



Safer Recruitment Policy

2022-23

A handwritten signature in black ink, appearing to be 'A. J. ...', is written over a horizontal line.

CEO SIGNATURE

n/a – delegated to CEO

CHAIR OF TRUST BOARD SIGNATURE

September 2022

DATE

Annual or on updates (e.g. Keeping Children Safe in Education updates)

NEXT REVIEW DATE



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1. Introduction

- 1.1 St Bartholomew's CE MAT ("the Trust") and its constituent schools are committed to providing the best possible care and education to its pupils and recognises the importance of recruiting and retaining staff of the highest quality. To make sure we recruit suitable people, we will ensure that at least one person involved in the recruitment and employment of staff to work with children have received appropriate safer recruitment training.
- 1.2 The purpose of this policy is to set out the requirements for the recruitment of staff to the Trust and its constituent schools. In carrying out our recruitment processes we:
- are committed to the creation of a safe environment for our pupils by operating safer recruitment practices in line with the statutory requirements and guidance.
 - Will comply with the requirements of Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018).
 - Set out how we comply with Data Protection Legislation within our Data Protection Policy GDPR.
- 1.3 All decisions on recruitment will be made with regard to curriculum needs and financial circumstances. Recruitment will be solely on the basis of the applicant's abilities and individual merit as measured against the criteria for the job. Qualifications, knowledge, experience and skills will be assessed at the level that is relevant to the job.
- 1.4 This policy takes into account the provisions of ['Keeping Children Safe in Education'](#).



- 1.5 The Trust will comply with the requirements of the Equality Act (2010) and are committed to ensuring that throughout our recruitment and selection processes no applicant is disadvantaged or discriminated against because of the protected characteristics of age, disability, gender, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief and sexual orientation.
- 1.6 If an applicant makes the Trust/School aware, at any stage of the recruitment process, that they have a disability then reasonable adjustments must be considered to ensure the applicant is not disadvantaged by the process.
- 1.7 The Trust will promote equality in all aspects of school life, including the recruitment of staff, as detailed in our trust wide Equality Policy.
- 1.8 For the purposes of this policy, the individual leading in the recruitment of the new role will be referred to as the “Lead Recruiter”.
- 1.9 There may be instances where the steps taken during a recruitment exercise need to change due to the nature of the post; for example, if the Trust needed to recruit a new CEO. Where this might mean that operational steps need to change (e.g. the nominated officer to complete a given task), it does not mean that any safeguarding/safer recruitment-related steps will be missed. All relevant checks would therefore be undertaken, but the person completing the checks may change.

2. Safer recruitment

- 2.1 All recruitment must be in line with this policy to ensure that we identify, deter and prevent people who pose a risk of harm from working with our pupils.
- 2.2 The recruitment of all applicants and volunteers to our Trust must, without exception, follow the processes of safer recruitment. All offers of employment will be subject to us being satisfied that the applicant or volunteer is a suitable person to work with children and young people.



- 2.3 Any person involved in recruiting to our Trust must read the “Keeping Children Safe in Education” guidance (or updated statutory guidance) produced by the DfE and our Trust’s Safeguarding and Child Protection Policy.
- 2.4 All recruitment must be planned to ensure that there is adequate time available to recruit safely.
- 2.5 Any person who becomes aware that this policy is not being followed during recruitment must inform the Trust immediately.
- 2.6 All the checks described in sections 8/8.1/8.2/8.3 must be carried out and have been determined as satisfactory before an applicant can start their employment in the Trust.

3. Determining if a New Appointment / Change in Contract is Required

- 3.1 Different scenarios will occur where it is believed that a new member of staff is required, for example an existing member of staff resigning or an increase in the needs of the Trust and its constituent schools. However, the first decision should not be to recruit.
- 3.2 These scenarios present an opportunity to look at alternatives to the existing staffing structure. Remember to look at the resources that you have available, identifying how things can be done differently, whilst ensuring the quality of teaching and learning has not been affected. Check you are still able to afford a sustainable financial position.
- 3.3 However, prior to the process for any appointment or change in contract being started, the Trust’s online Staffing Change Request Form must be completed and submitted. Submission of this form will automatically trigger the next appropriate step in the recruitment process, which will be managed and monitored by the DFO.



4. Recruitment Panel

- 12.1 Any panel required during the recruitment process **must** have regard to the Appointment of Staff Grid. The Trust have an Appointment of Staff Grid which provides guidance on the individuals that **must** be involved in the different stages of recruitment depending on the job level that is being recruited. This Appointment of Staff Grid **must** be followed for all recruitment across the Trust and its constituent schools.
- 12.2 In accordance with statutory guidance, the Trust and its constituent schools **must** ensure that **at least one person** on any panel (required during the recruitment process) has successfully completed Safer Recruitment training.
- 12.3 The recruitment panels **must not** comprise any individual who is a close family member or close friend of any candidate.
- 12.4 For the purposes of this policy, a close family member is defined as one of the following:
- A parent, sibling or child;
 - A spouse, civil partner or partner;
 - An aunt, uncle, nephew or niece;
 - A grandparent;
 - A sibling's or child's spouse, civil partner or partner; or
 - A person who has lived with, and been part of, the candidate's family for more than two years but does not fall within any of the categories listed above.

5. Advertising and Inviting Candidates

- 5.1 The PA to the CEO, in conjunction with school office staff and the school's Headteacher(HT)/Head of School(HOS), is responsible for advertising any new role within the Trust.
- 5.2 To facilitate this responsibility the Lead Recruiter **must** complete and submit the following forms to the PA to the CEO prior to any advert being placed:
- Job Advert Form;
 - Job Description; and
 - Person Specification.



5.3 To avoid the duplication of work, where a job description and person specification template exists for a particular role then these templates should be used. Contact the PA to the CEO for confirmation of whether any such templates exist for the role in question.

5.4 Advertisements for all posts **must** include the following statement:

“St Bartholomew’s CE Multi-Academy Trust is committed to safeguarding and promoting the welfare of the children and young people and expects all staff and volunteers to share this commitment. Each applicant will be expected to undertake compliance checks including Enhanced DBS check, Prohibited list, Barred list and Qualifications.”

12.5 Advertisements **must** specify:

- The job reference number;
- A brief description of the role, and where a teaching role, the main subjects to be taught and/or the nature of any leadership allowance;
- The start date of the appointment;
- Whether the post is permanent or fixed term and, in the case of fixed term contracts, the end date of the contract;
- The remuneration for the post will be expressed in terms of the applicable pay scales;
- GDPR disclaimer relating to the use of data;
- Return email address of jobs@stbartsmat.co.uk and for candidates to include job reference in the subject line; and
- The closing date for applications.

12.6 The following documents and information **must** be available in the vacancy area of the website:

- Job advertisement;
- Job description and person specification;
- The safeguarding requirements and responsibilities of the role, such as the extent to which the role will involve contact with children;
- Whether or not the role is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. If the role is exempt, certain spent convictions



and cautions are 'protected', so they do not need to be disclosed, and if they are disclosed, we cannot take them into account;

- A statement saying that it is an offence to apply for the role if an applicant is barred from engaging in regulated activity relevant to children (where the role involves this type of regulated activity); and
- Application form.
- A copy of – or link to – our Safeguarding and Child Protection Policy and our policy on the employment of ex-offenders (see appendices A and B).

12.7 Advertisements for external vacancies will normally be placed on the Trust website (with links to this from the individual school websites) and in any suitable relevant media.

12.8 In cases where a member of staff is employed on a fixed term contract, for less than two years, for a post which then becomes available as a permanent post, this post **must** be internally advertised. The existing member of staff **must** then apply for the post if they are interested in the position and if they are the only candidate they can then, subject to approval by the CEO, be offered the permanent post without further advertising.

12.9 Where there is a reasonable expectation that there are sufficient, suitably qualified internal candidates, or staff are at risk of redundancy, vacancies may be advertised internally before an external advertisement is placed. Any internal recruitment process **must** follow the procedures set out in this policy.

12.10 Once the advert has been placed the PA to the CEO **must** communicate this (or ensure an appropriate person communicates as appropriate), along with the link, to following individuals:

- CEO;
- DFO;
- Head and Chair of the relevant School within the Trust;
- The Chair of the Trust Board for leadership roles; and
- All school office staff within the Trust.

12.11 The PA to the CEO **must** remove or action the removal of the advertisement from all sources immediately after the closing date.

6. Applications



- 6.1 All candidates for externally advertised posts **must** complete a Trust Application Form, which should be via email to jobs@stbartsmat.co.uk. An automatic email will be sent to the candidate by this inbox confirming receipt of the application.
- 6.2 The PA to the CEO is responsible for managing the jobs@stbartsmat.co.uk mail account and for organising applications into the relevant sub-folder which should be job reference order.
- 6.3 Applications can also be received by post or hand delivered but email is the preferred route. Any applications not received by email **must** not be looked at and **must** be forwarded onto the PA to the CEO. This is to ensure that all applications are only reviewed after the closing date and as part of the shortlisting process to ensure a safe and fair recruitment selection.
- 6.4 Upon a role's closing date, the PA to the CEO **must** send all applications received onto the relevant individual for shortlisting.
- 6.5 Applications **must** not be accepted where a CV is provided in place of a completed Trust Application Form.
- 6.6 Applications received after the closing date will not normally be considered unless there is proof of a postal delay. Candidates are advised to submit their application via email to avoid late arrival.
- 6.7 For posts where it is known that recruitment is likely to be difficult, subject to consent from the candidate, references may be requested as the applications are received, in order to reduce the time from the closing date to making the appointment. If this is required, then it **must** be decided upon by the Lead Recruiter prior to placing the advert and then administered by the PA to the CEO.

7. Shortlisting and References

- 7.1 All offers of employment will be conditional upon receipt of at least two satisfactory written references.



- 7.2 The Lead Recruiter is responsible for organising the shortlisting process and deciding upon how many candidates will be interviewed following this process.
- 7.3 The shortlisting process **must** adhere to the processes set out in the relevant Appointment of Staff Grid. At least one person involved in shortlisting must have completed safer recruitment training.
- 7.4 Applications **must** be shortlisted against the criteria in the person specification. Our shortlisting process will involve at least 2 people and will:
- a. Consider any inconsistencies and look for gaps in employment and reasons given for them
 - b. Explore all potential concerns
- 7.5 Once we have shortlisted candidates, we will ask shortlisted candidates to:
- a. Complete a self-declaration of their criminal record or any information that would make them unsuitable to work with children, so that they have the opportunity to share relevant information and discuss it at interview stage. The information we will ask for includes:
 - i. If they have a criminal history
 - ii. Whether they are included on the barred list
 - iii. Information about any criminal offences committed in any country in line with the law as applicable in England and Wales
 - iv. Any relevant overseas information
 - b. Sign a declaration confirming the information they have provided is true
- 7.6 We will also consider carrying out an online search on shortlisted candidates to help identify any incidents or issues that are publicly available online
- 7.7 The Lead Recruiter, supported by school office staff, is responsible for informing candidates that they have been shortlisted, the format of the recruitment day and what documentation they are required to bring to the recruitment day.
- 7.8 Where the post is for a teaching role, the candidate **must** be informed that they will be required to be observed teaching and where successful will then be invited for interview.
- 7.9 The Lead Recruiter **must** also inform the PA to the CEO of which candidates have been successful so that the PA to the CEO can inform the unsuccessful



candidates. Where any candidates request feedback the PA to the CEO **must** direct them to the Lead Recruiter.

- 7.10 We will obtain references before interview. Any concerns raised will be explored further with referees and taken up with the candidate at interview. When seeking references we will:
- a. Not accept open references
 - b. Liaise directly with referees and verify any information contained within references with the referees
 - c. Ensure any references are from the candidate's current employer and completed by a senior person. Where the referee is school based, we will ask for the reference to be confirmed by the headteacher/principal as accurate in respect to disciplinary/safeguarding investigations
 - d. Obtain verification of the candidate's most recent relevant period of employment if they are not currently employed
 - e. Secure a reference from the relevant employer from the last time the candidate worked with children if they are not currently working with children
 - f. Compare the information on the application from with that in the reference and take up any inconsistencies with the candidate
 - g. Where it has not been possible to obtain references before the interview any concerns that are subsequently raised will need to be resolved before the appointment is confirmed
- 7.11
- 7.12 In order to comply with the Equality Act 2010, information relating to sickness absence will only be requested after a conditional offer of employment has been made and only if necessary (see advice from HR if this is the case).
- 7.13 Written references should be sought and obtained directly from the referee. References or testimonials provided by the candidate **must** not be accepted. Or letters that are addressed 'to whom it may concern'.
- 7.14 Where necessary, previous employers who have not been named as referees may be contacted to clarify any such anomalies or discrepancies. Detailed written records **must** be kept of such exchanges.
- 7.15 If a candidate for a teaching post is not currently employed as a teacher, checks should be made with their most recent school to confirm details of employment and reasons for leaving. The Trust have a Reference Request



template which **must** be used for all reference requests and this template can be obtained from school office staff.

- 7.16 Employees are entitled if requested to view their employment references.
- 7.17 If the field of candidates is felt to be weak, the post may be re-advertised.

8. Selection Process

- 8.1 Applicants will be short-listed against the requirements of the person specification. The same people should carry out the short-listing and the interviews wherever possible. The outcome of the short-listing process will be recorded and retained.
- 8.2 The equal opportunities monitoring form must be removed from the application and not provided to the short-listing panel.
- 8.3 The Lead Recruiter is responsible for choosing the most appropriate selection techniques applicable to the nature and duties of the post. However, the final stage of the selection process **must** be an interview with the make-up of the interview panel adhering to s3 Recruitment Panel. The panel are responsible for scrutinising the application forms and identifying any gaps in employment or other areas that may affect an applicant's suitability to work with children and young people. A satisfactory explanation for any concerns must be obtained from the applicant during the interview process.
- 8.4 All candidates for teaching posts **must** be observed teaching and, if appropriate, complete professional tasks.
- 8.5 Candidates who are successful in the initial stages of the selection process, such as a lesson observation and professional tasks, will be invited to attend for interview. Unsuccessful candidates will not be interviewed. Unsuccessful candidates will be informed by the HT/HOS (or nominated officer) that they have been unsuccessful.
- 8.6 The interview should use the Trust's Interview Questions Template relevant to the role. These templates consist of a number of pre-defined questions that



aim to ensure a safe, fair and effective recruitment process as well as the ability for the Lead Recruiter to choose their own questions beyond these.

- 8.7 Interviews should always be face to face. In rare circumstances e.g. if the candidate is abroad this may be conducted via a visual electronic link. Candidates **must** always be required to:
- Explain satisfactorily any gaps in employment;
 - Explain satisfactorily any anomalies or discrepancies in the information available to the panel;
 - Declare any information that is likely to appear on a DBS disclosure (candidates will be asked about disclosures prior to interview, and the interview panel will not know the outcome of this discussion. Any potential disclosures will be discussed with a DSL from within the Trust. Candidates will be directed to advice prior to interview of any offences which need to be disclosed);
 - Demonstrate their capacity to safeguard and protect the welfare of children and young people.
 - Declare any adjustments they would need to work safely with us
- 8.8 Where an offer of appointment is to be made, the Lead Recruiter is responsible for informing that candidate and for informing the unsuccessful candidates along with providing professional and constructive feedback, if requested.
- 8.9 The offer of employment and acceptance by the candidate is binding on both parties, subject to satisfactory completion of the pre-employment checks and satisfactory references. Upon verbal acceptance of the offer from the candidate the Lead Recruiter **must** immediately inform the PA to the CEO who will then liaise with the school's office staff to ensure that a written offer, which includes a reference to the offer being conditional to satisfactory completion of pre-employment checks, is sent to the candidate **within 2 working days**.
- 8.10 The Lead Recruiter **must** also inform, and support, the school office staff in completing the Appointment Notification Form and conducting the pre-employment checks, some of which may have been completed when the candidate came for interview.



- 8.11 Once the Appointment Notification Form has been completed this **must** be authorised and submitted to HR@stbartsmat.co.uk or the relevant payroll provider as appropriate.

9. Interviews

- 9.1 A face to face interview must take place for all applicants to all posts. The use of video conferencing, Zoom, Skype, MS Teams or other similar technologies is acceptable for this purpose where face to face interviews are not possible e.g. due to a pandemic or if the candidates are in another country at the time of interview.
- 9.2 All those involved in interviewing must be properly prepared to undertake the role, which may involve appropriate interview training. At least one person on the interview panel must have passed the appropriate safer recruitment training and this must be recorded in the interview documentation. (From September 2014 and subject to parliamentary procedure, schools may choose appropriate training which as a minimum covers the Keeping Children Safe guidance and will no longer need to be provided by a person approved by the Secretary of State).
- 9.3 The purpose of the interview is to assess the merits of each applicant against the job description and person specification to establish their suitability for the post and to work with children and young people.
- 9.4 Interviews should be conducted with a minimum of two interviewers on the panel ideally with an equal gender balance to enable one interviewer to assess the applicant, observe and make notes whilst the applicant talks to the other interviewer.
- 9.5 Before the interview commences the interview panel should have:
- prepared appropriate questions for the role;
 - prepared appropriate questions to test the applicant's suitability to work with children and young people;
 - identified any areas for further probing e.g. if a criminal record has been declared or if there are gaps in employment etc;
 - agreed assessment criteria which reflects the person specification; and
 - decided a structure to the interview and established which member of the panel will ask which questions.



- 9.6 A set of common questions relating to the requirements of the post will be asked of each applicant. Their response will determine whether that is followed up through further questioning.
- 9.7 Any gaps in employment history must be explored during the interview process.
- 9.8 Candidates shortlisted for interview will be asked about their suitability to work with children. They will also be required to disclose and then discuss criminal convictions and/or cautions which are not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) that may deem them unsuitable.

10. Other selection methods

- 10.1 In addition to a face to face interview with the interview panel a variety of other selection methods may be used, such as:
- Observation of teaching practice in our Trust schools or in the applicant's current school or academy.
 - One or more additional panel interviews (for example, a panel made up of pupils/staff/governors;
 - A presentation;
 - In tray exercises; and
 - Psychometric testing.
- 10.2 Those responsible for deciding the arrangements for recruitment to a specific post will determine the selection method(s). They will be relevant and appropriate to the role and will be based on the requirements for the particular post as set out in the job description and person specification.
- 10.3 Candidates will be informed in advance if any selection methods are to be used in addition to a face to face interview and what these are.
- 10.4 Should there be a conflict of interest between members of the interview panel and applicant, the panel member must declare this prior to the start of the interview process by notifying the Chair of the interview panel or HT/HOS/CEO as appropriate.



11. Level of language proficiency

11.1 Under the 'fluency duty' (Part 7 of the Immigration Act 2016), public authorities are required to ensure that workers in public facing roles are fluent in English (or Welsh in Wales). Public facing roles are those members of teaching and support staff who, as a regular and intrinsic part of their role, are required to speak to members of the public (including students in schools).

11.2 The Trust will accept a range of evidence of spoken English language ability as follows:

- competently answering interview questions in English;
- possessing a relevant qualification for the role attained as part of education in the UK if fully taught in English by a recognised institution abroad.
- passing an English spoken language competency test or possessing a relevant spoken English qualification, taught by a recognised institution abroad.

12. Pre-Employment Checks

12.1 All successful candidates **must** undergo the pre-employment checks listed below where the check required is applicable to the role:

- receipt of at least two satisfactory written references (one of which must be their current or most recent employer);
- verification of the applicant's identity, preferably from current photographic ID and proof of address;
- verification of the applicant's mental and physical fitness to carry out their work responsibilities;
- verification of qualifications where relevant;
- verification of professional status where applicable. For teachers, this will include checking that the individual has the required teaching qualification and has successfully completed any statutory induction, if required, through the Teacher Services System <https://teacherservices.education.gov.uk/>
- satisfactory enhanced DBS check;



- for management positions (Applicable to Governors/Directors, HT/HOS, members of the Senior Leadership Team and Departmental Heads), verification that they are not subject to a Section 128 direction or any sanction or restriction imposed (that remains current) by the GTCE before its abolition in March 2012 by checking the Teacher Services System <https://teacherservices.education.gov.uk/>
- for teachers and other employees who hold QTS who are working in non-teaching roles, verification that they are not subject to a prohibition order by checking the Teacher Services System <https://teacherservice.education.gov.uk/>
- for teachers, satisfactory check to determine any restrictions/sanctions that have been imposed in other EEA member states, through the provision of a letter of professional standing from the professional regulating authority in the country that they qualified.
- a clear children's barred list check (except supervised volunteers);
- obtain a separate barred check if an individual will start work in regulated activity before the DBS certificate is available;
- verification of right to work in the United Kingdom (we will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards);
- any further checks where the applicant had lived or worked outside of the UK including receipt of criminal record information from overseas <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>
- confirmation that the applicant is not disqualified from providing childcare (This will apply where the school undertakes any of the following:
 - Runs its own before or after school clubs or activities for children up to the age of 8
 - Provides education for children up to the age of 5
- social media checks

12.2 All checks **must** be:

- Documented and retained on the personnel file;
- Recorded on the school's Single Central Record (or for any staff employed within the MAT central business support team or central leadership, on the MAT Single Central Record);



- Followed up if they are unsatisfactory or if there are any discrepancies in the information received;
- Completed prior to the candidate starting their employment with the Trust and its constituent schools

12.3 The Lead Recruiter, supported by school office staff, is responsible for ensuring all pre-employment checks are completed where applicable and for keeping the candidate informed of the progress.

12.4 Where a delay in the completion of the pre-employment checks is likely to cause a delay in the candidate's start date, the Lead Recruiter **must** inform the candidate and the DFO as soon as possible.

12.5 Where pre-employment checks may delay the candidate's start date, exceptions may only be made in circumstances where a risk assessment has been undertaken and the Lead Recruiter has obtained prior authorisation from the CEO. Exceptions **must not** be made in the case of the Barred List and Teacher Prohibition checks.

12.6 The Trust reserves the right not to proceed with or terminate employment with immediate effect if the DBS check reveals relevant unspent convictions which have not been declared on the application form or if any of the documents referred to above have been falsified in any way.

13. Disclosure and Barring Service DBS checks - new employees and volunteers (including Governors/Directors/Members)

13.1 The Trust will carry out a risk assessment to determine if a DBS check is required for each volunteer in accordance with Keeping Children Safe in Education.

13.2 In exceptional circumstances a new employee or unsupervised volunteer may be able to start before the enhanced DBS check has been received, but not before the children's barred list check has been completed. The Trust must ensure that appropriate supervision is in place until the DBS check has been received and an appropriate risk assessment is undertaken and recorded on file. The barred list can be checked separately prior to the DBS check being



returned using the Teaching Regulation Agency website here:
<https://teacherservices.education.gov.uk/>

- 13.3 DBS certificates will only be issued to the applicant. All applicants must produce the disclosure when requested to do so. The disclosure will be scrutinised to ensure it is authentic and to detect any fraud. The DBS disclosure number and date of the check must be recorded in the SCR. We are not required to take a copy of the DBS certificates; however, we may choose to do so for decision making purposes. Any copy will be held for no longer than necessary, and up to a period of six months and be processed in line with Data Protection Legislation.
- 13.4 Any applicant who refuses to produce their DBS disclosure will not be able to start work at the Trust and the conditional offer will be withdrawn as satisfactory checks are not in place. Any volunteer who refuses to produce their disclosure will not be able to volunteer in any of our schools.
- 13.5 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).
- 13.6 For volunteers, where a school has pupils under 8 years old:
 - a. We will ensure that the appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought.
- 13.7 Information relating to an individual's criminal record will only be shared with the relevant people to enable the Trust to make a decision about their suitability to work with children and young people.
- 13.8 In relation to Governors/Directors/Members:
 - a. All Governors/Directors/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.



- b. A section 128 check (to check prohibition on participation in management under section 128 of the Education and Skills Act 2008).
- c. Identity (non-statutory to record on SCR)
- d. Right to work in the UK
- e. Other checks deemed necessary if they have lived or worked outside the UK

14. Disclosure and Barring Service (DBS) checks – existing employees and volunteers

- 14.1 An enhanced DBS check and a children's barred list check will be carried out for all existing staff and unsupervised volunteers (subject to risk assessment) where their contact with children or young people has increased from that at their time of appointment.
- 14.2 An enhanced DBS and children's barred list check may be carried out on any employee or unsupervised volunteer (subject to risk assessment) where the Trust has concerns about an individual's suitability to work with children and young people. An enhanced DBS (no barred list check) may be carried out on any supervised volunteer (subject to risk assessment) where the Trust has concerns about their suitability to work with children and young people.
- 14.3 DBS certificates will only be issued to the applicant. The Trust expects all applicants to produce the disclosure when requested to do so. Any existing employee who does not produce their DBS disclosure will be managed through the disciplinary procedure.
- 14.4 All existing employees are required to inform the Trust of any change in their criminal record. This includes convictions, cautions, arrests and police investigations which are not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1075 (2013 and 2020). The Trust requires all employees to sign a declaration on an annual basis that there has been no change in their criminal record. Action may be taken as a result of any change or any failure to inform the Trust of any change.



- 14.5 Staff working in alternative provision settings:
- a. Where we place a pupil with an alternative provision provider, we obtain written confirmation from the provider that they have carried out the appropriate safeguarding checks on individuals working there that we would otherwise perform.

15. Agency Staff

- 15.1 In the case of agency staff, the Trust must ensure that the arrangement with the agency imposes an obligation on the agency to carry out all recruitment checks, including DBS and children's barred list checks, that the Trust would otherwise complete for its staff. The Trust must obtain written confirmation from the agency that these checks have been carried out and are satisfactory. This must be recorded in the SCR.
- 15.2 Upon the engagement of an agency worker, the agency must be supplied with a copy of the Trust's Managing Allegations Against Staff Procedure unless they have previously been provided with the most recent version of this procedure.
- 15.3 In relation to trainee/student teachers, where applicants for initial teacher training are salaried by us, we will ensure that all necessary checks are carried out. Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children. Where schools have children under 8 years old, in both cases this includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

16. Barred List

A separate Barred List check **must** be carried out if an individual is expected to commence employment before the DBS Certificate is available.

17. Verification of Identity and Address (completed at interview)

- 17.1 All candidates **must** provide evidence of identity, address and qualifications, examples of which are set out below:



- Original birth certificate
- Current driving license (including photograph) or passport or full birth certificate; and
- Two utility bills or statements (from different sources) which are less than three months old showing their name and home address; and
- Documentation confirming their National Insurance number (P45, P60 or National Insurance card).

17.2 Where a candidate claims to have changed his/her name by deed poll or any other mechanism (e.g. marriage, adoption, statutory declaration) they **must** provide documentary evidence of the change.

17.3 In all cases original (not photocopy) documents **must** be provided.

18. Verification of Qualifications (completed at interview where possible)

All candidates **must** provide actual certificates that evidence they have obtained any qualifications required legally or otherwise for the role. Qualifications legally required including QTS for teachers (there are times when this is not possible at interview stage; for example, for new teachers, they don't have qualification evidence until they finish their degree which is often after they are appointed).

19. Prohibition Order Check

A Prohibition Order Check **must** be carried out on all candidates to be employed as teachers.

20. Section 128 Direction

A check against the 128 Barring List **must** be carried out for candidates for management positions.

21. Asylum and Immigration



Before anyone starts work with the Trust, there is a legal obligation to confirm that they are eligible to work in the United Kingdom. This check **must** be carried out on every potential new employee, regardless of their nationality. Failure to confirm someone's asylum and immigration status due of their nationality would be contrary to the Asylum and Nationality Act 2006.

22. Medical Fitness

- 22.1 It is a statutory requirement under the [Education \(Health Standards\) \(England\) Regulations 2003](#) that anyone appointed to work with children or young people **must** be medically fit. It is the Trust's responsibility to be satisfied that the candidate has the appropriate level of physical and mental fitness before the appointment can be confirmed.
- 22.2 All prospective employees **must** complete a pre-employment health questionnaire.
- 22.3 Information provided will remain confidential to the Occupational Health provider and will be used to match the candidate's fitness to the proposed duties. Management will only receive an opinion of the candidate's fitness for the duties outlined.
- 22.4 In some cases candidates may be asked to attend for a health assessment.
- 22.5 Failure to disclose or giving false information could lead to termination of employment.

23. EEA Check – changes with effect from 1 January 2021

Prior to 1 January 2021, a European Economic Area (EEA) check was completed if required to check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed. From 1 January 2021, Teachers will be requested to provide proof of their past conduct as a teacher.



This should be a letter of professional standing issued by the professional regulating authority in the country in which they worked.

24. Issue of Contract and Personnel File

- 24.1 The Trust or the payroll provider (as appropriate to the school) produces contracts of employment.
- 24.2 The school's office staff are responsible for submitting the authorised Appointment Notification Form to the Trust or the payroll provider (as appropriate to the school) and for liaising with the Trust or the payroll provider (as appropriate to the school) to action the issue of the contract of employment.
- 24.3 The Central Business Team Administrator Manager or the payroll provider (as appropriate to the school) **must** pass the contract on to the school's office staff for review prior to it being issued to the candidate.
- 24.4 The school's office staff **must** issue any correspondence with the candidate which includes:
- Contract of employment;
 - Terms and conditions of employment;
 - New Starter Form; and
 - Pre-employment Medical Report.
- 24.5 The school's office staff are responsible for obtaining the completed documents listed in s9.1.4 from the candidate.
- 24.6 Each member of staff **must** have an electronic personnel file.



- 24.7 The school's office staff are responsible for ensuring that personnel files are kept up to date and there is a Personnel File Checklist to assist with this which **must** be used and completed where applicable for all members of staff.
- 24.8 For new members of staff, the PA to the CEO **must** provide the school's office staff with the original copies of any completed documentation from the candidate for filing within the personnel file, for example the written offer letter and signed contract of employment.

25. Induction and probationary period

All new staff **must** confirm they have received, read and understood the following documents:

- Staff Code of Conduct and Safeguarding and Child Protection Policy (which includes the Children Missing in Education procedures);
- Digital Safeguarding Policy (which includes Acceptable Use of ICT and Mobile Phone Policy);
- Behaviour Policy for the School at which they are based;
- Staff Handbook; and
- Part 1 of 'Keeping Children Safe in Education.' (for staff who do not directly work with children, the HT/HOS may choose to ask the member of staff to just read Annex A)
- Once the starting date has been agreed, a local induction programme should be arranged and appropriate stakeholders notified.
- Appointments will be made subject to a satisfactory probationary period (in line with the Trust Probationary Policy), where appropriate. New employees' progress should be monitored closely by a designated member of the senior management team during this period. A recommendation should be discussed and agreed at the probation interview as to whether the employment should be confirmed, extended or terminated. Early Careers Teacher (ECT) induction must be in line with statutory guidance on the induction of ECTs.

26. Fixed Term contracts



HR should be referred to when considering recruiting to a fixed term position. The Trust should only recruit on fixed-term contracts when:

- It is known that the job, task or project will last for only a temporary period
- It is known in advance that a particular job will come to an end on a specific date

27. Meeting short-term/Ad-hoc staffing requirements

- 27.1 From time to time there may be a necessity to employ a worker on an 'ad-hoc' basis to cover situations where work fluctuates unexpectedly and where consequently the employer cannot guarantee work and also to avoid the costs associated with using agency workers. In these circumstances, an offer of work can be made using workers that fall into three categories ie: Casual Workers, Workers (Agency) and Contractors
- 27.2 Casual Workers - an agreement between the worker and the School/Trust where: the employer is not obliged to provide work and the worker is not obliged to accept any work offered. Casual workers should receive a written copy of their terms and conditions and will be subject to all relevant pre-employment checks outlined in this policy.
- 27.3 Agency Workers - engaged under a contract of services and includes supply staff and have access to rights under the Agency Worker Regulations.
- 27.4 Off Payroll Workers i.e. Self Employed/Independent Contractors - engaged under a contract for services or consultancy services. IR35 employment status checks on these workers must be undertaken to determine if they are in scope of IR35.

28. Internal secondment

- 28.1 Secondment opportunities support a developmental and motivating workplace enabling staff to develop their knowledge, skills and experience. Internal secondments can allow the Trust to recruit to short or fixed term



vacancies whilst enabling secondees to develop skills and their understanding of particular areas of work. Objectives for secondments may include the following:

- temporarily filling a vacancy where the host school/department lacks the appropriate expertise
- transfer of expertise
- a project assignment
- secondee's personal and professional development
- creation of career development opportunities
- cover of extended leave eg. maternity or adoption leave

28.2 When a member of staff is undertaking an internal secondment, individual objectives should be set with him/her aligned to the overall objectives of the School/Trust and improvement plans. These individual objectives are agreed at an initial meeting at the beginning of the secondment and then regularly reviewed with the relevant Leader. An Internal Secondment applies to members of staff who have successfully completed their probation, have been employed by the Trust for a minimum of 12 months and are performing satisfactorily in their substantive role. The latter will be assumed unless there is information to the contrary by way of evidence of performance-related discussions with their manager. The maximum period for a secondment is usually 2 years.

28.3 It will be for the HT/HOS/CEO to determine whether a fixed-term contract may be advertised on a secondment basis. This would apply in circumstances where it is considered likely that the expertise required to fulfil the role already exists within the Trust. Alternatively, an individual may identify an advertised fixed-term opportunity for which they would like to be considered on a secondment basis if they fulfil the required criteria for the role. It will be at the discretion of both the individual's line manager and the recruiting manager to decide how to proceed with the secondment request in such circumstances. If the secondment request cannot be accommodated, it will be for the individual to apply for the post on the same basis as other applicants and s/he will relinquish his/her right to return to their current post.

28.4 **Internal secondments**

- An internal secondment is the temporary deployment of a member of staff to another role for a specific purpose and period of time to the mutual benefit of all parties. A secondment is usually for no longer than



2 years and is different to a Temporary Responsibility arrangement which is defined below.

- Internal secondments occur where a Department wishes to temporarily deploy a member of staff who has the appropriate skills, knowledge and experience to undertake particular responsibilities that cannot be covered by existing roles. Normally these responsibilities are expected to be for a limited duration although there are occasions when the secondment offers an opportunity to assess whether the need for the particular expertise is likely to be longer term.
- Secondments may be within the individual's place of work i.e. School/Trust in which the member of staff works (normally where there is no increase to the staffing establishment) or elsewhere within the Trust. The same principles apply to full and part time secondments.
- The Trust supports the use of internal secondments, recognising them as:
 - personal and professional development for the individual
 - a means of succession planning
 - adding to the skills base of the Trust
- Any internal secondment can be made as a direct appointment, if the period of secondment is 12 months or less or it can be made through the normal recruitment process, restricting advertising to internal staff only. Prior to advertising a secondment opportunity, the recruiting Manager should seek advice and guidance from the Trust and HR Representative.
- Where a post contains specialist or specific skills that can only be sourced within a specified group of staff or a particular Department, or where a Department/School is undergoing organisational change, it may be possible to advertise the secondment to these limited groups only. In these circumstances the relevant HT/HOS should consult with their HR representative before advertising the secondment.
- An internal secondment is different to a temporary responsibility arrangement. A temporary responsibility is generally where unplanned cover for a position at a higher level is required for a short period of



time, e.g. due to the absence of the substantive post holder, usually within the same department.

28.5 External Secondments

- The Trust supports the use of external secondments, recognising them as personal and professional development opportunities for the individual. An external secondment must be approved by the Trust, and a formal secondment agreement in place between the School/Trust and the external provider. Please contact HR to ensure the appropriate arrangements have been implemented prior to the individual commencing the secondment opportunity.

29. Record Keeping

- 29.1 Each of the Trust's constituent schools **must** maintain a Single Central Record collating when and by whom checks on identity, qualifications and outcomes of Barred List and DBS checks on staff were made. There is also a central MAT Single Central Record for centrally employed administrative and leadership positions.
- 29.2 There is a requirement to request full details of DBS checks carried out on staff through an agency and the need for the Trust to keep a record that checks have been verified, when and by whom.
- 29.3 A copy of all documents used to verify the successful candidate's identity and qualifications will be retained on the personnel file. All files within the personnel file **must** be password protected or access **must** be restricted to appropriate individuals.
- 29.4 All other documents obtained or used during the recruitment process for both successful and unsuccessful candidates **must** be retained. Under the Data Protection Act, applicants have the right to request access to notes written about them during the recruitment process and therefore interview notes must be retained. After 6 months, school office staff **must** securely destroy all information about unsuccessful candidates.
- 29.5 Information disclosed as part of a DBS check will be treated as confidential.



30. Breaches of the Policy

- 30.1 Any instances of this policy not being adhered to will be taken very seriously and appropriate disciplinary action will be taken.
- 30.2 Any complaint in relation to this policy, including its application will be managed through the Trust's complaints policy or grievance policy (for existing employees).

31. Other Policies

This policy should be read in conjunction with the Trust Safeguarding and Child Protection Policy and the Equality Policy.



Appendix A: Recruitment of Ex-Offenders Policy & Procedure

St Bartholomew's CE MAT and its schools will not unfairly discriminate against any applicant for employment based on conviction or other details disclosed. We make appointment decisions based on merit and ability. If an applicant has a criminal record this will not automatically bar them from employment with the Trust. Each case will be decided on its merits in accordance with the objective assessment criteria.

All positions within the Trust are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered "spent" except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules.

A failure to disclose a previous conviction (which should be declared) may lead to an application being rejected or, if the failure to disclose is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

It is unlawful for the Trust to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at the Trust.

The Trust will make a report to the Police and / or the DBS if:

- it receives an application from a barred person;
- it is provided with false information in, or in support of an applicant's application; or
- it has serious concerns about an applicant's suitability to work with children.

Assessment criteria

If relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Trust will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;



- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and the circumstances surrounding the offence and the explanation(s) offered by the applicant.

If the post involves regular contact with children, it is the Trust's normal policy to consider it a high risk to employ anyone who has been convicted at any time of any the following offences:

murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence; or serious class A drug related offences, robbery, burglary, theft, deception or fraud. If the post involves access to money or budget responsibility, it is the School's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

If the post involves some driving responsibilities, it is the Trust's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving [within the last ten years].

Assessment procedure

If relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Trust will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the HT/HOS/CEO before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the Trust may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

Retention and security of disclosure information

The Trust's policy is to observe the guidance issued or supported by the DBS on the use of disclosure information.



In particular, the Trust will:

- store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted;
- not retain disclosure information or any associated correspondence for longer than is necessary, and for a maximum of six months.
- The Trust will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any disclosure information is destroyed by suitably secure means such as shredding; and prohibit the photocopying or scanning of any disclosure information without the express permission of the individual to whom the disclosure relates.

If a DBS Certificate reveals any convictions, the person concerned will be invited to attend an interview with the HT/HOS to discuss the conviction(s) and circumstances. Following this meeting a risk assessment will be carried out and a decision made and communicated back to the person concerned. For safer recruitment purposes, until this decision has been made the applicant should not commence employment.



Appendix B: Policy Statement on the Recruitment of Ex-offenders

This policy is available to all DBS applicants from the outset of the recruitment process.

- As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), this Trust and its schools comply fully with the Code of Practice and undertake to treat all applicants for positions fairly.
- The Trust undertake not to discriminate unfairly against any subject of a DBS check based on a conviction or other information revealed.
- The Trust can only ask an individual to provide details of convictions and cautions that we are legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended)
- The Trust and its schools will only ask about convictions and cautions that are not protected.
- This Trust and its schools are committed to the fair treatment of its staff, potential staff and users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependents, age, physical/mental disability or offending background.
- This Trust and its schools actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- An application for a criminal record check is only submitted to DBS after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary, all application forms, job adverts and recruitment briefs will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.
- The Trust ensures that all those in the Trust who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences.



- The Trust also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- At interview, or in a separate discussion, the Trust ensures that an open and measured discussion takes place about any offences or other matter that might be relevant to the position.
- Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
- The Trust makes every subject of a criminal record check submitted to DBS aware of the existence of the code of practice and makes a copy available on request.
- We undertake to discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.