



L.E.A.D. Academy Trust  
Lead • Empower • Achieve • Drive

# Safer Recruitment Policy



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### Document Control:

|                      |                                                                         |
|----------------------|-------------------------------------------------------------------------|
| <b>Reference</b>     | Safer Recruitment Policy & Procedure                                    |
| <b>Applicable to</b> | All Trust employees & Locations                                         |
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| <b>Review Date</b>   | Annually following implementation or as required by legislative changes |

## 1. Introduction

The safe recruitment of staff within the Trust is a way to safeguard and promote the welfare of children within education. This policy has been designed to ensure that the recruitment of staff or volunteers within the Trust is compliant with Department for Education (DfE) and Keeping Children Safe In Education (KCSIE) guidance. The purpose of these systems are to help deter, reject or identify individuals who may pose a risk to children.

The Trust is committed to ensuring compliance with all relevant legislation, recommendations and guidance including the statutory guidance published in KSCIE, Prevent Duty Guidance and any other guidance or code of practice published by DBS.

This policy will apply to all L.E.A.D. Academy Trust employees and L.E.A.D. Services employees. This policy does not apply to agency or contract workers.

The words 'policy' and 'procedure' may be used interchangeably within this document but are intended to have the same meaning.

### 1.1 Key Definitions

**Trust** – may be used interchangeably with the term Academy/School, however, this is to refer to any role being advertised within any location within the Trust including L.E.A.D. Services

**DBS** - Disclosure and Barring Service

**Regulated Activity** – a role will be considered as working within a regulated environment in circumstances where work is carried out frequently (meaning once a week or more); where they are responsible for training, teaching, instructing, caring for or supervising children; or overnight (between 2am and 6am); requires engagement with intimate or personal care even if this happens only once; or satisfies the period condition (meaning 4 times or more within a 30 day period) and where these conditions, paid or unsupervised unpaid work, provide the opportunity for contact with children.

**TRA** – Teacher Regulation Agency

## 2. Equality and Diversity

The Trust is committed to developing, maintaining and supporting a culture of equality and diversity in employment. Where an employee requires reasonable adjustments to participate in recruitment activities, these will be factored into arrangements being made.

The Trust recognises the value of a workforce in which people are from diverse backgrounds which encourages new ideas, experience and the ability to deliver an excellent educational experience for students. No candidate or employee should receive less favourable treatment on the grounds of age, disability, gender status, race, ethnicity, religion or belief, marriage/civil partnership or sexual orientation.

### 3. Safer Recruitment Procedure

The need for a thorough Safer Recruitment procedure is paramount, and timelines for appointment of staff will vary depending on role, the time taken to ensure a detailed and complete pre-employment process is undertaken, and the candidate's notice period.

Whilst it is recognised that appointments need to be completed at pace to ensure the continuity of provision for the students within our academies, no appointment process will circumvent the measures described in this policy.

#### 3.1 Job Descriptions

At the start of any recruitment process, it is important to define the responsibilities of the post-holder as well as the qualifications and experience required to perform in the role. Standard job descriptions are in place across the Trust in an attempt to ensure parity for employees working within the same roles, however, each individual location is able to add school/location specifics as required.

All job descriptions will detail as a minimum:

- Job title
- Salary
- Purpose of the role
- Skills and experience
- The Trust's commitment to safeguarding children and the requirement for an enhanced DBS check
- Professional qualifications needed

#### 3.2 Recruitment Adverts

All Trust roles will be advertised internally and in most instances, roles will be advertised externally using relevant recruitment systems which are considered appropriate for the level of the role. Where a candidate field is believed to exist internally, there will be no requirement to advertise externally.

Standard templates are available to advertise roles within our locations, however, individual specifics can be included to help support the recruitment process.

All adverts will display the following:

- Job title
- Hours of work
- Salary range & allowances where applicable
- Contract type e.g. permanent, fixed term etc.
- Safeguarding statement and requirements, including:
  - whether the role includes regulated or unregulated activity.

- the academy's commitment to safeguarding and promoting the welfare of children, making clear that safeguarding checks will be undertaken.
- the safeguarding responsibilities of the post as per the job description and person specification.
- whether the post is exempt from the Rehabilitation of Offenders Act 1974 and therefore that the amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure and cannot be taken into account. Further information about filtering offences can be found [here](#).
- Closing date

### 3.3 Application Forms

Application forms will be required to be completed for all roles across the Trust. Where a role involves engaging in regulated activity relevant to children, the academy will include a statement in the application form that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

The academy will also provide a copy of the safeguarding and child protection policy and information related to the employment of ex-offenders in the application pack or will refer to a link on its website.

The academy will require applicants to provide:

- personal details including current and former names, current address and NI details.
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted.
- details of their present (or last) employment and reason for leaving.
- full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps.
- qualifications, including details and date of the awarding body.
- details of referees/references (see below for further information).
- a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised, and how they meet the person specification.

The Trust will only accept copies of curriculum vitae (CV) alongside a fully completed application form, it is not sufficient on its own to support safer recruitment

**Internal Candidates** - The Trust is committed to ensuring a consistent and transparent recruitment process for all candidates, including those currently employed within the Trust. Internal applicants who wish to apply for a role outside of their current department or at another academy within the Trust are required to complete their application using the Trust recruitment portal in line with all other candidates and following safer recruitment protocols. This ensures that all candidates are assessed equitably and that safeguarding standards are upheld across all settings. However, where an employee is applying for a role within their current department or academy—such as a promotional opportunity—

they may only be required to submit an expression of interest. All internal applications will be subject to the same rigorous vetting processes as external applications, where appropriate, to maintain the highest standards of recruitment and safeguarding.

### 3.4 Invite to Interview

All candidates who are shortlisted for interview should be formally invited to interview. A suggested template for this can be found in Appendix 1.

The invite should include:

- The role for which they are being considered.
- The date, time & location of the interview.
- What the interview process will include (e.g. teaching task, formal interview, observation, data exercise etc.).
- Details of who will comprise the interview panel.
- A statement of declaration of convictions and signposting to where to seek advice on disclosures.
- Confirmation that references will be taken prior to interview.
- A statement to advise that online searches may be undertaken as part of due diligence checks
- A confirmation requiring candidates to bring original relevant documents including ID, proof of right to work, and qualifications as stated in their application.
- A confirmation from the candidate of any adjustments required to allow the individual to participate in recruitment processes.
- A request to confirm attendance at interview.

### 3.5 Online social media and online presence searches

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.

Whilst the statutory guidance advises “should”, it is recommended these are completed unless there is a very good reason to depart from this guidance; this can be discussed with either the Academy or Trust DSL for any queries. In reviewing any online searches, the Academy is looking for anything said or done which would either harm the reputation of the Academy or Trust or suggest they are unsuitable to work with children. The search should be completed by someone unconnected to the recruitment process and only pass on information which is relevant. It is important to consider timeframes for any public information but it is suggested a five year timeframe.



It is not required to search private or locked down social media accounts; any search should focus on anything provided in a public domain which is available to anyone through a usual search engine search. Candidates should not be asked for log in details for any password protected accounts.

Should anything be available in a public domain which may cause concern, it is recommended the Academy discusses with their DSL and where required the relevant HR Business Partner to determine whether this may cause any issues in relation to references or adverse information on a DBS check. It is also advised to consider whether this would bring the recruitment process to an end should this be a significant item.

### 3.6 References

References will be requested for all shortlisted candidates, including internal candidates, prior to interview unless otherwise agreed. At least one reference should be from their current or most recent employer and completed by a senior member of staff with the appropriate authority (e.g. Headteacher, Deputy Headteacher). If the referee is school or college based, the reference should be confirmed by the Headteacher as accurate in respect to disciplinary investigations. For internal candidates moving between Trust locations, two references from their current school are acceptable if they have been employed at that location for more than two years. Internal candidates for roles within their own school will not be required to provide further references.

We will:

- obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed.
- secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children).
- always verify any information with the person who provided the reference.
- ensure electronic references originate from a legitimate source.
- contact referees to clarify content where information is vague or insufficient information is provided.
- compare the information on the application form with that in the reference and take up any discrepancies with the candidate.
- establish the reason for the candidate leaving their current or most recent post.
- ensure any concerns are resolved satisfactorily before appointment is confirmed.

Referees for all candidates will be asked questions specifically in relation to the role and their suitability to work with children. We will ensure the information confirms whether they are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding allegations but should not include information about allegations that are unsubstantiated, unfounded, false or malicious. The Trust reserves the right to seek references from the candidate's current employer even if they are not listed on the application form.

References and application forms will be checked for any gaps in employment and these will be highlighted to the panel where relevant to be investigated further at interview. The panel should

consider any repeated changes in career or employers at the interview and ensure reasons for leaving are fully explored.

For those candidates who are new to work e.g. apprentices or school leavers, it is important to take advice from HR as to what an acceptable reference source would be. This would apply mainly to those applying for support roles within the school. If a teacher or teaching assistant did not feel comfortable using their current employer as a reference, this must be discussed with HR.

Receipt of at least two satisfactory references are a condition of employment. Therefore, if this condition is not met in full, it may result in any offer of employment being withdrawn with immediate effect. Our academies will not accept any open references e.g. to whom it may concern, photocopied references or rely on applicants to obtain them. In the event of either reference being unsatisfactory (for whatever reason), the academy must seek advice from the Trust HR team in the first instance before taking the recruitment process any further. Each case where unsatisfactory references are an issue will be looked at and treated individually and a risk assessment may be completed where necessary.

### 3.7 Interviews

On arrival for interview, the requested original documents should be taken from the candidate and a copy taken for the recruitment file. These copies must be signed and dated by the member of staff carrying out this role. Where an application form has been received with a digital signature, this must also be signed in person by the candidate during the interview process.

Interviews will be conducted by at least two members of staff, one of which is at a senior level and who has been formally trained in Safer Recruitment processes. Every interview will include at least one question on safeguarding practices.

The interview process will allow time for any discrepancies as above to be explored and any scrutiny of the CV/application form. Interviewers should ask suitable and relevant questions to assess the candidate's suitability for the role, including their previous experience and their motivation to work with children. No questions will be asked relating to disclosures of criminal convictions and any information inadvertently disclosed will be unlawful if taken into account in suitability decisions.

Interviews should take place face to face, however, exceptions can be made to allow for video interviews in specific circumstances. If 'in person' interviews are not able to take place, interviewers should carefully consider how assessment of suitability can be undertaken. Should there be any queries as to whether these adjustments should take place, please discuss with a member of the HR Team.

The Trust will manage the recruitment and employment of Headteachers.

### 3.8 Selection

Our academies will use a range of selection techniques to identify the most suitable person for the post. Those interviewing should agree structured questions.



These will include:

- finding out what attracted the candidate to the post being applied for and their motivation for working with children.
- exploring 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 will 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

Pupils may be involved in the recruitment process in a meaningful way. For example, observing short-listed candidates and their interaction with pupils in an appropriately supervised context.

All information considered in decision making will be clearly recorded along with decisions made.

### 3.9 Post Interview Checks – Criminal Convictions & Prohibition Checks

All Trust posts are exempt from the Rehabilitation of Offenders Act 1974 (updated 2014). Therefore, as a prospective employer, we encourage all candidates to disclose any spent and unspent convictions during the application stage. Legal changes from November 2020 came into effect that specified that:

- Cautions given under the age of 18 are no longer legally disclosed
- The multiple conviction rule was removed so that each offence must be considered individually
- Applicants must be told how to get independent, confidential advice on which cautions/convictions they must disclose and should be given time to obtain this advice which will be noted on the Trust application form.

An example flow chart for consideration of disclosures is included in Appendix 2.

Disclosures made will not be used as a reason to not shortlist the candidate unless it involves violence or may impact the safety of children. Having criminal convictions will not necessarily bar individuals from working with children, however, it is a criminal offence for any person barred from working with children to apply for a post within the Trust.

### 3.10 Enhanced DBS with Barred List Checks

Most roles within our Trust are considered as regulated activity (see [key definitions](#)) and therefore successful candidates will be required to complete an enhanced DBS with barred list application. Once

an application outcome is received, the Headteacher will review this against the declaration form submitted by the candidate at application. Should there be any discrepancies, the Headteacher will seek advice from the Trust HR team prior to discussing with the candidate. A risk assessment would be undertaken to consider whether the candidate's offer can continue, however, candidates should be aware that should the risk be considered significant, this may lead to the offer of employment being withdrawn with immediate effect even if the individual has already commenced work.

The original DBS certificate number should be verified and logged onto the Single Central Record (SCR). Copies of DBS certificates do not have to be kept in order to fulfil the duty of maintain the SCR so long as the original certificate has been seen and the number verified. Individuals may subscribe to the Disclosure and Barring Update Service. This allows for the portability of the Enhanced DBS with Barred List certificate across to the Trust (<https://www.gov.uk/dbs-update-service>). Before a school uses the update service, they must obtain consent from the applicant, confirm that the certificate matches the applicant's identity and have sight of the original certificate to ensure this is the relevant level for the role. The Headteacher, or delegated other can access this service via <https://secure.crbonline.gov.uk/crsc/check?execution=e1s1>

Should there be a need for an individual to commence employment prior to a full DBS clearance being returned, a separate Barred List check should be undertaken if they are to commence in regulated activity. This can be accessed using the Teacher's Pension Online Portal. Each location has a unique username and password for their individual licence which is re-submitted on an annual basis to ensure access is not interrupted.

A supervised volunteer is not considered regulated activity.

To assist recruiting managers on what level of background check is required, further advice can be found [here](#).

### 3.11 Prohibition Orders

We will ensure that a candidate who is a registered teacher is not subject to a prohibition order issued by the Secretary of State using the Employer Access Online Service to check these details.

The academy will check whether applicants appointed to management positions after 12 August 2015 are subject to a Section 128 Direction. (This is a direction 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 an independent school, including academies and free schools).

The scope of the barring directions (as detailed in the DfE's confirmation letter of 11 August 2015) covers membership of proprietor bodies (including governors if the governing body is the proprietary body for the school), and all staff positions as follows: Headteacher, any teaching positions on the senior leadership team, and any teaching positions which carry a department headship. Other teaching posts with additional responsibilities do not count as "taking part in management". For non-teaching staff, only posts which are part of the senior leadership team (Executive team) should be regarded as

“management” for the purposes of checking for the existence of the barring direction. The checks will be made via either the DBS route or via the NCTL Teacher Services’ System.

Any of our academies providing childcare will ensure that appropriate checks are carried out to ensure that individuals employed to work in reception classes, or in wraparound care for children up to the age of 8, are not disqualified from working in these settings under the 2018 Childcare Disqualification Regulations.

### 3.12 Verification of Candidate Identity

Evidence will be collected as proof of identity as part of the DBS process. These include photographic ID such as photo drivers licence or passport, along with other documents as proof of address. Details of documents required can be found [here](#). A copy of these documents will be retained on the employee personal file in line with KCSIE guidance.

### 3.13 Medical Clearance

Successful candidates will be required to complete a pre-employment medical questionnaire. Information in relation to health and sickness records will only be requested following an offer being made. Depending on the responses given to this questionnaire, it may be necessary that Occupational Health (OH) are instructed to assess fitness for work. Employment may be postponed until this clearance is received. However, in other circumstances, a risk assessment process may take place to allow the individual to commence work pending details from OH. Candidates should note however that should there be any concerns reported by OH to the Trust, offers of employment may be reconsidered if the individual’s health will be of concern for the role.

### 3.14 Rights to Work

All individuals will be asked to verify their rights to work in the UK. For British citizens, this will usually be their passport being the source of evidence. Until 30<sup>th</sup> June 2021, EU, EEA or Swiss Citizens can provide their passport, however, after this date, new immigration rules will apply. Individuals will be eligible for work in the UK if they have a Skilled Worker permit or through the points-based system. Further details and up to date guidance can be found [here](#).

Non-British citizens will be required to provide evidence of a biometric residence permit or card. These need to be original documents which are presented and not copies.

These documents will confirm the types of work which the candidate is allowed to undertake and for how long they are able to remain in employment.

### 3.15 Overseas Conduct Checks

Any individual who has lived or worked outside the UK within the last 5 years will be required to obtain a certificate of good conduct from the relevant country in line with KCSIE guidance. The candidate will be asked to obtain this certificate from their relevant embassy and provide an original (with translation if required). Further details of these checks can be found [here](#).

### 3.16 Verification of Professional Qualifications

Any successful candidate will be required, if not already done, to provide original copies of any qualifications relevant to the role and as stated on their application. A copy of these will be retained on the employees personal file in line with KCSIE guidance. These will be kept on file for reference. Provision of these documents are a condition of the offer of employment. Therefore, if the candidate is unable to provide these or has given false information as to their qualifications, the offer of employment may be withdrawn with immediate effect.

From January 2021, the TRA will no longer maintain a list of those teachers who have been sanctioned as qualified in EEA or EU member states. Schools must now obtain a letter of professional standing from the professional regulating authority in which the applicant qualified. In some cases, candidates will have already applied for these certificates. Further advice can be found [here](#).

Current employees who qualified outside of the UK are expected to obtain their certificates as a statement of compatibility.

## 4. Induction

All new members of staff should have an induction to their new working location and their new role which will include safeguarding information.

All new staff including volunteers and agency workers will receive a copy of:

- The Academy Code of Conduct
- The Academy Safeguarding and Child Protection Policy
- Information on the Academy safeguarding processes including who the Designated Safeguarding Lead (DSL) is and the safeguarding team
- Part 1 of KCSIE
- Location specific safeguarding and child protection training, usually updated annually for all staff

All central team staff will be provided annually with Part 1 of KCSIE to aid their understanding of their roles and responsibilities as set out in the guidance. This will be supported by additional training by the Trust Safeguarding Officer on an annual basis and will be recorded as training having been undertaken.

## 5. Agency Workers/Supply Staff/Other Temporary Workers

Any employment agency providing a worker to a Trust location (including peripatetic tutors) must provide assurances that pre-employment checks have been undertaken and that the individual is fit to work within a regulated environment. This should be submitted in writing in advance of the worker arriving on site and will form part of the contractual booking between the school and agency. The Trust reserves the right to view the original copies if required. On arrival to site, agency workers will be expected to provide evidence of ID and DBS certificate. If evidence is not provided, individuals will not be allowed to work unsupervised in regulated activity until this is received.

Any casual or temporary staff employed by the academy will be subject to the same pre-employment checks as permanent staff before commencing work.

Evidence of these checks from external sources will be recorded on the Single Central Record. Without these documents being provided, the school will not allow these staff to have unsupervised access to children.

## 6. Contractors

Children should not be allowed in areas where building contractors are working for health and safety reasons. Therefore, there should be little opportunity for workers to be unsupervised with children. However, there are occasions where contractors may be on site where contact with children may occur. This should be closely managed by the Headteacher and/or Business Manager to ensure supervision at all times should these circumstances arise.

For any contract worker who would be on site when children are present, a written letter of comfort must be provided by the employer to the Trust to confirm that relevant checks have been undertaken. Should this not be provided, it may be that the contractor cannot be allowed on site. Alternatively, supervision must be in place at all times and a risk assessment in place.

### **Self – Employed contractors**

If academies in Trust use any self-employed contractors who are attending on a regular basis and /or in regulated activity, all the relevant employment checks must be completed including DBS (unless that person has subscribed to the update service). If the person already holds a DBS (under 3 years old), then only the employment checks will need to be recorded such as Right to Work/ Lived and Worked Abroad etc. As they are self-employed they should be arrange their own DBS certificates. If the contractor works or visits across other academies in the Trust the academy must complete the all the relevant checks and see the original documents for evidence.

If their role is considered unregulated activity, then they will be treated as a visitor and the relevant risk assessments undertaken.

## 7. Volunteers and Visitors

Where a volunteer or visitor is to be engaged in regulated activity, an enhanced DBS with children's barred list check must be undertaken prior to starting their volunteering; or a 'letter of comfort' from the employer to assure the academy that all the relevant checks have been conducted. For certain roles, the check will also include information held on the DBS children's and adults' barred lists, alongside any information held by local police forces, that is considered to be relevant to the applied-for post.

If such a volunteer becomes a paid employee, then all pre-employment checks must be completed with the exception of the Enhanced DBS check as this will already be held by the school.

For volunteers who are not engaged in regulated activity, a DBS check is not required. However, they should be supervised at all times and a thorough risk assessment completed by the Headteacher or another senior member of staff prior to commencing in school. If such a volunteer becomes a paid employee, then all pre-employment checks must be completed including an Enhanced DBS check to reflect the change from volunteer to employee status.

## 8. **Governors**

All trustees and AGB members will have an enhanced DBS check without barred list information. They will have an enhanced DBS check with barred list information if working in regulated activity. The Chair of the Board will have their DBS check countersigned by the secretary of state.

All proprietors, trustees, local governors and AGB members will also have the following checks:

- A section 128 check (to check prohibition on participation in management under section 128 of the Education and Skills Act 2008). [Section 128 checks are only required for local governors if they have retained or been delegated any management responsibilities.]
- Identity checks as outlined previously
- Right to work in the UK as outlined previously
- Other checks deemed necessary if they have lived or worked outside the UK as outlined previously

## 9. **Trainees/Student Teachers**

Where applicants for initial teacher training are salaried by the academy, the school will ensure that all necessary checks are carried out. If these trainee teachers are engaging in regulated activity relating to children (which in most cases by the nature of the work, they will be), an enhanced DBS check (including children's barred list information) will be obtained.

Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. The school will obtain written confirmation from the provider that it has carried out all pre-appointment checks that our academies would otherwise be required to perform, and that the trainee has been judged by the provider to be suitable to work with children.

Whilst there is no requirement for our academies to record details of fee-funded trainees on the single central record we will record this information.

## 10. **Staff Working Within an Alternative Provision (AP) Setting**

Where the Trust places a pupil with an alternative provision provider, written confirmation will be obtained from the provider that they have carried out the appropriate safeguarding checks on individuals working there that we would otherwise perform. The written confirmation from the provider must also confirm that they recognise their duty to inform the trust of any changes that may put a child at risk such as staff changes, the trust must then ensure the correct checks have also been carried out on the new staff. It is also important that any alternative provider is registered with Ofsted either as a school or as an independent organisation. Pupils must not be placed with any provider not registered with Ofsted. The school remains responsible for the safeguarding of any pupils placed with alternative provisions providers as such Senior leaders will carry out regular visits to alternative provision (sometimes unarranged) to ensure that their pupils are safe.

## 11. Pupils Staying with Host Families

Where the academy makes arrangements for pupils to be provided with care and accommodation by a host family to which they are not related (for example, during a foreign exchange visit), we will request enhanced DBS checks with barred list information on those people.

Where the academy is organising such hosting arrangements overseas and host families cannot be checked in the same way, the school will work closely with our partner schools abroad to ensure that similar assurances are undertaken prior to the visit.

## 12. Single Central Register (SCR)

Each location within the Trust must maintain a confidential SCR document with restricted access as appropriate. The Trust's template and standards for this document exceeds minimum requirements as detailed in KCSIE.

## 13. Record Retention/Data Protection

The Trust is legally required to undertake the above pre-employment checks and therefore if a candidate is successful, their records will be retained on their staff file. This includes copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. These files are retained confidentially within the academy.

Documentation will be retained by the Trust in accordance with the Trust retention schedules and statutory compliance requirements.

Information relating to unsuccessful candidates will be retained for a period of 6 months after interview after which time, details from this process will be confidentially destroyed in accordance with General Data Protection Regulations (GDPR).

## 14. DBS Referrals

Despite the Trust's best efforts to recruit safely and retain staff, there may be occasions where serious allegations of misconduct or abuse against children arise. Whilst this policy is primarily concerned with safer recruitment, the Trust has a legal obligation to make a referral to DBS in circumstances where either an individual has applied for a role within the Trust despite being barred from working with children, or where the individual has been removed from the Trust (or resigned prior to being removed) in circumstances which suggest they pose a risk of harm to a child.

The academy will make a referral to the DBS of anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- It is believed the individual has engaged in relevant inappropriate conduct; or
- The individual has received a caution or conviction for a relevant offence, or there is reason to believe the individual has committed a listed relevant offence under the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009; or
- The 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and



- The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left.

In these circumstances, the academy may also be required to make a referral to the TRA.

## Appendix 1 – Invite to Interview Template

Dear XXXXX,

**RE: NAME OF POST for the NAME OF ACADEMY**

Further to your application for the above-mentioned position, I am pleased to advise you that we would like you to attend an interview at TIME on DATE. You should report to the main reception and ask for XXXXX.

Address for interview: *Academy address*

The interview will consist of XXXX parts:

### EXAMPLE

1. *Teaching with a particular focus on XXXXX (30 minutes)*  
*Information regarding the specifics of the class you will teach are attached/will follow shortly. This should be with you no later than tomorrow lunch time. (class size, key stage, boy/girl ratio, EAL numbers, SEN numbers, ability levels etc)*
2. *Management Exercise (information provided on the day) OPTIONAL*
3. *Formal Interview*

Panel: Names and positions within the academy.

Lunch will be provided therefore please could you let me know if you have any special dietary requirements. – Delete if not applicable.

Due to the nature of the post, your suitability to work with children will be explored during the interview. As such, you will be asked to declare any convictions, cautions or reprimands which you have incurred. Prior to the interview, we will be contacting your referees as given on your application form. If you have stated that you do not wish us to contact your current employer, this reference will not be taken up unless you are successful at interview. In line with Keeping Children Safe in Education guidance, online searches will be undertaken for publically available information which may be discussed with you during the interview process.

In accordance with current Asylum and Immigration legislation, you must provide proof of eligibility to work in the UK. Therefore, I ask that you bring original identification documentation as stated in the list of acceptable ID (attached) when attending interview. Please also provide original documentation in relation to qualifications required for this post as stated on your application e.g. evidence of Qualified Teacher Status.

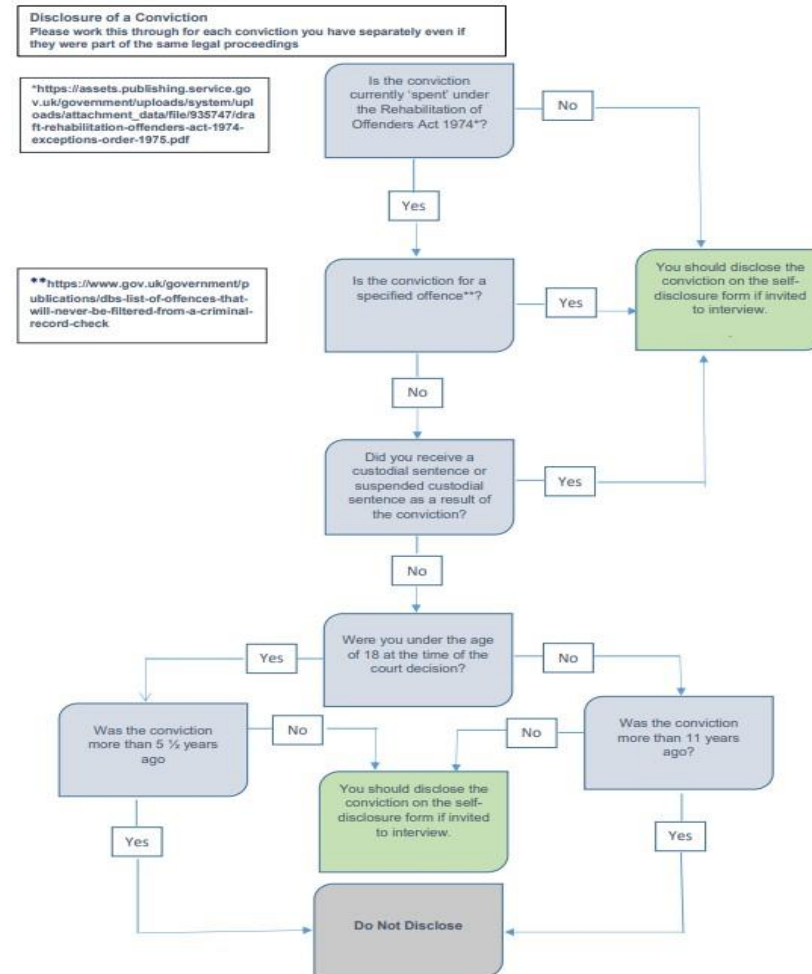
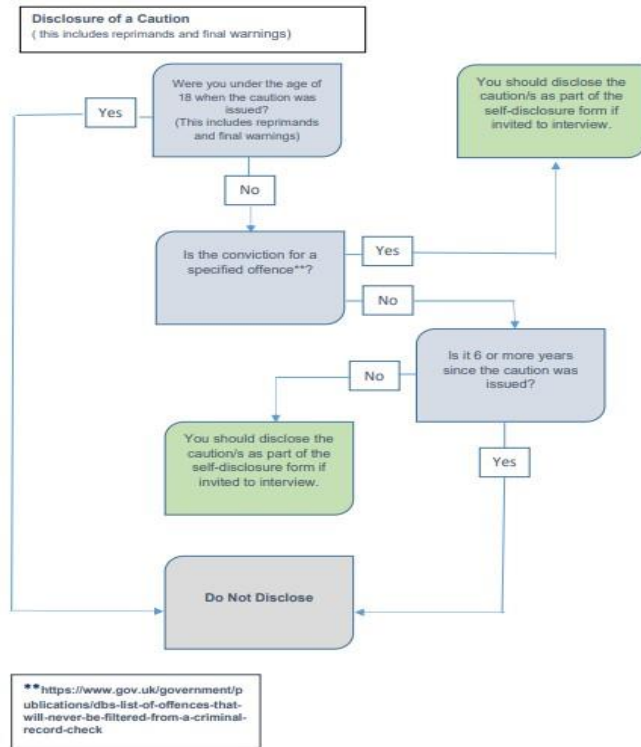
Please could you also let us know if you require any special arrangements to be made for your interview on account of a disability.

In the meantime, please confirm your attendance by return e-mail or by telephoning me on the number below as soon as possible.

Yours sincerely

Name  
Position

## Appendix 2 – Disclosures Consideration



## Appendix 3 - Main Provisions of Regulated Activity

### Purpose

This guide provides a summary of the main provisions of regulated activity relating to children. It is intended as a general aid. It is not legal advice or guidance and does not cover all aspects of regulated activity relating to children or cover all exceptions.

### Activity of a Specified Nature

Teaching, training, instruction, care for 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.

### 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: excepted is work by volunteers under regular supervision or occasional or temporary contract work that is not an activity of a specified nature listed above. Specified establishments are schools, pupil referral units, academies, nursery schools, Further Education (FE) establishments, institutions for the detention of children, children's homes, children's centres (in England), children's hospitals (in Northern Ireland) and childcare premises including nurseries.

### Healthcare of a Child (any frequency)

Healthcare provided to a child by a health care professional or by a person acting under the direction or supervision of a healthcare professional. A health care professional who is a person regulated by a professional healthcare regulator (i.e. a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002). Health care includes: all forms of health care provided for children and includes physical, mental and palliative health care; diagnostic tests and investigative procedures and procedures similar to surgical or medical care, but not provided in connection with a medical condition.

### Personal Care of a Child (any frequency)

Physical help with eating or drinking for reasons of illness or disability. Physical help with toileting (including menstruation), washing, bathing or dressing for reasons of age, illness or disability. prompting together with supervision when a child is otherwise unable to decide for themselves in relation to any of the above personal care activities. Training or advice given to a child in relation to any of the above personal care activities.

### Moderating an Online Forum for Children

Moderating a public electronic communication service likely to be used wholly or mainly by children and carried out by the same person frequently. Except activity by a person who does not have access to the content of the matter or with users of the service.

**Driving a Vehicle Used for Conveying Children**

Driving a vehicle being used only for conveying children and their carers or supervisors under a contract or similar arrangement when carried out by the same person frequently.

**Early Years or Later Years Childminding (any frequency)**

Early or later years childminding where there is a requirement to register, or for voluntary registration under the Childcare Act 2006 and where the activity takes place on domestic premises for reward.

**Fostering a Child (any frequency)****Day to Day Management of Regulated Activity (any frequency)**

Day to day management on a regular basis, of a person who is providing a regulated activity in relation to children. This includes the supervisor of a person who would be in regulated activity if not under regular supervision.

**Northern Ireland and Wales**

Regulated activity with children in Northern Ireland and in Wales also includes a number of office holders that are not in regulated activity in England. Further information is available on the DBS website.

**Other Key Exceptions to Regulated Activity Relating to Children**

Family and personal relationships excepted from regulated activity relating to children is any activity conducted in the course of a family relationship, or a personal relationship between friends for no commercial consideration. Family relationships involve close family (e.g. parents, siblings, grandparents) and relationships between two people who live in the same household and treat each other as family. Personal, non-commercial relationships are arrangements where either no money changes hands, or any money that does change hands is not part of a commercial relationship (for example, gifting a friend money for petrol after they have driven you to the hospital), and the arrangement is made between friends or family friends.

**Peer Groups**

Excepted from regulated activity relating to children is a person who is part of a peer group and is assisting or under the direction of a person who is engaging in regulated activity. For example, a student helping a teacher.

**Supervising a Child in Employment**

Excepted from regulated activity relating to children is a person who supervises a child in the course of the child's employment including work experience. However, it is regulated activity if the child is under 16 and it is carried out by an unsupervised person for whom arrangements exist principally for that purpose.

**Definition of a Child**

A child is a person aged under 18 years of age.

**Statutory Supervision Guidance**

To be supervised in accordance with HM Government's statutory guidance, the supervision must be regular and day-to-day, by a person engaging in regulated activity and reasonable in all the circumstances for the protection of children. Further information is provided in the HM Government statutory supervision guidance available from the DBS website.

**DBS Check**

An eligible organisation recruiting to a position (paid or unpaid) that falls within the definition of regulated activity relating to children, may request an applicant to obtain an enhanced DBS check with barred list check to help determine their suitability for the position, prior to engaging them. Eligible staff in post may also be re-checked to help confirm their ongoing suitability. Further information on eligibility for DBS checks is available on the DBS website.

**Legislation and Guidance**

Regulated activity relating to children is defined in Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (as amended). Further information is provided in the HM Government 'Factual Note' on regulated activity relating to children and statutory supervision guidance available from the DBS website.

Any frequency means that doing the activity once or more is regulated activity. Supervision as defined in statutory guidance on supervision and can be found [here](#). Frequently means once a week or more, or four or more times in any 30-day period. Overnight means once or more between 2am and 6am with the opportunity for face to face contact with children.

## Appendix 4 – Prohibition Checks Guidance

### Definition

A prohibition order prohibits a teacher from carrying out teaching work.

A teacher is any person who is employed to carry out teaching work in a school or sixth form college, regardless of whether they hold QTS.

Teaching work is defined as:

- Planning and preparing lessons and courses for pupils
- Delivering lessons to pupils
- Assessing the development, progress and attainment of pupils
- Reporting on the development, progress and attainment of pupils

These activities are not seen as ‘teaching work’ if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher or other person nominated by the Headteacher to provide such direction and supervision. This is outlined in The Teachers’ Disciplinary (England) Regulations 2012.

### How to do the Check

You can carry out checks for prohibitions, sanctions and restrictions by accessing Teacher Services.

This is explained in paragraph 134 of the Department for Education's (DfE's) statutory safeguarding guidance, [KCSIE](#).

### Using a Teacher Reference Number

You can search for a teacher's record in Teacher Services using the individual's teacher reference number (TRN) and date of birth.

This includes trainee, newly qualified or fully qualified teachers – with the exception of teachers who hold qualified teacher learning and skills (QTLS) status. Teacher Services allows employers to:

- Identify teachers with an active prohibition, sanction or restriction, including teacher prohibition orders.
- See details of any decision by the secretary of state not to impose a prohibition order following a determination by a professional conduct panel of unacceptable professional conduct, conduct that may bring the teaching profession into disrepute, or conviction of a relevant offence.

This is outlined in guidance from the National College and Teaching Regulation Agency.

### Without a Teacher Reference Number

You can also access alphabetical lists of teachers and others with current prohibitions, restrictions and sanctions, if you do not know an individual's TRN.



You will have to search these lists for the individual's name. If they do not appear on the list, they have not been prohibited from teaching. To ensure a thorough check, you should ask applicants for their current name and any previous names, and check all names provided. You could also ask for documents proving a change of name. The name on the Teacher Services list is likely to be the name that an individual had at the time of the prohibition.

### **Checks for Support Staff**

Any support staff who currently take part in formal teaching work or have done so in the past should have a prohibition from teaching check done.

There is no requirement to carry out prohibition from teaching checks on all teaching assistants (TAs) as a matter of course. However, a DfE representative recommended doing so, as TAs may have past teaching experience and so could potentially have been banned from teaching.

As a minimum, all higher level TAs (HLTAs) who are involved in delivering lessons should have a prohibition from teaching check. You should also carry out the check on TAs who have had any past experience of teaching in a position higher than TA. This was explained to us by a representative of the Association of School and College Leaders.

As support staff will generally not have TRNs, you need to manually check their names against the prohibition list.

### **Teacher Services Restrictions Lists**

If the individual is not on any of these lists, they can be recorded as having passed the prohibition from teaching check.