



Recruitment Policy

Summer 2023



Priory Fields School
Everyone Achieving Together



**St Martin's
School**

Whinless Down Academy Trust

Recruitment Policy

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1. Policy Statement

This policy has been adopted by the Trust Board of Whinless Down Academy Trust (WDAT) to provide a policy framework for the recruitment and selection of staff to all posts within the approved staffing structure of the school. WDAT is committed to safeguarding and promoting the welfare of children and young people and requires all staff and volunteers to share and demonstrate this commitment.

The Trustees of WDAT fully understand their responsibilities in ensuring that recruitment procedures are free from unlawful discrimination in line with the Equality Act 2010. An equality impact assessment will be undertaken to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by this policy.

The Trustees also fully appreciate the importance of fair, open, and effective procedures to enable the school to recruit people with the right skills, aptitudes, and attitudes.

The Trustees of WDAT will ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education (KCSIE), Disqualification under the Childcare Act (DUCA) 2006 and related updates, the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS).

The Trustees of WDAT fully understand their responsibilities in managing the personal data of job applicants in line with the General Data Protection Regulations (GDPR).

All staff, trustees, governors and volunteers are expected to share a commitment to safeguard children and vulnerable groups and, as part of that commitment, follow 'Safer Recruitment' guidance in line with the Keeping Children Safe in Education – statutory guidance for schools and colleges.

As part of our commitment to safeguarding children and vulnerable groups, Enhanced DBS checks and/or Barred List checks on all posts must be carried out where they are required.

All staff, trustees and governors involved in recruitment and selection decisions are required to work in ways that are entirely consistent with this policy.

The school will ensure that training is provided for all staff, trustees and governors involved in the recruitment and selection of staff and that it is appropriate to their role.

2. Scope

This Policy applies to all employees of Whinless Down Academy Trust.

3. Adoption Arrangements and Date

This policy was adopted by the Trust Board of WDAT in July 2023 and supersedes any previous Recruitment Policy.

This policy will be reviewed by the Trust Board every 3 years or earlier if there is a need. This will involve consultation with the recognised unions.

4. Equal Opportunities Statement

This Trust is committed to ensuring that each stage of the recruitment and selection process is accessible to all. We will review the recruitment policy and procedure regularly to ensure that it takes account of the Equality Act 2010 and does not discriminate against applicants on the grounds of race, religion or belief, disability, age, pregnancy and maternity, gender reassignment, marriage and civil partnership, sex, or sexual orientation.

5. 'Prevent'

The Trust has a duty under section 26 of the Counter-Terrorism and Security Act 2015 ("the CTSA 2015") to have "due regard to the need to prevent people from being drawn into terrorism". This duty is known as the 'Prevent' duty.

In carrying out its obligations under 'Prevent' the school will assess the risk of children being drawn into terrorism, including support for extremist ideas that are part of terrorist ideology. The school will not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex, or sexual orientation, marital or civil partnership status, disability, or age.

6. Prior to Advertising

When a vacancy occurs the Headteacher/CEO/Trust Business Manager will review the need for the post and consider all options (internal and external) before deciding that there is a need to recruit. If there is a need to recruit the job description and person specification should be reviewed in line with the school workforce plan prior to seeking the approval of the CEO to commence recruitment.

Consideration should also be given to the working hours and contractual arrangements for each post to ensure that posts are open to applicants wishing to work on a part-time or job-share basis where possible and practical.

7. Job Description

The job description is a statement of purpose and scope and defines both the job role and expectations. It will:

- Summarise the job purpose/impact
- Set out key responsibilities and accountabilities
- Set out reporting and line management arrangements

An up-to-date job description and person specification will be available for each vacancy advertised and consideration may be given to whether bench-marking is appropriate.

Managers will refer to the Professional Standards for Teachers and to the School Teachers' Pay and Conditions Document (which sets out the expected attributes of Main Scale, Post Threshold, Advanced Skills and Excellent Teachers) when creating job descriptions for teaching posts.

All job descriptions, person specifications or adverts should clearly state to what extent the role will involve contact with children, whether they will be engaged in regulated activity relevant to children, and the post holder's responsibility for promoting and safeguarding the welfare of children and young people.

8. Person Specification

The person specification is a description of the qualifications, experience, knowledge, skills, competencies, and other attributes of the ideal person to fill the role.

It can classify each attribute as either 'Essential' to do the job or as a 'Desirable' attribute for the post holder to have and indicate how each attribute will be assessed e.g. application form, interview, reference, test etc.

All attributes should be measurable and quantifiable and should take care not to unlawfully discriminate against particular groups of people, either directly or indirectly.

9. Advertising

All vacant posts will be advertised in a fair, open, and honest manner and will be advertised by means of a formal notice on the staff notice board as a minimum. In most cases, vacant posts will be advertised externally. All adverts need to ensure that shortlisted candidates are informed that they will be subject to an online check, following the changes to KCSIE.

The advert should include the safeguarding responsibilities of the post as set out in the job description and person specification and state whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. This means that when applying for certain jobs and activities, some spent convictions and cautions are 'protected', so they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Guidance about whether a conviction or caution should be disclosed can be found on the [Ministry of Justice website](#).

To demonstrate to potential job applicants our commitment to Safeguarding and the welfare of children, the following statement should be included on any relevant advertisements and documentation sent out to applicants:

Our School and all its personnel are committed to safeguarding and promoting the welfare of the children. This post is subject to an Enhanced Disclosure Application to the Disclosure and Barring Service.

10. Applications

All applicants must be asked to complete the relevant application form in full to enable the panel to shortlist in a fair and objective manner. Applicants will no longer be asked to complete a separate Criminal Convictions Self Disclosure form as part of their application. Due to changes in Keeping Children Safe in Education, this will be done at the shortlisting stage to ensure that processing of criminal data is targeted and proportionate. Please see 11. Shortlisting for more information.

The school may reasonably decide to reject an application where incomplete and/or ambiguous information is provided. As now stated in Keeping Children Safe in Education applications by CV should not be considered. All Applicants are required to sign and date a copy of their application form

The school should include a statement in the application form, or elsewhere in the information provided to applicants, that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children. Schools should also provide a copy of the school's child protection policy and practices, and policy on employment of ex-offenders in the application pack or refer to a link on its website. Please see the accompanying Recruitment Guidance Notes for more information on the Employment of Ex-Offenders policy.

11. Shortlisting

Shortlisted candidates will be asked to complete a separate Criminal Convictions Self-Disclosure form and must be signposted to publicly available guidance and support on which cautions or convictions they must disclose and be given time to obtain advice. This information is available [here](#) and on the Ministry of Justice website.

Candidates will be required to declare any unspent convictions or conditional cautions, any spent adult cautions (simple or conditional) or convictions that are not protected as defined by either the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended in England, Scotland and

Wales, or the Rehabilitation of Offenders (Northern Ireland) Order 1978 as amended in Northern Ireland.

They will also be asked to declare:

- Whether they have ever been known to any Children's Services department or Police as being a risk or potential risk to children.
- Whether they have ever been the subject of any investigation and/or sanction by a professional body due to concerns about their behaviour towards children.
- Whether they have any overseas convictions; and
- Whether they are included on the DBS Children's Barred List

Failure to declare relevant information may disqualify the candidate from the appointment and, if appointed, may render the individual liable to immediate dismissal without notice.

A new addition to Keeping Children Safe in Education 2022 is for shortlisted candidates to be subject to an 'online' search. Applicants should have been made aware of this requirement prior to or at the time of application. Such checks can be carried out via online search engines and social media platforms; however, this is only with regards to information that is within the public domain. The aim of the search is to ensure there is no information held in the public domain relating to the candidate that would make the school question their suitability to work with children and/or could harm the reputation of the school should the candidate become part of the school's workforce. The search can be carried out by a member of staff who is not part of the recruitment process, with any information collated being recorded and passed to the recruitment panel. The candidate should be asked to explain any findings by the recruitment panel either prior to (if deemed appropriate), or during the interview process. The recruitment panel will then carry out a risk assessment as required. This process will be carried out for all shortlisted staff regardless of the job role being applied for.

All applicants are required to sign and date the declaration to confirm that the information they have provided is true. Where there is an electronic signature, the shortlisted candidate should physically sign a hard copy of the application at point of interview.

It is recommended that at least 2 people are involved in the shortlisting process, one of whom should be the line manager.

All shortlisting decisions will be made with clear reference to the skills and qualities set out in the person specification using an agreed method of scoring against the essential and desirable criteria. Each candidate will be considered on their own merit.

The equal opportunities monitoring form will be separated from the main application form to reduce any likelihood of conscious or unconscious bias.

12. References

In order to comply with Keeping Children Safe in Education, it is the policy of WDAT that all references will be obtained, and concerns resolved, before confirming an appointment. This will be done either by letter seeking to verify the skills, experience, competencies, and employment history

of the applicant, or by a standard reference form.

It is the school's practice, with the consent of the applicant, to take up references before interview. If applicants have indicated that they do not consent to references being sought prior to interview, further information should be sought, and agreement obtained where possible.

On receipt, references will be checked to ensure that all specific questions have been answered satisfactorily. Any discrepancies or anomalies should be noted and addressed during the applicant's interview.

Specific questions should be included to explore the applicant's suitability to work with children and, if the referee has any concerns, they should be asked to give their reasons.

In order to comply with the Equality Act 2010, reference requests sent prior to a conditional offer of employment will not request details of attendance or absence however, further information will be requested and compared with the medical questionnaire following the applicant's acceptance of a conditional offer of employment – see 14 below.

Applicants will be required to specify the details of 2 referees, one of which should be the current or most recent employer and references will only be obtained directly from the referee: testimonials or open references (those addressed 'To whom it may concern') will not be considered. Referees will be provided with a copy of the job description and person specification to assist them in their response.

References for staff working in an education setting will be sought from the Headteacher in order to ensure that information about disciplinary investigations is accurate and, in other settings, it would be appropriate to seek a reference from the line manager of the applicant.

Where a candidate is not currently working in a school or childcare setting but has done so in the past, one reference should be from their most recent children's workforce employer in line with Safer Recruitment guidelines.

We reserve the right to request that the applicant provides alternative referees where the initial referees are deemed inappropriate for our purposes e.g. where the current or most recent employer is not provided.

We will seek to confirm whether the candidate has been subject to any formal disciplinary procedures within the last two years and to establish any details, outcomes or 'live' sanctions which are in place.

In cases where there have been disciplinary concerns which involved children or safeguarding that have been substantiated, the referee will be required to confirm details.

In accordance with Keeping Children Safe in Education, cases in which an allegation is proven to be false, unsubstantiated, or malicious should not be included in employer references.

When recruiting to teaching posts we will seek to confirm whether candidates have been subject to formal capability proceedings in the past 2 years as part of our appointment process.

In the case of recruitment to all other posts we will ask referees to confirm whether candidates are currently subject to any live capability warnings as part of our appointment process.

13. Interview and Selection

The school is committed to ensuring that all interviewees are assessed according to their ability to meet the criteria of the job description and person specification and to fulfil their obligation regarding keeping children safe.

Applicants may have indicated on their application form that they have a disability and, in order to promote fairness and to meet our obligations under the Equality Act 2010, the letter of invitation will encourage applicants to contact the school if they require any adjustments to enable them to attend the interview.

Candidates are required to bring evidence of relevant qualifications to interview where the original documents must be checked, and a signed and dated copy retained. When attending for interview, each candidate should be asked to sign a copy of their application form and their self-declaration form in the presence of the person undertaking the document and identity checks.

The interview panel will include at least one member who has undertaken safer recruitment training in accordance with the School Staffing (England) Regulations 2009 and should not include an Employee where one of the applicants is a relative, partner or close friend.

The panel will take notes during the interview to enable a scoring matrix to be completed and, at the conclusion of the interviews; the panel will consider each of the candidates against the criteria for the post before reaching their decision.

14. Pre-employment Checks

All offers of employment will be conditional on the successful completion of the pre-employment checks listed below and will include confirmation of salary, start date and any information that the successful applicant needs to provide before commencing employment e.g. DBS form and pre-employment questionnaire.

All offers of employment will be subject to and conditional upon:

- Enhanced DBS check
- DBS Barred list check where applicable (i.e. if working in regulated activity)
- Verification of identity including Date of Birth
- Verification of entitlement to work in the UK (Following Brexit, further information on immigration changes can be found at <https://www.gov.uk/check-job-applicant-right-to-work>)
- Verification of any relevant qualifications including checking the TRA's Employer Access Service to verify Qualified Teacher Status
- Receipt of 2 satisfactory references
- Satisfactory pre-employment health clearance
- Prohibition checks for those in teaching work and those with previous teaching experience (including unqualified teachers, HLTA's etc.)
- A section 128 Prohibition from Management check (Independent/free schools/academies only). Whilst they are not employees, from September 2019, Keeping Children Safe in Education also recommends that maintained school

governors have section 128 checks because a section 128 direction prohibits someone from serving as a maintained school governor.

- Overseas checks as appropriate including
 - obtaining an enhanced DBS certificate with barred list information even if the teacher has never been to the UK. From 1st January 2021, the Teacher Regulation Agency will no longer maintain a list of EEA teachers with sanctions.
criminal records checks for overseas applicants - Home Office guidance can be found on GOV.UK; and for teaching positions
 - obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach.
- Disqualification checks under the 2018 Childcare Disqualification Regulations for individuals employed to work in reception classes, or in wraparound care for children up to the age of 8 in schools providing childcare. Further information can be found in the Guidance Notes which accompany this policy and in the Disqualification under the Childcare Act 2006 statutory guidance on Gov.UK
- Online search to identify if there are any concerns which would lead the school to question the candidate's suitability to work with children, which will have been discussed with the candidate either before or at the interview

If these are not satisfactory an offer of employment may be withdrawn or, where an individual has commenced work, employment may be terminated.

14.1. Right to Work

In order to comply with the Asylum and Immigration Act 1996 – Prevention of Illegal Working – interview candidates must be asked to bring certain documentation to the interview which shows their eligibility to work in the UK. No offer of employment can be made unless one of the original documents listed on the Home Office Right to Work Checklist is produced.

The interview candidate's original documents must be checked, and a signed and dated copy retained for at least six months or in line with the school document retention policy if longer. Documents relating to unsuccessful candidates will be retained with the interview papers and destroyed six months from the date on which the position was offered and accepted by the successful candidate.

The Home Office Right to Work Checklist shows the acceptable identity documentation as currently defined by the Home Office and further information on establishing an individual's right to work can be found at:

<https://www.gov.uk/government/publications/right-to-work-checks-employers-guide/an-employers-guide-to-right-to-work-checks-31-august-2021-accessible-version>

14.2. DBS and Barred List Checks

All those directly employed by Schools and Academies in paid positions are required to obtain an enhanced Disclosure and Barring Service (DBS) check.

It is an offence to employ, in a school or academy, an individual who is barred from working with children. A check against the Children's Barred List will be requested as part of the enhanced DBS Disclosure for all employees working in regulated activity i.e. having unsupervised, frequent, or intensive contact with children.

It is the schools practice that individuals obtain a satisfactory enhanced DBS check before commencing work. In exceptional circumstances where the applicant is required to commence work before the full disclosure certificate is received, where working in regulated activity, a barred list check must be carried out before employment commences and supervision must be in place until a satisfactory DBS check is obtained.

In cases where we are notified that a DBS check is positive for criminal convictions, cautions, warnings etc, the contents of the certificate will be discussed with our HR Consultant/Provider. For further details of what constitutes regulated activity and guidance on DBS checking for unpaid positions, including Governors and volunteers, please refer to Part 2 – Guidance Notes for Managers.

14.3. Prohibition of Teachers

The School will verify that anyone appointed to carry out teaching work (including HLTAs and unqualified teachers) has not been prohibited from doing so by the Secretary of State in accordance with the Teachers' Disciplinary (England) Regulations 2012. All those in teaching work, or those with previous teaching experience, will require a prohibition check. Teaching staff will be checked on the Teacher Regulation Agency self-service portal (formerly known as the Employer Access Service) to ensure that they have the required teaching qualifications, have successfully completed statutory induction where it is necessary i.e. for teachers who obtained QTS after May 1999, and have not been prohibited from teaching.

A person who is prohibited must not be appointed to a role that involves teaching work.

14.4. Section 128 Management Checks

Section 128 directions are made by the Secretary of State under s. 128 of the Education and Skills Act 2008, barring individuals from taking part in the management of Independent schools, Academies and Free Schools. The school will undertake a section 128 check for those taking up management positions at Independent Schools, Academies and Free Schools to ensure they are not prohibited under the provisions. This includes Governors, Directors and Trustees.

14.5. Overseas Checks

In accordance with Keeping Children Safe in Education, this school will ensure that individuals who have lived or worked outside the UK will undergo the same checks as all other staff in schools or colleges. This includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK

In addition, we will make any further appropriate checks so that any relevant events that occurred outside the UK can be considered. WDAT will apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world. This should include

- obtaining a criminal record check for time spent abroad. Further information on

how to obtain such a check can be found at:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants/guidance-on-the-application-process-for-criminal-records-checks-overseas>

- for teaching positions obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach. Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database. Applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body.

The overseas checks will be carried out in addition to obtaining an enhanced DBS check as the DBS check alone is not sufficient to establish the candidate's suitability to work with children.

From 1 January 2021 the Teaching Regulation Agency will no longer maintain a list of EEA teachers with sanctions.

14.6. Proof of Qualifications

Proof of qualifications will be checked to ensure that they match with the candidate's application form. The name of the qualification, awarding institution, date of qualification and candidate name will be checked. A signed and dated copy of the certificate will be retained as evidence of when the check was carried out, and by whom.

In the case of teachers, Qualified Teacher Status (QTS) will be checked via the Teacher Regulation Agency's Self-Service Portal at <https://teacherservices.education.gov.uk/>

In the event of any concerns regarding the validity of the qualification, a candidate may be required to obtain confirmation or clarification in writing from the exam board or awarding institution.

14.7. Follow-up References

Following a written conditional offer of employment to the successful candidate, a supplementary reference request will be sent to their original referees. This is an opportunity to request information about sickness absence and attendance records which cannot be requested prior to an offer of employment in order to comply with the Equality Act 2010.

The offer of employment is conditional of both parts of the reference being satisfactory.

14.8. Pre-employment Medical History Questionnaire

The school will require all successful applicants to complete a medical history questionnaire to verify their medical fitness. There is also a requirement for schools to ensure that staff appointed to teaching posts have the necessary physical and mental fitness to teach under the Education (Health Standards) (England) Regulations 2003.

Completed medical history questionnaires will then be considered in conjunction with the follow-up references which specifically explore sickness absence and attendance issues and, where appropriate, further advice about fitness to carry out a role will be sought from Occupational Health.

In order to comply with the Equality Act 2010, reasonable adjustments will be explored to enable a candidate to take up their role.

In circumstances where the candidate is assessed as medically unfit to carry out the role, or where it is not possible to make reasonable adjustments, an offer of employment may be withdrawn.

15. Withdrawal of Offers

In the event that the pre-employment checks are unsatisfactory, or where the identity, qualifications or right to work in the UK of a successful candidate cannot be verified, WDAT will consider withdrawing the conditional offer of employment. Where the successful candidate has started in post and information becomes available which would have caused the offer to be withdrawn, employment may be terminated. In these circumstances, advice may be sought from the school's HR Consultant/Provider

16. Single Central Record

In accordance with the terms of the School Staffing (England) Regulations (as amended) WDAT will retain details of recruitment and vetting checks undertaken in a Single Central Record (SCR). This data will be collated, used, and stored and deleted in line with GDPR. Further details of the information required can be found in Part 2 - Guidance Notes for Managers.

17. Complaints

An individual who feels that their treatment during the recruitment and selection process is unfair may raise a formal complaint. This can be done by writing to the CEO/Chair of Trustees setting out the key points of their complaint. The complaint will be investigated in line with WDAT's Complaints Procedure.

Existing employees of the school should raise their concerns through the Grievance Procedure.

18. Induction

Induction is essential in ensuring that new employees are properly equipped for work, their role in the life of the school and feeling part of the school community.

WDAT will put in place an induction programme for all staff joining the school. This will vary taking into account previous experience and the nature of the role but will ensure that all staff and volunteers receive guidance on safe working practices and the safeguarding policies of the school.

19. Record Keeping

Accurate and contemporaneous records including copies of application forms, shortlisting and interview notes, details of any online check and any resulting risk assessments carried out and details of scoring will be kept throughout the process and will be retained for a minimum of 6 months from the appointment date in line with the school's document retention schedule.

At the end of the appointment process all copy identity documentation (passport/birth certificate etc.) relating to unsuccessful candidates should be securely destroyed however, copies of application forms, shortlisting and interview notes, details of any online checks and any resulting risk assessments carried out and details of scoring and references should be retained for six months

from the date that the post is offered and accepted. All personal data will be stored and destroyed in line with GDPR.

Please note that original and copy DBS forms must not be retained on personal files and that the details should, instead, be recorded on the Single Central Record. Details of any online checks do not need to be recorded on the Single Central Record.

20. Confidentiality and Data Protection

This school recognises its obligations under the General Data Protection Regulation and associated legislation, and the rights of Employees with regards to the personal data held on them.

All records relating to the recruitment process will be gathered, processed, held, and shared in accordance with the requirements of the General Data Protection Regulation and Data Protection Act.

Please refer to the School/Academy's Data Protection Policy and Privacy Notice for further details.

GUIDANCE NOTES

1 Job Descriptions

The manager responsible for recruiting to the role will be expected to ensure that the job description and person specification are designed or updated to attract the best candidates for the role. A carefully considered and precise job description and person specification will help to narrow the field of applicants, leaving fewer, better suited candidates to consider for interview.

Some key considerations include:

- Clarifying the pay grade, job title, reporting and supervisory arrangements and working hours/weeks.
- Identify and list the tasks that are to be carried out by the post holder.
- Setting out the purpose of the role, the key responsibilities, accountabilities, and wider expectations of the role in the job description. Examples of wider responsibilities would be an expectation that all staff take part in regular continuing professional development or that all staff have a responsibility for their own health and safety and that of others; and
- A statement about safeguarding responsibilities should be included in all job descriptions and should also refer to promoting the welfare of children.

2 Person Specifications

A well thought out person specification will help potential candidates to determine if they have the right skills for the role and candidates should aim to demonstrate their experience and suitability for the role against the criteria. The criteria should be exported to a shortlisting grid to enable the shortlisting panel to measure and judge candidates against each expectation using an agreed scoring method.

Some key considerations include:

- Ensuring that the criteria in the person specification are objective and measurable – for example, asking for someone with a good sense of humour is subjective, and cannot be measured.
- Criteria should be based on relevant knowledge, skills, attitudes, and aptitudes and should include essential and desirable qualifications and experience. It is possible to ask for particular personal qualities, but consideration should be given to how they will be measured.
- Ensuring that the criteria are not discriminatory – for example, asking for applicants over a certain age or of a particular gender unless it is a Genuine Occupational Qualification (GOQ). This is a very difficult threshold to meet, and advice should be sought from your HR Consultant/Provider or Kent Teach in the first instance.
- Details of how candidates will be assessed against the criteria i.e., application form, interview, tests, references etc.; and
- The person specification must make it clear that it is an essential criterion for all staff to understand their safeguarding responsibilities and should include criteria linked to the

suitability of the post holder to work with children. This can be tested through application form, references, and interview.

3 Advertising a Vacancy

Consider whether any other posts in school are at risk of redundancy (including staff on Fixed Term Contracts who are due to expire), and whether this role could be a suitable alternative post which could be ring fenced for the 'at risk' staff. If this is the case the post would not need to be advertised outside of this group of staff.

Consider what makes your job or school stand out from the others. Think about what the candidate will need to know, for example:

- Job title
- Salary
- School name and location
- Hours per week/weeks per year
- Fixed term/permanent/term time only
- Key features of the role including qualification and experience levels
- Unique features of your school – what makes the school a great place to work?
- Benefits of working for your school – what can you offer candidates?
- How to find out more including opportunities to visit the school
- Recruitment timetable including closing date
- Safeguarding statement
- Online Checks statement
- Details of the checks/conditions that the post is subject to

Information should be relevant to the level of the role, for example prospective senior leaders may want to know more about the financial situation of the school or the challenges it is facing but this is unlikely to be relevant for a member of the site team.

For senior and hard-to-fill roles, consider sending out a pack of information or creating the same pack online with details of the area, the school, the role, the most recent Ofsted and prospectus, an introductory letter from the Headteacher or Chair of Governors, quotes from pupils and parents etc. Kent-Teach can advise on the use of micro-sites (a website dedicated to your vacancy) and alternative methods of advertising.

HR Connect and Kent-Teach can provide advice, guidance, and assistance to the Governing Body throughout the Headteacher Recruitment process.

4 Application Forms

Application forms should be the key method of application, whether paper based or on-line. The candidate can provide a covering letter or supplementary information however Keeping Children Safe in Education states that CVs should not be accepted, but can be attached to the application to provide more detail.

You may also consider including a signed statement declaring that the person is not on the children's barred list, disqualified to work with children, or subject to any sanctions imposed by a regulatory

authority, such as the General Teaching Council however this can be included on the Criminal Convictions Self Disclosure form which will be sent to shortlisted candidates rather than to all applicants. This change is to ensure that the processing of criminal data is targeted and proportionate.

You should ensure that all shortlisted candidates are subject to an 'online' search. to ensure there is no information in the public domain which would question the candidate's suitability to work with children.

All application forms should include a privacy notice which details how personal data will be collated, used, and stored, and the timeframe for deletion or direct applicants to where they can view the school's privacy notice.

5 Shortlisting

Shortlisting should take place after the closing date detailed in the advert by a minimum of two people who will be on the interview panel. One of the people shortlisting should be safer recruitment trained and one would usually be the line manager.

All applications should be assessed equally against the criteria of the person specification and a fair and systematic method of scoring must be used. Discrepancies, gaps in employment, inconsistency, repeated changes in employment or any concerns regarding the application must be noted and followed up with the applicant if they are invited to interview.

An online search should be carried out on all shortlisted candidate as indicated above, further information can be found in HR Connect Online Check Guidance Notes. The Panel will be required to review any information found during these check for shortlisted candidate and make decisions regarding them continuing in the recruitment process, if a concern is discovered.

Generalised assumptions about how age, disability, gender, pregnancy and maternity, race, religion or belief, sex or sexual orientation will affect the applicant's ability to do the job, and any tendency to achieve a fair quota of men/women etc. must be avoided when shortlisting.

Shortlisting panels are reminded that positive discrimination (i.e., giving preferential treatment to applicants from under-represented or disadvantaged groups regardless of their ability to do the job) is unlawful.

Reasons for not inviting people to interview must be recorded so that feedback can be provided to the applicant if requested at a later date. This paperwork must be kept for a minimum of 6 months, along with the application forms.

At the shortlisting stage, the selection methods for interview should be decided, questions set and who will ask which questions agreed. The person specification should directly inform your interview questions, and these should be agreed in advance of the interview.

The purpose of shortlisting is to arrive at an initial list of candidates for further consideration at interview. Care should be taken to ensure the list is both fair and objective.

- The panel should be familiar with the job description and person specification prior to shortlisting.
- It may be useful to scan-read all applications initially to get a feel for the candidates.

- All application forms should be carefully scrutinised to ensure that they are fully and properly completed. Unsigned application forms should be returned for signature – online application forms may be signed at interview.
- Any discrepancies or gaps in employment should be noted so they can be clarified at interview.
- All candidates should be assessed equally, fairly, and consistently against the criteria contained in the person specification.
- Evidence provided in the application form should be carefully scrutinised by the panel to assess which candidates best meet the experience, attributes and skills required for the post.
- Look for practical examples of how the candidate fulfils the criteria - is there actual evidence, rather than an unsupported statement?
- If the applicant is an internal candidate, only information provided within the application form should be considered as part of the shortlisting process.
- Formal educational qualifications alone may not be an accurate indicator of capability.
- Consider skills and experience gained outside of the traditional work environment - for example, voluntary work and life experience.
- Keep an open mind so as not to pre-judge, or make assumptions about, a candidate's abilities based on irrelevant criteria, such as age or gender.
- Use of a shortlisting matrix is recommended in order to justify shortlisting decisions, and to enable comments to be recorded for each candidate against the person specification. Such notes should assist in providing candidate feedback if required.
- A scoring system may be useful to objectively identify the relative merits of each candidate.
- Consider inviting a larger number of candidates to an initial selection activity and then selecting the strongest of these for interview.
- Plan the questions and tasks for the interview day and decide who will ask each question.

Those interviewing should agree structured questions. These should include:

- Finding out what attracted the candidate to the post being applied for and their motivation for working with children.
- Exploring their skills and asking for examples of experience of working with children which are relevant to the role.
- Probing any gaps in employment or where the candidate has changed employment or location frequently, asking about the reasons for this.

The interviews should be used to explore potential areas of concern to determine the applicant's suitability to work with children. Areas that may be concerning and lead to further probing include:

- Implication that adults and children are equal.
- Lack of recognition and/or understanding of the vulnerability of children.
- Inappropriate idealisation of children.
- Inadequate understanding of appropriate boundaries between adults and children.
- Indicators of negative safeguarding behaviours.

Any information about past disciplinary action or allegations should be considered in the circumstances of the individual case.

6 References

It is advisable to request references after short-listing but prior to interview for posts which require an enhanced DBS check as this allows an opportunity for concerns to be explored during the interview.

Where an applicant does not wish for referees to be contacted prior to interview the reasons for this should be explored and where possible agreement obtained to proceed. In exceptional circumstances references may be obtained after interview.

A minimum of two satisfactory references will be obtained, one of which must be from the candidate's current or last employer. All references should be requested directly from the referee. References or testimonials provided by the candidate and open references addresses "To whom it may concern" must not be relied upon.

References for staff working in an education setting will be sought from the Headteacher in order to ensure that information about disciplinary investigations is accurate and, in other settings, it would be appropriate to seek a reference from the line manager of the applicant.

Where a candidate is not currently working in a school or childcare setting but has done so in the past, one reference should be from their most recent children's workforce employer in line with Safer Recruitment guidelines.

The application form should seek the consent of the applicant to request references prior to interview. If consent has not been given, further information should be sought from the applicant with the aim of obtaining consent.

An applicant may be asked to provide alternative referees where the initial referees are deemed inappropriate for our purposes e.g., where the current or most recent employer is not provided.

If there are any concerns regarding a reference, you are advised to contact the referee for further clarification. Where possible, any additional information should be confirmed by email so that an audit trail exists.

Any offer of employment should be made subject to satisfactory references and other employment checks. Please note that there are further resources and templates available in the HR Connect knowledge base on ServiceNow.

7 Interview and Selection

Whenever possible, shortlisted candidates should be invited to interview in writing. The letter of invitation should give an outline of the interview format and details of any other selection activities which candidates will be required to undertake.

Candidates should be advised that their suitability to work with children will be explored at interview and that they will be required to bring original documentary evidence of their:

- Identity - passport, driving license, full birth certificate
- Entitlement to work in the UK - passport, birth certificate or other documentation taken from the approved border agency list
- Educational and professional qualifications
- A completed Criminal Convictions Self Disclosure form to the Headteacher in a sealed envelope marked Private and Confidential

A member of staff should be available to greet candidates and to take copies of all requested information for the panel. Copies of all relevant documentation should be taken at interview and must be signed and dated by the person with the responsibility for checking the documents. When attending for interview, each candidate should be asked to sign a copy of their application form and their self-declaration form in the presence of the person undertaking the document and identity checks.

It is best practice to ask all candidates whether they have any additional requirements regardless of whether they have disclosed a disability.

8 Interview Preparation Guidance

Questions should be planned in advance of the interviews and should aim to cover each key area of the role seeking to provide evidence that the candidate can meet the person specification. A range of questioning techniques should be used to explore experience, skills, and competencies as well as attitude and understanding. The panel should take the opportunity to remind candidates of the requirement for an enhanced DBS check and ask whether they have completed the Criminal Convictions Self Disclosure Form, which includes a statement about online checks.

Other key points are:

- Ensure the panel is familiar with the job description/person specification and requirements of the post.
- Ensure the panel is familiar with the candidates' applications and identify areas which need further exploration or clarification.
- Ensure one member of the panel has attended accredited safer recruitment training and that safe recruitment questions are incorporated within the interview plan.
- Beware of any questions that could be perceived as discriminatory.
- Ensure enough time is set aside for each interview, allowing time for deliberation/reflection after each candidate and at the close of the process.
- Plan the structure of the interview so questions 'flow' in a logical order and there is a clear opening, middle and end.
- Think about the information candidates are likely to want to know and make sure it is available.
- Ensure the venue is properly organised - welcome arrangements, room layout, refreshments, etc.
- Ensure the panel is aware of any additional requirements candidates may have.
- Ensure there are no interruptions/distractions.
- Think about what 'first impressions' you want to give to the candidates.
- Consider offering the candidates a workplace tour/opportunity to meet potential colleagues.

Keeping Children Safe in Education states that the interview questions should include:

- Finding out what attracted the candidate to the post being applied for and their motivation for working with children.
- Exploring their skills and asking for examples of experience of working with children which are relevant to the role.
- Probing any gaps in employment or where the candidate has changed employment or

location frequently, asking about the reasons for this.

It is also advisable to explore areas of potential concerns to determine the applicant's suitability to work with children. These may include:

- Implication that adults and children are equal.
- Lack of recognition and/or understanding of the vulnerability of children.
- Inappropriate idealisation of children.
- Inadequate understanding of appropriate boundaries between adults and children.
- Indicators of negative safeguarding behaviours.

9 Interview Panel

The interview panel must include at least one member who has undertaken safer recruitment training in accordance with Working Together to Safeguard Children in Education 2018 and should also consider gender balance, seniority of panel members and relationship to the candidate when deciding on the panel members.

In line with the Code of Conduct, an Employee should not be involved in a recruitment process, or promotion decision, where one of the applicants is a relative, partner or close friend.

10 Additional Selection Activities

Other selection methods may be used to compliment the interview process, but these must be proportionate, appropriate, and related to the person specification. Examples include: an in-tray exercise, a written task, a presentation, a meeting with the student council and teaching a task.

Tests may provide useful information about an individual's practical work skills, working style and aptitude, in addition to that gained from an interview. Selection activities must be objectively assessed/scored and be relevant to the requirements of the job.

Candidates should be made aware of additional selection tasks when they are invited to interview and given notice of presentation titles, available equipment (e.g., laptop, projector, etc.).

A wide range of selection activities can be used including:

- Interviews: An essential selection tool. Required for all posts for people who work with children.
- Psychometric testing: Provides a quantifiable, scored assessment of candidates' abilities.
- Presentation exercise: Tests clarity of communication and subject knowledge.
- Group exercise: Tests communication, team working, time management and interpersonal skills.
- Role play: Tests candidate's ability to manage real-life scenarios - particularly conflict situations and customer service skills.
- In-tray exercises and case studies: Tests clarity of thought, ability to prioritise and attention to detail.
- Technical exercises (e.g., typing/WP/finance tests): Tests technical competencies relevant to the post.

- Observed exercise with pupils.

11 Checks at Interview

11.1 Right to Work in the UK

As part of your recruitment processes you should satisfy yourself that any potential worker has an entitlement to work in the UK. From 27 January 1997, The Asylum and Immigration Act 1996 introduced a requirement for employers to carry out 'right to work in the UK' checks on people they intended to employ in order to provide a defence against prosecution. The statutory provisions have been amended several times since and the current guidance was introduced on 1 November 2010.

From 1 July 2021 EU, EEA, and Swiss citizens, along with their family members, require immigration status to work in the UK.

There are two types of right to work checks: a manual document-based check, and an online check. Conducting either the manual document-based check or the online check will provide you with a statutory excuse. To assist you with this, the Home office have developed this video to guide you through the new process and details of the manual and online right to work check.

EU, EEA, and Swiss citizens are no longer able to use their passport or national identity card to prove their right to work. You will need to check their right to work online using:

- A share code.
- Their date of birth.

Irish citizens can continue to use their passport or passport card to prove their right to work.

Manual Document Check

You will need to follow 3 simple steps:

1. Obtain original versions of one or more acceptable documents.
2. Check the document's validity in the presence of the holder.
3. Make and retain a clear copy and record the date the check was made.

Schools should be aware that the temporary adjustments put in place during Covid to allow right to work checks to be undertaken virtually ended on 30th September 2022. From 1st October all checks will need to be undertaken in person or via a certified online digital identity service provider.

Online Document Check for candidates with a right to work share code

For certain candidates with a right to share code (issued for example under the EU settlement scheme); an online right to work check may be undertaken via: <https://www.gov.uk/view-right-to-work>.

It will not be possible to conduct an online right to work check in all circumstances, as not all individuals will have an immigration status that can be checked online. The online right to work checking service sets out what information you will need. In circumstances in which an online check is not possible, you should conduct the manual check.

Comprehensive guidance on [Right to work checks: an employer's guide](#) can be accessed from the Home Office website.

Acceptable Documents

Documents that are considered acceptable for demonstrating right to work in the UK are set out in [List A and List B via Employers' right to work checklist - GOV.UK \(www.gov.uk\)](#)

List A: contains the range of documents which may be accepted for checking purposes for a person who has a permanent right to work in the UK. If you follow the prescribed right to work checks, you will establish a **continuous statutory excuse** for the duration of that person's employment with you.

List B: contains the range of documents which may be accepted for checking purposes for a person who has a temporary right to work in the UK. If you follow the prescribed right to work checks, you will establish a **time-limited statutory excuse**. You will be required to carry out follow-up right to work checks, prior to the expiry date indicated on the document provided.

Having a statutory excuse means that providing you have carried out the appropriate checks, you will not be liable for a civil penalty if it later comes to light that any worker has been working illegally in the UK.

If the applicant cannot show their documents, then a check can be undertaken via the [Employer Checking Service](#). If the person has a right to work, they will get a positive verification notice, giving a statutory excuse for 6 months.

The documents that are considered acceptable for demonstrating right to work in the UK are set out by the Home Office in their Right to Work Checklist which can be found here:

[Employers' right to work checklist - GOV.UK \(www.gov.uk\)](#)

To comply with the legislation employers must:

- Ask to see original documents that demonstrate an entitlement to work in the UK.
- Check the validity of documents, e.g., photographic evidence, cross-checking dates of birth, expiry dates, visas etc.
- Make reasonable checks to ensure documents appear to be genuine and have not been tampered with.
- Ask the employee for a reason, and a further document, if he/she gives you 2 documents which have different names. The further document could be a marriage certificate, a divorce decree, a deed poll, or statutory declaration.
- Retain a copy of these documents on file. In particular you should copy any pages that provide details of nationality, his or her photograph, date of birth, signature, date of expiry of biometric details, and any page containing Government endorsements.
- Date and sign copies as evidence as to when the check was carried out, and by whom. Copies must be kept for 2 years after employment has ceased.
- Make these documentary checks before employment commences.

The UK Visas and Immigration can require an employer to show them evidence at any time of an individual's right to work in the UK. If you fail to produce this and the employee is found to be working illegally, the school will be fined up to £20,000 in each case. There is a further penalty of imprisonment that could be imposed where an employer is knowingly employing someone illegally.

Sponsoring Workers

Anyone you want to recruit from outside the UK (excluding Irish citizens), who cannot provide document(s) from List A or List B, will need to apply for permission first.

Employers can sponsor an individual from outside the UK via the Skilled Worker route. Several requirements must be met in order to sponsor workers.

Due to the complexity of sponsorship, managers are advised to seek further advice from the HR Connect Employment Check Team.

Further information can be found here:

<https://www.gov.uk/guidance/recruiting-people-from-outside-the-uk>

11.2 Overseas Trained Teachers

In addition to teachers who have been awarded QTS, and completed the basic skills tests in England and Wales, the following may apply to have their qualifications recognised via the DfE:

- Teachers who qualified in Scotland & Northern Ireland
- Teachers who qualified in European Economic Area
- Teachers trained in US, Canada, Australia, New Zealand

Other overseas trained teachers other than those who qualified in the European Economic Area, US, Canada, Australia, and New Zealand can only work as unqualified teachers in the UK for a maximum of 4 years before requiring UK Qualified Teacher Status.

Where employing a teacher from overseas, schools should check that the applicant has the appropriate permissions/visa to work in the UK.

12 Pre-employment Checks

The primary purpose of pre-employment checks, particularly enhanced DBS checks, online checks and barred list checks, is to try and identify those who would be unsuitable to work with children and young people, to deter the small minority who would actively seek to harm children and young people, and to select and maintain a workforce who will be vigilant and seek to protect children and young people from harm.

12.1 List of Prohibited Teachers

Since 2nd September 2013 Schools and Academies have been required to ensure that they perform

a check against the list of prohibited teachers and record the result on the Single Central Record. This check is in addition to the normal barred list check which is part of the DBS checking process.

The Teacher Regulation Agency self-service portal provides information relating to an individual's employment details, initial teacher training qualifications and induction history. Employers, and potential employers, can view the record of any teacher with Qualified Teacher Status (QTS) or any employee carrying out teaching work with an active restriction (including any teacher with QTLS to whom this applies) and allows access to the following lists:

- Those carrying out 'Teaching Work' who have been prohibited from teaching or who have an interim prohibition order.
- Teachers who may be the subject of a suspension or conditional order imposed by the GTCE (prior to its abolition) that is still current.
- Teachers who have failed to successfully complete their induction or probation period.

The Teachers' Disciplinary (England) Regulations 2012 define those that carry out teaching work as: planning and preparing lessons and courses for pupils; delivering lessons to pupils; assessing the development, progress, and attainment of pupils; and reporting on the development, progress, and attainment of pupils. It is not 'teaching work' if the person carrying out the work does so under the direction of a teacher, for example, work undertaken by teaching assistants or volunteers.

A person who is prohibited must not be appointed to a role that involves teaching work.

12.2 Section 128 Prohibition from Management Check

A Section 128 check will check whether a person is banned from being involved in the management and governance of schools. A Section 128 direction can be issued on specific grounds where the type of conviction, caution, or conduct suggests that the person is unsuitable for the management of a school including: -

- Conviction of an offence under military disciplinary proceedings
- Being found not guilty of an offence by reason of insanity
- Conduct found to be in breach of professional standards by a professional body

Section 128 directions may also be issued if a person is engaged in conduct that is aimed at undermining British values, the rule of law, individual liberty, mutual respect, and tolerance of those with different faiths and beliefs.

For those taking up management positions at Independent Schools, Academies and Free schools, Section 128 checks must be carried out to ensure that they are not prohibited under the provisions. This includes: -

- Academy trust members and trustees
- Governors who sit on committees or local governing bodies with delegated responsibilities

- Academy staff engaged in management positions. Management positions may include any teaching positions on the senior leadership team, any teaching positions that carry a department headship, any non-teaching staff who are part of the senior leadership team.

Keeping Children Safe in Education recommends that maintained schools should also carry out a Section 128 check for school governors, because a person subject to a Section 128 direction is disqualified from being a governor.

If a person requires a DBS check with barred list, you can check the Section 128 when you apply for the enhanced DBS check. You must include on the DBS application form, within the position applied for, the words 'Management of Independent school'.

If the person does not need a barred list check, you will need to use the DfE secure access portal (TRA) to conduct the Section 128 check by searching the list of names in alphabetical order.

12.3 Overseas Checks

In accordance with Keeping Children Safe in Education, schools and colleges must ensure that individuals who have lived or worked outside the UK undergo the same checks as all other staff in schools or colleges. This includes obtaining (via the applicant) an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK

In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. Following the UK's exit from the EU, schools and colleges should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world. This should include:

- Obtaining a criminal record check for time spent abroad. Further information on how to obtain such a check can be found at:
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants/guidance-on-the-application-process-for-criminal-records-checks-overseas>
- For teaching positions obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach. Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database. Applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body.

Applicants are responsible for obtaining criminal record checks. The application process for criminal records checks for someone from overseas varies from country to country.

The overseas checks should be carried out in addition to obtaining an enhanced DBS check as the DBS check alone is not sufficient to establish the candidate's suitability to work with children.

It is important to note that since 1 January 2021 the Teaching Regulation Agency no longer maintains a list of EEA teachers with sanctions so teaching candidates' suitability will need to be assessed via the methods described above

12.4 DBS Checks

A Disclosure and Barring Service (DBS) check is required for all staff directly employed by Schools and Academies in paid positions who will be engaging in regulated activity. Exceptions to this are those who have been continuously employed, or with a break of no more than 12 weeks, within the education sector prior to March 2002.

For those working in regulated activity, confirmation must be sought that the candidate is not included on the Children's Barred List. A check against the Children's Barred list will be requested as part of the DBS disclosure.

Regulated activity is defined as: -

1. Activity of a specified nature
 - Teaching, training, instruction, care, or supervision of children (except if the person undertaking the activities is under regular supervision) if carried out by the same person frequently or overnight.
 - Advice or guidance (except legal advice) provided wholly or mainly for children which relates to their physical, emotional, or educational well-being if carried out by the same person frequently or overnight.
 - Driving a vehicle only for children.
2. Activity within specified establishment
 - Any activity that is for, or on behalf of, the establishment with the opportunity for contact with children if carried out frequently. This does not include the work of supervised volunteers.
3. Health or personal care of a child
 - Healthcare provided to a child by a health care professional or by a person acting under the direction or supervision of a healthcare professional.
 - Physical help with eating, drinking, toileting, washing etc. for the reasons of age, illness, or disability.
4. Day to day management of regulated activity
 - Day to day management, on a regular basis, of a person who is providing regulated activity in relation to children.

In addition to those in paid employment it is important to note that all volunteers having unsupervised, frequent, or intensive contact with children (i.e., regulated activity) must obtain an enhanced disclosure with barred list check.

Schools/Academies may obtain an enhanced DBS certificate (not including barred list information) for volunteers who are not engaged in regulated activity, but who have the opportunity to come into contact with children on a regular basis e.g., supervised volunteer. Volunteers undertaking other

one-off contact such as helping on sports day are not required to have an enhanced DBS check however, adequate supervision must be in place.

There are some circumstances in which there is no requirement to carry out an enhanced DBS check, please see below, however HR Connect would advise that DBS checks are carried out for all new employees as there may be occasions where an offence has occurred since the DBS was carried out and this has not been disclosed to the previous employer.

The regulations say that there is no requirement to obtain a new enhanced DBS check, or overseas checks, for employees who have, not more than three months before, worked in a school in England in a post which:

- Brought the person regularly into contact with children.
- To which the person was appointed on or after 12th May 2006 and which did not bring the person regularly into contact with children or young persons.
- In another institution within the further education sector in England, or in a 16-19 academy, in a post which involved the provision of education which brought the person regularly into contact with children or young persons.
- The requirement to carry out all other relevant pre-employment check, including a children's barred list check remains.

Further information can be found on the HR Connect Business Solutions website.

12.5 DBS Update Service

Individuals can join the DBS Update Service at the point that an application for a new DBS check is made. Subscription to the service enables future status checks to be carried out by employers to confirm that no new information has been added to the check since its issue.

The Update Service provides:

- Portability of a DBS check across employers.
- Free online checks to identify whether there has been any change to the information recorded since the initial certificate was issued and advice as to whether the individual should apply for a new DBS check.
- Individuals with the ability to see a full list of those organisations that have carried out a status check on their account.

In order to use the Update Service, schools must:

- Obtain consent from the individual to carry out an online check to view the status of an existing standard or enhanced DBS check.
- Confirm the DBS certificate matches the individual's identity.
- Examine the original certificate to ensure that it is valid for the children's workforce.
- Ensure that the level of the check is appropriate to the job they are applying for.

12.6 Disqualification Under the Childcare Act 2006

In February 2015, the government issued new statutory guidance called “Disqualification under the Childcare Act 2006” which replaces the former October 2014 document and clarifies the position with regard to schools. This guidance builds on the Childcare (Disqualification) Regulations 2009, which came about following the Education Act 2006.

The Regulations prohibit anyone who is disqualified themselves under the Regulations from working in a relevant setting, including in schools.

Schools are free to decide how to bring these requirements to the attention of their staff. As a means of making staff aware of their duty to provide such information, they may for example choose to include a section in the school’s safeguarding policy, or another policy document, or by means of an addition to new staff members’ contracts of employment. Schools should draw this guidance to the attention of their staff and the information provided by Ofsted.

Who is covered under the regulations?

The rules in relation to disqualification apply to the following: -

- Staff working directly with children under 5 years of age within the Early Years Foundation Stage
- Those providing ‘wrap around’ care (after school and breakfast clubs) with children up to 8 years of age.

The legislation applies to agency staff and volunteers as well as staff employed by a school. With regard to agency staff, the obligation to have fulfilled the requirements of the legislation is on the agency that employs them. Schools must obtain confirmation that agencies have done so.

	During School Hours	Outside School Hours*
Reception age or younger	Covered	Covered
Older than Reception age until age 8	Not Covered	Covered
8 years or older	Not Covered	Not Covered

*Outside school hours does not include school clubs e.g., Choir or sports’ team, or detentions, but does include breakfast clubs or after-school provision.

Staff such as caretakers, cleaners, drivers, transport escorts, catering, and office staff, who are not employed to directly provide childcare, are NOT covered by the legislation.

Anybody involved in any form of health care provision for a child, including school nurses, and local authority staff (such as speech and language therapists and education psychologists) are NOT covered by the legislation.

School governors and proprietors are NOT covered by the legislation unless they directly manage

work or volunteer in a relevant provision.

The guidance is available at: <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

12.7 Online checks

In accordance with Keeping Children Safe in Education, schools and colleges must ensure that an online checks is carried out for all shortlisted candidates. School must decide how that check is carried out and by whom, however it should not be someone involved in the decision making process of the candidates. School may choose to carry out the check in-house or by using an external provider.

The recruitment panel will be required to review any incident or issues found and discuss the concern with candidate at the interview, or prior to interview if significant.

Full guidance notes are available on Service Now for schools which includes a recording form and risk assessment

13 Offer of Employment

Offers of employment may be made verbally but should always be confirmed in writing and must always be conditional.

Verbal offers are legally binding, so care should be taken to ensure the terms offered are correct and accurate. Care should also be taken when discussing terms at interview since any offers made or implied could be regarded as binding.

All written and verbal offers must be made conditional upon the receipt of:

- Enhanced DBS check
- Verification of entitlement to work in the UK
- Verification of any relevant qualifications
- Receipt of 2 satisfactory references
- Satisfactory pre-employment health clearance

In addition, employees are required to confirm their date of birth and national insurance number.

Any verbal or written offer should clearly state that if these checks are unsatisfactory the offer of employment may be withdrawn. If the individual has commenced work, employment may be terminated with the minimum statutory notice however advice should always be sought from your HR Consultant/Provider before taking any action.

14 Unsuccessful Candidates

Unsuccessful candidates should be notified in writing of the outcome of the selection process. It is good practice for candidates to be offered the opportunity to request feedback. Feedback should be constructive and evidence-based and should reference the person specification criteria.

At the end of the appointment process all copy identity documentation (passport/birth certificate etc.) relating to unsuccessful candidates should be securely destroyed however, copies of application forms, interview notes and references should be retained for six months from the date that the post is offered and accepted. All personal data will be stored and destroyed in line with GDPR.

15 Single Central Record

Under the terms of the School Staffing (England) Regulations (as amended) schools are statutorily required to maintain records of the recruitment and vetting checks they make in a Single Central Record (SCR). Some checks are specifically required by Ofsted, while others are required in order to comply with the Keeping Children Safe in Education statutory guidance.

The Single Central Record (SCR) is a requirement for all schools and should be completed for:

- All staff, including teacher trainees on salaried routes) who work at the school, agency, and third-party supply staff, even if they work for one day. In colleges, this means those providing education to children; and
- For independent schools, including academies and free schools, all members of the proprietor body.

Categories to be included on the SCR

The following information must be recorded in respect of staff members: -

- Identity checks
- Barred list checks
- Enhanced DBS checks
- Prohibition from teaching checks (for those carrying out teaching work).
- Section 128 checks (for those in management positions in an independent school, academy, or free school).
- Further checks on people who have lived or worked outside the UK, including criminal record checks and for teaching positions obtaining a letter from the professional regulating authority in the country (or countries) in which the applicant has worked.
- Checks of professional qualifications (for example, qualified teacher status).
- Checks to establish individuals' right to work in the UK.

In respect of these checks, the SCR must record:

- Whether each check has been carried out, or a certificate obtained.
- The date on which each check was carried out, or the certificate obtained.

Schools and colleges are free to record any other information they deem relevant. For example:

- Whether relevant staff have been informed of their duty to disclose relevant information under the childcare disqualification arrangements where applicable.
- Checks made on volunteers.
- Checks made on governors.
- Date on which safeguarding and safer recruitment training was undertaken.
- The name of the person who carried out each check.

Supply staff

For supply staff, schools must obtain written notification from any agency or third- party organisation, that they have carried out the checks on an individual who will be working at the school, that the school would otherwise perform. In respect of the enhanced DBS checks, schools must ensure that written notification confirm the certificate has been obtained by either the employment business or another such business.

Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at the school, which has disclosed any matter or information, the school must obtain a copy of the certificate from the agency. Each person's identity should be confirmed on arrival in school.

Contractors

Where schools use contractors to provide services, they should set out their safeguarding requirements in the contract between the organisation and school.

Schools should ensure that any contractor, or any employee of the contractor, who is to work at the school, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity relating to children will require an enhanced DBS check (including children's barred list information).

For all other contractors who are not engaging in regulated activity relating to children, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including children's barred list information) will be required.

If an individual working at a school is self-employed, the school should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

Schools and colleges should always check the identity of contractors on arrival at the school or college.

Whilst there is no statutory duty to include details of any other checks on the Single Central Record, schools are free to record any other information deemed relevant. For example, checks for volunteers and governors, childcare disqualification, safeguarding training, references etc.

For further details of records that must be kept please refer to: -

For maintained schools; Regulations 12 (7) and 24 (7) and Schedule 2 to the School Staffing (England) Regulations 2009 and the School Staffing (England) (Amendment) regulations 2013.

For independent schools (including academies and free schools); Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014.

16 Induction

The individual induction programme should cover the training required by the new starter to carry out their role and to maintain safe working practices; this may include:

- Health and safety training

- Manual handling
- Child protection/safeguarding training
- Code of conduct
- Behaviour policies and how to report concerns
- Part 1 of Keeping Children Safe in Education
- Childcare Disqualification requirements
- Prevent
- GDPR

An effective induction helps the new starter to understand their role and how they fit into the school/academy, become fully effective in their role in the shortest possible time and establish effective working relationships leading to improved performance and effectiveness.

A checklist of basic information should be given to all new starters together with details of where they can access all school/academy policies and procedures, who is available to support them in their new role, the expectations of the school/academy and how to raise issues and concerns between reviews.

Probation review dates or induction review dates should be included in the initial induction plan to ensure that line managers and staff have clear expectations of when they will meet. These meetings are an opportunity for:

- Progress to be recognised and praised.
- The line manager to make the new starter aware of any concerns or gaps between performance and expectation.
- The employee to ask questions or raise concerns that they may have.
- Training and development to be reviewed.



Whinless Down Academy Trust

Online Checks Guidance

Part A - Guidance Notes

What does KCSIE now say?

KCSIE 2022 introduced at paragraph 221 a requirement that as part of the shortlisting process schools:

Should consider carrying out an online search as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the School or college might want to explore with the applicant at interview.

Who should carry out the searches?

WDAT has decided to carry out the 'online' checks in house, it is recommended the checks and collation of information is carried out by somebody not involved in the recruitment selection process. The potential risk of bias and discrimination is reduced by tasking somebody not directly involved in the decision-making process to maintain objectivity. The information obtained should then be passed to the recruitment panel for discussion and exploration. Any of the findings should be validated with the candidates. If the issues/incidents identified are serious in nature a conversation prior to interview is recommended. If the issues are not serious these can then be discussed during the interview itself.

Where should I go to search?

It is recommended you use different search engines as these may yield different results. The most popular ones in the UK are:

- Google
- Bing
- Yahoo!
- Baidu
- Ask.com
- DuckDuckGo

It is recommended that information from the last six years should be recorded. (Six years in line with usual school record retention policy and reference information).

Whilst KCSIE does not explicitly require a search of social media platforms, such as Facebook, Twitter, Instagram or TikTok, there is nothing preventing a school from doing so,

and indeed you may wish to consider whether such searches are carried out; it is also likely any search carried out under the search engines suggested above may well result in social media platforms being identified/sign posted and the school may wish to explore these further.

Searches should be based solely on information that is freely available within the 'public domain'. Candidates with social media accounts locked down with the correct security settings are not considered as being in the public domain. Seeking to search any private accounts is likely to lead to breaches of data protection legislation. The school may wish to consider creating 'dummy social media accounts' for the sole purpose of checking individual's accounts (that is the extent of their social media account which remains public). This 'dummy' account should be created for the sole purpose of supporting the school's recruitment process, and as such it would not be used to share posts or befriend individuals. We strongly advise against an individual within the school using their own personal social media account to search for information on shortlisted candidates. Again, this could result in breaches of data protection legislation as a minimum.

Candidates will be informed via the job advert that social media checks are carried out.

Social Media accounts recommended are:

- Facebook
- LinkedIn
- Twitter
- Instagram
- Tik Tok
- You tube

Can we legally carry out online checks?

Whilst there are no legal issues specifically in relation to checking social media, as the information you are checking is being publicly displayed, you do need to ensure that the information found through online searches is not used to unlawfully discriminate against the candidate or results in any unconscious bias during the recruitment process.

An example could be, if a candidate's social media reveals that they are pregnant, but they have not shared this with you prior to interview, to remove that candidate from the interview shortlist based on the fact that they are pregnant may amount to sex/pregnancy and maternity discrimination. Their pregnancy does not cause any concern around, or prevent them, from working with children and so this information is irrelevant to whether they should proceed in the recruitment process. The same applies to information relating to the other protected characteristics, such as gender, age, sexual orientation, religion or belief and race.

How to carry out the searches

As part of the recruitment process your candidate will have been informed that they will be subject to an online check. You should use the name which has been provided within the application form, with the addition of any previous names they have been known by. For this purpose, candidates can be required to provide names/handles/tags in addition to any name provided on the application form.

The following combinations are suggested as guidance for Jane Marie Brown from Rochester, Kent for an 'online search'.

- Jane Brown
- Jane Marie Brown
- J Brown
- J M Brown
- Jane Brown Rochester
- J Brown Rochester
- Jane Marie
- Jane Marie Rochester
- J M Brown Rochester

There is space on the form attached to record and list the combinations of names/handles/location which have been searched.

What to search for

A candidate's online presence can take a variety of forms such as:

- Words and statements expressed and posted by the candidate
- Pictures, photographs, images and videos created and/or shared by the candidate

If you locate evidence in any of these forms, it should be recorded. You should only be looking for evidence from these searches that would lead you to

- Question the candidate's suitability to work with children
And/or
- Could harm the reputation of your school or trust should the candidate become part of the school's workforce

Further specific guidance about what to look for is contained in the online recording form (**Appendix 1**) below. If you are unsure about something you find whilst searching, we recommend you record it and pass it to the recruiting panel to enable them to make a decision about the information.

What if you find something?

If you discover information that is relevant, cut and paste the link into the document below under the appropriate heading. We also advise taking a screen shot and attaching this to the document. This information will help those that will be making the recruitment decision and allow them to have a discussion with the candidate if appropriate.

Before any decision is made, the panel should speak to the candidate to validate the information found and give them an opportunity to explain. If the evidence found is of a serious nature, the recruitment panel can take the decision to end the candidate's recruitment process and not proceed to an interview. A risk assessment (**Appendix 2**) should be completed and the decision recorded as to why the candidate was not progressed

to interview. The panel will then also be required to speak to the candidate and explain their decision to not pursue the candidate further.

If the evidence is not considered serious, the panel can also choose to speak to the candidate about the evidence that has been found at the interview before again completing the risk assessment and making any firm decisions about the candidate's suitability for the role.

Backing up evidence

As part of the recruitment process candidates are informed that 'online' and/or 'social media checks' will be carried out if they are shortlisted for a role. Candidates are given the opportunity on the 'Self Disclosure Form' to record any information that they are aware of that is in the public domain which could lead the school to question their suitability to work with children or impact the reputation of the school should the candidate become a member of staff.

Once the 'online checks' have been completed the recruiting panel will have the task of reviewing the information given by the candidates and comparing this to the evidence which has been found as a result of the search. Should the panel have any further questions these can be addressed with the candidate directly.

All schools could be asked to provide evidence of an online check and the information will be retained for a period of 6 months in line with the school's recruitment retention schedule. At the present time there is no requirement for this to be recorded on the Single Central Record.

Confidentiality and Data Protection

WDAT recognises its obligations under the General Data Protection Regulation and associated legislation, and the rights of Employees with regards to the personal data held on them.

All records relating to the recruitment process will be gathered, processed, held, and shared in accordance with the requirements of the General Data Protection Regulation and Data Protection Act.

Please refer to the WDAT's Data Protection Policy and Privacy Notice for further details.

PART B - Appendix 1

ONLINE SEARCH RECORDING FORM

ONLINE SEARCH COMPLETED BY :	
DATE :	
ROLE APPLIED FOR :	

CANDIDATES NAME(S) – all names including maiden, name changes and ‘handles’ they are known by on

--

social media

CANDIDATES TOWN(s) /CITIES/COUNTRIES OF RESIDENCE (this must cover the last 6 years)

--

It is recommended you use different search engines as these may yield different results. The most popular ones in the UK are listed below.

PLEASE TICK WHICH SITES YOU HAVE USED IN THIS SEARCH	PLEASE TICK WHICH SITES YOU HAVE USED IN THIS SEARCH
GOOGLE	FACEBOOK
BING	YOU TUBE
BAIDU	TWITTER

YAHOO!	LINKEDIN
ASK.COM	TIK TOK
DUCKDUCKGO	INSTAGRAM

NAME(s)/ HANDLES SEARCHED AND ON WHICH SEARCH ENGINE	ISSUE & AREA OF CONCERN	COMMENTS CUT & PASTE LINK TO EVIDENCE FOUND & ATTACH SCREEN SHOTS	PANEL TO DISCUSS WITH CANDIDATE	PANEL TO COMPLETE RISK ASSESSMENT	APPLICATION PROGRESSED	CANDIDATE INFORMED OF FINAL SELECTION DECISION

Examples of issues and incidents that may cause concerns are shown below. Please highlight which is a concern.

DISCRIMINATION SPEECH OR HATE SPEECH Derogatory, abusive, and/or threatening statements toward a specific group of people typically based on race, religion, or sexual orientation.	INSULTS AND BULLYING SPEECH Name-calling or derogatory statements toward an individual about their physical characteristics such as weight, height, looks, intelligence, etc.	SEXUAL CONTEXT Includes expressions relating to sexual misconduct that could be considered sexually demeaning or sexual harassment	DRUG RELATED Statements related to drugs and alcohol use including slang words, street names, and phrases. Images of pills, syringes, paraphernalia and alcohol. It may include smoking, drinking, and injections.
TERRORISM/ EXTREMISM VIEWS Statements expressing radical viewpoints typically related to politics or religion and considered outside of mainstream attitudes	THREATS OF VIOLENCE An intent to inflict harm or loss of another person's life.	TOXIC LANGUAGE A way of communicating that is rude, disrespectful, blaming, labelling or using guilt.	VIOLENT IMAGES Images of disfigurements, open wounds, burns, crime scenes and guns/weapons
EXPLICIT/RACY IMAGES Mostly explicit nudity, adult content, pornographic content	SLANDER/DEFAMATION Statements referring to other educational establishments with derogatory/unprofessional statements	ANY OTHER NOT LISTED	ANY OTHER NOT LISTED

In line with the school record retention policy and to fulfil obligations under GDPR a copy of this information will be retained for all shortlisted candidate for 6 months from the date of interview and then confidentially destroyed. A record will be retained for any successful candidates as part of the recruitment checks detailed in KCSIE.

PART B - Appendix 2

Online Checks Risk Assessment Form

W DAT undertakes to discuss any issues/incidents revealed in an Online Check with the candidate before making any decision as part of the recruitment process.

This form should be used, as part of the shortlisting/interview process to assess the suitability of the candidate for their proposed position, considering any issues or incidents obtained when conducting Online Checks.

For completion by member of Senior Leadership Team/Recruitment panel members.

School:

Name of Candidate:

Position or Position Applied for:

Name/s of Manager/s:

Position involves working with:

Children

Yes

No

Referred to Safeguarding?

Yes

No

If no, please state reason:

Guidance on completing Risk Assessment form

There is now a requirement for Online checks to be carried out for shortlisted candidates. All information which is found via an Online check should be shared with the candidate at interview, or prior to, if serious issues/incidents exist. Candidates should be given the opportunity to explain and contextualise information. Notes should be recorded of the discussions and the responses given by the candidate on the risk assessment document.

Please note that the information obtained from this Risk Assessment process will be considered by the recruitment manager/panel as part of the appointment process. It is therefore in the best interests of all parties that this document is completed in full and that a full (verbal) account is given of any issues or incidents which have been disclosed.

Copy for the Candidate

You should provide a copy of this Risk Assessment form, part A to the candidate.

Queries

Should a member of the Senior Leadership team require advice on identifying and assessing the relevance and circumstances of the Online check information they should contact the HR Connect Team in the first instance. For issues and incidents indicating an increased element of risk to children, advice on the assessment of risk should be formally sought from the Safeguarding Children Unit Local Authority Designated Officer (LADO). If deemed appropriate such advice can be obtained and discussed with the candidate prior to interview.

Section A – to be completed by the manager having interviewed / discussed with the candidate information from the Online Check content

No	Questions	Applicable	Comments
1	Have any other issues/incidents been raised during the recruitment process in any other checks i.e. DBS?	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p><i>If so, please also ensure that the DBS/self-disclosure risk assessment is completed in conjunction with this assessment</i></p>	
2	Do the issues/incidents indicate a risk by association?	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p><i>If 'Yes', explain how this impacts on the individual's position</i></p>	
3	Did the candidate declare the issues/incidents on the Self Disclosure form and / or during any part of the recruitment process?	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p><i>If 'No' state reason</i></p>	
4	Has the individual confirmed that the information obtained relates to them?	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p><i>If 'No', what do they think is incorrect and why?</i></p>	

5	<p>Were any issues or incidents work-related or committed within the context of a work setting?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p><i>If 'Yes' give details</i></p>	
6a	<p>What was the nature of the Online issue or incident? E.g. (this list is not exhaustive)</p> <p>Sexual Impropriety; explicit images; violent images; drugs/alcohol; bullying; terrorism/extremism; discrimination; political obscene language; slander/deformation speech</p>	<p><i>Give overview of the issue/incident</i></p>	
6b	<p>What concerns did the issues/incidents raise with regards the candidate's suitability to work with children or the post they had applied for and/or any reputational risk in the event the candidate becomes part of the school's workforce</p>	<p><i>Address how the issue/incident raises concerns</i></p>	
7	<p>Where were the online issues/incidents found?</p> <p>In what format was the information found? e.g. online newspaper, Facebook post,</p>	<p><i>Detail if issue/incident was found via search engine e.g. Google</i></p>	
8	<p>Were any of the issues/incidents committed within the last 6 years?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	

9	What is the individual's attitude to the issues/incidents now?	<i>Please specify e.g. regret, remorse, justified, denial</i>	
10	Are there any mitigating circumstances? e.g. immaturity, traumatic life event, illness?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> <i>If 'Yes' specify what</i>	
11	Do the issues/incidents form any pattern e.g. repeat offences or repeat motivation (anger/financial/drugs/alcohol)	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> <i>If 'Yes' specify</i>	
12	Can the candidate demonstrate any efforts not to re-offend? e.g. Rehabilitation course, Anger Management course, help for alcohol/drug abuse. Or actions to ensure?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> <i>If 'Yes' specify</i> <i>(NB – completing Community Service is a punishment not a rehabilitation programme)</i>	
13	Will the nature of the post present any realistic opportunities for the nature of the issue/incident to arise again?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> <i>If 'Yes' specify</i>	

Summary (include any action that can be taken to mitigate identified risks which will enable recruitment)

Date Meeting took place:

Candidate declaration

I confirm that I have discussed my disclosure application relating to Online Checks with the above-named member of the Senior Leadership Team/Recruitment Panel.

I understand that the risk assessment form will be retained by [insert school name] in line with Information Commissions guidance. I also understand that any offer of employment will be subject to the information I have supplied and that this is complete and correct. In the event any false information is provided, or there is a failure to supply the details required, any offer of employment will be withdrawn or in the event employment has commenced such employment will be terminated.

Signature:

Date:

I confirm I have provided a copy of this document to the candidate.

(Staff) Name:

Signature:

Date:

Section B *(Outcome) – to be completed as indicated below*

Outcome of Risk Assessment (to be completed by member of Senior Leadership Team.)

In light of the above risk assessment, and having considered the issues and/or incidents from Online checks and their relevance to the position in question, I recommend the following action:

Candidate withdrawn from recruitment process ☐
Please refer to HR Connect for advice as appropriate

Candidate to continue in the recruitment process ☐

Discussed with Safeguarding ☐
If yes please give named contact, date and details of discussion below (or attached):

Any offer of employment to be subject to conditions ☐
If so, identify the condition below:

Further Comments:

I confirm I have provided a copy of the above document to the candidate.

Name: **Signature:** **Date:**

Outcome of Risk Assessment (to be completed by Headteacher)

Candidate to be withdrawn from the recruitment process ☐

Candidate to continue in recruitment process ☐

Name: **Signature:** **Date:**