



Holy Family of Nazareth Catholic Academy Trust

Safer Recruitment Policy

Date of policy: **October 2019**

Date last review adopted by HFNCAT Board: **December 2019**

Frequency of review: **Annual**

Date of next review: **October 2020**

In line with the Academy's statutory duties under the Safeguarding Vulnerable Groups Act 2006 the DfE Keeping Children Safe in Education guidance and the Protection of Freedoms Act 2012, the Academy is required to carry out a number of checks on all staff, whether they are permanent, temporary, casual, voluntary, school-based supply or agency-based supply.

This policy does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the Academy who are required to familiarise themselves and comply with its contents. The Academy reserves the right to amend its content at any time.

It is a requirement that at least one member of the interview panel has completed the Safer Recruitment Training successfully prior to the start of the recruitment process.

Introduction

The aims of the Safeguarding in Recruitment Policy are as follows:

- To ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- To ensure safeguarding and promoting the welfare of children and young people is an integral factor at each stage of the recruitment and selection process;
- To adopt a safer recruitment process, which helps to promote a safe culture and complements other 'safety' elements such as health and safety and security;
- To attract and recruit suitable skilled and motivated staff to help raise standards and reduce the risk to children and young people;

- To ensure that those that are responsible for each stage of the recruitment process demonstrate a professional approach by dealing honestly, efficiently and fairly with all applicants;
- To ensure that no job applicant is treated unfairly on any grounds including gender, sexual orientation, marital or civil partner status, pregnancy or maternity, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age;
- To ensure compliance with all relevant recommendations and guidance including the recommendations of the DFE in the "Keeping Children Safe in Education" guidance and the Code of Practice published by the Disclosure and Barring Service;
- To ensure that the Academy meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves, and complying with, the provisions of this policy.

The measures described in this policy will be applied to all who are employed to work at the Academy and incorporated within the scope of this policy are staff employed by contractors, supply staff, volunteers and the like who work at the Academy.

Equal Opportunities

Fairness in how we recruit and select our employees plays a significant part in creating an equal opportunities environment. Our aim is that every internal and external applicant who applies for a position within the Academy is considered against criteria, which relates only to the requirements of the job.

Pre-recruitment process

The objective of the recruitment process is to attract, select and retain staff who will successfully and positively contribute to the future development of the Academy. All those responsible for recruiting will:

- leave a positive image with unsuccessful candidates;
- give successful candidates a clear understanding of the post and what is expected of them; and
- reduce the risk of a bad selection decision that can be expensive and may cause line management problems in the future or may not meet the Academy's commitment to safeguard children and young people.

Our standard application form will be used to obtain a common set of data from all applicants. This will be accompanied by an accurate job description and person specification, profiling the necessary requirements for the post.

References will be sought on all shortlisted candidates, including internal candidates, and will be obtained **before** interview wherever possible.

Advertising

Adverts for vacancies will demonstrate the Academy's commitment to safeguarding in recruitment and vetting procedures, protecting every potential applicant from unfair practice and ultimately safeguarding children as much as possible. Promoting commitment to safeguarding and child protection can act as a deterrent to would-be abusers. Thought will be given to wording, pictures and images used to ensure that they could not be considered discriminatory.

The following information will usually be included within the text of the advert:

- Name of Academy
- Post Title
- Hours of work
- Grade or Scale
- Salary (actual salary for part time)

- Permanent or Fixed term stating duration if fixed term.
- Brief details about what the job entails, and type of skills and experience required including responsibility for safeguarding children.
- Confirmation that an Enhanced DBS Disclosure will be required.
- Contact details
- Closing date

Job Descriptions & Person Specification

Job descriptions will define the purpose, duties and responsibilities of the post, as well as the qualifications and experience needed to perform the job, with particular attention to working with vulnerable groups. The Job Description and Person Specification will make reference to the Academy's commitment to the safeguarding of students.

All posts at the Academy will require an Enhanced DBS Disclosure where an individual is likely to come into direct contact with pupils.

Application Pack

The importance of safeguarding and protecting children at the Academy will be promoted throughout the recruitment process in order to deter unsuitable candidates. The Academy's Application Pack will normally include the following: Application Form, Job Description and Person Specification, Information Sheet about the Academy, the Academy's Equal Opportunities Policy, the Academy's Child Protection Policy Statement, Privacy Notice and information on an Enhanced DBS check.

Interviews

The interview will assess the merits of each candidate and explore their suitability to work with children and young people. The selection process for people who will work with children and young people will always include a face-to-face interview, even where there is only one candidate.

The interview panel will consist of a minimum of two interviewers, but preferably three. The members of the panel will:

- have the necessary authority to make decisions about appointments;
- be appropriately trained (as set out above);
- meet before the interview to:
 - reach a consensus about the required standard for the job to which they are appointing;
 - consider the issues to be explored and who on the panel will ask about each of those;
 - agree their assessment criteria in accordance with the person specification.

Where a candidate is known personally to a member of the selection panel it must be declared before shortlisting takes place. It may be necessary to change the selection panel to ensure there is no conflict of interest and that the equal opportunities principles are adhered to.

In addition to assessing and evaluating the applicant's suitability for the particular post, the interview panel will also explore:

- the candidate's attitude towards children and young people;
- their ability to support the Academy's agenda for safeguarding and promoting the welfare of children;
- gaps in the candidate's employment history;
- concerns or discrepancies arising from the information provided by the candidate and/or a referee; and
- ask the candidate if they wish to declare anything in light of the requirement for a Disclosure and Barring Service (DBS) check.

If for whatever reason, references are not obtained before interview, the candidate will also be asked if there is anything they wish to declare or discuss in light of the questions that have been (or will be) put to their referees. Appointments will be conditional upon both a satisfactory DBS Check and relevant satisfactory references having been received.

Conditional Offer of Appointment: Pre-appointment checks

An offer of employment to the successful candidate will be conditional upon the satisfactory completion of the following:

- receipt of at least two satisfactory references;
- verification of the candidate's identity;
- verification of the candidate's eligibility to work in the UK;
- verification of the candidate's medical fitness;
- verification of qualifications;
- verification of professional status where required (for example, registration, QTS status (unless properly exempted), NPQH);
- a satisfactory DBS check and where the appointee has lived outside the United Kingdom, a certificate of good conduct (or equivalent) if applicable;
- Verification that they are not or have not been prohibited from teaching or carrying out teaching work by the Teaching Regulation Agency where relevant;
- Verification that the candidate has not been prohibited from carrying out management work where relevant;
- Verification of successful completion of the statutory induction period for those who obtained QTS after 7 May 1999 (this applies for teaching posts only);
- Satisfactory completion of the probationary period (for non-teaching posts only).

A record will be kept showing that the above checks have been carried out for all employees.

The details of checks will be reported to the police and/or the Disclosure and Barring Service (DBS) if: -

- The DBS disclosure shows that an applicant has been disqualified from working with children;
- An applicant has provided false information in, or in support of, his or her application; or
- There are serious concerns about an applicant's suitability to work with children gained from other legitimate information sources (e.g. references). All checks will be:
 - Confirmed in writing;
 - Documented and retained on the personnel file (subject to certain restrictions on the storage of such information imposed by the DBS Code of Practice DBS) in accordance with the Academy's obligations under the GDPR;
 - Recorded on the Academy's central record database; and
 - Followed up where they are unsatisfactory or there are discrepancies in the information provided.

Where:

- The candidate's DBS check reveals that the candidate is on the Children's Barred List; or
 - An applicant has provided false information in, or in support of, his or her application; or
 - There are serious concerns about an applicant's suitability to work with children
- the Academy will make the necessary and appropriate referrals to the ISA and where relevant to the police.

Documents confirming Identification

To ensure that the Academy is carrying out effective safeguarding, all applicants who are invited to interview will be required to bring in a minimum of 3 proofs of identification which verify their name, date of birth and current address. Ideally, this should be the following:

- Valid Passport, Birth Certificate or Driving Licence (proof of identification which includes name, address and date of birth);
- Marriage Certificate, Birth Certificate, NHS Card, National Insurance Card (another proof of name and/or date of birth);
- Additional proof of address. We need at least 2 (recent utility bill, bank statement, valid TV licence).

These identification documents will also be sufficient to enable a new Disclosure and Barring Service (DBS) check to be carried out (see below).

Where an applicant claims to have changed his/her name by deed poll or any other mechanism (e.g. marriage, adoption, statutory declaration) he/she will be required to provide documentary evidence of the change. In all cases original (not photocopy) documents must be provided.

Original documentation in respect of any specific qualifications relevant to the post (e.g. academic qualifications, vocational qualification such as the QTS or in relation to a specific subject field, First Aid or Food Hygiene) that has been entered on the application will also be required.

In the case of teaching staff and many support staff roles, references will have been sought prior to interview and in other cases shortly thereafter.

Academy appointments are always subject to receipt of satisfactory references and satisfactory screening and vetting.

English Fluency

Employees working in any role that requires them to communicate with pupils, parents, guardians, staff and/or members of the community, must be able to speak fluent English to enable the effective performance of the role and to ensure that they are able to abide by their safeguarding responsibilities.

The fluency duty does not create a higher standard than already required for Teachers at the Academy who are already annually appraised against the Teachers Standards.

References

References will normally be taken up on short listed candidates prior to interview including staff who may already be employed by the Academy.

All offers of employment will be subject to the receipt of a minimum of two satisfactory references, one of which must be from the applicant's current or most recent employer. If the current/most recent employment does/did not involve work with children, then the second referee should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

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

- the applicant's dates of employment, salary, job title/duties, reason for leaving, performance, absence and disciplinary record;
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired);
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people;
- The Academy will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials;
- The Academy will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant before any appointment is confirmed.

Criminal Record Check

Due to the nature of the work, the Academy applies for criminal record certificates from the Disclosure and Barring Service ("DBS") in respect of all prospective staff members and volunteers.

The type of check that may be requested from the DBS depends on the

nature of the position. If the individual is applying for a position that may provide them with an opportunity to have contact with children an Enhanced Check with Barred List will be required. This check will contain details of all convictions, cautions, reprimands or warnings (except those which are "protected" as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013) held on the Police National Computer. The Enhanced Check with Barred List will also reveal whether the individual is barred from working with children by virtue of their inclusion on the lists of those considered unsuitable to work with children.

An Enhanced Check may also contain non-conviction information from local police records which a chief police officer thinks may be relevant in connection with the matter in question.

Applicants with recent periods of overseas residence and those with little or no previous UK residence may also be asked to apply for the equivalent of a Disclosure, if one is available in the relevant jurisdiction(s).

Should DBS clearance be delayed and employment commence before it is received, the Academy may undertake a Risk Assessment on the prospective member of staff concerned and make arrangements as appropriate for the member of staff to be paired with or supervised by another member staff who has received DBS clearance.

Volunteers, Agencies and Agency Staff

The Academy expects supply/temporary worker agencies/contractors that are used by the Academy to register with the Enhanced DBS Disclosure on their own account and to follow this policy or their own comparable policy. Proof of registration will be required before the Academy will commission services from any such organisation.

The agency must provide evidence of the checks carried out on their central record.

The agency must also ensure that the supply staff member is aware that they have to bring in their DBS Certificate, proof of qualifications (e.g. QTS Certificate) and identification documents (proving their name, date of birth and address) on the first day of their supply work for the Academy.

The Academy reserves the right to terminate the contract with the agency and send home an agency staff member without notice should these terms of safe recruitment practice be breached by the agency or the member of agency staff. In this instance the Academy will not be liable for any charges connected to the booking.

All Volunteers who have direct contact with children on a regular basis will be required to have a DBS check. The Principal/Headteacher will assess the need on an individual basis.

Rehabilitation of Offenders Disclosure

The Academy will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. The Academy makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically debar them from employment within the Academy. Instead, each case will be decided on its merits in accordance with the objective assessment criteria.

In view of the fact that all positions within the Academy will amount to "regulated positions", all applicants for employment must declare all previous convictions (except those which are "protected" as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013).. A failure to disclose a previous conviction may lead to an application being rejected or, if the failure is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

Under the relevant legislation, it is unlawful for the Academy to employ anyone who is included on the lists, maintained by the DFE and the Department of Health, of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the Academy to employ

anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence.

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the Academy, if:

- the Academy receives an application from a disqualified person;
- is provided with false information in, or in support of an applicant's application; or
- the Academy has serious concerns about an applicant's suitability to work with children, it will report the matter to the Police, DBS and/or the DFE.

Assessment Criteria

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

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

If the post involves regular contact with children, it is the Academy's normal policy to consider it high risk to employ anyone who has been convicted at any time of any the following offences:

- against adults: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence;
- against children or adults: serious class A drug related offences, robbery, burglary, theft, deception or fraud.

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

If the post involves some driving responsibilities, it is the Academy's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last 10 years.

Assessment Procedure

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

If an applicant wishes to dispute any information contained in a Disclosure, they can do so by contacting the DBS directly. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the Academy will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the Disclosure information.

Retention and Security of Disclosure Information

The Academy's policy is to observe the guidance issued or supported by the DBS on the use of Disclosure information. In particular, the Academy will:

- store Disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the Academy's senior leadership team and the Principal's personal assistant;

- not retain Disclosure information or any associated correspondence for longer than is necessary. In most cases, the Academy will not retain such information for longer than 6 months although the Academy will keep a record of the date of a Disclosure, the name of the subject, the type of Disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any Disclosure information is destroyed by suitably secure means such as shredding; and
- prohibit the photocopying or scanning of any Disclosure information.

The Academy complies with the provisions of the DBS Code of Practice, a copy of which is available on request.

Retention of Records

If an applicant is appointed, the Academy will retain any relevant information provided on their application form (together with any attachments) on their personnel file. The file will be live and updated as required. The contents will remain in storage for up to 6 years following termination of employment.

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after 6 months, unless the applicant specifically requests the Academy to keep their details on file.

Any queries relating to the policy above should be directed to the Human Resources Manager or School Business Manager.

Personal Data – Single Central Record

The Academy holds a central record incorporating all employed staff (and others) that have contact with children. The record is available to the Senior Leadership Team, the Chair of Governors, Chair of the Finance and Resources Committee and the Governors responsible for Safeguarding in each Academy.

The record details a range of checks as set out by the DFE, and the responsibility for the maintenance of this record is with the Principal/Headteacher, but this function can be delegated to another member of staff e.g. the Human Resources Manager or the Business Manager.

