

# Safer Recruitment Policy

# **This policy is applicable to all staff**

## **Introduction**

1. Al Ameen Primary School has adopted this Safer Recruitment policy in accordance with the [School Staffing \(England\) Regulations 2009](#) and the subsequent Amendment Regulations 2012 & 2014, for the safe and legal employment of people to work in the school.

The purpose of this policy is to set out the minimum requirements of a recruitment process that aims to:

- 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

2. The Governing Body is committed to the welfare of children and young people in its care. It recognises that the legal requirements for recruiting and employing people to work in the school include provisions specifically to protect children from harm and that following these provisions is an essential part of its duty of care. It also recognises that the legal requirements for checking prospective employees' right to work in the United Kingdom protect those responsible for recruitment from fines for infringing the law.

3. The Governing Body has also adopted the [model Child Protection Policy](#) recommended by Birmingham City Council. The policy has been adapted to the individual needs and requirements of the school without any significant changes.

4. The Governing Body will ensure that all employees are made aware of this policy and the Child Protection Policy. It will publish them through its scheme of publication in accordance with the Freedom of Information Act.

### **Guidance on the law**

5. The Governing Body is committed to following the statutory guidance in '[Keeping Children Safe in Education \(2017\)](#)'.

6. The Head Teacher is required to ensure that checks on the [right to work in the United Kingdom](#) comply with the requirements of the Immigration, Asylum and Nationality Act 2006

7. The Governing Body is committed to its legal duties and responsibilities in respect of equality in employment with full regard to the DfE's guidance [The Equality Act 2010 and Schools \(May 2014\)](#).

### ***Other Legal***

[Rehabilitation of Offenders Act 1974 \(Guidance issued for March 2014\)](#)  
[Equality Act 2010](#)

[Asylum and Immigration Act 1996 \(guide for employers October 2013\)](#)

[Data Protection Act 1998 \(Guidance for schools ICO\)](#)

[Children and Families Act 2014](#)

[Keeping Children Safe in Education: Statutory guidance for schools and colleges \(DfE May 2017\)](#)

## Checks and recording

8. The Head Teacher is required to

- Ensure that all required pre-employment checks on new employees, including casual and short-term employees, are made and completed satisfactorily before a formal offer of employment is made in accordance with the School Staffing (England) Regulations and other legislative provisions and that these checks are recorded in the required register (known as the 'single central record').
- Ensure that the required register (known as the 'single central record') is kept of the checks already undertaken on existing employees as set out in the School Staffing Regulations.

Ensure that the required written confirmation of all required checks is obtained from agencies supplying staff to the school, including organisations providing specialist coaches or instructors and centrally managed teaching services providing staff to the school, and recorded in the required register ('single central record'), also that the identity of each and every person supplied by an agency is checked by the school before the person starts work for the school, as set out in the School Staffing Regulations.

- Ensure that self-employed people engaged directly by the school are subject to the same checks as would be the case if they were employed by the school.
- Ensure that the checks involve copying (or electronic scanning) each specified document as required, signing and dating the copy and placing the copy in secure storage in accordance with Data Protection legislation.
- Arrange for relevant volunteers to undertake an identity check, and clearance from the Disclosure and Barring Service and Independent Safeguarding Authority as specified by that Authority.
- The Head Teacher will ensure that all applicants complete a form providing relevant information about a person who lives in the same household as them, who may have influence over the employee working with children and who may therefore pose a risk to children i.e. "by association".

9. The Governing Body will ensure that these requirements are applied to the selection of a head teacher or deputy head teacher.

10. The Governing Body commits the school to working in compliance with the legal requirements on schools for pre-employment checks.

11. The Governing Body will ensure that it works with the local authority and complies with the requirements of the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and

Miscellaneous Provisions) Regulations 2009 (SI. 2009 No. 37) (as amended) to refer prescribed information to the Disclosure and Barring Service when required to do so.

### **Risk assessment – enhanced disclosure and barring certificate**

12. The Governing Body permits the commencement of employment before an enhanced criminal record certificate has been obtained only in justifiable circumstances approved by the Head Teacher following a risk assessment and provided that an application for such a certificate has been submitted. In each case the Head Teacher is required by the Governing Body to record the risk assessment and the decision, monitor the situation every fourteen days (as required by the statutory guidance on safer recruitment) until the enhanced certificate from the Disclosure and Barring Service is received and to be accountable for the decision to allow the employee to start work.

13. The Governing Body concurs with the Disclosure and Barring Service in not supporting the re-use of a check obtained for a job in a different school or organisation ('portability'), even if the check was undertaken recently. It acknowledges that the Head Teacher may refer to the existence of a previous check pending an application for an enhanced criminal record certificate as part of the risk assessment in justifiable circumstances. Where an applicant is a member of the DBS update service, with the applicant's consent we will use their current DBS certificate and carry out an instant online check to see if any new information has come to light since its issue.

### **The Authority's Disclosure and Barring Panel and positive disclosures**

14. The Governing Body requires the Head Teacher to make any reports requested by the authority in connection with a positive disclosure obtained through a check with the Disclosure and Barring Service.

15. The Governing Body expects the Head Teacher to take advice from the Authority's Disclosure and Barring Service Panel on a positive disclosure from the Disclosure and Barring Service, or such other persons as the Local Authority may determine from time to time and from the Authority's Employee Relations Team as necessary and refer the matter to the relevant committee of the Governing Body if advised to do so.

### **General recruitment procedures**

16. Where the Governing Body has delegated its power of recruitment and selection to the Head Teacher it requires the Head Teacher to ensure, as far as reasonably practicable, that

- every job description includes a statement that the employee is responsible for promoting and safeguarding the welfare of children for whom he or she is responsible or comes into contact.
- every person specification includes a clear statement about the requirements for any applicants to demonstrate their suitability to work with children and that this will include

motivation, ability to maintain appropriate relationships with children, emotional resilience to challenging behaviour, and attitudes to the use of authority and maintenance of discipline.

- the Governing Body has adopted an application form which complies with statutory guidance effectively gauge the applicant's suitability to work with children.
- any gaps in education or employment, or discrepancies between information on the application form and references are investigated.
- at least two job-related written references, including one from the current employer or most recent employer (or training establishment in the case of a newly qualified teacher or school for a young person with no previous employment experience) or most recent employer in respect of employment with children, are always obtained before interviews take place and preferably before short-listing, that relevant questions are asked of the referee and employee in accordance with statutory guidance and any discrepancies are investigated (having regard to the statutory guidance that it is up to the person conducting the recruitment to decide whether to accede to a candidate's request to approach his or her current employer only if he/she is the preferred candidate after the interview but that this is not recommended as good practice).
- a job is never offered unless subject to satisfactory references and that if written references are not available before an interview, selection of a candidate is deferred, with the panel adjourning and reconvening when the written references are available.
- all persons invited for interview are informed in writing of the required pre-employment checks and asked to bring relevant documentation with them on the day of the interview.
- there is at least one person on the selection panel who has complete the required training in Safer Recruitment and that the interviews are supplemented by other tasks and assessment as appropriate.
- the recruitment and selection process is monitored in accordance with the [Governing Body's policy](#) on the various equality duties required of schools.

17. The Governing Body will also require selection panels for head teachers and deputies and any interviewing panel including governors to follow these requirements.

### **Note on Prohibition Orders**

In addition to DBS checks, all teachers must undergo a Prohibition Order check. These checks are mandatory for schools in England. Prohibition Order checks are done as part of the pre-employment checking process and a record is kept on the school's single central record. A Prohibition Order check ensures the teacher is not prohibited from teaching.

Prohibition checks include the following:

- ***Prohibition from Teaching***

Until very recently this was only for teachers who had qualified teacher status (QTS). This is no longer the case. The check should be done retrospectively, and cover staff who have been appointed since 1 April 2012. Although there is no requirement to retrospectively check teachers who commenced their current employment prior to that date it would still be prudent to do so.

- **Section 128 check**  
Independent schools, academies and free schools now need to check that a person has not been Prohibited from the Management of schools
- **European Economic Area (EEA) Online Checks**  
In addition to the Prohibition checks, a school will need to check whether a teacher who has trained or worked in the European Economic Area (EEA) has received any restrictions on their teaching.
- **Teachers who have failed induction or probation**  
This contains the details of all teachers who have failed their statutory induction or probation periods. As a result of failing an induction or probation period any person on this list is ineligible to teach in all maintained schools, pupil referral units and non-maintained special schools in England. However, they are free to work as a teacher in any other school, establishment or capacity where successful completion of an induction period is not an entry requirement.
- **General Teaching Council for England (GTCE) sanctions**  
This contains the details of teachers who are still subject to disciplinary sanctions from the GTCE. Any person on this list can only teach in maintained schools, pupil referral units and non-maintained special schools subject to the conditions of the sanction.

### Safer Recruitment Training

18. The Governing Body will arrange as necessary for at least one person on the selection panel to undertake the training in safer recruitment specified in the School Staffing Regulations.

19. The Governing Body will follow the requirement in the School Staffing Regulations that at least one member of selection panels for head teachers and deputies and any other interviewing panel including governors has completed the required training in safer recruitment.

### Induction

20. The Head Teacher is required to arrange for at least one of the School's Designated Senior Persons to introduce himself or herself to each new employee during that employee's first week at work and for subsequent induction to include suitable training in child protection.

21. This is in addition to statutory induction for newly qualified teachers and probation for new support staff.

Date agreed: 11/03/17

Review date: January 2019

Signed: 

On behalf of the Governing Board