



Transform Trust Safer Recruitment September 2022

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Safer Recruitment

Introduction

The safe recruitment of staff is the first step to safeguarding and promoting the welfare of our children. 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. This is to be achieved through effective recruitment and retention of competent, motivated staff members who are suited to, and competent in their roles. The Trust/school recognises the value of and seeks to achieve a diverse workforce comprising different backgrounds, skills and abilities. As such it is committed to a recruitment and selection process which is systematic, efficient, effective and equal. In doing so, it upholds its obligations under law (both employment and education) and national collective agreements to not discriminate against applicants on grounds of age, sex, sexual orientation or identity, marital status, disability, race, colour, nationality, ethnic origin or religion.

This policy must be read by any member of staff who is actively involved in the recruitment and selection of staff

This policy was consulted on and agreed in September 2022 and is applicable to all Trust Schools and the Transform Trust.

Purpose

This policy sets out the minimum requirements of the Trust's recruitment process, taking in due consideration the statutory guidance Keeping Children Safe in Education (September 2022) that aims to:

- attract the best possible applicants to vacancies;
- deter prospective applicants unsuitable for work with children;
- identify and reject applicants unsuitable for work with children.

Equal Opportunities

Our policy is to treat job applicants and employees in the same way regardless of their gender, marital status, age, race, sexual orientation, gender reassignment, religion, pregnancy/maternity or disability and the sole criteria for selection or promotion will be an applicant's suitability for the role

In turn, we expect our staff to recognise and respect the many different racial groups, religious cultures and languages represented by the children who attend our schools, in order to help them to develop positive attitudes to diversity and to equip them to prevent them from being drawn into extremism or terrorism

Data Protection

Transform Trust is legally required to carry out the pre-appointment checks detailed in this procedure. Staff and prospective staff will be required to provide certain information to each Trust school / the Trust in order to carry out the checks that are applicable to their role. Transform Trust and its Schools will also be required to provide certain information to third parties, such as the Disclosure and Barring Service. Failure to provide requested information may result in the Trust / School not being able to meet its employment, safeguarding or legal obligations. Transform Trust / each School will process personal information in accordance with its **Privacy notice**.

Transform Trust will ensure the security of all employees' personal data at all times, whether prospective, current or ex-employees. Personal data will be processed in accordance with the General Data Protection Regulations and the Data Protection Act (GDPR) 2018. Data will be retained and disposed of in line with Transform Trust's data retention policies.

Professional Standards

Strict confidentiality must be maintained at all times by those who participate in the recruitment process. Confidential documents containing applicant details, application form, interview notes, employment offers etc. must be securely filed away.

Declaration of close personal or financial relationships with any applicant must be made to the Recruiting Manager. Anyone in this category will not be allowed to participate in the recruitment decision (this excludes ordinary working relationships).

Practices

The following procedures and practices are in place to ensure the safe recruitment of staff.

Stage 1: Advertising and Inviting Applications

All advertisements for all posts will clearly stipulate the stance adopted by this Trust by the inclusion of the following statement:

"All school roles are classed as regulated activity and as such, it is an offence to apply to for this role if you are barred from engaging in regulated activity relevant to children

Transform Trust and its schools are committed to safeguarding and promoting the welfare of children and expects staff, volunteers and other third parties to share this commitment. This appointment is subject to safer recruitment procedures and pre-employment background checks, including satisfactory references, medical, Enhanced DBS with children's barred list clearance, social media/online checks of publicly available information and completion of safeguarding children in education training

Stage 2: Pre -Application Pack

Prospective applicants are supplied with the following:

- Application Form – that includes equal opportunities monitoring form;
- DBS Enhanced disclosure requirements / Right to Work;
- School information and the setting;
- Guidance Notes for Applicants;
- Job description;
- Person Specification;
- Privacy Notice
- Link to Safeguarding Children Policy on the school website.

All applicants must complete the application form in full including their full education and employment history. The Trust will not accept Curriculum Vitae from applicants in support of or in place of an application for any post within the Trust or any of its schools. When an Application Form has been submitted electronically with only a typed name in the signature box, an applicant invited to attend an interview should be asked to sign the Application Form as part of the background compliance checks undertaken on the interview day or their first day of employment.

Applicants should be aware that providing false information on an application form is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and possible referral to the police and other professional regulatory bodies.

It is accepted that there may be potential applicants for posts in a Transform Trust school or in the Trust itself who may find some aspects of the recruitment process difficult to access. Transform is committed to ensuring wherever possible we will actively pursue all options to engage suitable candidates into roles.

Stage 3 Applicant Selection / Short-Listing

Shortlisting

Short-listing of candidates will be against the personal specification for the post, or where this is not available against criteria, which has been agreed in advance of the role being advertised.

Transform Trust is a Disability Confident Committed Employer and we aim to ensure that our recruitment processes are inclusive and accessible. We are committed to offering an interview to disabled people who meet the essential criteria as detailed in the person specification for the advertised role.

The Equality Act 2010 protects people with disabilities from unlawful discrimination. To meet the Act's definition, a person must have a physical or mental impairment, which has substantial long-term effects on their ability to carry out normal day-to-day activities. If we know you have a disability, we will adjust the working arrangement and/or the working environment, provided it is reasonable in the circumstances to do so. To be protected by the Act an individual must therefore have:

- A long term physical or mental impairment (lasting or likely to last for 12 months or more); and
- A condition that has a substantial adverse impact on his/her ability to carry out normal day-to-day activities.

Where requested and where possible, references will be obtained before the selection stage, so that any discrepancies can be probed during the selection stage.

References will be sought directly from the referee. References or testimonials provided by the candidate will not be accepted. The Trust / recruiting school will require a minimum of two satisfactory references in order to ascertain suitability to work with vulnerable groups. References must be obtained from the current or most recent employer (school/college/university). If previously worked in a school/education establishment the Headteacher must provide the reference. Where the candidate has worked in either care/education establishments within the last 5 years references must also be sought from these employers.

Where deemed necessary, previous employers who have not been specifically named as referees may be contacted in order to clarify a reason for leaving or any anomalies or discrepancies that have been identified. A detailed written note will be kept of such actions.

Referees will always be asked specific questions regarding:

- The candidate's suitability for working with children and adults at risk;
- Any disciplinary warnings or sanctions, including time-expired warnings, that relate to the safeguarding of children and adults at risk;
- The candidate's suitability for the post that they have applied for.

Shortlisted candidates must complete a self-declaration form before interview which includes a suitability to work with children declaration.

Should this highlight any issues this should be discussed either prior or during the interview with the candidate. The form advises that failure to declare any convictions (that are not subject to DBS filtering) may disqualify them from appointment or result in dismissal if the discrepancy comes to light subsequently

Internet Search

Applicants may be subject to a basic internet/media search to help identify the applicant's online identity and determine whether there may be any reputational risk to the

school/Trust based on comments made by or about them online. These searches will be undertaken by Trust HR team who will consider the information and provide a confirmatory report to the school. The report will identify anything that needs to be addressed with the candidate. Any information requiring further consideration should be discussed with the applicant and noted on the summary report from the interview documenting the considerations made. Information relating to the personal protected characteristics of the applicant (e.g. their race or sexual orientation) will not be taken into account in considering their application.

Searches should cover all countries where the applicant has lived and/or worked to ensure a full picture of their past is captured.

Selection

Selection techniques will be determined by the nature and duties of the vacant post, but all vacancies will require an interview of short-listed candidates.

- Interviews will always be face-to-face or if required at the time due to Government directives (ie working from home) by Teams/Zoom.
- All job descriptions and person specifications will have reference to safeguarding.
- The panel should consist of a minimum of 3 interviewers but for some recruitment it may be possible to run with 2.

Safeguarding questions will be included within the question plans that will be issued to the interview panel members. These must be asked at interview to identify how aware applicants are of safeguarding practices, to set the agenda for any future training needs (if their application is successful) and also to help in determining their suitability for the post they have applied for.

It is Transform Trust's intention that from September 2022, the Chair of a recruitment panel will have undertaken Unconscious Bias training or Chair of Panel training.

Candidates will always be required to:

- Explain satisfactorily any gaps in employment;
- Explain satisfactorily any anomalies or discrepancies in the information available to the recruiting panel;
- Declare any information that is likely to appear on a DBS disclosure;
- Declare if there are any other countries that they have resided in for a period of three months or more;
- Demonstrate their capability and commitment to safeguard and protect the welfare of children and adults at risk.

Transform Trust will:

- Confirm the outcome of the interview to the applicant within a reasonable timescale.
- Give detailed feedback on the interview if requested by the applicant.

Rehabilitation of Offenders Disclosure/ Employment of ex-offenders

Applicants will only be asked to declare convictions and cautions that are not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020)

The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that 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.

We comply fully with the DBS code of practice and undertake to treat all applicants for positions fairly.

Standard and Enhanced DBS certificates will include details of convictions and cautions (excluding youth cautions, reprimands and warnings) recorded on the Police National Computer (PNC).

A 'specified offence' is one which is on the list of specified offences agreed by Parliament which will always be disclosed on a Standard or Enhanced DBS certificate, regardless of how long ago it was given. This includes where a specified offence receives a caution (but not youth cautions, reprimands or warnings).

As a result of the 2020 amendment, Interview questions regarding the disclosure of offences should now be:

- Do you have any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974?
- Do you have any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020?

Enhanced DBS certificates may include information relating to a protected caution or conviction if the police consider that it is relevant to the workforce that the individual intends to work in.

All shortlisted candidates must complete a self-declaration form before interview which explains the above and requires them to complete a suitability to work with children declaration. Should this highlight any issues this should be discussed either prior or during the interview with the candidate. The form advises that failure to declare any convictions (that are not subject to DBS filtering) may disqualify them from appointment or result in dismissal if the discrepancy comes to light subsequently

In all cases where criminal convictions are disclosed, advice should be sought from the Trust Central HR Team.

Employment (vetting) Checks

All successful applicants are required to:

- Complete a self-declaration and data consent form which includes advice that a social media/ online check will be made of publicly available data
- Provide proof of identity (to include photographic evidence);
- Provide proof of eligibility to live and work in the UK;
- Complete a DBS disclosure application and receive satisfactory clearance (subject to the requirements of the role, see below);
- Produce police checks/certificate of good conduct from all countries that they have resided in for a period of more than 3 months or more in the last 10 years; Transform Trust and its schools will actively support employees / potential employees in accessing this information where possible.
- Provide original certificates of qualifications they claim to hold;
- Complete a confidential health questionnaire (only after any offer of employment has been made) and receive satisfactory clearance to ensure that they are mentally and physically fit to carry out their work responsibilities;
- Complete a childcare disqualification declaration form if the role they are to undertake requires this
- For Teachers a prohibition from teaching check will be undertaken by the Trust/school
- Assist the Trust in gaining a minimum of two references that are satisfactory to the Trust. These references will be reviewed and if deemed necessary there will be follow up discussion prior to the appointment being confirmed.

Disclosure and Barring Service (DBS) check

For most appointments, an enhanced DBS check, with childrens barred list information, will be required as the majority of staff will be engaging in regulated activity. In summary, a person will be considered to be engaging in regulated activity if, as a result of their work, they:

- Will be responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children; or
- Will carry out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- Engage in intimate or personal care or overnight activity, even if this happens only once.

For all other staff who have an opportunity for regular contact with children who are not engaging in regulated activity, an enhanced DBS certificate, which does not include a barred list check, will

be appropriate. This would include contractors who would have the opportunity for contact with children and who work under a temporary or occasional contract.

For clarification, a supervised volunteer who regularly teaches or looks after children is not in regulated activity.

Social Media/ online checks

In line with Government guidance, Keeping Children Safe in Education 2022, we will undertake online searches/ social media checks on the successful candidate to identify any incidents or issues that have happened, and are publicly available online, which may affect their suitability to work with children or the reputation of the school if they were to be employed.

The successful candidate will have already completed a data consent and self-declaration form which will provide details of their social media accounts. This form should be sent to Trust HR team who will undertake a social media/online check to establish whether there is any information in the public domain that needs to be considered. We will not ask for access to locked/private social media accounts.

Any information found will be considered by Trust HR and shared with the school if it is deemed that it warrants discussion with the candidate and/or may result in any offer of employment that has been made being withdrawn. All offer letters will include a clear online/social media check as a condition of employment

Additional Prohibition Checks

In addition, anyone who is appointed to carry out teaching work will require an additional check to ensure that they are not prohibited from teaching.

For those engaged in management roles an additional check is required to ensure that they are not prohibited under section 128 of the Education and Skills Act 2008. This includes members of the governing body and the proprietor.

For those working or in a management role of a childcare provision or a school with children aged under 8, additional checks will be made to ensure that the individuals are not disqualified under Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018 (“the 2018 regulations”) and obligations under the Childcare Act 2006 in schools.

For anyone who is appointed to carry out teaching work who has taught abroad or qualified abroad a letter of professional standing from the country/ies they have worked in will be required.

Agency Staff

For the purposes of creating the record of checks for supply staff provided through a supply Agency, the school will request written confirmation from the Supply Agency that it has satisfactorily completed all relevant checks. Access to the checks is only required where there is information contained in the Enhanced DBS Disclosure. Information disclosed as part of an Enhanced DBS Disclosure will be treated as confidential. A copy of the Agency's risk assessment relating to the DBS disclosure will be required. Identity checks will be carried out to confirm that the individual arriving at the school is the individual that the agency has referred. This will be validated via photographic identification

- These checks are at the same level, as the Trust would obtain for its own direct employees.
- Should the agency advise that the DBS has cautions or convictions recorded then the DBS certificate should be seen by the school and the Headteacher undertake a risk assessment, referring to Trust HR for guidance

Volunteers

Volunteers who may undertake unsupervised work will be required to undertake the same level of vetting as members of staff.

Separate protocols are in place to ensure the safe and appropriate appointment of volunteers. Please refer to these when considering appointing volunteers.

Where a volunteer is only attending the provision for a short period of time (less than 2 weeks), then a decision will be made as to the level of vetting that must be undertaken through a safeguarding risk assessment, and if not all vetting is to take place then they must be supervised at all times. It should be noted that this supervision requires that;

- they must be supervised by a person who is in regulated activity; and
- the supervision must be regular and day to day; and
- the supervision must be "reasonable in all the circumstances to ensure the protection of children"

Peripatetic Staff

For the purposes of creating the record of checks for peripatetic staff (for music, sports etc.) the school will require all necessary checks and DBS requirements to be fulfilled. The organisation that employs the peripatetic staff will provide a letter confirming all necessary checks have been undertaken and confirm that safeguarding training has been completed by each individual that works in regulated activity. Access to the checks is only required where there is information

contained in the Enhanced DBS Disclosure. A copy of the organisations risk assessment regarding the DBS disclosure information will be required. Information disclosed as part of an Enhanced DBS Disclosure will be treated as confidential. Identity checks will be carried out to confirm that the individual arriving at the school is the individual that the organisation has referred. This will be validated via photographic identification.

Induction and Probation

All new staff will undergo an induction that will include the Trust's Safeguarding policy and clear guidance on safe working practices. All staff taking up employment with the Trust will be enrolled onto the Trust's Induction programme, which forms the core of an induction process into the vision, values and methods of the Trust. The programme includes statutory training elements that are compliant with regulatory bodies and local authority requirements.

All new staff will be subject to a probation period as detailed in the Trust's probation policy, which provides a formal framework for ensuring that the standards of performance set by the Trust are fully communicated and that required standards are being met and maintained. During the probationary period, the individual's practice in respect of safeguarding will also be monitored. This will also include a further online/social media check. Any areas of concern will be highlighted and addressed with the individual. As detailed in the Probationary Policy, the recognised teaching Unions do not support the inclusion of a probationary period in teaching contracts. It is jointly agreed that the Trust and teaching Union colleagues will continue to work with each other on alternatives to probationary processes.

Only in exceptional circumstances will a member of staff be permitted to start work prior to their full clearances being in place. Such a decision will be taken by the headteacher in consultation with the Trust HR Team and will be subject to a full safeguarding risk assessment being conducted and mitigating actions identified, which will include as a minimum supervision of the member of staff at all times. Working without supervision under a risk assessment **will not be permitted for any staff working directly with children, young people or vulnerable adults unless they have worked in another school prior to appointment with a break of no more than 3 months, can provide the DBS certificate from their previous appointment and have satisfactory references from their most recent employer. In all cases where a risk assessment is undertaken a new barred list check should be completed.**

This policy has been written with reference to the DfE's Publications Safeguarding Children and Safer Recruitment in Education and Keeping Children Safe in Education.