

EAST MIDLANDS EDUCATION TRUST

Safeguarding – Safer Recruitment Policy



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Education Trust

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SAFEGUARDING - SAFER RECRUITMENT POLICY

Introduction

The Trust recognises that the welfare of the child is paramount and takes seriously its responsibility to safeguard and promote the welfare of the children and young people in its care.

All children have the right to be safeguarded from harm or exploitation. In order to keep all of our children safe, all Trust schools follow a clear process of Safer Recruitment to ensure that only those who are deemed appropriate to be with children are able to work in our schools.

The Trustees, Local Governing Bodies and staff act in accordance with Section 175 of the Education Act 2002 and the supporting statutory guidance 'Keeping Children Safe in Education 2018 and Working Together to Safeguard Children 2018' to safeguard and promote the welfare of children across the Trust.

Safer Recruitment Practice

Safer Recruitment is not just about compliance – it is about creating a culture within our schools to minimise risk and keep children safe.

The following process will enable staff involved in recruitment and selection and with responsibility for the single central record to understand the boundaries they operate within with regards Safer Recruitment. This procedure has been developed from 'Keeping Children Safe in Education 2018'. Following the procedure should help deter, reject or identify people who might abuse children, or are otherwise unsuited to work with them.

Safer Recruitment Procedures

1. Recruitment paperwork

In an effort to prevent inappropriate individuals from applying for posts within the Trust, all adverts, application forms and job descriptions/person specifications should include the following statement:

“This School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment”.

The application form should also include an explanation that the post is exempt from the Rehabilitation of Offenders Act 1974 and therefore all convictions and cautions, including those regarded as “spent” must be declared.

2. Prior to Interview

Following shortlisting, the school should always check that information about previous employment history is not contradictory or incomplete.

Two references should be obtained for all short-listed candidates, including internal ones. Where possible, they should be sought before interview so that any issues of concern can be explored further with the referee and taken up with the candidate at interview.

References should always be obtained from the candidate's current employer. Where a candidate is not currently employed, verification of their most recent period of employment and reasons for leaving should be obtained from the school, college, local authority or organisation at which they were employed.

Referees should be specifically asked about the candidate's suitability for working with children and young people, any disciplinary warnings, including time expired warnings that relate to safeguarding children and the candidate's suitability for the post. References should always be requested directly from the referee and schools should not rely on open references, for example in the form of 'to whom it may concern' testimonials.

Any offer of appointment made to a successful candidate must be conditional on satisfactory references being received.

3. The Job Offer

Any offer of appointment made to a successful candidate must be conditional on satisfactory completion of the following pre-employment checks:

a. Verifying Identification

The applicant must provide sufficient ID documents for the school to ensure that the individual is genuine. Where possible, at least one document should include a photograph (ie, passport or photo driving licence). When checking, schools should ensure that documents appear to be the originals, are current and have not been tampered with in any way. Please speak to EMET HR if you are unsure about the validity of any documents.

A copy of all documentary evidence used to verify the successful candidate's identity must be kept on their personal file.

b. Disclosure and Barring Service (DBS) checks

An Enhanced with DBS Barred List check must be carried out for all staff new to the Trust. This level of DBS allows for an additional check to be made as to whether the person appears on the children's barred list.

If an individual will be starting work before the DBS certificate is available, the school should ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, has been completed. This check can be carried out using the SECURE ACCESS Teacher Services' system.

Originals or copies of certificates must never be kept on file once the appropriate information has been entered into the Single Central Record. However, the confirmation letter from the school's DBS provider stating the individual's name, the date the disclosure was completed and the disclosure number should always be kept on the personal file.

A positive DBS disclosure does not automatically mean that the person is unsuitable for a role in school. Please speak to EMET HR if you are unsure what a positive disclose means for your school.

DBS checks may be portable if staff move between EMET schools. It is the responsibility of the outgoing and incoming school to work together to arrange transfer of the DBS details to the

incoming school. However, if a member of staff leaves the Trust to work elsewhere and then returns to the Trust a new DBS should be completed.

Individuals may choose to subscribe to the DBS update service and give permission to schools to check their current DBS status for free. This is acceptable as long as a copy of the webpage with the current DBS status is printed at the point of appointment and retained on the personal file. It is the responsibility of individuals if they wish to take advantage of the Update Service, and schools should neither advise staff to join nor pay the fee associated with being part of the service.

If a school has concerns about an existing staff member's suitability to work with children, the school should carry out all relevant checks as if the person were a new member of staff.

Staff need to be aware that if a school or college knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.

c. Individuals who have lived or worked outside the UK

In addition to the standard checks undertaken for all staff, schools must make any further checks they think appropriate for individuals who have lived or worked outside the UK, so that any relevant events that occurred outside the UK can be considered. These further checks should include a check using the Secure Access Teacher Services' system for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed.

Always contact EMET HR to discuss these checks if you would like to offer a post to an applicant who has lived or worked outside of the UK for any period of time after the age of 16.

d. Childcare Disqualification

This provision is specific to staff working with children from birth to 8 years old and within EMET will usually only be applicable to primary schools.

For staff who work in childcare provision or who are directly concerned with the management of such provision, the school needs to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009.

Only staff directly providing childcare need to be checked, so posts such as office staff, cleaners, caretakers and caterers will not usually need to be checked.

If any school allows external childcare providers to hire school premises for the provision of childcare (eg, Breakfast or After School Clubs, etc) the school must ensure that the providers have appropriate policies and procedures in place with regard to safeguarding children.

e. Teacher prohibition orders

Teacher prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges and 16 to 19 academies in England. If an applicant is subject to a Teacher Prohibition Order, this should be flagged up on an enhanced DBS with Barred List Check. The Prohibition list, along with Historic General Teaching Council for England (GTCE) and European Economic Area (EEA) sanctions or restrictions should be checked using the Secure Access Teacher Services' system.

Any person who is prohibited from teaching must not be appointed to a role that involves teaching work. The Teachers' Disciplinary (England) Regulations 2012 define 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.

Any new member of staff who has a teaching qualification should be checked for a teacher prohibition order, even if they are not being employed in a teaching role.

f. Section 128 direction

A Section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited is unable to participate in any management of an independent school as an employee, a trustee or a governor. However, a prohibited person is able to be an employee in a non-management role.

For the purposes of Section 128 direction, EMET include the following roles within the definition of 'management':

- Trustees
- Governors
- Head Teachers
- CEO and EMET Directors
- Department Heads
- Any member of the school's defined leadership team

If an applicant is subject to a Section 128 direction, this should be flagged up on an enhanced DBS with Barred List Check. The Prohibition list can also be checked using the Secure Access Teacher Services' system.

g. Qualifications

For any posts that require a professional qualification (eg, teacher, teaching assistant, finance officer, etc) schools should ensure that qualifications are in place. When checking, schools should ensure that documents appear to be the originals, are current and have not been tampered with in any way. Teaching qualifications should be cross-referenced with the individual's record on the Secure Access Teacher Services' system.

Please speak to EMET HR if you are unsure about the validity of any documents.

h. Right to Work in the UK

Everyone who works within Trust schools must be checked to ensure that they have the right to work in the UK. This is particularly important as employing an illegal worker can lead to an unlimited fine or a jail sentence.

Acceptable documents to establish a right to work in the UK are listed in Appendix 1.

Documents checks for the right to work in the UK should be signed and dated by the checker and retained in the personal file.

When checking, schools should ensure that documents appear to be the originals, are current and have not been tampered with in any way. Please speak to EMET HR if you are unsure about the validity of any documents.

i. Medical Clearance

The candidate's mental and physical fitness to carry out their work responsibilities should always be carried out. This will usually be carried out via the school's occupational health provider.

j. Overseas Trained Teachers

The DfE has issued guidance on the employment of overseas trained teachers which can be found at <https://www.gov.uk/government/publications/employing-overseas-trained-teachers-from-outside-the-eea> Schools should follow this guidance in all cases where an overseas trained teacher is the preferred candidate.

4. Single central record

All schools within the Trust must keep a single central record (referred to in the regulations as 'The Register'). The single central record must include all staff, volunteers, Governors, Trustees, supply agency staff, the EMET CEO, the EMET Deputy CEO for their educational phase, the Finance Director, HR Director and Estates Director.

The information that must be included is whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:

- an identity check;
- a barred list check;
- an enhanced DBS check;
- a prohibition from teaching check (where appropriate);
- a section 128 check (where appropriate)
- further checks on people who have lived or worked outside the UK;
- a check of professional qualifications;
- a check to establish the person's right to work in the UK.

In addition to the above statutory requirements, EMET schools will also include the following information on their single central record:

- post and contract details
- childcare disqualification (primary schools only)
- reference checks
- medical clearance
- SCR check completed

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

5. Agency and third-party staff

Schools must obtain written notification from any agency, or third-party organisation they use, that the organisation has carried out the appropriate checks on any individual who will be working at the school. Where the position requires a barred list check, this must be obtained by the agency or third-party prior to appointing that individual. This information should be included on the single central record.

The school must also check that the person presenting themselves for work is the same person on whom the checks have been made.

6. Trainee/student teachers

Where applicants for initial teacher training are salaried by the school, the school must ensure that all necessary checks are carried out.

Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. Schools should obtain written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

7. Volunteers

Volunteers who on an unsupervised basis teach or look after children regularly, or provide personal care even on a one-off basis must have an enhanced with barred list DBS check.

The school or college should undertake a risk assessment and use their professional judgement and experience when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. Details of the risk assessment should be recorded.

Under no circumstances should a volunteer who has not been checked be left unsupervised within school.

8. Contractors

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.

Schools should always check the identity of contractors and their staff on arrival.

Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised in school when students are present.

9. Governors and Trustees

Enhanced DBS checks, identity checks and Section 128 checks must be undertaken for all members of the Governing body of a school and all Trustees of the Trust before, or as soon as practicable after, any individual takes up their position. Further checks should be undertaken if an individual has lived outside of the UK for any period of time after the age of 16.

10. Legal Duty

Schools have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult; where the harm test is satisfied in respect of that individual; where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and that the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.

Where a teacher is dismissed or the school ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, who will decide whether to make a prohibition order in respect of that person.

Always contact EMET HR if you have any concerns or issues that may need to be referred to either the DBS or Secretary of State.

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Acceptable documents to establish a right to work in the UK

List A

Acceptable documents to establish a continuous statutory excuse

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4. A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.
5. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7. A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8. A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10. A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B

Group 1 – Documents where a time-limited statutory excuse lasts until the expiry date of leave

1. A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4. A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Group 2 – Documents where a time-limited statutory excuse lasts for 6 months

- 1 A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months old together with a Positive Verification Notice** from the Home Office Employer Checking Service.
- 2 An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, **together with a Positive Verification Notice** from the Home Office Employer Checking Service.
- 3 A **Positive Verification Notice** issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question