



Policy for

# Safer Recruitment

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## Statement of intent

All AET policies are written to support our schools and communities. We do this by ensuring they are always in line with our Colleague Values:



Applying these values to everything we do means always acting with integrity, in the interests of others, being honest, open and transparent and putting the safety of our children first.

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

The safety and protection of the trust's pupils is always at the forefront of the trust's concerns, which is why this policy aims to:

- Embed a robust safeguarding culture into the recruitment practices of the trust and its academies
- Attract the best possible applicants to vacancies
- Deter prospective applicants who are unsuitable for work with children or young people
- Identify and reject applicants who are unsuitable for work with children and young people.

### 1. Legal framework

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

- Rehabilitation of Offenders Act 1974
- Children Act 1989
- Education Act 2002
- Sexual Offences Act 2003
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- Education and Skills Act 2008
- The School Staffing (England) Regulations 2009
- Equality Act 2010

- The Education (School Teachers' Appraisal) (England) Regulations 2012 (as amended)
- The UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Amendments to the Exceptions Order 1975, 2013 and 2020

This policy has due regard to guidance including, but not limited to, the following:

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

## 2. Definitions

**"Regulated activity"** includes:

- Being responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children.
- Working for a limited range of establishments (known as 'specified places', which include schools and colleges), or in connection with the purposes of the establishment, with the opportunity for contact with children, but not including work undertaken by supervised volunteers.
- Engaging in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

Regulated activities do not include:

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

**"Teaching role"** – refers to a role involving planning and preparing lessons and courses for pupils; delivering lessons to pupils; and assessing and reporting on the development, progress and attainment of pupils. These activities are not teaching work for the purposes of

'Keeping children safe in education' (KCSIE) if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher or other person nominated by the principal/headteacher to provide such direction and supervision.

A **“Standard DBS”** – this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer, regardless of whether or not they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out.

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

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

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

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

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

### **3. Roles and responsibilities**

**The Board of Trustees is responsible for:**

- Agreeing and monitoring effective policies to ensure recruitment across the trust is in accordance with the legislation outlined above.
- Ensuring that staff recruitment is as safe as possible, as well as fair and compliant with the relevant legislation.
- Ensuring appropriate checks have been carried out on staff, volunteers, contractors and agency workers working within the trust.
- Establishing a recruitment panel including at least one individual who has completed up to date safer recruitment training.
- Ensuring that all members of the recruitment panel understand their role, i.e. advisory or decision making.
- Monitoring the advertising of vacancies, assessing how they are being advertised and whether the adverts are maximising all of the opportunities to attract the appropriate applicants.

- Benchmarking the success of any advertising methods used, as well as the overall success of the recruitment process.
- Ensuring a member of the trust's senior leadership team is on the recruitment panel for a new principal.
- Ensuring that all members of the recruitment panel are familiar with their obligations with regards to safer recruitment, as set out in KCSIE.
- Monitoring the trust's MAT Single Central Register (SCR) to ensure that the necessary vetting checks for employees are carried out.
- Ensuring that equal opportunities are established and implemented throughout the recruitment process.
- Ensuring that the salary of the successful candidate is determined.
- Accommodating the needs of new employees and making reasonable adjustments when necessary.
- Ensuring that the DPO reviews this policy and that any recruitment data that is kept in accordance with the Records Management Policy.
- Ensuring that they have the skills to carry out effective selection processes, including knowing when and how to request references.

**The recruitment panel in consultation with the HR Team is responsible for:**

- creating the advert and ensuring it meets all the necessary requirements.
- Shortlisting the potential applicants with the aim of reducing the application field and identifying those with the potential to effectively undertake the role.
- Appropriately delegating responsibility for recruitment to the principal.
- Setting appropriate recruitment procedures, as per the scheme of delegation and relevant policies.
- Reviewing and scrutinising applicants' applications and identifying any gaps.
- Organising interviews with shortlisted applicants.
- Ensuring that the interview addresses leadership ability, team working skills, integrity, understanding of the trust's values, ethos and vision, and why the candidate believes they would be a good fit for the trust.
- Ensuring that the interview addresses safeguarding practices.
- Ensuring that the interview addresses the candidate's motivation, reasons for being interested in joining the school, and attitude to working with children.
- Agreeing with the successful candidate when other members of the school community will be informed about their appointment, including staff, LAC governors, board of trustees and parents.
- Ensuring that references have been received where requested.
- Ensuring that all references for a shortlisted candidate are obtained prior to interview, properly scrutinised, and that information is not contradictory, unclear, or incomplete, with clarification requested when appropriate.
- Asking previous employers of new staff members whether the individual has been subject to capability procedures in the previous two years.
- Where possible, ensuring that the shortlisting panel and interviewing panel are comprised of the same people.
- Ensuring that the candidate chosen to fill a vacancy is suitable for the role.

### **The principal is responsible for:**

- Ensuring appropriate checks have been carried out on prospective staff, volunteers, contractors and agency workers working within the school.
- Ensuring that appropriate supervision of employees/volunteers is organised, and for promoting the safety and wellbeing of pupils generally and throughout the recruitment process.
- Leading the interview or delegating to others when the candidate is at a lower level than principal.
- Ensuring that all visitors are provided with safeguarding guidelines and expectations.
- Ensuring that the successful candidate receives the appropriate training, e.g. safeguarding and induction.
- Ensuring that all relevant staff members are familiarised with this policy.

During the recruitment process, and especially during the initial stages, the recruitment panel and the principal will be watchful of applicants displaying the following characteristics:

- No understanding or appreciation of children's needs.
- Expressing that they want the role to meet their needs at the expense of children.
- Using inappropriate language in relation to children.
- Expressing extreme views or views that do not support safeguarding practices.
- Displaying unclear boundaries with children.
- Providing vague answers when asked about their experience and being unable to explain gaps in their employment.

The DPO is responsible for:

- Ensuring that all references are handled in line with the Data Protection Policy and relevant legislation.

The DSL is responsible for:

- Deciding when it is appropriate or necessary to disclose any safeguarding concerns or allegations as part of a reference, in line with KCSIE.
- Discussing with the principal/headteacher the suitability of a candidate when a reference has disclosed safeguarding concerns or prior allegations.

## **4. Equal opportunities**

- When recruiting, the trust and its schools will adhere to its policies and procedures.
- The trust and its schools will not discriminate against any protected characteristics, such as disability or gender, and will always promote difference and inclusion throughout the trust.
- The trust and its schools will, where necessary, make reasonable adjustments to ensure the interview is accessible to all applicants. Applicants should inform the trust and its schools of any reasonable adjustments that they need when they receive the invitation for an interview.

- The board of trustees will review recruitment procedures annually to ensure they are accessible and do not directly or indirectly discriminate against applicants.
- Applicants will not be asked about their health or any disabilities before a job offer is made, unless one of the following exemptions applies:
  - Questions necessary to establish if an applicant can perform an intrinsic part of the job (subject to any reasonable adjustments)
  - Questions to establish if an applicant is fit to attend an assessment or any reasonable adjustments that may be needed at interview or assessment
  - Positive action to recruit people with disabilities
  - Equal opportunities monitoring (which will not form part of the decision-making process)

## **5. Planning, advertising and shortlisting**

### **Planning**

- When considering recruitment, schools will discuss the requirement with the Trust HR Manager to ensure all alternative recruitment options have been considered before an external advertisement is placed.
- The Aspire Educational Trust is committed to continuous professional development for all staff. Opportunities arising will be offered to staff within the trust, unless the roles are due to restructuring and ring fencing may be appropriate.

If no alternative recruitment options are available within the trust, the job information and associated documents will be published online via the trust or school's website. The full requirements of the role will be clearly explained, including any employment vetting requirements such as a DBS check.

The recruitment panel will be an odd number so majority votes can be cast. The recruitment panel will create the advertisement.

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

The Board of Trustees/Local Academy Committee or principal, depending on scheme of delegation, will:

- Decide on the recruitment timeframe.
- Decide who will be involved in the process and what their roles will be, e.g. who forms the recruitment panel and who will lead interviewing.
- Prepare the documents that will be provided to applicants, including the job description, person specification and application form – ensuring that these documents contain a clear message about safeguarding, the checks that will be carried out and that references will be sought.
- Ensure that application packs, where relevant, state that applicants must be willing to sign a self-declaration form to obtain information about staff disqualification, in line with the Childcare Act 2006.



## Advertising

- The Trust is committed to providing enjoyable and satisfying careers for its workforce, therefore vacancies will be advertised internally. External advertising may not always be required.
- Vacancies will be advertised on the Trust website. Vacancies will also be shared with staff via the weekly briefing and on the Staff area of the website.
- Adverts must be written using the Aspire Template, available on Collaborate, which contains the following statement “The Aspire Educational Trust is committed to safeguarding and promoting the welfare of children and young people. All posts are subject to safeguarding checks which include satisfactory enhanced Disclosing and Barring Service (DBS) check.”
- The Trust is committed to encouraging flexible working and vacancies will contain flexible statements wherever possible (e.g up to full time).

Advertisements will include:

- a job description, person specification and detail the closing date. Template job descriptions and person specification can be found on Collaborate or contact HR via the HR email.
  - A statement of the school’s commitment to safeguarding and promoting the welfare of pupils whilst making clear that safeguarding checks will be undertaken.
  - The safeguarding responsibilities of the post as per the job description and person specification.
  - Information surrounding whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020.
  - a statement of commitment to ensuring equal rights
  - a date to inform applicants that if they have not heard from the trust by the shortlisting date that their application has been unsuccessful.
  - Contact details so that applicants can ask for further details or support.
- details of the application process will be clearly outlined.

Vacancies will be advertised through external media, such as local authority vacancy websites, trust and academy websites, local or national press, with due consideration to the trust’s commitment to equality, equity, diversity and inclusion, ensuring that the advertisement reaches a wide range of groups. Advertisements will contain a statement of commitment to ensuring equal rights. Advertisements will include, or link to, a job description, person specification and detail the closing date. The contact number of the appointing officer and details of the application process will be clearly outlined.

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

Application forms will be accessible on the trust and school’s website.

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

### **Application forms**

Applicants will be asked on the application form to declare that they are not barred by the Disclosure and Barring Service from working with or applying to work with children or included on the DBS Children's Barred List.

The Trust website has links to each school's Child Protection and Safeguarding Policy and information on employment of ex-offenders in the application pack.

Applicants will be required to provide the following:

- Personal details, e.g. their current and former names, current address, and national insurance number
- Details of their current or most recent employment, including the reason for leaving
- Full employment history, including explanations for any gaps in their employment
- Qualifications, the awarding body and the date of the award
- Details of references
- A statement of their personal qualities and an explanation of why they meet the person specification to be a suitable candidate for the role
- The trust and its schools will only accept a CV alongside a completed and signed application form; a CV on its own will not be accepted. Applications can be sent electronically but in this case, any applicant called for interview will be asked to sign the application form on arrival at interview.

When shortlisting applicants for an interview, all application forms will be considered. Shortlisting criteria will be agreed in advance by the recruitment panel.

Applicants who are shortlisted will meet all the essential aspects of the person specification requirements. The school will ensure that the shortlisting process is as systematic as possible, and that the recruitment panel reads through all applications. Each member of the panel will create their own shortlist which will then be collated and discussed. Applicants will be assessed against the same shortlisting criteria to ensure a fair process.

Where applicable, the school will use the application form to make clear that shortlisted applicants may be subject to online searches.

### **Shortlisting**

The trust and its schools will ensure that the shortlisting process is as systematic as possible, and that the recruitment panel read through all applications. Each member of the panel will create their own shortlist which will then be collated and discussed.

Only those applicants who have been shortlisted will be asked to disclose any relevant information including:

- Information of any criminal offences committed.
- If they are known to the police and children's social care services.
- Whether they have been disqualified from providing childcare.

- Any relevant overseas information.

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

When shortlisting applicants, the trust will:

- Consider all application forms
- All members of the recruitment panel will be involved in the shortlisting process.
- Ensure all panel members complete shortlisting using scoring sheets, which can be accessed by HR or on Collaborate.
- Assess whether there are any inconsistencies or gaps in the candidate's employment and consider the reasons given for them.
- Consider undertaking online searches, as necessary, and explore any further potential concerns.
- Ensure applicants are assessed against the same shortlisting criteria to ensure a fair process.
- Ensure applicants who are shortlisted will meet all the essential aspects of the person specification requirements.

Requests for further information from applicants will be replied to promptly.

Interviews will be arranged for the shortlisted applicants.

## **6. Redeployment**

The trust is committed to retaining its workforce wherever possible. There may be occasions where staff meet the criteria for redeployment. Redeployees are encouraged to apply for suitable alternative positions and they must meet the essential criteria for the role in order to be shortlisted. The recruiting manager will be advised of any redeployees applying for their vacancies and may be required to interview a redeployee prior to other applicants.

## **7. Secondments and Expressions of Interest**

Secondments must be authorised by the CEO or Assistant CEO before such opportunities are advertised and recruited to. Adverts for secondment opportunities must explicitly state that the role is a secondment opportunity and the intended duration of the secondment. Applicants must seek approval from their line manager prior to applying for a secondment opportunity as there may be occasions where the manager is unable to support the release of one of their team members for a secondment (e.g. if their substantive role is a difficult to recruit to role).

The trust may, in exceptional circumstances, utilise an internal expression of interest recruitment process. This may be justifiable for a temporary appointment, for example, where the role is of a specialist nature or where a developmental opportunity is available internally and can be ring-fenced for a particular group of staff. Organisational changes may also result in ring-fenced opportunities for affected staff. Managers must seek advice from the HR.

Expressions of interest allow for a quick turnaround and remove the external element of recruitment. However, this is the only difference to the normal recruitment process as once

application forms are received the normal recruitment and selection processes follow (e.g. shortlisting, interviews, assessments etc.).

## **8. Invitation to interview**

Before interview invitations are sent, the recruitment panel will ensure that application packs are sent and include, as a minimum, the following:

- A comprehensive job description
- A comprehensive person specification
- Child Protection and Safeguarding Policy
- A brief outline of the trust, the school and its values and aims
- The selection procedure for the post
- An AET application form
- Link to website for prospective employees' privacy statement and relevant recruitment policies
- List of documents they are required to present at interview
- For relevant posts, a copy of the Disqualification under the Childcare Act 2006 information for employees (Annex A of AET Single Central Record Policy)

Once a shortlist has been confirmed, the applicants to be invited for interviews will be contacted by the school or trust using the Aspire Invitation to Email template which can be found on Collaborate. This ensures that all shortlisted applicants receive information about the interview arrangements, how they will be conducted, the areas that will be explored and what documents they should bring. It also states that the successful applicant's identity will be checked and, where appropriate, the necessary pre-appointment checks will be carried out. This includes checking the candidate has read and understood the Disqualification under the Childcare Act 2006 information for employees.

## **9. Pre-interview checks**

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

Pre-interview checks will include the following:

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

## **10. Digital footprints**

The trust is committed to ensuring that safeguarding is a top priority; therefore, where appropriate, the trust and its schools may check applicants' social media or other online activity prior to interview.

This process may include a search for the candidate via:

- Google
- Facebook
- LinkedIn

Any concerns will be addressed during the interview process.

## **11. Requesting references**

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

The Aspire Educational Trust reference pro-forma must be used for all reference requests.

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

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

Concerns raised following a candidate's references will be explored further with the referee where appropriate and discussed with the candidate at interview.

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

## **12. Checking references**

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

Where a reference appears incomplete or other concerns arise, the school will carry out one of the following actions:

- Call the referee to discuss the reference further
- Email the referee the reference for confirmation of its accuracy

The recruitment panel will ensure that any past disciplinary action or allegations disclosed as part of a reference are considered carefully when assessing the candidate's suitability for the

role. If this involves safeguarding or potential safeguarding concerns, the DSL will be consulted to help assess the candidate's suitability.

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

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

### **13. Providing references**

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

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

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

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

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

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

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

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

## **14. Content of references**

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

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

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

## **15. Previous disciplinary action**

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

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

When providing references, the disclosure of information about past disciplinary action or allegations not relating to safeguarding will be provided where it is deemed appropriate, e.g. it is relevant to the staff member or former staff member's suitability for the role. Information relating to disciplinary action will generally only be disclosed if penalties or sanctions remain in place for the employee.

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

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

## **16. Use of data and confidentiality**

Personal data relating to references will be handled in line with the Data Protection Policy.

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

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

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

## **17. Online searches on shortlisted applicants**

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

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

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

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

The online search process may include searching for the candidate by name via search engines and social media platforms.

When carrying out searches of shortlisted applicants' online presence, the school will look out for indicators of concern, such as:

- Inappropriate behaviour, jokes or language.
- Discriminatory comments.



- Inappropriate images.
- Drug or alcohol misuse.
- Anything that suggests the candidate may not be suitable to work with children.
- Anything that could harm the reputation of the school.

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

## **18. The interview**

During the interview process, each applicant will be asked a set of common questions relating to the requirements of the post. These responses will be recorded for ease of comparison using the AET Scoring Sheet, available on Collaborate. Any concerns raised through contact with referees or self-declared information will be discussed with the candidate at this stage. The recruitment panel will ask open questions, using the example questions on Collaborate, to assess the candidate's experience and suitability for the post, and to explore the candidate's motivation towards safeguarding and their suitability to work with children. The school will use a range of selection techniques to identify the most suitable person for the post.

Interview questions seek to:

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

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

Areas that may raise concerns and lead to further enquiry include:

- Implication that adults and children are equal.
- Lack of recognition or understanding of the vulnerability of children.
- Inappropriate idealisation of children.
- Inadequate understanding of appropriate boundaries between adults and children.
- Indicators of negative safeguarding behaviours.
- Attempts to push or overstep boundaries.
- Consistent rule-breaking behaviour.

On arrival for interview each candidate's identity will be checked along with documents they were informed to present at interview.

The candidate will be given the opportunity to discuss any concerns or ask any questions. The process will always comprise a face-to-face interview; however, the recruitment panel may also request that applicants complete one of the following exercises:

- Role play exercises
- Presentations
- Group exercises
- Written exercises
- Aptitude/ability tests
- Personality questionnaires
- Getting the candidate to work in supervised activity with pupils

Please discuss assessment options with HR

## **19. After the interview**

After the interview has been completed, the recruitment panel will:

- Assess all applicants' performance using the same agreed criteria.
- Ask the successful candidate to provide proof of identification and qualifications, and to complete the DBS check as soon as possible.
- Contact and provide feedback to the unsuccessful applicants – feedback will be verbal and based on evidence of their performance against the person specification for the role.
- All internal applicants shall be given verbal feedback

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

After choosing a successful candidate, the trust and its schools will:

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

Any spent or filtered convictions declared on the candidate's self-declaration form, or declared at interview, will not affect the offer of employment if already made; however, the school will undertake the relevant assessments to determine whether the candidate is suitable to work in the school.

## **20. Remote recruitment**

The school will follow all the requirements set out in this policy when recruiting remotely, changing only the in-person nature of the interview, and implementing the necessary additional steps to support this. A Trust approved online platform will be used that takes into account ease of use, privacy measures and suitability for the purposes of online interviews. Online interviews will be conducted in line with the trust's ICT Acceptable Use Policy and Data Protection Policy at all times.

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

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

The school will communicate its expectations to applicants regarding the use of the online platform in good time prior to the interview. These expectations will include, but will not be limited to, the following:

- The candidate will participate in the interview with both the video camera and microphone features enabled at all required times
- The candidate will participate in the interview in a suitable setting – a quiet area with a neutral background
- The candidate will keep personal information which is not relevant to the recruitment process private, e.g. their email password, and will not ask the staff members conducting the interview to share any such private information
- Where necessary, the candidate will be aware that the school will record the online interview, and that they will be required to consent to this in order for the interview process to continue

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

The school will not discriminate against applicants who are recruited remotely; they will be considered fairly alongside any applicants who are not recruited remotely.

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

## **21. Pre-appointment checks**

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

When appointing new staff, the trust will complete the following checks:

- Verify the candidate's identity, e.g. checking the name and birth date on a birth certificate, where available and verifying any name changes.
- Obtain an enhanced DBS certificate via the applicant and, for applicants engaging in regulated activity, barred list information
- Obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available
- Verify a candidate's mental and physical fitness to carry out their role
- Verify the person's right to work in the UK
- Make further checks on any individual who has lived or worked outside the UK
- Verify professional qualifications, as appropriate.
- For those in management, trustee or LAC governor roles, a section 128 check will be carried out
- Original documents should be seen.

Copies of the documents used to verify the successful candidate's identity, right to work and required qualifications should be taken and uploaded to the employee's personnel file on iTrent.

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

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

The school will consider the following when assessing any disclosure information on a DBS certificate:

- The seriousness and relevance to the post which they have applied to
- How long ago the offence occurred
- The country where the offence occurred
- Whether it was a one-off incident or a history of incidents
- The circumstances around and at the time of the incident
- Whether the individual accepted responsibility for what happened
- Whether the offence has been decriminalised

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

The trust's schools will use the Employer Secure Access sign-in portal via the Teaching Regulation Agency Teacher Services web page to check if a proposed governor is barred as a result of being subject to a section 128 direction.

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

Even though there is no requirement AET choose to request to ensure we have up to date information an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the applicant has worked in England in a post:

- In a school which brought them into regular contact with children or young persons; or
- In any post in a school since 12 May 2006 which did not bring the person into regular contact with children or young persons.

Successful applicants must complete the trust's health declaration form. Depending on the answers given by the candidate, the trust's occupational health provider may be asked to carry out further enquiries to confirm mental and physical fitness for the specific post.

### **Volunteers**

All volunteers will be risk assessed using the AET Volunteers Risk Assessment and use professional judgement and experience when deciding what checks, if any, will be required.

If a volunteer is not engaging in regulated activity, the school will use its professional judgement, after conducting a risk assessment, to determine whether to seek an enhanced DBS check, but no barred list check will be required.

If volunteers are engaging in regulated activity and are new to the school, an enhanced DBS check with a barred list check will be required.

Existing volunteers in regulated activity do not need to be re-checked if they have already had a DBS check (including barred list information); however, the school may decide to conduct a repeat DBS check.

### **Applicants who have lived outside the UK**

No exceptions will be made for applicants who have lived outside of the UK. All mandatory checks outlined in this policy will be carried out, along with additional checks where necessary, including an enhanced DBS certificate with barred list information for those engaging in regulated activity, even if they have never been to the UK before.

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

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

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

### **Agency and third-party staff**

In the case of any employee working at the trust and its schools who is sourced from an agency or third-party organisation, the school will obtain written notification from the

organisation confirming that they have carried out the same checks as the school would otherwise perform on any individual who will be working at the school, or who will be providing education on the school's behalf, including through online delivery. Confirmation will also be obtained that the individual who presents for work is the same person on whom all checks have been completed. Written confirmation received will be filed at the relevant trust location and the date confirmation was received will be recorded on the MAT Single Central Record.

### **Trainee/student teachers**

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

Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. The trust and its schools will obtain written confirmation from the teacher training provider that all necessary checks have been completed. Written confirmation received will be filed at the relevant trust location and the date confirmation was received will be recorded on the MAT Single Central Record

### **Existing staff**

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

Where an existing member of staff is moving to regulated activity, the recruitment panel will carry out further checks where there is a concern about a member of staff's suitability to work with children. An investigation will be carried out to gather enough evidence to establish if an allegation has a foundation. The employer of the school will ensure they have sufficient information to meet the relevant referral duty criteria, as outlined in the DBS's barring referral guidance.

The trust will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- The harm test is satisfied in respect of that harm.
- The individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence.
- The individual is deployed to another area of work not in regulated activity, or where they have been suspended.

Referrals to the DBS will be made on conclusion of an investigation where an individual has been removed from regulated activity. Referrals to the DBS will be made as soon as possible after the resignation, removal or redeployment of the staff member. Referrals to the DBS will be made by the Trust HR Manager.

### **Contractors**

The school will ensure that any contractor, or any employee of the contractor, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in regulated activity, but whose work provides them with

an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required. 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 and its schools will obtain written confirmation from the contractor that the appropriate and relevant level of the checks have been carried out on any employee of the contractor working within a trust school. Written confirmation received will be filed at the relevant trust location and the date confirmation was received will be recorded on the MAT Single Central Record

Safeguarding declaration to be signed, electronic signature acceptable

If a contractor is self-employed, the trust and its schools will consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account. The trust and its schools will always check the identity of contractors and their staff on arrival.

### **Governors**

Trustees and LAC governors will have an enhanced criminal records certificate from the DBS. Governance is not a regulated activity and so governors will not need a barred list check unless, in addition to their governance duties, they also engage in regulated activity.

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

Trustees, members and LAC governors will be subject to a Section 128 check.

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

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

## **22. Right to work checks**

[EU, EEA, or Swiss citizens need to provide evidence of lawful immigration status in the UK. Individuals from these areas will not be able to use their passport or national ID as proof of right to work. Schools will need to check candidate's right to work online. The UK operates a points-based immigration system which affects how schools employ teachers who are not UK or Irish nationals. All overseas nationals, including those from the EEA and Switzerland, arriving in the UK from 1 January 2021 come under the new system.]

The school will obtain evidence that all applicants for a position have the right to work in the UK by either conducting a manual document-based check, or by using the government's [online portal](#). This will be done before a candidate is offered a position.

When conducting a manual, document-based check, the school will ensure that the documents received from applicants are acceptable in line with government guidance, and

from the appropriate list: [List A](#) for applicants with a permanent right to work in the UK, or [List B](#) for applicants with a temporary right to work in the UK. Checks on documents will be conducted in line with [section 19](#) of this policy.

The school will obtain proof of applicants' immigration status in the UK.

The school will contact the Home Office in the event that a statutory excuse must be established in the following circumstances:

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

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

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

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

## **23. Identification checking process**

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

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



The school will ensure that the candidate declares all previous name changes and provides documentary evidence to support the name change. If the candidate is unable to provide evidence to support the name change, the school will hold a discussion with the candidate about the reasons why. The school will always aim to check the name on the candidate's birth certificate in order to validate their identity.

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

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

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

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

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

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

## **24. After the pre-appointment checks**

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

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

## **25. Single Central Record (SCR)**

Please see the AET SCR Policy for further information.

## **26. Induction and probation**

All staff who are new to the academy/trust will receive induction training which will include the Aspire Educational Trust's safeguarding policies and guidance on safe working practices. The trust induction checklist document will be completed for each new employee.

Regular meetings will be held during the first three months of employment between the new employee(s) and the appropriate manager(s).

A probationary period will be followed during the first 6 months of employment for support staff and three full terms for teaching staff.

All new staff must be referred to KCSIE document

## **27. Safer recruitment training**

At least one member of any recruitment panel will have completed formal safer recruitment training.

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

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

All those involved in recruitment and employment of staff will receive appropriate safer recruitment training that substance of which will at a minimum cover the content of Part 3 KCSIE statutory guidance.

## **28. Safeguarding**

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

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

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

## **29. Monitoring and review**

Any changes made to this policy by the HR Manager and Trust Safeguarding Lead will be communicated to all members of staff.

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

## Flowchart of Disclosure and Barring Service Criminal Record Checks and Barred List Checks

