

Model Policy - Safer Recruitment and Selection in an Educational Setting

This policy should be read alongside the Pre-employment checking document, which can be viewed by clicking [here](#). The combination of these documents will ensure the robust implementation of safer recruitment practices within your school.

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1.0 Scope	(Back to contents)
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- 1.1 This policy should be read and understood by all those that are involved in the recruitment or selection process, **before** any recruitment activity commences. Please contact people.management.policy&practice.team@westsussex.gov.uk if anything contained in this document is unclear.

2.0 Introduction	(Back to contents)
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- 2.1 This Policy illustrates the statutory requirements set out in the Department for Education (DfE) July 2015 guidance "[Keeping Children Safe in Education](#)".
- 2.2 Keeping Children Safe in Education has replaced:
 - Keeping Children Safe in Education 2014
 - Safeguarding Children and Safer Recruitment in Education (December 2006); and,
 - Dealing with allegations of abuse made against teachers and other staff 2012.
- 2.3 Having effective safer recruitment practices will help deter, reject or identify people who might pose a risk to children.
- 2.4 This policy will illustrate all safer recruitment practices that should be implemented (where appropriate) at each stage of the recruitment and selection process.

- 2.5 Any concerns about the content of this policy, the process it is communicating or if anything is missing please contact people.management.policy&practice.team@westsussex.gov.uk.

3.0 Pre- recruitment considerations (Pre-Advertisement)

- 3.1 The headteacher/ lead member of the recruitment team must ensure all those involved in the end to end recruitment process fully understand their role and responsibilities throughout.

Training

- 3.2 The School Staffing Regulations **requires** that at **least one** person on any appointment/ recruitment panel has undertaken appropriate safer recruitment training. Schools can choose which organisation delivers this training and may take advice from the [Local Safeguarding Children Board \(LSCB\)](#) before making a decision. This training should cover, as a minimum, the content of the July 2015 guidance "[Keeping Children Safe in Education](#)".

Job descriptions/ Person Specification

- 3.3 The job description **must** include a reference to the schools/ individuals responsibility for safeguarding and promoting the welfare of children, and the person specification will also include suitability to work with children.

4.0 Advertising the Post (Advertisement) [\(Back to contents\)](#)

Job Advertisement

- 4.1 The job advertisement must include:
- A reference to safeguarding and promoting the welfare of children and young people.
 - A statement explaining that for **all** roles that meet 'Regulated Activity' the successful candidate will be required to undertake an enhanced [Disclosure and Barring Service \(DBS\)](#) with Barred Lists check before employment commences.
 - A statement explaining that for eligible roles that involve working with children under the age of 8, the successful candidate would be required to sign a declaration form declaring they are not disqualified from undertaking this work under the "[Childcare \(Disqualification\) Regulations 2009](#)".

Information Pack

- 4.2 The information pack sent to candidates must include confirmation that West Sussex County Council meets the requirements in respect of exempted questions under the Rehabilitation of Offenders Act 1974. All new employees for relevant posts will be subject to an enhanced disclosure and barring service check. This will include details of cautions, reprimands or final warnings, as well as convictions, spent or unspent.

4.3 The information pack could contain the following statement:

“Please note, because of the nature of this job, if you are successful in your application you will be subject to an enhanced Disclosure and Barring Service with barred lists check. This will be done by means of applying for a DBS certificate through the Disclosure and Barring Service. Disclosures include details of cautions, reprimands or final warnings as well as convictions, spent or unspent.”

5.0 Application process (Post Advertisement)

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Application Form

- 5.1 An application form must be completed in full by all those that are interested in the vacancy.
- 5.2 Application forms will be used to enable all potential applicants to provide a common set of core data as follows:
- Name, address, National Insurance number and confirmation of right to work in the UK
 - Full details of qualifications relevant to the position applied for including awarding body and date of award
 - Full history in chronological order showing employment, study, voluntary work, with explanations for any periods not covered, and reasons for leaving employment.
 - Details of referees
 - A statement from the applicant of their personal qualities and experience, which they believe, meets the person specification.
- 5.3 **Please note:** If someone does not currently have the right to work in the UK, it should not rule them out from applying or being shortlisted. In certain circumstances the individual can either obtain right to work at a later stage of the recruitment process or some schools may be authorised to sponsor the individual to work in the UK. Please be aware that legislation surrounding sponsorship is extremely complex and there is no guarantee that UK Visas and Immigration will agree to the request. For further information please refer to [Sponsoring a Migrant Worker](#).
- 5.4 For further information on shortlisting please refer to the [Selecting Candidates](#) document.
- 5.5 **Please note:** The DBS code of practice and the Data Protection Act makes it clear that employers should not ask for information at an earlier stage in the recruitment process than necessary. To comply with this, **only** shortlisted or appointable candidates are asked to disclose details of any criminal record they may have at the time they are invited to interview. This should be done using the “Shortlisted Candidate Information form” see below.

Shortlisted Candidate Information Form

- 5.6 All candidates that are shortlisted must bring to interview a completed [Shortlisted Candidate Information](#) form.
- 5.7 There is a statement on this form explaining that the post is exempt from the Rehabilitation of Offenders Act 1974, requiring a signed statement that the individual is not disqualified from work with children or subject to sanctions imposed by a regulatory body, and either has no sanctions, cautions or bind-overs, or has attached details of their record in a sealed envelope marked confidential. There will also be an explanation of the DBS checking requirements.
- 5.8 Application forms and the shortlisted candidate information form will be carefully scrutinised upon receipt in order to identify any anomalies or areas of concern, which need to be followed up at interview. This will include any gaps in service or mid-career moves from permanent to supply or temporary work.

6.0 References (Pre Interview)

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- 6.1 References are an important part of the Safer Recruitment process. The [pre-interview reference form](#) must be sought for **all** shortlisted candidates, and must include one reference from their most recent employer.
- 6.3 All references received by the school at this stage must be signed or countersigned by the Headteacher if the last employment was in a school. These will be scrutinised to identify any gaps or contradictions, which will **then be explored at interview.**
- 6.5 For further information on references please see the [Pre-employment checking document](#).

7.0 Interview (Interview)

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- 7.1 Please see the [Interview Checklist](#) to understand what is required before during and after an interview has taken place.

Candidate Information

- 7.2 Candidates invited to interview should be informed in writing that relevant criminal convictions and other associated information will be discussed at the interview in order to assess job-related risks. They should also be informed that this information would only be used to assess suitability for employment in so far as it is relevant to the job to which they have applied. Having a criminal conviction will not necessarily bar someone from employment, this will depend on the circumstances and background to the offence.

- 7.3 For more information on employing people with convictions please read the Local Authority's Policy on the Recruitment of Ex-Offenders by clicking [here](#).

Interviews

- 7.4 **Please Note:** You must **not** ask questions about health or disability at the interview stage. This can only be explored after a job offer has been made during the pre-employment checking stage (see 8.0).
- 7.5 All interviews will be on a face to face basis (wherever possible), and the same panel will see all candidates and complete the appropriate pre-employment checks. For more information on this please see [Pre Employment Checking](#).
- 7.6 The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will enable the panel to explore whether the chosen applicant can meet the essential criteria.
- 7.7 The panel should then explore any anomalies or gaps in employment history which have been identified so far, in order to satisfy themselves that the individual meets the safeguarding criteria.
- 7.8 It is recommended that only after a full assessment of the applicant has been completed and a decision made as to their ability to do the job should any criminal conviction and associated information be discussed. This will ensure that applicants who have a criminal record are not being discriminated against or treated unfairly. Consideration including discussion with the candidate will need to be given to any information regarding previous records of cautions or convictions including any information provided in a sealed envelope alongside the Shortlisted Candidate Information form.
- 7.9 The interview provides an opportunity to raise issues concerning offences with applicants in an open discussion and as part of a structured and carefully managed process. Obviously all information should remain confidential to the interview panel and be treated with sensitivity and tact. It is recommended that any such discussion takes place between the chair of the interview panel and the candidate. (For Headteacher appointments, this will be between the Local Authority Officer supporting the recruitment process and the candidate).

8.0 Pre- Employment Checks (Post Interview)	(Back to contents)
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- 8.1 Completing robust pre- employment checks on potential employees and volunteers is a vital part of the safer recruitment process. For information on all pre-employment checks, how to complete them and when they are appropriate please refer to the document [Pre-employment checking](#).
- 8.2 **All** offers of employment must be subject to satisfactory clearance from the required checks.

9.0 Induction (Post Employment)[\(Back to contents\)](#)

- 9.1 All members of staff will be given an induction programme which will clearly identify the school policies and procedures, including child protection, and make clear the expectations and codes of conduct which will govern how staff carry out their roles. This will give the opportunity to provide discussion of any relevant issues. The programme will ensure that all new staff are aware of the following policies and procedures and how to access them:
- Safeguarding and welfare e.g. child protection, anti-bullying, anti-discrimination, physical intervention/restraint, intimate care, internet safety
 - [Discipline](#) and [grievance](#), [capability](#) and whistle-blowing. NB the [Confidential Reporting Policy](#) should be on display on staff notice boards.
- 9.2 In addition all staff will be made aware of the channels for raising any concerns.

10.0 On-going Employment (Post Employment)[\(Back to contents\)](#)

- 10.1 The school recognises that safer recruitment and selection is not just about the start of employment, but should be part of a larger policy framework for all staff. We will therefore provide ongoing training and support for all staff, as identified through [performance management](#). We will also provide a range of opportunities where concerns can be raised, in order that staff feel that the school culture embraces safeguarding and communicates a clear framework to employees, parents and pupils. We will monitor issues as they arise, and through the use of such strategies as exit interviews will seek to continually improve the school environment, for the benefit of both staff and pupils.

Convictions during employment

- 10.2 Once an appointment has been confirmed, there is a contractual requirement for the person appointed to disclose any offence committed during their employment. An employee convicted of a crime, or who receives a police caution, whilst in employment should advise his/her Headteacher in the first instance. The Headteacher should then contact the [HR Professional Support](#) Team for advice.
- 10.3 Consideration would be given as to whether the employee should remain in post, taking into account whether the conviction is relevant to the post. It is important that no decision on terminating the employment contract is taken until advice has been sought from HR Professional Support.
- 10.4 Where an employee is convicted of a crime, or receives a police caution, but fails to advise his/her line manager, it will be viewed as a breach of contract and could result in disciplinary action, including potential dismissal.

DBS Referrals

- 10.5 A referral to the DBS **must** be made if, during their employment, an employee has:
- been cautioned or convicted of a relevant offence (a plain English explanation of relevant offences can be found on the [DBS website](#));
 - engaged in relevant conduct in relation to children i.e. an action or inaction (neglect) that has harmed a child or put them at risk of harm; or
 - satisfied the harm test in relation to children i.e. there has been no relevant conduct but a risk of harm to a child still exists.
- 10.6 In these circumstances Headteachers should liaise with the HR Professional Support Team and the Local Authority Designated Officer to ensure a referral is made. In most cases this will be following a dismissal but will also be required if an employee may or would have been dismissed had they not resigned first.

Secretary of State Referral

- 10.7 Where a teacher, including an agency, is dismissed or a school ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by the Education Act 2002.

Written by: Workforce, Policy & Practice

Updated: December 2015 to include statutory guidance illustrated in "Keeping Children Safe in Education" and "Equality Act 2010".

Appendix 1 - Safer Schools Checklist[\(Back to contents\)](#)

Use the following check list to evaluate the safer recruitment practices within your school.

Policy or procedure	In place	Not in place	In progress	Notes
Same standards applied to all categories of employment				
Use of application form				
Job description/person specification sent to referees				
Referees asked to specifically comment on suitability for the post				
Applicants aware that previous employers may be contacted				
Written references taken up				
References obtained prior to interview				
One member of panel to examine these prior to interview				

References to be obtained for internal candidates, supply/agency staff or previous volunteers				
Interview questions asked on candidate's child protection awareness				
Explanation of gaps in employment required				
Proof of identity required – originals not photocopies				
Academic qualifications checked - originals not photocopies				
Medical clearance prior to employment				
No employment until appropriate level of DBS check has been done				
<p>Above checks applied as appropriate to</p> <ul style="list-style-type: none"> - Overseas Staff - Supply or agency staff - Gap year/ work experience students - Volunteers - Governors/ trustees - Contractors 				
Declaration signed where eligible confirming that applicants are not disqualified under the Childcare (Disqualification) Regulations 2009				