an enhanced disclosure contained details of all convictions on record (including those which are defined as "spent" under the Rehabilitation of Offenders Act 1974) together with details of any cautions, reprimands or warnings held on the Police National Computer. It could also contain non-conviction information from local police records which a chief police officer considered relevant to the role applied for at the Trust.

11.1 DBS Filtering Rules

11.1.1 With effect from 29th May 2013, the DBS commenced the filtering and removal of certain specified information relating to old and minor criminal offences from all criminal records disclosures. The 0 filtering rules developed by the DBS and the Home Office designate certain spent convictions and cautions as "protected". "Protected" convictions and cautions are not included in a DBS certificate and job applicants are not required to disclose them during the recruitment process. It is unlawful for an employer to take into account a conviction or caution that should not have been disclosed. If a protected conviction or caution is inadvertently disclosed to the Trust during the recruitment process it must be disregarded when making a recruitment decision.

11.1.2 A conviction will always be disclosable if it was imposed for a "specified offence" committed at any age. A caution issued for a "specified offence" committed over the age of 18 will always be disclosable. However, a caution issued for a "specified offence" committed under the age of 18 is never disclosable. "Specified offences" are usually of a serious violent or sexual nature, or are relevant for safeguarding children and vulnerable adults. The list of "specified offences" can be found at:

11.1.3 The filtering rules have recently been updated and work as follows:

11.1.3.1 For those aged 18 or over at the time of an offence

A spent criminal conviction for an offence committed in the United Kingdom when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by the job applicant) if:

- eleven years have elapsed since the date of the conviction;
- it did not result in a custodial sentence; and
- it was not imposed for a "specified offence".

11.1.3.2 A spent caution for an offence committed when a person was over the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if:

- six years have elapsed since the date it was issued; and
- it was not issued for a "specified offence".

11.1.3.3 For those aged under 18 at the time of an offence

A spent conviction for an offence committed when a person was under the age of 18 will not be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant) if:

- five and a half years have elapsed since the date of the conviction;
- it did not result in a custodial sentence; and
- it was not imposed for a "specified offence".
- A caution issued for an offence committed when a person was under the age of 18 will never be disclosed in a DBS certificate (and does not have to be disclosed by a job applicant). <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

11.2 Regulated activity

11.2.1 The Trust applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the Trust which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information. Any position undertaken at, or on behalf of the Trust will amount to "regulated activity" if it is carried out:

- frequently, meaning once a week or more; or
- overnight, meaning between 2.00 am and 6.00 am; or
- satisfies the "period condition", meaning four times or more in a 30 day period; and
- provides the opportunity for contact with children.

11.2.2 Roles which are carried out on an unpaid / voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

11.2.3 It is for the Trust to decide whether a role amounts to "regulated activity" taking into account all the relevant circumstances. However, nearly all posts at the Trust amount to regulated activity. Limited exceptions could include an administrative post undertaken on a temporary basis in the Trust office outside of term time or voluntary posts which are supervised.

11.3 The DBS disclosure certificate

11.3.1 The DBS issues the DBS disclosure certificate to the subject of the check only, rather than to the Trust. It is a condition of employment with the Trust that the original disclosure certificate is provided to the Trust within two weeks of it being received by the applicant. Original certificates should not be sent by post. A convenient time and date for bringing the certificate into the Trust should be arranged with the school as soon as it has been received.

- 11.3.2 Employment will remain conditional upon the original certificate being provided and it being considered satisfactory by the Trust.
- 11.3.3 Starting work pending receipt of the DBS disclosure: If there is a delay in receiving a DBS disclosure the Principal has discretion to allow an individual to begin work pending receipt of the disclosure certificate. This will only be allowed if all other checks, including a clear check of the Children's Barred List (where the position amounts to regulated activity), have been completed and once appropriate supervision has been put in place.
- 11.4 Applicants with periods of overseas residence**
- 11.4.1 DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence. The Trust will take into account the "DBS unusual addresses guide" in such circumstances.
- 11.4.2 For applicants who are living overseas, or who have lived overseas previously, obtaining a DBS certificate may be insufficient to establish their suitability to work at the Trust. In such cases the applicant will be required to provide additional information about their suitability from the country (or countries) in which they have lived. The Trust's policy is to request such information from each overseas country in which the applicant has lived for a period of three months or more in the previous five years.
- 11.4.3 When requesting such information the Trust has regard to relevant government guidance and will therefore always require the applicant to apply for a formal check from the country in question i.e. a criminal records check (or equivalent) or a certificate of good conduct.
- 11.4.4 The Trust recognises that formal checks are not available from some countries, that they can be significantly delayed or that a response may not be provided. In such circumstances the Trust will seek to obtain further information from the country in question, such as a reference from any employment undertaken in that country.
- 11.4.5 In addition, where an applicant for a teaching position has worked as a teacher outside of the UK, the Trust will ask the applicant to obtain from the professional regulating authority of the teaching profession in each country in which they have worked as a teacher, evidence which confirms that they have not imposed any sanctions or restrictions on the applicant and that they are not aware of any reason why the applicant may be unsuitable to work as a teacher. The Trust will also ask shortlisted applicants (and their referees) to disclose whether they have ever been referred to, or are the subject of a sanction issued by, the regulator of the teaching profession in the countries in which they have carried out teaching work.
- 11.4.6 Sanctions and restrictions issued by the regulating authority of another country will not prevent a person from working as a teacher at the Trust. However, the Trust will take all relevant information into account in determining whether an applicant is suitable to work at the Trust.
- 11.4.7 The Trust may allow an applicant to commence work pending receipt of a formal check from a particular country if it has received a reference and/or letter of professional standing from that country and considers the applicant suitable to start work. Decisions on suitability will be based on all of the information that has been obtained during the recruitment process. Unless expressly waived by the Trust, continued employment will remain conditional upon the Trust being provided with the outcome of the formal check and it being considered satisfactory.
- 11.4.8 If no information is available from a particular country the Trust may allow an applicant to commence work if they are considered suitable based on all of the information that has been obtained during the recruitment process.
- 11.4.9 The Trust will take proportionate risk-based decisions on a person's suitability in these circumstances. All suitability assessments must be documented and retained on file
- 11.4.10 If the formal check is delayed and the Trust is not satisfied about the applicant's suitability in the absence of that information, the applicant's proposed start date may be delayed until the formal check is received.

11.5 Prohibition from teaching check

- 11.5.1 The Trust is required to check whether staff who carry out "teaching work" are prohibited from doing so. The Trust uses the Teaching Regulation Agency Teacher Services system to check whether successful applicants are the subject of a prohibition, or interim prohibition order issued by a professional conduct panel on behalf of the Teaching Regulation Agency.
- 11.5.2 In addition the Trust asks all shortlisted applicants to declare whether they have ever been referred to, or are the subject of a sanction, restriction or prohibition issued by, the Teaching Regulation Agency or other equivalent body in the UK.
- 11.5.3 Where an applicant is not currently prohibited from teaching but has been the subject of a referral to, or hearing before, the Teaching Regulation Agency (or other equivalent body), whether or not that resulted in the imposition of a sanction, or where a sanction has lapsed or been lifted, the Trust will consider whether the facts of the case render the applicant unsuitable to work at the Trust.
- 11.5.4 The Trust applies the definition of "teaching work" set out in the Teachers' Disciplinary (England) Regulations 2012, which state that the following activities amount to "teaching work":
- 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.
- 11.5.5 The above activities do not amount to "teaching work" if they are supervised by a qualified teacher or other person nominated by the Principal. If in any doubt or if the applicant has taught previously, or may teach in future, the check will be undertaken, including for sports coaches.

11.6 Prohibition from management check

- 11.6.1 The Trust is required to check whether any applicant for a management position is subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent Trust (a section 128 direction).
- 11.6.2 The Trust will carry out checks for section 128 directions when appointing applicants into management positions from both outside the Trust and by internal promotion.
- 11.6.3 This check applies to appointments to the following positions made on or after 12th August 2015:
- CEO
 - Head of School/Principal
 - teaching or support staff posts on the Senior Leadership Team
 - teaching posts which carry a Head of Department role
- 11.6.4 The Trust will assess on a case-by-case basis whether the check should be carried out when appointments are made to teaching and support staff roles which carry additional responsibilities.
- 11.6.5 All individuals who are appointed to the governing body will be subject to a section 128 direction check.
- 11.6.6 The relevant information is contained in the enhanced DBS disclosure certificate (which the Trust obtains for all posts at the Trust that amount to regulated activity). It can also be obtained through the Teaching Regulation Agency Teacher Services system. The Trust will use either, or both, methods to obtain this information.
- 11.6.7 In addition the Trust asks all shortlisted applicants to declare whether they have ever been the subject of a referral to the Department for Education, or are subject to a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent Trust.
- 11.6.8 Where an applicant is not currently prohibited from management but has been the subject of a referral to, or hearing before, the Department for Education or other appropriate body, whether or not that resulted in the imposition of a section 128 direction or other sanction, or where a section 128 direction or other sanction has lapsed or been lifted, the Trust will consider whether the facts of the case render the applicant unsuitable to work at the Trust.

11.7 Childcare disqualification

11.7.1 The Childcare Act 2006 (**Act**) and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (**Regulations**) state that it is an offence for the Trust to employ anyone in connection with our early years provision (**EYP**) or later years provision (**LYP**) who is disqualified, or for a disqualified person to be directly involved in the management of EYP or LYP.

11.7.2 Definitions

11.7.2.1 EYP includes usual school activities and any other supervised activity for a child up to 1st September after the child's 5th birthday, which takes place on the school premises during or outside of the normal school day;

11.7.2.2 LYP includes provision for children not in EYP and under the age of 8 which takes place on school premises outside of the normal school day, including, for example breakfast clubs, after school clubs and holiday clubs. It does not include extended school hours for co-curricular activities such as sports activities.

11.7.2.3 DUCA states that only those individuals who are employed directly to provide childcare are covered by the Regulations. "Childcare" means any form of care for a child, which includes education and any other supervised activity for a child who is aged 5 or under. "Childcare" in LYP does not include education during school hours but does cover before and after school clubs.

11.7.3 Relevant roles

11.7.3.1 Roles which will be covered by the Regulations are teaching and teaching assistant positions in EYP, and those which involve the supervision of under 8s in LYP. Those who are directly involved in the management of EYP and LYP include the Principal, and may also include other members of the leadership team as well as those involved in the day to day management of EYP or LYP at the Trust.

11.7.3.2 DUCA contains an express statement that cleaners, drivers, transport escorts, catering and office staff are not covered by the Regulations.

11.7.3.3 Some roles at the Trust may involve the provision of childcare in EYP or LYP on an occasional basis. They will not automatically be within the scope of the Regulations and the Trust will therefore consider whether they do on a case by case basis. The Regulations only apply to a limited number of roles within the Trust but do extend beyond employees to governors and volunteers who carry out relevant work in EYP or LYP.

11.7.4 Grounds for disqualification

11.7.4.1 The grounds on which a person will be disqualified from working in connection with EYP or LYP are set out in the Regulations. They are not only that a person is barred from working with children (by inclusion on the Children's Barred List) but also include:

a) having been cautioned (after 6th April 2007) for, or convicted of, certain criminal offences including violent and sexual criminal offences against children and adults whether committed in the United Kingdom or overseas;

b) various grounds relating to the care of children, including where an order is made in respect of a child under the person's care;

c) having been refused registration for the provision of childcare (including nurseries, day care and child minding or other childcare), having been disqualified from any such registration or having had that registration cancelled;

d) having been refused an application for registration of a children's home or having had any such registration cancelled; or

e) having been prohibited, restricted or disqualified from private fostering.

11.7.5 Self-declaration form

11.7.5.1 All applicants to whom an offer of employment is made to carry out a relevant role in EYP or LYP will be required to complete a self-declaration form confirming whether they meet any of the criteria for disqualification under the Regulations.

11.7.5.2 The Trust will decide whether a role is relevant and within the scope of EYP or LYP by having regard to the guidance in DUCA. Employment with the Trust in any relevant role will be

conditional upon completion of the self-declaration form and upon the applicant not being disqualified.

- 11.7.5.3 The Trust cannot permit any person who is currently disqualified to start work in a relevant role. The Trust also reserves the right at its absolute discretion to withdraw an offer of employment if, in the opinion of the Trust, any information disclosed in the self-declaration form renders that person unsuitable to work at the Trust.
- 11.7.5.4 Applicants who have any criminal records information to disclose about themselves must also provide the following information:
- details of the order, restriction, conviction or caution and the date that this was made;
 - the relevant court or body and the sentence, if any, which was imposed; and
 - a copy of the relevant order or conviction.
- 11.7.6 Applicants are not required to disclose a caution or conviction for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 11.1 above). For the avoidance of doubt the Trust does not require applicants to request any criminal records information directly from the DBS. The Trust only requires applicants to provide relevant information about themselves "to the best of their knowledge".
- 11.7.7 **Waiver of a disqualification**
A person who discloses information which appears to disqualify them from working in a relevant role may apply to Ofsted for a waiver of the disqualification. The Trust may withdraw an offer of employment at its absolute discretion and is under no obligation to await the outcome of an Ofsted waiver application. If a waiver application is rejected the Trust will withdraw the conditional offer of employment.
- 11.7.8 **Retention of disqualification information**
The Trust will securely destroy any information which is provided by an applicant which is not relevant to the childcare disqualification requirements as soon as it is established that it is not relevant. Where a person appointed to a role at the Trust is found to be disqualified the Trust will retain any relevant information only for the period it takes for a waiver application to be heard and the decision communicated to the Trust, after which it will be securely destroyed.
- 11.7.9 **Continuing duty to disclose change in circumstances**
After making this declaration staff in a relevant role are under an on-going duty to inform the Trust if their circumstances change in a way which would mean they subsequently meet any of the criteria for disqualification. Any failure to disclose relevant information now, or of a future change in circumstances, will be treated as a serious disciplinary matter and may lead to the withdrawal of a job offer or dismissal for gross misconduct.

11.8 Medical fitness

- 11.8.1 The Trust is legally required to verify the medical fitness of anyone to be appointed to a post at the Trust, after an offer of employment has been made but before the appointment can be confirmed.
- 11.8.2 It is the Trust's practice that all applicants to whom an offer of employment is made must complete an online Health Questionnaire. This information will be reviewed by the Trust Occupational Health provider against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role i.e. proposed timetable, extra-curricular activities, layout of the Trust etc. If the Trust's medical advisor has any doubts about an applicant's fitness the Trust will consider reasonable adjustments in consultation with the applicant. The Trust may also seek a further medical opinion from a specialist or request that the applicant undertakes a full medical assessment.
- 11.8.3 The Trust is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence, considering reasonable adjustments and suitable alternative employment.

12 Contractors and Agency Staff

- 12.1 The Trust must complete the same checks for contractors and their employees, undertaking regulated activity at the Trust as it does for its own employees. The Trust requires written confirmation from the contractor that it has completed these checks on all of those individuals whom it intends will work at the Trust before any such individual can commence work at the Trust.

12.2 Agencies who supply staff to the Trust must also complete the pre-employment checks which the Trust would otherwise complete for its staff. Again, the Trust requires confirmation that these checks have been completed before an individual can commence work at the Trust.

12.3 The Trust will independently verify the identity of individuals supplied by contractors or an agency in accordance with section 9 above and requires the provision of the DBS disclosure certificate before those individuals can commence work at the Trust.

13 Volunteers

13.1 The Trust will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with students at or on behalf of the Trust (the definition of regulated activity set out in section 11.2 above will be applied to all volunteers).

13.2 The Trust will request an enhanced DBS disclosure without Children's Barred List information on all volunteers who do not undertake regulated activity. This is likely to be because their volunteering duties are subject to regular, day to day supervision by a fully checked member of staff or by a volunteer who the Trust has deemed appropriate to supervise and ensure the safety of those pupils in their care.

13.3 Under no circumstances will the Trust permit an unchecked volunteer to have unsupervised contact with pupils.

13.4 It is the Trust's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the Trust for three consecutive months or more. Those volunteers who are likely to be involved in activities with the Trust on a regular basis may be required to sign up to the DBS update service as this permits the Trust to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

13.5 In addition, the Trust will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to the following):

- formal or informal information provided by staff, parents and other volunteers
- character references from the volunteer's place of work or any other relevant source; and
- an informal safer recruitment interview.

14 Policy on Recruitment of Ex-Offenders

14.1 Background

14.1.1 The Trust will not unfairly discriminate against any applicant for employment on the basis of conviction or other details disclosed. The Trust makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the Trust. Each case will be decided on its merits in accordance with the objective assessment criteria set out in paragraph 15.2 below.

14.1.2 All positions within the Trust are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules (see section 11.1 above).

14.1.3 A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

14.1.4 It is unlawful for the Trust to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at the Trust. The Trust will make a report to the police and / or the DBS if:

- it receives an application from a barred person
- it is provided with false information in, or in support of an applicant's application; or
- it has serious concerns about an applicant's suitability to work with children.

14.2 Assessment criteria

14.2.1 In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Trust will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question
- the seriousness of any offence or other matter revealed
- the length of time since the offence or other matter occurred
- whether the applicant has a pattern of offending behaviour or other relevant matters
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- the circumstances surrounding the offence and the explanation(s) offered by the applicant.
- If the post involves regular contact with children, it is the Trust's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences:
 - a) murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or
 - b) serious class A drug related offences, robbery, burglary, theft, deception or fraud.

14.2.2 If the post involves access to money or budget responsibility, it is the Trust's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

14.2.3 If the post involves some driving responsibilities, it is the Trust's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last ten years.

14.3 Assessment procedure

14.3.1 In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Trust will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by HR Manager and the Principal of the school before a position is offered or confirmed.

14.3.2 If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the Trust may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

14.4 Retention and security of disclosure information

14.4.1 The Trust's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.

15 Referrals to the DBS and Teaching Regulation Agency

15.1 This policy is primarily concerned with the promotion and practice of safer recruitment. However, applicants should also be aware that the Trust has legal responsibilities to fulfil when employment comes to an end. In particular, the Trust has a legal duty to make a referral to the DBS where:

- an individual has applied for a position at the Trust despite being barred from working with children; and / or
- an individual has been removed by the Trust from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

15.2 The DBS will consider whether to impose sanctions on that individual which may restrict or prevent them from working with children in future.

15.3 In addition, if a teacher is dismissed because they are found to have committed serious misconduct, or they have breached the Teachers' Standards, or they resign prior to dismissal on such grounds, the Trust will make a referral to the Teaching Regulation Agency.

15.4 The Teaching Regulation Agency will consider whether to impose a prohibition from teaching order.

16 Queries

If an applicant has any queries on how to apply for a post at the Trust they should contact the HR Manager.

Appendix 1 List of valid identity documents

Group 1: primary identity documents

- current valid passport
- biometric residence permit (UK)
- current driving licence photocard - full or provisional (UK / Isle of Man and Channel Islands)
- birth certificate - issued within 12 months of birth (UK, Isle of Man and Channel Islands - including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces)
- adoption certificate (UK and Channel Islands)

Group 2a: trusted government documents

- current driving licence: photocard - full or provisional (all countries outside the UK excluding Isle of Man and Channel Islands)
- current driving licence: paper version if issued before 1998 - full or provisional (UK / Isle of Man and Channel Islands)
- birth certificate - issued after time of birth (UK, Isle of Man and Channel Islands)
- marriage / civil partnership certificate (UK and Channel Islands)
- immigration document, visa or work permit (issued by a country outside the UK. Valid only for roles whereby the applicant is living and working outside of the UK. Visa / permit must relate to the non-UK country in which the role is based)
- HM Forces ID card (UK)
- fire arms licence (UK, Channel Islands and Isle of Man)

All driving licences must be valid.

Group 2b: Financial and social history documents

- mortgage statement (UK)**
- bank / building society statement (UK and Channel Islands)*
- bank / building society statement (countries outside the UK)*
- bank / building society account opening confirmation letter (UK)*
- credit card statement (UK)*
- financial statement - e.g. pension or endowment (UK)**
- P45 / P60 statement (UK and Channel Islands)**
- council tax statement (UK and Channel Islands)**
- letter of sponsorship from future employment provider (non UK only; valid only for applicants residing outside the UK at the time of application; must be valid at time of application)
- utility bill (UK; not mobile telephone bill)*
- benefit statement - e.g. child benefit, pension (UK)*
- a document from central or local government/ government agency / local council giving an entitlement - e.g. from the Department for Work and Pensions, the Employment Service , HM Revenue & Customs (UK and Channel Islands)*
- EEA national ID card (must be valid at time of application)
- Irish passport card (cannot be used with an Irish passport; must be valid at time of application)
- cards carrying the PASS accreditation logo (UK, Isle of Man and Channel Islands; must be valid at time of application)
- letter from Head or College Principal (UK; for 16-19 year olds in full-time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at time of application).

Note

If a document in the list of valid identity documents is:

denoted with * - it should be less than three months old

denoted with ** - it should be less than 12 months old