

Academies Trust

8th Floor, Angel Square,  
Manchester, M60 0AG



# Safer Recruitment Policy

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## Safer Recruitment Policy

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# Safer Recruitment Policy

## 1.0 Introduction

This document sets out the policy and procedures to be adopted in order to ensure that the recruitment process for the Co-op Academies Trust (“the Trust”) is as safe as possible and helps to deter, reject or identify people who might abuse children. It is applicable to all of our Academies, and includes the central Trust team, Local Governing Bodies & the Trust Board. The Trust has delegated accountability for all recruitment below the level of Headteacher/Principal to the Governing Bodies of its Academies. The procedures and standards as laid down in this policy must be used by all those involved in the recruitment process within the Trust.

The policy and associated guidance are in line with the Department for Education’s statutory guidance for schools & colleges “**Keeping children safe in education**” (**September 2018, part 3**) which can be found at <https://www.gov.uk/government/publications/keeping-children-safe-in-education>. A brief overview can be found at **Annex 1**. In case of any questions arising, the current version of the statutory guidance should be referred to and followed as it is updated from time to time.

## 2.0 Preparing for recruitment

### 2.1 Job Description and Person Specification

At the start of the recruitment process it is important to define what the post holder’s responsibilities for children/vulnerable adults will be over and above the qualifications and experience needed to perform the job. To affirm the Trust’s commitment to safer recruitment, it is advisable to ensure that the statement of intent, below, be included on all person specifications.

*“The Co-op Academies Trust, as an aware employer is committed to safeguarding and protecting the welfare of children and vulnerable adults as its number one priority. This commitment to robust recruitment, selection and induction procedures extends to organisations and services linked to the Trust on its behalf”.*

When a post requires a DBS Disclosure, this must be reflected in the job description and person specification relating to that post. It is envisaged that due to the nature of work in all primary and secondary Academies, and resultant contact with children, all posts will require an enhanced DBS Disclosure and, in most cases, a check of the children’s barred list. Where the Disqualification under the Childcare Act 2006 requirements also apply to a post, this should also be reflected in the person specification.

#### **All job descriptions must detail:**

- Main duties and responsibilities of the post;
- This should also include the post holder’s specific responsibility towards the promotion and practice of safeguarding the welfare of children that they come in to contact with through their job

#### **All person specifications must detail:**

- Qualifications required to do the job
- Professional Registrations (if required);
- Enhanced DBS Disclosure required / if Disqualification under the Childcare Act 2006 applies;

- Whether the post is in regulated activity and therefore requires a check of the children’s barred list
- Define the skills and competencies required;
- Explore issues relating to the safeguarding of children, such as:
  - Motivation to work with children;
  - Ability to form and maintain appropriate relationships and personal boundaries with children;
  - Emotional resilience in working with challenging behaviors;
  - Attitudes to use of authority and maintaining discipline.

It is good practice to state on the person specification how these issues will be tested – e.g. application form, interview, or assessment day. It is expected that all of the points on the person specification should be evidenced either in a candidate’s application form or through the interview and selection process.

## 2.2 The Advert

Advertisements for all vacancies should demonstrate the Trust’s commitment to safer recruitment and vetting procedures, protecting every potential applicant from unfair practice and ultimately safeguarding children. Promoting commitment to safeguarding and child protection can act as a deterrent to would-be abusers.

## 2.3 Application

The importance of safeguarding and protecting children within the Trust should be promoted as much as possible throughout the recruitment process in order to deter unsuitable candidates.

It is recommended that the application pack for any Academy recruitment includes:

- Application Form  
(*Highly recommended over CVs, as CVs will only show you what the candidate wants you to see and will not provide consistent data between candidates*)
- Job Description
- Person Specification
- Academy Prospectus
- Academy Child Protection Policy
- DBS – A Guide for Applicants & information on filtering (**Annex 2**)
- Guide to the Rehabilitation of Offenders Act and amendments 2013 (filtering of offences) (**Annex 3**)
- For teaching / management posts, information about TRA checks; e.g. prohibited list, GTCE sanctions, s128 prohibited from management, European Economic Area checks
- If an applicable post, Disqualification under the Childcare Act 2006 guidance note (**Annex 3**). Anyone conditionally offered a post must be asked prior to the appointment being confirmed to confirm they understand the duty to declare relevant information but applicants should not be asked to complete the declaration form prior to a conditional offer being made.

Recruitment for central Trust posts should include a job description and person specification, and additional information as required dependent on the nature of the post concerned.

## 3.0 Interview Process

The interview process should allow time for any discrepancy in a candidate’s application or references to be scrutinised and clarified. With this in mind all candidates should have their

qualifications verified, employment gaps explained, criminal record disclosed, reference issues and their attitude towards children discussed at interview. This means that when a candidate is successful, any issues surrounding their application and references have been fully explored before they are offered the post.

Every interview must be carried out on a face-to-face basis. The points below are made primarily in relation to recruitment for academy-based roles, however, key principles should also be adopted in the recruitment of central Trust staff.

### 3.1 The interview panel

The interview panel **must** contain at least one senior member of staff and / or Governing Body member who has been through appropriate safer recruitment training. This is essential training for Headteacher/Principals and other senior leaders, for nominated Local Governing Body members, and for other appropriate and nominated staff members.

The Trust delegates to its academies the responsibility for ensuring that relevant staff have received this training. Each Academy must keep a register of staff and governors who have completed this training, including the date of the training and the training provider.

Since 1<sup>st</sup> September 2014, Safer Recruitment training is no longer approved by the Secretary of State and therefore the DfE no longer co-ordinates arrangements for accredited or online training.

However, the requirement for at least one member of a recruitment panel to be appropriately trained in line with safeguarding guidance remains. Academies should follow their Local Safeguarding Children Board guidance on appropriate safer recruitment training providers.

Delegates interested in Safer Recruitment training may also contact the Safer Recruitment Consortium for information about courses available in their area ; or may apply for registration on to the NSPCC online training course <https://www.nspcc.org.uk/preventing-abuse/safeguarding/schools-protecting-children-abuse-neglect/>

Training may also be available via local authority HR contacts.

### 3.2 References

For all academy-based posts, these should be requested prior to interview and ideally received back prior to interview **unless** the applicant has indicated on their application form, or through other contact with the academy, that they are unwilling for a referee to be contacted prior to a post being offered.

One of the referees **must** be the candidate's current or previous employer. Open references must not be accepted in any circumstances.

Reference requests must be issued on the Trust's Reference Pro-forma (Leadership, Teaching or Support Staff version, as applicable), which ensures that certain questions are asked about all candidates. This helps to avoid receiving references that do not address all of the areas that we would like to know about.

The Reference Pro-forma asks about the candidate's relationship with children in their current or previous role and if they have ever been involved in any disciplinary action concerning children.

Ideally (unless permission has been withheld), references should be sought on all shortlisted candidates, including internal ones, before interview so that any issues of concern they raise can be explored further with the referee. The references should not, as a matter of course, be shared with the interview panel members. However, if there are any discrepancies or issues with the references, the panel should be asked to explore these at interview\* and to make an appointment decision with reference to all the facts available at the time. Obviously, this relies entirely on the speed referees return them, which may not always allow for them to be seen prior to interview, but it should be aimed for as best practice. Offers of employment may still be made subject to references, DBS and other pre-employment checks.

Where references are not seen prior to interview (whether for an academy-based or central Trust post) any offer must be made 'subject to references'. When the references are received they should be scrutinized and any concerns resolved satisfactorily before the person's appointment is confirmed. If specific questions have not been answered satisfactorily, for example if the answers are vague, the referee should be contacted to provide further clarification as appropriate. Information should also be compared for consistency with the information provided by the candidate on their application form, and any discrepancies taken up with the candidate.

\* *DfE Guidance: "Keeping children safe in education" (2018 part 3)*

No-one should be permitted to start work until two satisfactory references have been received.

All references that have been received electronically should be verified to confirm that they have come from a legitimate source (KCSiE 2018)

### **3.3 Employment Gaps**

At interview, gaps in employment history **must** be discussed with the candidate. If there are gaps in their history, the candidate should declare the reasons for their break from work. These should be documented and signed by the candidate. Valid reasons for gaps in employment may be: the candidate did not need to work, travelling, bringing up a family, caring responsibilities, family bereavement or a period of sickness. As there could be more 'sinister' reasons for an absence, it is important to ensure that the candidate is able to give as much detail as possible, in order for the panel to make an informed decision and are in receipt of all relevant information.

Note: at this stage of the recruitment process you are just documenting the reason for any gaps in the employment record. At this stage of the process, it is recommended that you just ensure that you are clear on the reasons for the gap(s) rather than getting in to a discussion about implications for their suitability for future employment. This is particularly true for reasons linked to family responsibilities or health. Remember, any offer of employment, for any candidate, would be subject to completion of a pre-employment health declaration.

It is strongly advisable to discuss patterns of repeated change in career or employers at interview, ensuring that the reasons for this are fully explored and satisfy the interview panel.

### **3.4 Qualification Verification**

At interview essential qualifications required for the post including those set by statute must be verified as a minimum, other qualifications stated on the application form may also need to be verified.

A photocopy of all the original qualification certificates must be taken and if the candidate is successful these should be placed on their personal file and recorded on the Single Central Record. If the candidate is unsuccessful, these should be destroyed.

### **3.5 Rehabilitation of Offenders Disclosure**

All Posts within the Trust's academies are exempt from the Rehabilitation of Offenders Act 1974 (exceptions 1975) (amended 2013). This means as a prospective employer, you should inform all candidates of their responsibility to disclose any unspent cautions, convictions or bind-overs, and any offences that would not be filtered, during the application stage. See **Annexes 2 & 3** for more detail.

Any convictions disclosed should not be given to the shortlisting panel prior to shortlisting. Disclosed information should be assessed to ensure that it is either unspent or not protected / filtered – protected offences must not be discussed with the candidate, even if they have self-disclosed. Once the panel have made a shortlist and invited them for interview, they should then be made aware of any candidate's relevant criminal self-disclosure so that the panel can discuss the disclosed information with the candidate at interview. Disclosing a criminal background should not be used as a reason to not shortlist a candidate. Having a criminal conviction will not necessarily bar a person from working with children and should not be used to discount applications. If they are successful they will be required to complete a DBS Disclosure application form. Once the Enhanced DBS Certificate is returned, any conviction information will need to match up with the candidate's original disclosure to the interview panel. This information will not be retained if the candidate is not successful and should be destroyed.

### **3.6 Commitment to Safeguarding Children**

Person specifications allow the Trust to explore a potential candidate's views and expectations in relation to working with children. The recruiting panel should seek to identify the candidate's experience or views on the following points:

- Motivation to work with children;
- Ability to form and maintain appropriate relationships and personal boundary with children;
- Emotional resilience in working with challenging behaviors;
- Attitudes to use of authority and maintaining discipline.

Providing questions that ask candidates to draw on their experience of situations with children will give a good impression of the candidate's understanding of the points above. It will enable the panel to probe issues or lack of knowledge that candidates may have and explore their motivation to work within an Academy environment or with children.

## **4.0 Pre-Employment Checks**

No candidate will be offered a post with the Trust unconditionally. All offers will be subject to satisfactory completion of the appropriate checks as listed below. It is the responsibility of the recruiting manager to ensure that these checks take place.

These checks should be made clear to candidates at interview. Any offer of employment should be a conditional offer subject to satisfactory clearances being received and checked. Only when all of these checks are completed and returned will an offer of employment be confirmed.

In exceptional circumstances, where it is in the best interests of the Academy / Trust for a candidate to start prior to all (see below) of these checks being completed, a rigorous risk assessment must be completed and approved. This risk assessment should be shared with

the Headteacher/Principal or Education Director of the Trust (as applicable). An individual who will be in regulated activity must never be allowed to commence work before the DBS barred list has been checked. Anyone appointed to a teaching post must be checked against the TRA prohibited list, GTCE list (and s128 if relevant) before they commence in post.

#### **4.1 References**

The Trust should request and have returned two references for every potential employee, one of these references **must** be from their current or most recent employer. For academy-based roles, as the post requires working in an environment with children, it is important to have a reference, if available, from an employer or voluntary agency demonstrating the candidate's previous work experience, paid or unpaid, of working with children. Two satisfactory references must be received before the person commences in post.

#### **4.2 Verification of Candidate's Identity**

It is vital that the Trust knows who their employees are and have evidence to prove this. For all employees of the Trust a copy of the documents used to verify the candidate's identity and right to work in the UK (see 4.9) should be placed on their personal file and logged on the Academy's Single Central Record, or for central Trust employees placed on their personnel file. Information checking guidelines can be found on the DBS website. Evidence of identity must be seen before the person commences in post.

#### **4.3 Prohibition Check**

This check ensures that a teacher is not prohibited from teaching and has been a statutory requirement since April 2014, but there is no requirement to retrospectively check teachers who commenced their current employment prior to that date. Existing staff will have been checked in line with previous guidance for checking QTS status. Further information is in the NCTL / TRA publication "Teacher misconduct: the prohibition of teachers". Any candidate with QTS should be checked, even if they are not being recruited to a teaching post. The prohibited list must be checked before the person commences in post.

The individual's teaching record should be printed off and placed in the personnel file and the date of the check must be recorded on the academy's Single Central Record. Under no circumstances should anyone in teaching work commence work without the check having been undertaken.

To ensure that you are able to carry out the check prior to appointment, schools can register on the Teacher Services system. This is a free service. Further information on how to register and access can be viewed at <https://www.gov.uk/teacher-status-checks-information-for-employers>. This replaces the database previously managed by the GTCE which listed any teacher who may have been the subject of a suspension or conditional order and confirmed that a teacher had QTS and had completed their induction.

You can check whether a teacher you are considering employing has:

- qualified teacher status (QTS)
- completed their induction
- a mandatory qualification for teachers of hearing impaired or visually impaired pupils
- an active teaching restriction
- been the subject of a decision by the Secretary of State not to impose a prohibition order for unacceptable professional conduct, conduct that may bring the teaching profession into disrepute or conviction of a relevant offence
- been prohibited from teaching

- been prohibited under s128 from taking up a senior management position in an independent school (including an academy or free school). This check should also apply to members of the central team who are in leadership roles.
- been subject to any teaching sanction in any other European Economic Area country
- a suspension or conditional order imposed by the General Teaching Council for England that is still current
- failed their induction or probation period

It is important that the checker also ‘claims’ the teacher on the Teachers services website.

**Please note:** The prohibition order check is different to the barred list check operated by the DBS (see 4.4.1). Some new appointments will require an enhanced DBS check, a barred list check and a prohibition order check.

#### 4.4 DBS Disclosure

This shows the Trust any previous convictions held on file for a potential employee, other than those which are “filtered” by the DBS (see Annex 2). There are three types of check: “standard”, “enhanced” and “enhanced including barred list”. For most appointments an enhanced DBS certificate with barred list information, will be required as the majority of staff will be engaging in regulated activity as they:

- are responsible, on a regular basis, for teaching, training, instructing, caring for or supervising children, or driving a vehicle only for children, or
- carry out paid, or unsupervised unpaid, work regularly which provides an opportunity for contact with children, or
- Engage in intimate or personal care, or an overnight activity, even if this happens only once.

For all other staff who have an opportunity for regular contact with children but who are not engaging in regulated activity, an enhanced DBS certificate which does not include a barred list check will be appropriate. The DBS cannot provide barred list information on any individual, including volunteers, who are not engaging in regulated activity.

The applicant must show their original DBS certificate to the academy before they take up post, who should log the certificate number and date the certificate was seen on their Single Central Record – along with a note of the person who checked the certificate. If the DBS certificate has not been received prior to the employment commencing the academy must ensure that the individual is appropriately supervised and that all other checks, including a barred list check, have been completed.

Having a conviction will not necessarily bar someone from working in a job with children or vulnerable adults. The severity, nature, circumstances and timing of the conviction will need to be taken into consideration. Candidates will need to be given the opportunity at the application stage to declare any *unspent* convictions they may have, as well as any offences that are not protected. Any declaration they make will be compared with the returned criminal record disclosure. DBS certificates should be checked with reference to list of relevant offences in the Disqualification under the Childcare Act 2006 guidance.

All members of the central Trust team will undergo an Enhanced DBS Disclosure as part of the recruitment process, and the certificate number / date certificate was seen will be made available for the Single Central Record of each Academy.

Academies do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining a Single Central Record. Where a copy is taken, in order to comply with the requirements of the Data Protection Act which includes the rules set out in the General Data

Protection Regulation academies should have a good reason for doing so and should not retain this for longer than six months.

#### **4.4.1 Barred List**

This is a list of people barred from working with children, compiled by the DfE. For posts in regulated activity this check should be done as part of the DBS Application Process (see above). If a person is not in, or seeking to enter, regulated activity it is unlawful to check the barred list. If a school knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity. Candidates in regulated activity must never be permitted to commence in post before the barred list check is complete.

There are a limited number of circumstances when a stand-alone barred list check must be undertaken, for example

- a) where an existing member of staff moves from not regulated activity to a post that is in regulated activity and a new enhanced DBS certificate is not required
- b) where a new employee in regulated activity is to be allowed to commence in post before the enhanced DBS certificate has been received
- c) where a new recruit will be transferring from a similar role in another school or academy, with a break in service of 3 months or less and a new enhanced DBS certificate is not required

#### **4.4.2 DBS Update Service**

Individuals can join the DBS Update Service at the point an application for a new DBS check is made, enabling future status checks to be carried out to confirm that no new information has been added since its issue. This allows portability of a certificate across employers.

Before using the Update Service, academies must:

- Obtain consent from the applicant to do so,
- Confirm the certificate matches the individual's identity, and
- Examine the original certificate to ensure that it is for the appropriate workforce and level of check, e.g. enhanced certificate, or enhanced including barred list information.

The academy can then subsequently carry out a free online check to identify whether there has been any change in the information recorded since the certificate was issued and advise whether the individual should apply for a new certificate. Individuals will be able to see a full list of those organisations that have carried out a status check on their account.

#### **4.5 Disqualification under the Childcare Act 2006 (DfE 2018)**

Disqualification under the Childcare Act 2006 sets out the circumstances in which an individual will be disqualified and may not provide relevant early or later years childcare or be directly concerned in the management of such provision. Schools are prohibited from employing a disqualified person in connection with relevant childcare provision in certain settings, and the employer commits an offence if they contravene this unless they can prove that they did not know, and had no reasonable grounds for believing, that the person they employed was disqualified.

Full details of these requirements are set out in the DfE's statutory guidance on "Disqualification under the Childcare Act 2006" updated by the DfE in August 2018 which can be found here <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006>

It is expected that Headteachers / Principals will familiarise themselves with the statutory guidance, which apply to people who provide, or are directly concerned with the management of:

- Early years' provision - care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range; and
- Later years provision (for children under 8) - childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir, hobby clubs or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.

Academies should exercise their judgement about when and whether such staff are within scope, evaluating and recording any risks and control measures put in place, and taking advice when appropriate.

If these regulations apply to the post being recruited, applicants should be provided with information about the regulations and the preferred candidate should be asked to complete a declaration form (**see Annex 3**). If a declaration is made this will need to be considered and discussed with the candidate. If a post is offered, the offer must be conditional, and the applicant should apply for a waiver. If a waiver is not granted, the conditional offer should be withdrawn.

Academies must keep a record of those staff who are employed to work in or manage relevant childcare and should record the date on which disqualification checks were completed; this may be kept as part of the single central record or as a separate list and forms completed by successful applicants will be placed on their personnel file. Information received from all applicants during the recruitment process should be treated in line with the Data Protection Act (2018) which includes the rules set out in the General Data Protection Regulations (see statutory guidance for further detail).

It is recommended that all staff / volunteers working in roles to which these regulations apply are reminded about Disqualification under the Childcare Act 2006 on an annual basis and asked to speak to their Headteacher / Principal if their circumstances have changed. They are not required to complete the declaration form annually. Should this identify any staff/volunteers who are disqualified, advice must be sought from the academy's HR Manager.

Co-op Academies Trust expects all staff (not just those working in early or later years childcare) to discuss with their Headteacher / Principal / Education Director / or Director of the Trust (central team members) any criminal charges brought or caution / conviction acquired during their employment with us and any relationship or association (in the real world or online) which may have implications for the safeguarding of children in the academy so that an appropriate risk assessment can be carried out. Please seek advice from the Academy Safeguarding Lead and/or Trust HR Manager if appropriate.

#### **4.6 Medical Clearance**

Once an offer of employment is made, a potential employee must complete a copy of the Trust's health declaration form. Depending on the answers given by the candidate, the

Academy's Occupational Health provider may be asked to carry out further enquiries to confirm mental & physical fitness for the specific post.

#### **4.7 Verification of Qualifications**

Any essential qualifications required to perform a particular job, such as QTS, as stated in the person specification, need to be evidenced by the potential employee. A copy of original certificates should be taken and placed on their personal file and logged on the Single Central Record. This should ideally be confirmed at the interview stage.

#### **4.8 Verification of Professional Registration**

Some posts require a professional registration with a regulatory body, such as the General Teaching Council etc. This again needs to be evidenced and placed on file, if the person specification states it as an essential prerequisite.

#### **4.9 Right to Work in the UK**

It is a legal obligation that every employer in the UK verifies whether a potential employee has the right to work in the UK:

Step 1 – you should ask for and be given an acceptable document, or combination of documents. Only original documents must be accepted;

Step 2 - you must take all reasonable steps to check that the document is genuine and to satisfy yourself that the holder is the person named in the document. You should also check that the document allows them to do the work in question. If you are unsure, you can contact the Home Office employer helpline on 0300 123 4699;

Step 3 - you must take and retain a copy of the document, in a format which cannot later be altered. Make a note of the date on which you took the copy, and the person who saw the original documents.

Further information can be found at <https://www.gov.uk/check-job-applicant-right-to-work>, with a helpful step-by-step checking process at <https://www.gov.uk/legal-right-work-uk> and detailed information and guidance at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/311668/Code\\_of\\_practice\\_on\\_preventing\\_illegal\\_working.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311668/Code_of_practice_on_preventing_illegal_working.pdf). Failure to meet legal requirements can attract a fine of up to £15,000. If further support is required, please contact the Head of HR.

It is also a legal obligation to carry out appropriate overseas criminal record checks (see 4.11 below).

#### **4.10 Employment History**

If appropriate, follow up on any outstanding concerns from the interview relating gaps in employment or noticeable patterns when the candidate changed their employment. Ensure that the information received is not contradictory or incomplete.

#### **4.11 Overseas checks**

If the potential employee has **lived or worked** outside the UK for a period of time (**whether or not they are a British national**), then a UK DBS Disclosure will not give a full picture in respect of any criminal record they may have.

In addition to the usual pre-employment checks listed elsewhere in this policy, where an individual has lived or worked abroad in recent years, academies must make any further checks they think are appropriate so that any relevant events that occurred outside the UK can be considered. For example:

- An overseas criminal record check. The overseas criminal record certificate may also be referred to as a certificate of good conduct or police character certificate (etc.)

depending on the country in question. Full details can be found by following the link below.

- An employment reference from the overseas' employer, even if this is not the last two employers

In addition, teachers that have lived or worked overseas should be checked for any European Economic Area restrictions; this can be done via the Teacher Services system.

Under KCSiE (Sept 2018) paragraph 1036 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 (or the further education sector or 16-19 Academy) in England in a post which brought them into regular contact with children or young persons.

However, notwithstanding this, an academy may make any further checks they consider to be appropriate in the circumstances of the individual case.

### Tier 2 Visa Applicants

From April 2017, there is a new statutory requirement to provide a criminal record certificate which applies to those applying for entry clearance in the Tier 2 (General) route under one of the Standard Occupation Codes listed below, and to their adult dependants:

- 2223** - Speech and language therapists
- 2314** - Secondary education teaching professionals
- 2315** - Primary and nursery education teaching professionals
- 2316** - Special needs education teaching professionals
- 2317** - Senior professionals of educational establishments
- 2318** - Education advisers and school inspectors
- 2319** - Teaching and other educational professionals not elsewhere classified
- 2449** - Welfare professionals not elsewhere classified

*Note: other categories are also included, but key ones relevant to the Trust are listed above.*

Schools now have a statutory duty to inform Tier 2 skilled worker applicants of the need to source and submit overseas criminal records certificates (i.e. it is the applicant's responsibility to obtain their certificate, but the school's responsibility to request that they do this).

### Tier 1 Visa Applicants

In addition, anyone applying for Tier 1 entry clearance as an Entrepreneur or Investor, or adult dependant (over 18 years old) of the main applicant in the above must provide a criminal record certificate for any country (excluding the UK) where they have resided continuously or cumulatively for 12 months or more, in the 10 years prior to their application.

Academies should ensure that their SCR includes a confirmation of whether an overseas criminal records certificate is required and, if so, the date this was seen / verified.

Further information:

The Home Office has published guidance on criminal record checks for overseas applicants, on a country-by-country basis

- <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

- [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/600349/Criminal\\_Record\\_Checks\\_FAQ.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/600349/Criminal_Record_Checks_FAQ.pdf)

The DfE has also issued guidance on the employment of overseas-trained teachers <https://www.gov.uk/government/publications/employing-overseas-trained-teachers-from-outside-the-eea>

## 5.0 Other Contacts with the Academy

### 5.1 Temporary / short term teachers employed directly by the Academy

Temporary teachers should be recruited and treated in the same way as any other member of staff in the Academy. This means that they should also have all the appropriate pre-employment checks carried out before their employment is confirmed.

Temporary / short term teachers that are not employed by the Trust on a continuous basis should have their DBS Disclosure and Prohibition status re-checked every 12 months (unless there is a gap in service of 3 months or more in which case a new disclosure must be sought before they work in the academy again); and should also be asked to complete a Disqualification under the Childcare Act declaration annually (if applicable). This is due to the casual and ad-hoc nature of their work, which may mean they do not actively work in our Academies for a few months at a time. If a teacher is predominantly based at one Academy, it is recommended that the Academy organises and funds the re-check and should encourage the individual to register with the update service. If the teacher is mobile and only works for us a few days at a time (but is employed direct, rather than via an agency or other body – see 5.2 below), the teacher should organise their re-check through a Local Authority or Umbrella Body and fund it themselves and / or should be encouraged to register with the update service.

### 5.2 Peripatetic Tutors & Agency Staff

(including Agency Supply Teachers and students and staff from other agencies or educational institutions, for example social workers)

It is important that Academies have evidence of the necessary checks in relation to staff providing services such as music tuition, specialist sports coaching, supply teaching or specific courses that requires staff to work on Academy premises whilst children are present.

It is expected that Academies will carry out or have evidence of the same standard of checks for all staff and the extended provision even if they are not employed directly by the Academy. With this in mind, all outside providers should be requested to provide evidence that relevant pre-employment checks have been undertaken. It is for the employer / agency to determine which checks are required. If the academy does not believe the employer / agency has completed the necessary checks, they should discuss this with the employer / agency and seek advice from HR. This should be given in writing and in advance of the provider starting work at the Academy and should be agreed as part of any contract between the Academy and provider. In the case of supply agencies, the Academy has the right to view the original copy of the Disclosure from the agency if it contains additional information. This does not apply to other providers. Confirmation of relevant checks from external providers will be recorded on the Single Central Record.

If confirmation / evidence is not provided, then the Academy will not allow the peripatetic tutors or agency staff to have unsupervised access to children. On an exceptional basis a risk assessment will be undertaken but this **will not** be considered the norm. If the individual

is in regulated activity they will not be permitted to work at an Academy until confirmation is received that the barred list check has been undertaken and the person is not barred.

Individual Trust Academies are responsible for ensuring that any supply teaching agencies they use can demonstrate robust recruitment and selection procedures e.g. ensuring that their employees are DBS / barred list / Prohibition cleared, completed a Disqualification from Childcare Act declaration if applicable, have a full face-to-face interview and all the appropriate pre-employment checks and child protection / safeguarding inductions are carried out.

All persons employed by the academy, any regular visitors employed by a third party such as an agency, and all regular volunteers should be included on the Academy's Single Central Record.

***As with any external persons coming on to Academy premises the Academy will verify their identity, the provider should be asked to show documents such as a passport or driver's licence unless they have company ID. The Academy will be given the names of expected guests or outside providers in advance of their arrival on site. The Academy will be very clear that the named individual is who they say they are.***

### **5.3 Host Families involved in Exchange Visits**

Host families will have unsupervised contact with children under the age of 18, such arrangements could amount to "private fostering" under the Children Act 1989 or the Safeguarding Vulnerable Groups Act 2006, if the arrangements are not made by the child's family and/or the host is paid to provide this arrangement. In these circumstances it could amount to a regulated activity, and the academy (or a third-party provider, such as a language school) is the regulated activity provider and should request a DBS certificate (including barred list).

Where arrangements are made to stay with families overseas, it should be remembered that DBS cannot access criminal records held overseas. Academies should work with a partner school abroad to ensure that similar assurances are undertaken prior to a visit. Further information is in Keeping Children Safe in Education 2018 annex E).

In preparation of a forthcoming Exchange Trip where the exchange pupils will be staying with families of the Trust's Academy pupils/students, the following steps will be taken:

- Determine who are the responsible adults of host family groups.
- These people will be requested to complete the DBS application administered by the Academy hosting the visit as soon as possible.
- In addition, there may be circumstances where an academy wishes to undertake vetting checks on others over the age of 16 in the same household – if so, this will usually be an enhanced DBS without barred list information.
- ID checks need to be witnessed by staff in the Academy (perhaps an evening for prospective host families to attend and bring their ID documents).
- All the DBS applications and ID checks must be completed at **least eight weeks** prior to the exchange visit. This is in order to have all the DBS checks returned to the Headteacher/Principal before the exchange takes place.
- The enhanced DBS certificate should be with barred list information for all the responsible adults outlined and any results provided back to the Headteacher/Principal straight away.
- All host family DBSs can be marked as 'Volunteers'.
- DBS Disclosures are returned to the host families who will bring the original certificates to school and any issues discussed with the Headteacher/Principal.

## 5.4 Volunteers

Volunteers in Academies often have the same unsupervised access to children as employees. A child will not consider a distinction between a volunteer and a member of staff, when seeking help or support. This means that volunteers should have certain checks completed as they are in a position of trust.

As with any new staff member an identity check should be carried out, and it is also important to request and receive two references on behalf of the volunteer. These checks must be carried out for all volunteers and not just for those unknown to the Academy.

An enhanced DBS Disclosure should be carried out prior to the volunteer starting their duties within the Academy, unless there are clear reasons why it is not relevant and proportionate to do so in relation to the post concerned (e.g. nature of the work, what is already known about the volunteer).

- Volunteers who teach or look after children regularly on an unsupervised basis, or who provide personal care on a one-off basis, will be in regulated activity. In this case, an enhanced DBS check including barred list information should be obtained.
- If planning to allow volunteers to work unsupervised with children, the academy should confirm with their insurer that adequate cover is in place
- An enhanced DBS check (without barred list check) may be requested for volunteers who are not engaging in regulated activity but have the opportunity to come in to contact with children on a regular basis (e.g. supervised volunteers).

Although there is not a requirement to re-check volunteers in regulated activity at prescribed intervals, academies may conduct a repeat DBS check (including barred list information) on any volunteer about whom they have concerns.

- If no DBS check is completed the reasons for this should be documented and the volunteer must be supervised\* at all times and must not engage in regulated activity.
- If the volunteer is providing teaching work, checks of the relevant TRA lists should be completed

If the volunteer is working in an area which is subject to the Disqualification from Childcare Act, they should also be asked to complete a declaration form prior to commencing.

If a volunteer becomes a paid employee, then the usual pre-employment checks for new employees should be carried out, e.g. their right to work in the UK should be assessed, a medical questionnaire completed, etc. It is a legal requirement to apply for a new Enhanced DBS Disclosure (including barred list check) as well to reflect their change to an employee.

If assisting on a one-off Academy trip and not carrying out a regulated activity (see 4.4), a volunteer does not require a DBS Disclosure, but must be supervised\* at all times.

\*NB 'supervised' does not always mean 'accompanied' - see also DfE definition of supervision – Keeping children safe in education 2018 annex F

### 5.4.1 Risk assessing volunteers

There must be a written risk assessment in place for all volunteers that are not in regulated activity – this risk assessment should determine whether or not the individual needs an enhanced DBS (without barred list check), taking into consideration what is already known about the volunteer, the needs of the pupils, the nature of the activity, level of supervision

and the views / feedback from staff, other volunteers and / or referees. More information can be found in KCSiE 2018 part 3

#### **5.4.2 Supervision**

If the volunteer is to be supervised whilst undertaking an activity that would be regulated activity if it was unsupervised, the statutory guidance must be followed (see Annex F of Keeping Children Safe in Education, 2018). The nature of the supervision planned should be included in the written risk assessment.

#### **5.5 Contractors**

Academies should ensure that any contractor, or any employee of the contractor, working in the school has been subject to the appropriate level of DBS check prior to starting work. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors, who are not engaging in regulated activity but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (without barred list) will be required. In considering whether the contact is regular it is irrelevant if the contractor works on a single site or across a number of sites.

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.

##### Building Contractors

Children should not be allowed in areas where builders are working for Health and Safety reasons, so there should be little opportunity for workers to be unsupervised with children. However, it is difficult to say that there will not be times when contact with a child occurs if work is being carried out in term-time. It is therefore recommended that staff working on-site for Building Contractors undergo a DBS Enhanced Disclosure (without barred list check) and that this clearance is stated in any contract struck and/or tendered between an Academy/ and paid for by the agreed contracted company. The Academy can act as an umbrella body, but the charge will be levied on the Building Contractor's company and work should not commence before the relevant DBS checks have been completed. Building Contractors who are most likely to come into the Academy and potentially engage with children are site managers, who will liaise with the Headteachers/Principals or Business Managers.

##### Emergency Call-Out Contractors (not previously checked by the school)

Contractors that are called out in an emergency may not be a contractor that is checked and known to the Academy prior to the 'call-out'. It is not necessary to obtain a DBS Disclosure for such staff, as they will only have contact with children on an ad hoc or irregular basis and are unlikely to be left unsupervised with children. It is best practice to monitor these staff in the building by getting them to sign in or out in a visitor log and to have them escorted by a DBS cleared member of staff at all times.

***Any contractor, maintenance worker or agency staff coming on to Academy premises should verify their identity, providing documents such as a passport or driver's licence along with company or LA ID. The Academy should be very clear that the named individual is who they say they are.***

#### **5.6 Visitors**

Academies do not have the power to request or ask to see DBS checks for visitors. Headteachers/Principals should use their professional judgement about the need to escort or supervise visitors.

### **5.7 Local Governing Body members**

From 1 September 2014 each new member of the Local Governing Body (LGB) is required to provide two references and must complete an enhanced DBS check (without barred list, unless they will be engaging in regulated activity) prior to appointment. The individual may attend meetings of the LGB as an observer until checks are complete.

Governors undertaking more than one role within the Trust will only require one Enhanced DBS Disclosure. This guidance is taken from the DfE and Governornet.co.uk: “Governors who serve on a few governing bodies within the local authority will only require one Enhanced DBS Disclosure (if applicable) for all of the schools they work with. If a member of staff from an Academy serves as a Member at another Academy and they have a current Enhanced DBS Disclosure with their own Academy they do not require a new DBS for their role as a Member. However, Members must be prepared to show each Academy a copy of their DBS at their first meeting.”

A person shall be disqualified from serving on the LGB at any time when s/he is included in the DBS children’s barred list, or has at any time been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended in 2013. For further details see 4.6.10 and 4.6.11 of the Scheme of Delegation. Governors are already required to complete a declaration form on appointment in respect of the School Governance Regulations 2012, so are not required to complete an additional disclosure in relation to Disqualification from childcare.

In addition, since September 2016 all members of the governing body must be checked under a **Section 128 direction**, which prohibits or restricts a person who has previously been prohibited from teaching from taking part in the management (including being a governor) of an independent school, including academies and free schools. A check for a section 128 direction (“prohibition check”) can be carried out using the Teacher Services System, and the information should be included in the Single Central Record.

### **5.8 Co-op Academies Trust Board Members**

Specific requirements are placed on the “proprietors of independent schools including academies”, which includes the Chair of a body of people which is the proprietor. This requires the Secretary of State to carry out an enhanced DBS check (including barred list if appropriate), confirm the individual’s identity and, if the individual has lived outside the UK, to make any other checks considered appropriate. This requirement therefore applies to the Chair of the Trust Board.

The Chair of the Trust Board is responsible for ensuring that enhanced DBS checks are undertaken, and identity checks completed (with any additional checks taken as appropriate if an individual has lived or worked outside the UK) for the other members of the Trust Board before, or as soon as practicable after, they take up their position.

In addition, since September 2016 all members of the Trust Board must be checked under a **Section 128 direction**, which prohibits or restricts a person who has previously been prohibited from teaching from taking part in the management of an independent school, including academies and free schools. A check for a section 128 direction (“prohibition check”) can be carried out using the Teacher Services System, and the information should be included in the Single Central Record.

### **5.9 Foreign Language Assistants**

Foreign Language Assistants working in the UK will need to provide a police clearance or certificate of good conduct prior to taking up their posts. At least one reference from the home nation will also be sought. Dossiers from Italy, Belgium, Canada, Senegal,

Switzerland, Russia, Japan and all Latin American countries automatically include the police clearance certificate. Assistants from Austria, France, Germany and Spain must be reminded to provide the document prior to taking up their post. It is the Academy responsibility to ensure that this document is provided. It should not be more than six months old when the Assistant produces it, and should have been translated by proper means if relevant

### **5.10 Work related placements within our Academies & placement of students outside our Academies**

#### Teacher or Teaching Assistant Training Students

The requirements depend on whether the trainee is employed by the Trust (e.g. salaried School Direct), or on a non-salaried route and therefore not directly employed. There are also specific considerations around data protection and the sharing of information. For more information see **Annex 5** – and in particular the section on sharing of information.

For all students not employed by the Trust and placed with CAT from other Academies, Universities or FE Colleges, evidence should be provided in writing to the Trust (in the same way as a Supply Agency would do) that the supplying body has carried out all the same checks that CAT would have done if they were their own staff (including DBS Disclosure, prohibition check, Childcare Disqualification Regulations declaration if applicable, Identity check, etc.) An ID check should be carried out to establish that the student who has arrived for the placement is who they say they are, but details e.g. DBS number / date should not be requested.

#### Our Secondary Students placed in a School, College or Nursery for work experience

It is expected that these students should be supervised at all times during their placement and will therefore not need an Enhanced DBS Disclosure. It is unlawful to seek a criminal disclosure for a young person under the age of 16. The Academy organising the placement should ensure that the student is suitable for the placement environment. If the young person carrying out the work experience is aged 16 years or over, they may be asked to complete a DBS check if the organisation providing the placements considers it to be appropriate.

#### Our Secondary Students placed in environments outside the Trust (other than schools / nurseries)

It is important to make businesses or organisations who take on secondary students for work experience aware of their vulnerability during such placements. It is impossible to DBS clear all staff who work with such students, but awareness of the potential risks needs to be assessed and policies / procedures put in place to protect children from harm. Where the child is under the age of 16, the specific circumstances of the work experience should be considered and an enhanced DBS (including barred list check if it constitutes regulated activity) may be requested for the person supervising the placement.

### **5.11 Existing Staff**

If an academy has concerns about an existing staff member's suitability to work with children, they should carry out all relevant checks as if the person were a new member of staff. Similarly, if an employee moves from a post that was not regulated activity in to work which is regulated activity, the relevant checks for that role must be carried out.

Academies have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult (or where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that individual has committed a listed relevant offence) and where that individual has been removed from working (paid or

unpaid) in regulated activity – or would have been removed had they not left. Referrals should be made as soon as possible after the resignation or removal of the individual,

Where an employer (including an agency) dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed / ceased to use their services had they not left first, they must also consider whether to refer the case to the Secretary of State (Education Act 2002).

## 6.0 Single Central Record

As required by the DfE, each Academy will keep a Single Central Record to provide confirmation that relevant checks have been taken for:

- all staff (including supply staff and trainee teachers) who work in the school
- all members of the “proprietor body” e.g. relevant information for governors, Trust Board members, and central trust staff

Where checks are carried out for volunteers, these should also be recorded on the Single Central Record. A Single Central Record will also be maintained separately for the central team.

The Single Central Record should include factual information about each individual concerned, and a note of the person who checked the information where appropriate. The information should include, but is not limited to:

- Name
- Date identity was verified and initials of the checker)
- Role (is it regulated activity?)
- Start date
- Qualifications (qualifications required to do the job and any professional registrations required)
- Prohibition from teaching check / GTCE list / s128 (where relevant) – date completed
- DBS Disclosure (date the original was seen by academy)
- Barred List check (date evidence was seen that person is not barred)
- Date of Childcare regulations disclosure (unless this is kept separately)
- Right to work in the UK (Asylum & Immigration Check)
- Overseas checks e.g. European Economic Area, police certificate, overseas reference, etc. (applicable for any employee who has spent a period of time abroad)

For agency / supply staff, academies should also include whether written confirmation that the employment business supplying the member of staff has carried out the relevant checks and obtained the appropriate certificates, and the date that confirmation was received.

This record must be complete for all staff in the Academy and will be available to be assessed by Ofsted and HMI Inspectors. For further details of the records that must be kept see Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014.

## 7.0 Induction

All new staff and regular volunteers will be provided with induction training which will include as a minimum:

- the academy's child protection policy and procedures
- the staff code of conduct / behaviour policy

- pupil behavior policy
- the whistleblowing policy
- the role of the designated safeguarding lead, and their contact details.

In addition, all individuals will be provided with a copy of:

- Keeping Children Safe in Education (DfE 2018) part 1 and, if they will be in direct contact with children, annex A
- what to do if you're worried about a child (DfE 2015)

Individuals will be asked to confirm in writing that they have read and understood these documents. If they are unsure of anything, advice should be sought from the designated staff.

At some academies, staff will also be required to undertake online safeguarding training in line with the relevant Local Safeguarding Children Board guidelines.

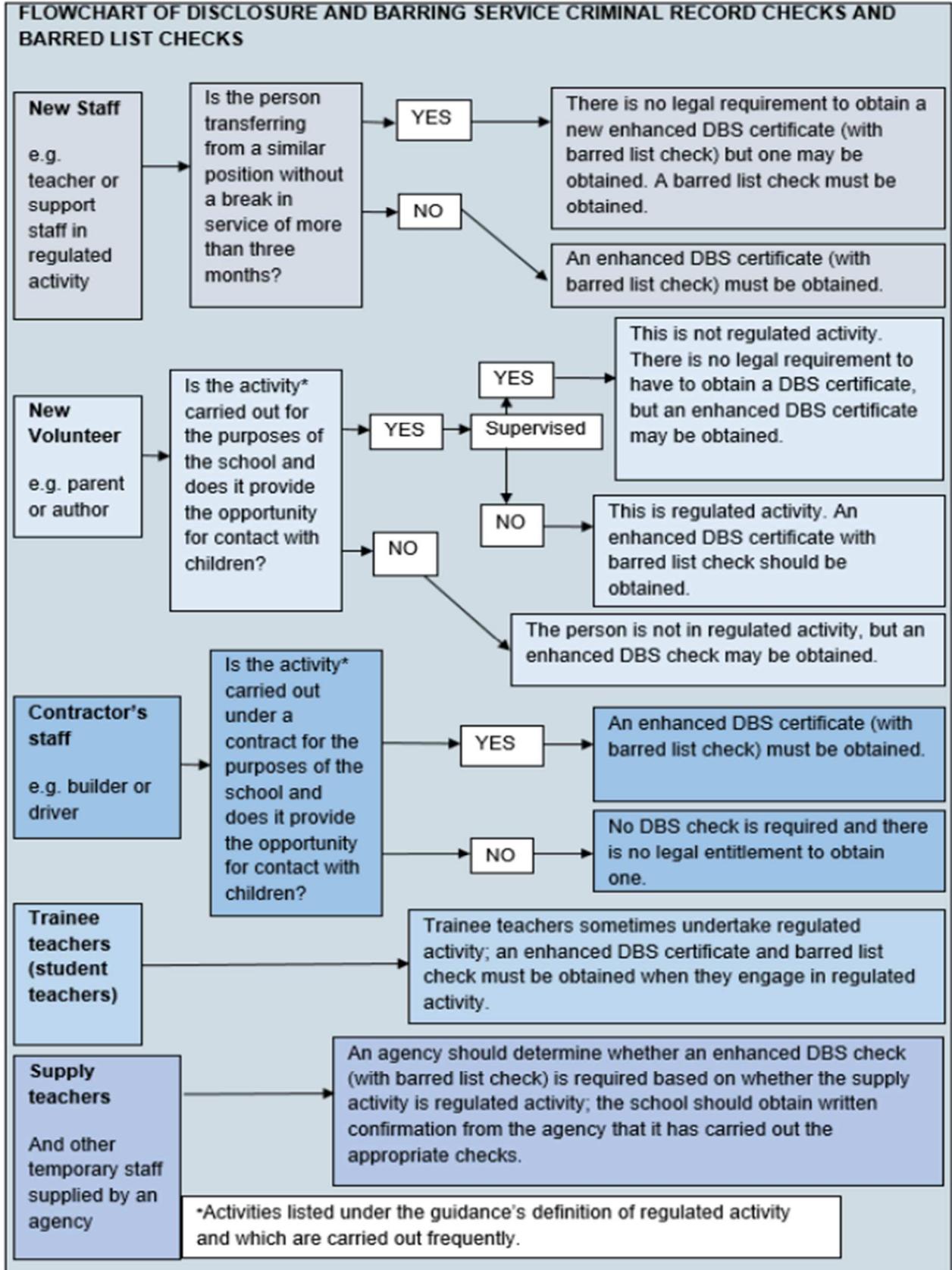
## **8.0 Review**

The Trust's policy on safer recruitment will be reviewed annually, or when the Department for Education (DfE) issues revised guidance on this topic.

**Annex 1**

**Flowchart of DBS and barred list checks**

*Note: this is minimum national guidance, and the Trust policy may over-ride this e.g. a new DBS check must be completed for all staff new to the Trust.*



## Annex 2

# What will be filtered by the DBS?

## Disclosing to employers - Information series

Since May 2013, standard and enhanced checks no longer disclose ALL cautions and convictions. Following a Court of Appeal ruling, the Government introduced a process of 'filtering'.

### How it works

'Filtering' is similar in its concept to the rehabilitation periods under the Rehabilitation of Offenders Act 1974. However, instead of establishing what is 'spent' and so what doesn't get disclosed on a basic check, 'filtering' establishes what *doesn't* get disclosed on a standard or enhanced DBS check. Information that is filtered will be removed from a DBS check automatically the next time you apply for one. But it doesn't get 'removed' or 'wiped' from police records. In practice, it means that if you're applying for a job or role that involves a DBS check, you are legally entitled to withhold the details of anything that would now be filtered.

### What it applies to

**Cautions** – Multiple cautions can be filtered, so long as the offences are eligible, and the relevant time period has passed for each. Each caution is dealt with separately in terms of when it's filtered.

**Convictions** – Only single convictions that didn't lead to a suspended or custodial sentence can be filtered, so long as the offence is eligible, and the relevant time period has passed.

### Types of offences

Eligible for filtering	Not eligible for filtering
Common assault	Offences involving violence
Drunk & disorderly	Safeguarding offences
Many motoring offences	Sexual offences
Drugs offences only involving possession	Drugs offences involving supply
Theft (where no violence is involved)	

### Filtering periods

Age	Caution	Conviction
Under 18	2 years	5.5 years
Over 18	6 years	11 years

For more information see <http://hub.unlock.org.uk/wp-content/uploads/What-will-be-filtered-by-the-DBS.pdf>

**POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS**

It is a legal requirement that all registered bodies and prospective employers must treat DBS applicants who have a criminal record fairly and not discriminate because of a conviction or other information revealed. Registered Bodies and employers who are Regulated Activity Providers (including schools) are obliged to have a written policy on the recruitment of ex-offenders, which is available to DBS applicants at the outset of the recruitment process.

**Policy Statement**

1. As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, The Trust complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.
2. The Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of gender, pregnancy and maternity, ethnicity, culture, age, disability, sexual orientation, gender identity, religion or belief, marital and civil partnership status, education, learning styles, caring responsibilities or offending background.
3. A summary of this policy on the recruitment of ex-offenders is available to all DBS applicants on request.
4. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, knowledge and experience.
5. As a Regulated Activity Provider (RAP) most paid employees of the Trust are in regulated activity with children and therefore subject to checks of the DBS children's barred list in addition to enhanced DBS certificate.
6. In relation to volunteers and contractors, we only request a DBS check after a risk assessment had indicated that one is both proportionate and relevant to the position concerned.
7. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.
8. We expect all applicants to provide details of any criminal record history that is not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) order 1975 (as amended in 2013) at an early stage in the application process.

Applicants should disclose details of any unspent convictions, cautions, reprimands, bind-overs and final warnings you may have in addition to any criminal proceedings pending against you. You should not disclose any criminal history that would be protected or filtered.

A statement of these details should be sent with your application under separate cover in an envelope marked 'Private and Confidential - for the addressee only' in the

top left-hand corner with 'The Headteacher/Principal' (or Director of the Trust' for central Trust posts) in the centre of the envelope and with the words 'Conviction Information' in the bottom left hand corner. Please forward these details prior to the date of your interview.

9. We guarantee that this information will only be seen by those who need to see it as part of the recruitment process. Disclosed information will only be considered for shortlisted applicants. Disclosures for applicants that are not shortlisted will be confidentially destroyed and will not be considered during the recruitment process.
10. We ensure that everyone within the Academy who is involved in the recruitment process has been suitably briefed to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance on the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 and its amendments and know how to access advice and support.
11. At interview, or on a separate occasion, we ensure that an open and measured discussion takes place on the subject of any relevant offences or other matter that may be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
12. We undertake to discuss any matter revealed in a DBS check with the person seeking the position before considering withdrawing a conditional offer of employment. This discussion and any subsequent risk assessment may be undertaken by our HR team or another trained member of our Senior Leadership Team.

## Information on Disqualification under the Childcare Act 2006

**The role you have applied for has been identified as one where Disqualification under the Childcare Act 2006 applies. Please read this guidance carefully. If you are offered a post you will be asked to complete a declaration form.**

Disqualification under the Childcare Act 2006 sets out the circumstances in which an individual will be disqualified and may not provide relevant childcare provision or be directly concerned in the management of such provision. Schools are prohibited from employing (or using as a volunteer) a disqualified person in connection with relevant childcare provision in certain settings. A copy of the statutory guidance can be found here:

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

### Who is disqualified?

Under the legislation a person is disqualified if they are found to have committed a ‘relevant offence’, which includes (a) being convicted of a relevant offence or (b) on or after 6 April 2007, being given a caution, reprimand or warning for a relevant offence. A list of the relevant offences that lead to the disqualification of an individual is set out in the tables in the statutory guidance.

By way of a summary, a person is disqualified if any of the following apply:

- they have been cautioned for, or convicted of certain violent or sexual criminal offences against adults and any offences against children;
- they are the subject of an Order, direction or similar in respect of childcare, including orders made in respect of their own children;
- they have had registration refused or cancelled in relation to childcare of children’s homes or have been disqualified from private fostering;

### What does this mean in practice?

Anyone **offered** a role which falls within the scope of the Childcare Act will be asked to complete a declaration form to the best of their knowledge. A copy of the form is provided for information only at this stage.

Further information on what you should, and should not, declare is contained within the statutory guidance. You only need to provide information on relevant offences. For example, cautions, reprimands and warnings only amount to disqualifying offences if issued on or after 6 April 2007, and you are not required to disclose the spent cautions or convictions of a person who lives or is employed in your household. You are asked only to complete the form, not to provide copies of supplementary information.

Information will be treated in the strictest of confidence and in line with the Trust’s Data Protection Policy which includes the rules set out in the General Data Protection Regulation. If you think you have relevant information about yourself or a householder, your completed form should be provided in a sealed envelope, clearly marked “**Strictly Confidential – for the attention of the Headteacher only**”.

### What happens next?

If you are the preferred candidate and are offered a role, this will be a conditional offer and you will be asked to complete and return the declaration form. If you declare any relevant information on your completed form this will not necessarily preclude you from employment with us. It is possible to apply to Ofsted for a waiver. If relevant, the school will contact you

to discuss the information that you have provided and advise you about how you can apply for a waiver.

You are not required to provide the school with further information of the order, restriction, conviction, caution etc. However, Ofsted may wish to consider such documents in order to exercise their power to waive disqualifications (in which case, such information should be sent directly to Ofsted).

If the waiver is not granted, the conditional offer will be withdrawn.

Further information on applying for a waiver can be found here:

<https://www.gov.uk/government/publications/applying-to-waive-disqualification-early-years-and-childcare-providers>.

### **Questions**

If you have any questions about this information, please refer to the statutory guidance and/or contact the school who has advertised the role.

**Disqualification Declaration Form**

This form must be completed by all applicants offered a post which would be considered ‘relevant childcare’ (i.e. early or later years childcare) (whether paid or voluntary roles).

Name:	
Post:	

**Important – Please read the attached guidance before completing the declaration. You must answer the questions below to the best of your knowledge and sign the declaration at the end of the form.**

<b>Questions relating to you:</b>	
Have you been cautioned or convicted of any offences against a child?	YES / NO
Have you been cautioned or convicted of any violent or sexual offences against an adult?	YES / NO
Have you been barred from working with children by the Disclosure and Barring Service?	YES / NO
Have your children ever been taken into care, or been the subject of a child protection order?	YES / NO
Has a court order ever been made against you in respect of a child under your care?	YES / NO
Have you been refused registration or had registration cancelled in relation to childcare or a children’s home or have you been disqualified from private fostering?	YES / NO

In signing this form, I confirm that the information provided is true to the best of my knowledge and understand my responsibility to safeguard children and am aware that I must notify the Headteacher of anything that arises in the future which may affect my suitability or that of anyone living in my household.

Signed: .....

Date: .....

**To be completed by the Headteacher:**

I have reviewed the answers provided and no further action is required.

**Or:**

I have reviewed the answers provided above and the following action has been taken.

Signed:

Date:

**Annex 5****Universities' Council for the Education of Teachers guidance on Disclosure and barring checks (DBS) for initial teacher training (ITT) trainees****Introduction & background**

This leaflet addresses some of the most common questions about DBS and criminal record checks for teacher training students that are asked by schools, local authority staff and others. It reflects existing statutory requirements and guidance. The guidance is an update of previous versions produced in July 2010, September 2012 and March 2014. It does not represent a comprehensive explanation of the DBS and criminal records check requirements and should be read alongside relevant statutory guidance and advice.

ITT providers are responsible for ensuring that they do not admit applicants to training who are unsuited to work with children. Barred list and criminal record checks are one way of doing this. However, some unsuitable applicants will not have been convicted of any offence or barred from working with children. Vigilance will still therefore be required. Partnerships will also have to ensure that applicants have the intellectual, personal and other characteristics they will need in order to meet the teaching standards.

**Responsibilities**

All entrants to ITT programmes must by law be checked against the DBS barred list and subject to criminal record checks. DBS certificates will be issued to individual applicants and not, as in the past, to registered bodies such providers. ITT providers have a responsibility to ensure that entrants on all routes, including salaried School Direct programmes, have been subject to these checks, although how this is done for trainees on salaried routes does differ.

The responsibilities are:

- For trainees on routes other than School Direct salaried, the accredited provider such as an HEI or a SCITT is responsible for ensuring that checks have been completed by requesting sight of the original DBS certificate and keeping a record of the fact that it has been seen. Copies of the certificates can be requested, but not required, from the individuals concerned. Providers should confirm to schools that checks have been made.
- For trainees on salaried School Direct programmes, the employer is responsible for ensuring that checks have been completed by requesting sight of the original certificate and keeping a record. Schools can also request, but cannot require, permission to keep copies. Schools should confirm to accredited providers that checks have been made and providers should make a note of this.

For those training to teach in FE colleges, the ITT provider is responsible for ensuring that checks have been completed in respect of pre-service trainees, while employers are responsible for those on in-service programmes. In each case the responsible organisation should confirm to the other that checks have been made.

Further checks should not be made by providers, schools or colleges if they have received notification from the responsible organisation that a satisfactory enhanced check has been obtained.

### **Sharing of information**

It is an offence under the 1997 Police Act, and a breach of the DBS Code of Practice, for registered bodies to share copies of DBS checks, or any information contained in a trainee's disclosure, with a third party. Accredited providers must not therefore share information about fee-paying students with schools and schools must not share information about salaried School Direct trainees with providers. Organisations must not request information for which they have no legal entitlement from either providers or from trainees. This includes information about DBS numbers or the dates of DBS checks.

### **Childcare Disqualification Regulations**

Regulations that require employees in childcare or early years settings to disclose to head-teachers details of any criminal convictions that they might have do not apply to teacher training students unless: they are employed through salaried training routes; or they hold any form of direct managerial responsibility for the centres concerned.

### **Other key points**

Other key things to take into account are:

- Trainees can, at the Head-teachers' discretion, go into school pending the completion of a criminal records check provided that checks have been made against the DBS barred lists and subject to normal recruitment procedures.
- There is no requirement to complete separate checks in respect of time spent in separate schools
- Additional checks are not required during the course of programmes, including those lasting for more than three years. Requests for repeat disclosures should be refused unless there is cause for concern.
- Minor convictions or cautions from several years ago will not now be shown on enhanced DBS certificates. Providers, schools and colleges should not ask applicants about any such convictions or cautions.
- ITT tutors who only have occasional contact with pupils and do not carry out regulated activity do not require checks provided they are at all times accompanied by someone (e.g. a trainee) who has been checked.
- Overseas trainees should be subject to barred list and criminal record checks. Certificates of good conduct and references should also be requested for overseas trainees and those who have spent time living overseas
- Further checks should not be carried out on anyone entering training after completing a subject knowledge enhancement programme, provided they are continuing their training with the same provider and the gap between the ending of the enhancement programme and the beginning of the ITT is shorter than three-months.

### **Partnership agreements**

Schools, colleges and providers within ITT partnerships should establish a common understanding of convictions that might pose a barrier to joining, or continuing with, a programme of ITT and the circumstances under which concerns about a particular trainee should be referred to the police. Agreement should also be reached on the extent to which trainees have access to sensitive information.

### **Further information**

DFE guidance on the ITT requirements:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/294489/ITT\\_criteria\\_supporting\\_advice.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/294489/ITT_criteria_supporting_advice.pdf)

Statutory requirements: <http://www.homeoffice.gov.uk/publications/crime/disclosure-and-barring/>

On the filtering out of 'minor' convictions & cautions:

<https://www.gov.uk/government/publications/dbs-filtering-guidance>

UCET/NASBTT guidance on 2011 teaching standards: <http://www.ucet.ac.uk/4647>

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