



# Safer Recruitment Guidance

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## **1 Purpose**

- 1.1 Safeguarding and promoting the welfare of children is a responsibility of everyone working in the school and is a key responsibility for school managers. It is vital that the school maintains a safe environment and creates a culture of safe recruitment. The school must adopt procedures that help deter, reject or identify people who may seek employment at the school to abuse children.
- 1.2 The purpose of this policy is to collate principles of good practice and to provide guidance that takes account of the statutory guidance released by the Department for Education 'Keeping Children Safe in Education' (KCSIE). This guidance document accords with the September 2018 version of that guidance.

## **2 Who does the guidance apply to?**

- 2.1 The guidance applies to all people working or applying to work in the school. This includes teaching and support staff, governors, volunteers and other categories of people who may work with students.

## **3 Equal Opportunities**

- 3.1 The school is committed to equality of opportunity for all. Our staff are encouraged to demonstrate their commitment to equality by taking action which eliminates discrimination and promotes equality of opportunity.
- 3.2 The recruitment and selection process should be applied fairly and consistently to all applying for positions within the school regardless of gender, race, marital status, national or ethnic origin, nationality, disability, sexuality, sexual orientation, age, religion, trade union membership/non membership, status or number of hours worked.

## **4 The Recruitment Process**

- 4.1 In summary the main elements of the process are:
  - Preparing for the recruitment process
  - Advertising the vacancy
  - Short listing candidates
  - Assessing candidates via Interview and other chosen selection methods

- Selecting the right candidate and offering them the position
  - Implementing Induction /performance management arrangements
- 4.2 Appointing people to roles can be difficult, drawn out and expensive. The impact of making an incorrect recruitment decision can be detrimental in many ways, therefore it is important that appointment processes are well planned and thoroughly throughout to ensure that you achieve a successful outcome.

## **5 Preparing for recruitment**

- 5.1 When a vacancy first arises, it is important to review the jobs description and person specification JD & PS - Ensure the job description (JD) and person specification (PS) remain up to date and reflective of the vacancy that you wish to fill. Roles and responsibilities may have changed since the last person was recruited.
- 5.2 The job description and person specification should include a specific reference to the post holder's responsibility for safeguarding.
- 5.3 Map out the recruitment process - Decide where you want to advertise the post. Should the advert appear internally, externally? Decide what information you want to include in the advert and when the advert will appear. (see further information on advertising below).
- 5.4 Agree who will be involved in the recruitment and selection process and what each person's role and responsibilities will be. Plan the selection exercises you will use. Seek advice from HR if you need more information about what tests and assessments are available for you to consider.

## **6 The schools safeguarding statement**

- 6.1 Schools are advised to agree a statement about the organisation's commitment to safeguarding and promoting the welfare of children which should be included on job adverts and on various documentation contained in candidate information packs. An example is given below;

" At this School we are committed to safeguarding children and promoting the welfare of children and young people and we require anyone joining our school to actively contribute to this commitment. All successful candidates will be subject to Disclosure and Barring Service (DBS) checks along with other relevant employment checks."

## 7 Recruitment Packs

- 7.1 Plan and prepare the information pack for candidates (may be an on-line or paper version (or both)). The pack should include:
- An up to date job description and person specification
  - Details about the type of job and pay grade
  - Statement of main terms and conditions applicable
  - Standard application form
  - Job applicant privacy statement
  - Equality/Diversity monitoring form
  - Details of how to arrange a visit to the school
  - School mission/vision statement
  - Letter from Head/Chair of Govers (depending on post being recruited to)
  - School safeguarding/child protection policy/ safeguarding statement/ code of conduct
  - Details of the selection processes, e.g dates for interviews, tests, other selection activities.
  - Details of the pre- employment checks which are required for appointment to the post.
- 7.2 The schools development /improvement plan may be a document to include in the pack depending on the position being recruited to.
- 7.3 The information that you provide to candidates in the pack will help ensure that the right people apply for the role.
- 7.4 Applicants must complete a standard application form. It is **not** acceptable practice to rely on a curriculum vitae produced by a potential employee. The relevant application form specific to the category of staff being employed should be used.
- 7.5 The completed application form should be carefully scrutinised to ensure it has been completed in full and to check for gaps or anomalies. It also standardises the information that you receive so it is easier to compare candidates fairly for short listing purposes.
- 7.6 Word of mouth recruitment or unsolicited applicants should be asked to apply for a specific post and complete the relevant application form in the same way as for other candidates.

## **8 Advertising**

- 8.1 The post should be advertised as widely as possible and the advert should be clear about the responsibilities, grade and location of the job and the qualifications and experience that are considered essential. This information should be consistent with the job description and person specification. The advert should include any key messages that you want to get across and it should clearly state the school's commitment to safeguarding and that candidates will be subject to a range of pre-employment checks including an enhanced DBS/barred list check.
- 8.2 Consider school holidays and notice periods that may apply to potential applicants when considering when to advertise a post.
- 8.3 Advertisements are the first stage of the filtering process. Candidates should be able to make an initial judgment about their own suitability for the post and self select according to the information contained in the advert.

## **9 Shortlisting**

- 9.1 At least two people should carry out short listing. The short listing process provides an opportunity to check all application forms to ensure that dates line up and there are no unexplained gaps in employment history. If there are gaps, contact the applicant to obtain further information or highlight the need to take this up at interview.
- 9.2 You can also make a note to ask for reasons where there have been changes of employment without clear career or salary progression or a change from permanent to temporary work etc. All parts of the application form should be used to assess whether the applicant meets the requirements on the person specification. Score each applicant against every essential requirement, where it is possible to make an assessment from a written form. Criteria which it is more suitable to assess at interview should be disregarded at this stage.
- 9.3 Shortlisted candidates can be asked to complete a criminal record self disclosure form prior to interview (as this information is not now collected on the application form). The completed form should be provided to a named person within the school who is not directly involved with the recruitment and selection decision process. The information provided on the disclosure forms should be considered by the chair of the recruitment panel or the recruiting manager and if considered necessary discussed with the candidate at interview.
- 9.4 Candidates should be advised on the self-disclosure form that they can obtain independent, confidential advice on which cautions or convictions they are required to disclose.

## **10 References**

- 10.1 Request references at the short listing stage, including internal applicants and review them before interview so that any issues of concern they raise can be explored further with the referee, and taken up with the candidate at interview. No appointment should be made prior to this occurring.
- 10.2 The purpose of seeking references is to obtain objective and factual information to support appointment decisions. It is best practice to use a proforma containing relevant questions and to provide a copy of the job description and person specification.



- 10.3 References should always be requested directly from the referee and employers should not rely on open references, for example in the form of 'to whom it may concern' testimonials. References should be sought from a senior person within the organisation and not, for example, a colleague. If a candidate for a teaching post is not currently employed as a teacher, it is also advisable to check with the school, college or local authority at which they were most recently employed, to confirm details of their employment and their reasons for leaving.
- 10.4 On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate: for example if the answers are vague. They should also be compared for consistency with the information provided by the candidate on their application form. Where necessary, clarification should be sought by telephone and referees asked to confirm in writing any key extra information provided. A written record of any telephone conversation must be kept on file. Any discrepancies should be taken up with the candidate.
- 10.5 Electronic references should be vetted to ensure they originate from a credible source. Contact referees via the organisations main contact telephone number as listed on the organisations letterhead/company profile. Avoid direct dial telephone numbers.
- 10.6 Any information about past disciplinary action or allegations should be considered carefully when assessing the applicant's suitability for the post (including information obtained from the Teachers Service system).
- 10.7 Reference requests should ask if the referee is completely satisfied that the candidate is suitable to work with children/vulnerable groups and if not, to provide specific details of concerns and reasons why.
- 10.8 Schools are advised to take up a minimum of two references for external applicants and one reference for internal candidates. Where reference responses provide very little or inadequate information, consideration should be given to taking up additional references.

## **11 Interviews and Selection**

- 11.1 It is essential that a face to face interview takes place prior to any appointment. The interviews should assess the merits of each candidate against the requirements in the person specification and job description.

- 11.2 Telephone interviews can be used as part of a shortlisting process but should not be substituted for a face to face interview.
- 11.3 Interview questions should be prepared in advance and should be designed to test criteria outlined in the job description and person specification.
- 11.4 Interviewers should explore an applicant's employment history particularly where there are concerns about an individual's pattern of work. Reasons for leaving current or previous posts should be explored as should reasons for a series of short term placements or periods of employment.
- 11.5 Information about past disciplinary action, allegations or discrepancies can be followed up at interview.
- 11.6 Compare any information provided at interview with that contained on the application form and look for any discrepancies.
- 11.7 Interviews must also explore an individual's suitability to work with children by assessing attitudes and behaviours.
- 11.8 A robust selection process should not rely solely on the interview.
- 11.9 A range of selection activities should be designed in order to help assess who is the most suitable candidate for the job. For teachers and support roles, it is legitimate to involve students in the process. Students should not take part in assessing candidate suitability but can contribute to the panel's assessment of the ability to interact with children.
- 11.10 Invitations to interview should;
- Detail all the arrangements such as date, time, panel members, length of the selection process, selection activities
  - Remind candidates that the interview is assessing their suitability for the job as well as their suitability to work with children
  - Remind them to bring all relevant original documents, such as DBS disclosures certificates where available (only those carried out after 28 November 2020), proof of qualifications, proof of identity, documentation providing their right to work in the UK.

- 11.11 Copies of the above should not be accepted; it is originals only that can be presented. The school should make copies of the originals and keep them on the school file. (DBS certificates should not be retained on file once a recruitment decision has been made). DBS checks carried out before 28 November 2020 should not be seen as they may contain information that would now be discounted following a change to the regulations.

## **12 Selection and Interview Panel**

- 12.1 The School Staffing (England) Regulations 2009 require governing bodies of maintained schools to ensure that at least one person on any appointment panel has undertaken safer recruitment training.
- 12.2 Governing bodies of maintained schools may choose appropriate training. The training should cover, as a minimum, the content of the Keeping Children Safe In Education guidance.
- 12.3 Governing bodies and proprietors of other schools (including academy schools) may consider if safer recruitment training would strengthen their school recruitment process and organise appropriate training as set out in paragraph 81 of the Keeping Children Safe in Education.
- 12.4 There are many organisations providing safer recruitment training including training that can be accessed online, see NCPCC website.
- <https://www.nspcc.org.uk/what-you-can-do/get-expert-training/safer-recruitment-education-course/>
- 12.5 Panels of at least 2 people should be involved in interviews, allowing for one member to observe and assess the candidate and make notes while the other is talking and asking questions. Alternatively panels may find it helpful to have someone present who can focus on taking notes.
- 12.6 The panel members should meet before the interview to agree a relevant set of questions. They will also need to have identified any issues they want to explore further from the candidate's application form and employment checks.

12.7 Schools should ensure that sufficient numbers of staff and governors are trained in advance of recruitment activities to form interview panels when necessary.

## 13 Scope of Interview

13.1 To further assess the suitability of the candidate for the particular post the interview panel should also examine:

- The candidates attitude toward children
  - This may be assessed through their personal statement and through interview questions that probe their values, belief and ethics
- The candidates motivation to work with children
  - Questions on their vision for education and learning and development of the child and young person and what their role is in contributing towards achieving this vision can help you assess their motivation
- Their ability to form relationships and respect professional boundaries
  - This should be assessed through focused questions and complementary activities, such as group exercises or occupational personality questionnaires
- Their emotional resilience in working with challenging behaviours and their attitudes in managing discipline and towards authority
  - Questions asking them to draw on previously difficult situations and how they managed these will help assess this.
- Their ability to support the school's agenda for safeguarding and promoting the welfare of children
  - Clarification of their understanding of the school's approach towards child protection policies and procedures.
- Gaps in the candidate's employment history and explanation of repeated changes in career must be discussed and clarified
  - Concerns or discrepancies arising from the information provided by the candidate and or referees
- If for any reasons references have not been provided before the interview the candidate should be given the opportunity to declare / discuss anything that may come to light on the collection of references.

## 14 Questioning technique

- 14.1 The ability to ask questions that probe deeper and get beneath superficial answers is a skill that takes time to develop and practice. Those who wish to deceive are practiced in the art of deception. They may rehearse model answers to questions about safeguarding or areas of their past and it is essential that the questions asked by interviewers unpick these responses so that they can be confident in the validity of the answers.

## 15 Pre-Employment Checks

- 15.1 Head Teachers and Governing Bodies have a responsibility to undertake specific pre-employment checks on every person that they intend to work in their school.
- 15.2 This will include verifying the candidates identity. Identification checking guidelines can be found on the GOV.UK website.
- 15.3 Obtain references for all candidates, including internal appointments, that are satisfactory to the head teacher.
- 15.4 Obtain an enhanced DBS and Barred List check where the person is to work in a regulated activity.
- 15.5 Undertake a separate Barred List check if an individual will start work in regulated activity before the DBS certificate is available.
- 15.6 Obtain a medical check that is satisfactory to the head teacher verifying the candidates mental and physical fitness to carry out the work they will be employed to do.
- 15.7 Obtain confirmation that the candidate has the right to work in the UK. It is a criminal offence for an employer to employ someone who does not have the right to work in the UK or to undertake the type of work on offer. The Gov.UK website provides an interactive tool to determine an individual's right to work in the UK and guidance for employers including lists of acceptable documents that can be accepted as proof of eligibility. Employers should check and photocopy the relevant documents keeping a copy on the individual's personal file.
- 15.8 If the person has lived or worked outside the UK, make any further checks the school considers appropriate (obtain a satisfactory certificate of good conduct from the relevant embassy). See Section 16. Further information can be obtained from: [www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants](http://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants)

- 15.9 Verify professional qualifications, as appropriate.
- 15.10 Schools should ensure that a candidate employed to undertake teaching work is not subject to a prohibition order issued by the Secretary of State, using the Teacher Services system. If they are subject to an order their employment should be prevented.
- 15.11 Anyone appointed to undertake a management role in an academy school should be subject to a prohibition check to ensure they are not prohibited from teaching.
- 15.12 Confirmation that the individual is not disqualified to work with children under the child care disqualification regulations (including through association) where the regulations are applicable should be obtained.
- 15.13 A driving licence check will be required where the employee will be required to drive in the course of their role.

## **16 Checks on individuals that have worked overseas.**

- 16.1 There is no requirement to 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 a school in England in a post which brought them into regular contact with children or young persons in any post in a school since 12 May 2006; or*
- in an institution within the further education sector in England or in a 16-19 Academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.*
- 16.2 However, a school can choose to make such checks a condition of any job offer.
- 16.3 Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in schools or colleges. In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.
- 16.4 The Home Office has published guidance on criminal record checks for overseas applicants. The Department for Education has also issued guidance on the employment of overseas trained teachers. See [.GOV.uk](https://www.gov.uk). This gives information on the requirements of overseas- trained teachers to teach in England, and the award of qualified teacher status for teachers qualified in 12 different countries as well as the EU.

- 16.5 As of the 01 January 2021 professional regulators in the EEA (EU, Iceland, Liechtenstein and Norway) will no longer share information about sanctions imposed on EEA teachers with the Teaching Regulations Agency (TRA). We recommend that in addition to the usual pre- employment checks that you seek to obtain a 'Certificate of Good Conduct for applicants who have lived outside the UK for 3 months or more (whether continuously or in total) in the last 10 years, while aged 18 or over. All overseas certificates are issued in line with the disclosure rules according to the issuing country.
- 16.6 Schools are also advised to carry out additional checks for teaching roles, which may include information about their past conduct, for example, by checking documents issued by overseas teaching authorities - schools should also consider this evidence together with other information which you have obtained through other safer employment checks.
- 16.7 If you have been unsuccessful in obtaining a 'Certificate of Good Practice' then schools are advised to record their attempts and to complete a risk assessment which includes details of the action taken to secure the certificate along with the risks of engaging the individual in the absence of the certificate. This information can be recorded on the Single Central Record.

## **17 Professional Qualifications**

- 17.1 The school should verify applicants have the professional qualifications required for the role. Original certificates or certified copies should be inspected. If there are any doubts about the authenticity of a qualification the school should contact the awarding institution for clarification.
- 17.2 A copy of each certificate should be retained on the employee's personnel file.

## **18 Qualified Teacher Status**

- 18.1 Anybody working in a teaching post in a maintained school or non-maintained special school in England must be a qualified teacher, as defined by The Education (School Teachers' Qualifications) (England) regulations 2009 (as amended), or satisfy the requirements of persons not qualified under schedule 2 of The Education (Specified Work and Registration) (England) Regulations 2009.
- 18.2 Overseas trained teachers who qualified in Australia, Canada, New Zealand, Iceland, The EU, Liechtenstein, Norway, Switzerland and the USA may apply for QTS without needing to take further training via the GOV.UK website.

- 18.3 Teachers in FE who have Qualified Teacher Learning and Skills (QTLS) and who are members of the Institute for Learning (IfL) are recognised as qualified teachers.
- 18.4 Candidates for head teacher or deputy head teacher posts in maintained schools in England are required to hold QTS.
- 18.5 Anybody appointed or engaged to teach in a maintained school or non-maintained special school in England must have satisfactorily completed their induction year and met the induction standards, in accordance with The Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2012, or be subject to the exceptions in Schedule 2 of those regulations. The Teacher Service's system should be used to verify any award of QTS and the completion of an induction/probation.



## **19 Prohibitions, directions, sanctions and other restrictions**

- 19.1 Schools can use the Teacher Services system to confirm if a teacher is subject to any prohibitions, sanctions or other restrictions. These checks can be carried out by logging onto the Secure Access/DfE Sign-in Portal via the Teacher Services' web page. Secure Access/DfE Sign-in is a free service available to all schools and colleges. Registration is required for first time users and can be requested from Teacher Services. Further information about using this system to carry out a range of 'teacher status checks including verification of qualified teacher status (QTS) and the completion of teacher induction or teacher probation can be found at GOV.UK. A section 128 direction will also be disclosed where an enhanced DBS check with barred list information is requested, provided that 'children's workforce independent schools' is specified in the parameters for the barred list check.
- 19.2 For teachers with qualified teacher status (QTS), the check can be made on line by inputting their name, date of birth and their teacher reference number.
- 19.3 Teachers without QTS will not have a reference number. The webpage within the Teacher Services System that requests the date of birth and reference number of the person being searched has a list of three links in the middle of the page. The lowest link takes the searcher to the prohibition list, where the prohibited teachers are listed alphabetically by surname. Teachers without QTS can then be checked against this list. If their names are not on the list, the check has been done and they are clear. If their names are on the list, clicking on the reference number adjacent to the name gives more information about the sanctions that have been imposed, and the school must ensure that they are not being employed contrary to the s141B Prohibition Order that has been made.
- 19.4 Anyone appointed to undertake a management role in an academy school should be subject to a prohibition check to ensure they are not prohibited from teaching
- 19.5 It is anticipated that this check will be performed at the shortlisting stage but should in any case be made before any offer of employment is made.
- 19.6 Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.

- 19.7 A teaching role is defined as: “Planning and preparing lessons and courses for pupils; delivering lessons to pupils; assessing the development, progress and attainment of pupils; and reporting on the development, progress and attainment of pupils. These activities are not teaching work for the purposes of these Regulations 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 head teacher to provide such direction and supervision.”
- 19.8 Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the Teacher Regulation Agency . Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.
- 19.9 There remains a number of individuals who are still subject to disciplinary sanctions, which were imposed by the GTCE.

## 20 Health checks

- 20.1 A pre-employment health questionnaire must be completed to verify the candidate’s mental and physical fitness to carry out their work responsibilities as anyone appointed to a post that involves regular contact with children should have the appropriate health and physical capacity to undertake the duties of that post, in accordance with The Education (Health Standards) (England) Regulations 2003
- 20.2 Under The Equality Act 2010 employers cannot ask potential candidates questions about their health, attendance or disability prior to making a conditional job offer. This includes requesting potential candidates to complete any type of pre-employment health questionnaire/ screening form. Furthermore, employers are also prohibited from asking referees to comment on an applicant’s health, attendance or disability prior to making a job offer.
- 20.3 Therefore medical screening/pre-employment health forms should be completed after a job offer has been made. Offers of employment should be conditional upon receipt of a satisfactory health check/clearance.
- 20.4 Where appropriate, the applicant will be referred to Occupational Health to seek advice.
- 20.5 Where the applicant has a disability consideration must be given to whether there are any reasonable adjustments that can be made to enable the applicant to undertake the role.

## 21 DBS checks

- 21.1 All those appointed to work in “regulated activity” with children must have an enhanced DBS check. All individuals in paid roles are working in regulated activity as a school is a specified place under the regulations. The Department for Education (DfE) has published separate statutory guidance on supervision and regulated activity which schools and colleges should have regard to when considering which checks should be undertaken on volunteers.
- 21.2 Roles requiring standard or enhanced DBS checks are exempt from the Rehabilitation of Offenders Act 1974 which means that all criminal information is considered for disclosure and may be provided about an applicant, even if it would otherwise be ‘spent’. However, amendments under the Rehabilitation of Offenders Act came into force on 28<sup>th</sup> November 2020. Under the new rules, standard and enhanced DBS certificates will no longer automatically disclose warnings, reprimands, youth convictions and all spent convictions, even where someone has more than one conviction. All convictions resulting in a custodial or suspended sentence will still be disclosed.
- 21.3 The amendments mean that cautions given to under 18s are no longer disclosed and the multiple conviction rule has been removed so that each offence is considered individually.
- 21.4 As a result of the changes, some convictions or cautions may not now appear on the DBS although an enhanced DBS check may also include relevant information the police have on record even if it has not resulted in a caution or conviction (for example if allegations have been made and reported to the police).
- 21.5 Where there is a delay in receiving DBS clearance the individual must not work unsupervised with children. In addition to being supervised - a Risk Assessment should be undertaken and approved by an appropriate member of the Senior Leadership team together with a barred list check .
- 21.6 Having a criminal conviction does not in itself bar a person from work with children or young people. If a DBS check discloses convictions or relevant information, the employer has to decide whether the person is suitable to be employed in the role concerned. Only a tiny percentage of adults who abuse children get caught and still fewer are convicted, so organisations must never rely solely on a DBS check.
- 21.7 DBS checks, although crucial, remain only one element of safeguarding and the safer recruitment process
- 21.8 There is no requirement to obtain an enhanced DBS check, if in the three months prior to beginning work in their new appointment, the applicant has worked:

*in a school in England in a post which brought them into regular contact with children or in any post in a school since 12<sup>th</sup> May 2006; or*

*in a college in England in a position which involved the provision of education and regularly caring for, training, supervising or being in sole charge of children or young people under the age of 18.*

21.9 Once a DBS check has been completed the DBS certificate will be sent directly to the individual on whom the check has been carried out.

21.10 Depending on the body that undertakes the DBS check on behalf of the school, the school will normally receive email notification from the provider. This will either state:

*The check is complete with 'no content'; which means the check is clear, or*

*The check is 'completed with content, please wait to view applicant certificate'; which mean the check is not clear.*

21.11 If the DBS check is clear the school can arrange a start date and ask the applicant to bring the check with them on their first date of employment. A copy of the statement/email from the school DBS provider should be placed on the file where it shows the certificate as showing no content. The school must see an original copy of the certificate and record the details on its single central record. Presentation of the DBS certificate should be made a condition of employment in the contract of employment.

## 22 Positive Disclosures (disclosures with content)

- 22.1 A positive disclosure (i.e. 'with content') from the Disclosure and Barring Service is a certificate that shows cautions, warnings or convictions. It may show spent convictions and also unspent convictions, and for enhanced checks, it will also show other information that a police force deems relevant to disclose based on the nature of the job that the individual will be employed to do.
- 22.2 If the certificate has 'content' the applicant must be asked to bring the certificate into the school as soon as possible so that the head teacher can make a decision about whether or not to employ the person.
- 22.3 Head teachers may wish to discuss Disclosures which raise child protection issues with the Head of Safeguarding at the relevant local authority before a decision is taken. (This may be a requirement placed up on schools by an employing authority). Where a decision to appoint is taken after receipt of a positive disclosure the information, should be recorded and stored on the person's file in a sealed envelope.
- 22.4 Before a decision is reached on whether to offer or confirm employment to an individual, the individual should be offered the opportunity to discuss the contents of the disclosure with the head teacher. A balanced decision to appoint should be based on:
- whether they are barred from appointment
  - whether the conviction is relevant to the position
  - the circumstances surrounding the offence, and any explanations provided by the applicant
  - the seriousness of the offence
  - the length of time since the offence occurred
  - whether there is a pattern to the offending behaviour, or whether it was a one-off
  - whether the applicant's circumstances have changed
- 22.5 Further discussion should take place regarding:
- whether the applicant disclosed the conviction(s)/cautions, warnings or reprimands at shortlist / interview stage
  - what level of supervision the post-holder will receive
  - whether the post involves responsibility for finance or items of value

- whether the nature of the role allows the applicant to potentially re-offend

- 22.6 If an applicant has made a false declaration on the disclosure form, or anywhere else, about convictions and cautions (or lack of them), this may render the offer of a contract of employment void. Further advice should be taken from the schools' HR provider.
- 22.7 DBS checks do not include overseas information so applicants from abroad will need to be checked via a 'certificate of good conduct' from their home country or embassy. The DBS (Disclosure & Barring Service) only includes offences committed within the UK. See section 16 above.
- 22.8 The Department for Education has issued guidance on the employment of overseas-trained teachers. This gives information on the requirements to be followed when employing teachers who have trained abroad.

## **23 DBS update service**

- 23.1 For an annual subscription applicants can have their DBS certificate kept up to date and take it with them from role to role. However, if the certificate relates to work with adults and an individual's role changes to working with children then a new DBS application must be made as the basis on which the original certificate was issued has changed.
- 23.2 To apply for the update service an applicant must apply within 19 days of the criminal record certificate being issued. Individuals can apply at the DBS update service. The DBS update service is very useful to those who have multiple roles where a criminal record certificate is required.

## **24 Working where a DBS check is delayed**

- 24.1 In cases where a DBS check is required but clearance is delayed or outstanding, the individual can begin work provided that all other pre-employment checks have been satisfactorily completed including a separate barred list check, a risk assessment has been completed and the individual is supervised until full DBS clearance has been received.

- 24.2 In such circumstances a thorough risk assessment should be undertaken. There should be no known concerns regarding the individual's background or suitability. The risk assessment should include a review of the individual's employment history and reasons for any breaks in employment or career changes. All references should have been received, checked and verified with the referees and confirmed to be satisfactory by the head teacher.
- 24.3 A written record should be made and retained when a head teacher decides it is appropriate to allow an individual to work where a DBS check has been requested but remains outstanding (following a risk assessment by the head teacher).
- 24.4 Supervision requires the head teacher to ensure that individuals are not allocated duties that put them in an unsupervised situation with students, that they are accompanied when working by a member of staff with DBS clearance, that their whereabouts are known to a senior member of staff when they are not working (e.g. during break times), and that the individual fully understands their personal responsibility not to put themselves in a situation where they are alone with pupils and what to do if this situation arises.
- 24.5 The school reserves the right, in the event that the DBS check is subsequently received and deemed unsatisfactory to the Head teacher, to terminate employment. It is essential that the individual taking up appointment is aware that this is a possible outcome.

## **25 Barred List Checks**

- 25.1 Schools can undertake a TP Online check. This service is used to check whether a teacher is barred from teaching so they can commence work pending the issuing of their enhanced Disclosure and Barring Service (DBS) certificate. Access to TP Online is granted by applying for downloading a digital certificate through their website.

## 26 Childcare Disqualification Regulations

- 26.1 Schools must ensure that they are not knowingly employing a person who is disqualified under the 2009 Regulations in connection with relevant childcare provision.

## 27 Who is covered by 'Disqualification under the Childcare Act 2006'?

- 27.1 Individuals with certain cautions or convictions, or childcare orders against them, working in specific settings will be disqualified from working with children. They may also be disqualified 'by association' if they work in a domestic setting e.g a residential caretaker, and someone who lives with them has relevant convictions, cautions or orders.
- 27.2 **Staff** - Staff are covered by the Act if they are employed and/or provide childcare in either the early years or later years.
- 27.3 Early Years means from birth until 1st September following a child's fifth birthday i.e. up to and including reception age.
- 27.4 Later Years means children under the age of 8.
- 27.5 **Managers** - Staff who are directly concerned in the management of early or later years provision are covered by the legislation. Schools will need to use their judgement to determine who is covered, this may include members of the school's leadership team and any manager, supervisor, leader or volunteer responsible for the day-to-day management of the provision.
- 27.6 Schools must ensure that applicants for jobs covered by the regulations are not disqualified. The statutory guidance states that schools must keep a record of 'those staff employed to work in or manage relevant childcare settings and should record the date on which disqualification checks were completed.' The paragraph goes on to say that 'schools may choose to keep this information as part of the single central record, or maintain a record separately.'
- 27.7 The relevant guidance can be found at:  
<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>. Schools are advised to read the guidance to determine which staff members are covered by the regulations.



## **28 Supply staff**

- 28.1 Supply staff should be checked by the agency who represents them or introduces them to the school. The agency must confirm that relevant checks, including a DBS and barred list check where appropriate has been requested and received.
- 28.2 The agency should also be requested to confirm the outcome from the check and whether the check was complete with 'no content' (which means that the check is clear), or the check was 'complete with content' (which means the check is not clear). Where there is content on the certificate, the school must be shown the DBS Disclosure by the individual before he/she starts work. It is for the school to decide whether or not to accept the agency worker.

## **29 Identity Checks**

- 29.1 Headteachers and governing bodies must be certain that the person they plan to employ is the person that they claim to be. Photographic evidence that includes a date of birth and address (passport/photo driving licence etc) is the most suitable form of identification. New staff should be required to bring photographic evidence on the day they commence work at the school.
- 29.2 The school should keep a copy of documents used to verify identity on the successful candidate's personnel file.
- 29.3 Where an individual is provided by a supply agency, or third party organisation, schools must confirm that the individual reporting for work at the school is the individual that the agency intends to refer to them. Anyone arriving at school to do supply work should be asked to produce photographic ID for checking.

## **30 Trainee/Student Teachers**

- 30.1 Where applicants for initial teacher training are salaried by the school or college, the school or college must ensure that all necessary checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an enhanced DBS certificate (including and barred list information) must be obtained.
- 30.2 Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks, schools should obtain written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.
- 30.3 There is no requirement for the school to record details of fee-funded trainees on the single central record.

## 31 Contractors

- 31.1 Schools and colleges should ensure that any contractor, or any employee of the contractor, who is to work at the school 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).
- 31.2 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. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.
- 31.3 Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity. Schools and colleges are responsible for determining the appropriate level of supervision depending on the circumstances.
- 31.4 If a contractor working at a school or college is self-employed, the school should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.
- 31.5 Schools should always check the identity of contractors and their staff on arrival at the school.

## 32 Offers of Employment

- 32.1 A statement of terms and condition of employment should be sent to the candidate detailing the terms of their employment. Wherever possible employment checks should be completed and the Head teacher satisfied with the information received before the statement is issued. Offers of employment should be made conditional upon:
- the enhanced disclosure received from the Disclosure and Barring Service
  - any good conduct certificates from overseas countries as required by the school
  - that you are not barred from working with children
  - that you are not subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts you from working at a school or in a position which involves regular contact with children

- that you are not disqualified from providing childcare in connection with early or later years provision or from being directly involved in its management pursuant to the Childcare (Disqualification) Regulations 2009
- verification of your medical fitness;
- verification of qualifications and identity;
- confirmation of your right to work in the UK;
- Satisfactory references received (at least two) i.e that are satisfactory to the Head teacher; and
- such other pre-employment checks as the School is required to complete in accordance with its statutory or regulatory obligations
- Teaching staff who are NQTs - Successful completion of the statutory induction year
- Teaching staff who are more experienced - verification of completion of the statutory induction period

## 33 Governors

- 33.1 Governors in maintained schools require a DBS (Disclosure & Barring Service) check.
- 33.2 This requirement took effect from 1st April 2016 for any newly elected/appointed governor. Existing governors were required to have a DBS in place by 1st September 2016.
- 33.3 Governors will not normally be working in regulated activity and therefore a barred list check should not be requested. Where governors are engaging in regulated activity a barred list check will be required.
- 33.4 Schools should check if a proposed governor is barred as a result of being subject to a section 128 direction. These checks can be carried out by logging into the secure access portal on the Teacher Services'. A Section 128 direction disqualifies a person from holding or continuing to hold office as a governor of a maintained school. Section 128 directions will show on an enhanced DBS check with barred list information, provided that 'children's workforce independent schools' is specified in the parameters of the check.
- 33.5 Academy Trusts are required to check that board members are not barred from taking part in the management of the school as a result of a section 128 direction.
- 33.6 Pre-appointment checks must be carried out on all Members and Governors of Single and Multi Academies.
- 33.7 Rules for DBS checks for Members and Governors of Single and Multi Academies differ:
- 33.8 Before an individual becomes either the proprietor of an independent school or the chair of a body of people which is the proprietor of an independent school , the Secretary of State will:
- carry out an enhanced DBS check; where relevant , and where such a check is made, obtain an enhanced DBS check certificate (either including or not including barred list information as appropriate);
  - confirm the individual's identity; and
  - if the individual lives or has lived outside of the UK, making an enhanced check insufficient, such other checks as the Secretary of State considers appropriate.

- 33.9 The Secretary of State also undertakes these checks in respect of the chair of governing bodies of a non-maintained special school.
- 33.10 The requirement for an enhanced DBS check and certificate is disapplied for the chair of an academy trust if the academy is converting from a maintained school and the person has already been subject to a check carried out by the local authority.
- 33.11 Where the proprietor is a body of people, the chair must ensure that enhanced DBS checks are undertaken, where relevant, for the other members of the body and that where such a check has been undertaken, an enhanced DBS certificate is obtained), and that identity checks are completed before, or as soon as practicable after, any individual takes up their position. Further checks as the chair considers appropriate should be undertaken where, by reason of the individual's living or having lived overseas, obtaining an enhanced DBS certificate is not sufficient to establish his or her suitability to work in a school.

## 34 Volunteers

- 34.1 Volunteers should be subject to a similar recruitment/pre-employment process as paid workers.
- 34.2 Volunteers who on an **unsupervised** basis teach or look after children regularly, or provide personal care on a one-off basis in schools will be in regulated activity. The school should obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Personal care includes helping a child with eating and drinking for reasons of illness, or in connection with toileting, washing, bathing and dressing for reasons of age, illness or disability.
- 34.3 Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information). However, schools - may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns.
- 34.4 Schools may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity, but have the opportunity to come into contact with children on a regular basis, e.g. supervised volunteers.
- 34.5 Schools should undertake a risk assessment and use their professional judgement and experience when deciding whether to seek an enhanced DBS check for any volunteer not engaging in regulated activity. In doing so they should consider:

- the nature of the work with children;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and
- whether the role is eligible for an enhanced DBS check.

34.6 If a school undertakes a risk assessment when deciding whether or not to obtain an enhanced DBS certificate for a volunteer, the details should be recorded and retained e.g on the individuals personal file.

34.7 The Protection of Freedoms Act 2012 amended the Safeguarding Vulnerable Groups Act 2006, removing supervised volunteers from regulated activity and applying a duty on the Secretary of State to issue guidance to assist regulated activity providers such as schools and colleges, to decide what level of supervision is required so that this exclusion would apply.

34.8 If the volunteer is to be supervised while undertaking an activity, which would be regulated activity if it was unsupervised, the statutory guidance must be followed.

34.9 The guidance issued following this change requires that:

- there must be supervision by a person who is in regulated activity;
- the supervision must be regular and day to day; and
- the supervision must be “reasonable in all the circumstances to ensure the protection of children”.

34.10 The DBS cannot provide barred list information on any information, including volunteers, who are not in regulated activity.

## 35 Induction

35.1 All new starters, permanent or temporary, should have an induction programme. Equally, volunteers and contract staff should be appropriately introduced to the school.

35.2 The content and nature of the induction will be specific to the role and the previous experience of the new member of staff or volunteer. The purpose of an induction programme is to:

- Help the new employee to settle quickly in the job
- Demonstrate the importance the school attaches to the individual’s development
- Provide training and information about policies and procedures
- Reinforce the schools commitment to safeguarding all pupils/students

- Support individuals appropriately
- Confirm code of conduct and expectations and provide examples of behaviour that would not be acceptable.
- Provide opportunities for new member of staff to raise concerns
- Enable the person's line manager or mentor to recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately

35.3 Induction programmes should include information about;

- Policies and procedures in relation to safeguarding and promoting welfare of children e.g. anti bullying, racism, e safety (internet), health and safety etc...
- Safe practice and standards of conduct and behaviour expected of staff and pupils in their establishment
- How and with whom any concerns should be raised
- Other relevant procedures (disciplinary, capability, whistle blowing, code of conduct/ behavior policy, IT/social media )
- Appropriate level of child protection training according to the role.
- Information on the role of the designated lead for safeguarding
- Part 1 of the Keeping Children Safe In Education Guidance.

35.4 The induction process should support new staff by exploring the issues of child protection so that they do not place themselves or children at risk. It will confirm the individual fully understands what the school expects of them, leaving no room for any claim that they were unsure of the boundaries of acceptable and unacceptable behaviour or were unaware of established procedures.

## 36 The Single Central Record

36.1 Schools and colleges must keep a single central record, referred to in the regulations (described in the following paragraph) as the register. The single central record must cover the following people:

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

36.2 The information that must be recorded in respect of staff members (including teacher trainees on salaried routes) is whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- an identity check;
- a barred list check
- an enhanced DBS check/certificate
- a prohibition from teaching check
- further checks on people living or working outside the UK;
- a check of professional qualifications and
- a check to establish the person's right to work in the United Kingdom.

36.3 For supply staff, schools should also include whether written confirmation that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, whether any enhanced DBS check certificate has been provided in respect of the member of supply staff, and the date that confirmation was received.

36.4 Where checks are carried out on volunteers, schools should record this on the single central record. The single central record may be in paper or electronic form.

36.5 For details of records that must be kept, see:

- for maintained schools: Regulations 12(7) and 24(7) and Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) Amendment Regulations 2013 (applied to pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007);
- for independent schools, (including academies and free schools and alternative provision academies and free schools): Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014, applies;
- for colleges: Regulations 20-25 and the Schedule to the Further Education (Providers of Education) (England) Regulations 2006;
- and for non-maintained special schools: Regulation 3 and Paragraph 6 of Part 1 and Paragraph 16 of Part 2 of the Schedule to the Education (Non-Maintained Special Schools) (England) Regulations 2011 apply.

36.6 Multi Academy Trusts are not required to have separate SCRs, but they should ensure that all those who need to see it can do so easily, including Ofsted.

36.7 Schools and colleges do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining the single central record. To help schools and colleges comply with the requirements of the Data Protection Act, where a school or college chooses to retain a copy they should not be retained for longer than six months. A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications should be kept on file. Further information on handling DBS certificates can be found on GOV.UK



## **Appendix 1**

### **37 Example questions designed to examine an interviewee's attitudes toward safeguarding children**

- 37.1 The following example questions are from the public version of the NCSL online training;
- 37.2 What attracted you to teaching/ this post/ at this school?
- 37.3 How do you think your own childhood may have influenced your own practice?
- 37.4 What motivates young people?
- 37.5 Tells us about your interests outside work?
- 37.6 What do you think are the professional challenges facing teachers today?
- 37.7 Give an example of where you have had to deal with bullying behaviour between pupils? What did you do? What made it successful? How could you have dealt with it differently?
- 37.8 Young people can develop 'crushes'. How would you deal with this if a pupil developed a crush on you?
- 37.9 What would you do if you were concerned about a colleague's behaviour towards children?
- 37.10 Give an example of how you have managed poor pupil behaviour?
- 37.11 Give an example of how you have responded to challenging behaviour? How did it affect you emotionally? How did you cope with the aftermath?
- 37.12 When do you think it is appropriate to physically intervene in a situation involving young people? Have you ever had to do this?
- 37.13 What makes a school a safe and caring place?
- 37.14 What policies are important to support a safe environment?
- 37.15 What are staff's responsibilities in protecting children?
- 37.16 How do you define an appropriate teacher (or school secretary/ LSA etc) pupil relationship?
- 37.17 Give examples of what you would consider to be appropriate and inappropriate behaviour between / toward staff and pupils.

37.18 Have allegations ever been made about you at work? What were the circumstances?  
What was the outcome? What did you learn from this?

### **38 Other questions you could ask are;**

38.1 Tell us what you have done in the last 12 months to improve child protection your school. How did this action arise? Who did you talk to? What were the results?

38.2 Give me an example of when you have had safeguarding concerns about a child?  
What did you do? Who did you involve? What was the outcome?

38.3 Tell us about a situation which you felt fell short of acceptable safeguarding standards.  
How did it arise? Who did you speak to? What actions did you take?

38.4 Tell us about how you have dealt with a child with 'difficulties'?

38.5 What are your feelings about children who make allegations against teachers or staff?

### **39 Follow up questions**

- Some of these questions will need following up:

39.1 For example question 15,

39.2 How do you define an appropriate teacher (or school secretary/ LSA etc) pupil relationship?

39.3 Could be followed up by;

39.4 So can you explain how you have ensured in your previous role that you have modelled this relationship? Were there times when boundaries were blurred? How did you manage this? Who did you involve? What have you learnt from this?

39.5 By asking a follow up question you start to unpick the initial answer and investigate the validity of the answers. By using other tests and assessments activities you can increase the level of confidence you have when making the final selection decision.