

# Safe Recruitment Policy

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**Ellesmere College**

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## 1. Policy Statement

- 1.1 This policy has been developed to embed safe recruitment practices and procedures throughout Ellesmere College and to support the creation of a safer culture (see also the College's separate Child Protection Policy).
- 1.2 Ellesmere College is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.
- 1.3 This policy complies with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (**DfE**), <sup>1</sup>*Keeping Children Safe in Education* September 2023 (KCSIE), <sup>2</sup>*Disqualification under the Childcare Act 2006 (Updated 2018)* (**DUCA**), the <sup>3</sup>Prevent Duty Guidance for England and Wales 2015 updated April 2021 (**the Prevent Duty Guidance**) and any guidance or code of practice published by the Disclosure and Barring Service (**DBS**).
- 1.4 This policy is an essential element in creating and maintaining a safe and supportive environment for all pupils, staff and others within the school community and aims to ensure both safe and fair recruitment and selection of all staff and volunteers by:
- attracting the best possible candidates/volunteers to vacancies;
  - deterring prospective candidates/volunteers who are unsuitable from applying for vacancies;
  - identifying and rejecting those candidates/volunteers who are unsuitable to work with children and young people.

## 2. Roles and Responsibilities

- 2.1 The Governing Body of the College will:
- ensure the College has effective policies and procedures in place for the safe and fair recruitment and selection of staff and volunteers in accordance with Department for Education guidance and legal requirements;
  - monitor the College's compliance with them;
  - ensure that appropriate staff and governors have completed safe recruitment training.
- 2.2 The Headteacher will:
- ensure that the College operates safe and fair recruitment and selection procedures which are regularly reviewed and up-dated to reflect any changes to legislation and statutory guidance;
  - ensure that all appropriate checks have been carried out on staff and volunteers in the College;
  - monitor any contractors and agencies compliance with this document;
  - promote the safety and wellbeing of children and young people at every stage of this process.

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<sup>1</sup> KCSIE 2023

<sup>2</sup> DUCA

<sup>3</sup> Prevent Duty Guidance for England and Wales 2015

### 3. Inviting Applications

- 3.1 All advertisements for posts of regulated activity, paid or unpaid, will include the following statement; *The College is committed to safeguarding and promoting the welfare of its students and expects its staff to share this commitment. Applicants must be prepared to undergo child protection screening including checks with past employers and DBS (Disclosure & Barring Service)*. References will be sought and verified at the short-listing stage as part of our Safeguarding Children procedure.
- 3.2 All applicants will receive a pack containing the following when applying for a post:
- A statement of the College's commitment to ensuring the safety of the pupils.
  - A statement to advise that the College will need to obtain a DBS certificate on any successful applicant.
  - Job description and person specification (if appropriate) for the post applied for.
  - Web-link to the College's Safeguarding Policy.
  - Web-link to the College's Safe Recruitment Policy.
  - An application form.
  - Relevant information about the College's Child Welfare policies, i.e. Child Protection Policy.
  - A statement on the application form to say that an online search may be carried out on short listed candidates – Reading as *'An online search may be carried out on shortlisted candidates'*.
- 3.3 The job description should clearly state:
- the main duties and responsibilities of the post; and
  - the individual's responsibility for promoting and safeguarding the welfare of children he/she is responsible for, or comes into contact with.
- 3.4 Person specification should:
- include the qualifications and experience and any other requirements needed to perform the role in relation to working with children;
  - explain how these requirements will be tested and assessed during the selection process. For example, "In addition to candidates' ability to perform the duties of the post, the interview will also explore issues relating to safeguarding and promoting the welfare of children including:
    - motivation to work with children;
    - ability to form and maintain appropriate relationships and personal boundaries with children;
    - emotional resilience in working with challenging behaviours; and
    - explain that if the applicant is short-listed any relevant issues arising from his/her references will be taken up at interview.

3.5 Prospective applicants must complete, in full, and return the signed application form. There are currently two application forms, one for teaching staff and the other for support staff.

3.6 The application form will include:

- full identifying details of the applicant including current and former names, date of birth, current address and National Insurance number;
- a statement of any academic and / or vocational qualifications the applicant has obtained that are relevant to the position for which he/she is applying with details of the awarding body and date of award;
- a full history in chronological order since leaving secondary education, including periods of any post-secondary education/training and part-time and voluntary work as well as full time employment, with start and end dates, explanations for periods not in employment, education or training and reasons for leaving employment;
- a declaration of any family or close relationship to existing employees or employers of Ellesmere College (including councillors and governors);
- details of referees. One referee should be the applicant's current or most recent employer and normally two referees should be sufficient. NB Where an applicant who is not currently working with children has done so in the past it is important that a reference is also obtained from the employer by whom the person was most recently employed in work with children. The form should make it clear that references will not be accepted from relatives or from people writing solely in the capacity of friends.

#### **4. The Recruitment Panel**

4.1 It is best practice for at least one member of any appointment panel to have undertaken safe recruitment training.

4.2 This training will cover, as a minimum, the contents of the statutory guidance for schools and colleges "*Keeping Children Safe in Education September 2023*"

#### **5. References (for Shortlisted Candidates)**

The purpose of seeking references is to allow employers to obtain factual information to support appointment decisions.

5.1 Two references, one of which must be from the applicant's current/most recent employer, will normally be taken up before interview where possible so that any discrepancies may be explained further with the referee and taken up with the candidate at interview. Ensure references from current employers have been completed by a senior person with appropriate authority (if the referee is school or college based, the references should be confirmed by the headteacher/principal as accurate in respect of any disciplinary investigations).

5.2 References will be sought directly from the referee, and where necessary, will be contacted to clarify any anomalies or discrepancies. Detailed written records will be kept of such exchanges. Applicants should not be relied on to obtain their own reference.

- 5.3 Where necessary, previous employers who have not been named as referees may be contacted in order to clarify any such anomalies or discrepancies. Detailed written records will be kept of such exchanges. Verification will be obtained of the individuals most recent relevant period of employment where the applicant is not currently employed.
- 5.4 References will be requested from the relevant employer from the last time the applicant worked with children (if not currently working with children).
- 5.5 Referees will be asked specific questions about the following:
- The candidate's suitability to work with children and young people;
  - Any disciplinary warnings, including time-expired warnings, relating to the safeguarding of children and young people;
  - The candidate's suitability for the post.
- 5.6 Reference requests will include the following:
- Applicants current post
- 5.7 All appointments are subject to satisfactory references, vetting procedures and DBS clearance.
- 5.8 The College Policy on the Recruitment of Ex-Offenders will be consulted when there is a disclosure.
- 5.9 The College will not accept open references e.g to whom it may concern and will ensure that electronic references originate from a legitimate source
- 5.10 Where information is vague or insufficient information is provided, referees should be contacted to clarify content. Information on the application form should be compared with that in the reference and any discrepancies taken up with the candidate
- 5.11 The College should establish the reason form the candidate leaving their current or most recent post
- 5.12 The College will ensure any concerns are resolved satisfactorily before appointment is confirmed
- 6. The Selection Process**
- 6.1 Selection techniques will be determined by the nature and duties of the post but all vacancies will require an interview of short-listed candidates.
- 6.1.1 At least two people are to carry out shortlisting
- 6.2 Interviews will always be face-to-face.
- 6.2.1 At least one interviewer will have been part of the shortlisting process
- 6.3 Shortlisted candidates may have an online search carried out on them, as part of due diligence

6.3.1 Candidates will be informed of this, as part of the application process

6.3.2 Candidates may be asked to supply their social media handles in order for an initial search to be conducted.

6.4 Candidates will be required to:

- explain 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 the DBS disclosure;
- demonstrate their ability to safeguard and protect the welfare of children and young people

## **7. Pre-appointment Checks**

7.1 An offer of employment to a successful candidate, including one who has lived or worked abroad, must be conditional upon satisfactory completion of pre-employment checks.

7.2 When appointing new staff, the College must:

- verify a candidate's identity, to be sure that the person is who they claim to be. Best practice is checking the name on their birth certificate, where this is available, in line with guidelines found on the GOV.UK website; See Appendix 1.
- obtain a certificate for an enhanced DBS check with a barred list information where the person will be engaging in regulated activity;<sup>4</sup>
- if staff are transferred under TUPE (transfer of undertakings Protection of Employment) DBS information will be passed to the new employer and a note made in the register that details have been accepted under TUPE (providing there has not been a 3 month break in employment and all information is complete);
- obtain a separate barred list check (List 99) if an individual will start work in regulated activity before the DBS certificate is available (see section 7.4);
- check that a candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State<sup>5</sup>, using the Teaching Regulation Agency (TRA) Employer Access service <https://teacherservices.education.gov.uk/>.
- Check that a candidate engaged in management roles is not prohibited under Section 128 provisions<sup>6</sup> using the TRA Employer Access service <https://teacherservices.education.gov.uk/>.

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<sup>4</sup> *The Education (Independent School Standards) (England) Regulations 2014, Schedule 1, Part 4 apply to independent schools, including free schools and academies*

<sup>5</sup> *Section 141B of the Education Act 2002*

<sup>6</sup> Section 128 of the Education and Skills Act 2008 provides for the Secretary of State to direct that a person may be prohibited or restricted from participating in the management of an independent school.

- verify the candidate's mental and physical fitness to carry out their work responsibilities.<sup>7</sup> A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role;<sup>8</sup>
- the College will make reasonable adjustments to enable disabled people to carry out their duties effectively;
- verify the person's right to work in the UK. The College will follow advice on the GOV.UK website;
- if the person has lived or worked outside the UK, make any further checks the College consider appropriate (see section 7.5);
- verify professional qualifications, as appropriate. The TRA Teacher Services' system should be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation; and
- this information is recorded on the single central register (SCR).

7.3 A DBS certificate must be obtained from the candidate before or as soon as practicable after appointment. Alternatively, if the applicant has subscribed to it and gives permission, the College may undertake an online update check through the DBS Update Service.

7.3.1 There is no requirement to obtain an enhanced DBS check if, in the three months prior to beginning work in their new appointment, the applicant worked for the College (and had been subject to a DBS check).

7.3.2 Individuals can join the DBS Update Service when applying for a new DBS check; this will allow them to re-use this check when applying for similar jobs. With the individual's consent, their employer can go online and carry out a free, instant check to see if a new DBS is required: [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service).

7.4 If an enhanced disclosure is delayed, the Head may allow the member of staff to commence work:

- without confirming the appointment;
- after a satisfactory barred list check through the TRA Employer Access service <https://teacherservices.education.gov.uk/> or
- where an individual has worked in a post in a school or college that brought them into regular contact with children or young persons which ended not more than three months prior to that person's appointment to the organisation
- the DBS application has been made in advance;
- with appropriate safeguards taken, such as 'loose supervision';
- safeguards are reviewed at least every two weeks;
- the person in question is informed what these safeguards are;

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<sup>7</sup> *Education (Health Standards) (England) Regulations 2003.*

<sup>8</sup>Section 60 of the Equality Act 2010.



- a note is added to the single central register and evidence kept of the measures put in place.

7.5 Applicants with checks of overseas residence (including the EEA):

7.5.1 Individuals who have lived or worked outside the UK must undergo the same checks as other staff

7.5.2 In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

These checks could include, where available:

- criminal records check for overseas applicants – Home Office guidance can be found on GOV.UK; and for teaching positions
- obtaining a letter (via the applicant) from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach. This is often the Department/Ministry of Education but varies across the world. Whilst the safeguarding and qualified teacher status (QTS) processes are different it is likely that this information will be obtained from the same place. Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database. Applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body.

7.6 The Childcare (Disqualification) Regulations 2009 place additional requirements on the College if the post holder is to work in early years provision, later years provision (children who have not attained the age of 8) or are directly concerned in the management of such early or later year provision.

7.6.1 These staff need to complete the College's Disqualification Declaration form. See Child Protection and Safeguarding Policy and Procedures, Appendix 5.

7.7 All staff will receive a copy of Part 1 of *Keeping children safe in education September 2023* and will be required to confirm that they have read it and have completed the KCSE Ellesmere E-Learning Test.

## 8. Appointment of Supply Staff

8.1 The College will check with the relevant supply agency that the required checks have been carried out:

- Identity
- Enhanced disclosure (renewed every 3 years)
- Right to work in the UK
- Barred list (List 99)
- Prohibition

- Qualifications
- Overseas checks
- Disqualification under the Children’s Act 2006 (Updated 2018)
- Two references
- Declaration of medical fitness
- Check previous employment history

8.2 The College will carry out an identity check when the supply staff arrive.

8.3 The College will see the supply staff’s disclosure certificate (DBS).

8.4 The single central register shows that these checks have been carried out and records the DBS details.

## **9. Appointment of Proprietors**

9.1 The ‘proprietor’ is the body of persons registered with the DfE as being responsible for the management of the school; formally constituted board of governors.

9.2 The following checks will be carried out:

- Enhanced disclosure
- Identity
- Overseas checks, where appropriate
- Right to work in the UK
- Prohibition from teaching
- Prohibition from leadership and management under Section 128 of The Education and Skills Act 2008 provisions, using the TRA Teacher Services’ System.

9.3 All checks will be carried out in advance of appointment or as soon as practicable after appointment.

## **10. Induction**

10.1 All staff and volunteers who are new to the College will receive an induction, including teaching staff, regardless of previous experience. The purpose of the induction is to:

- provide training and information about the College’s policies and procedures;
- support individuals in a way that is appropriate for the role for which they have been engaged;
- confirm the conduct expected of staff within the school;
- provide opportunities for a new member of staff or volunteer to discuss any issues or concerns about their role or responsibilities; and
- enable the person’s line manager or mentor to recognize any concerns or issues about the person’s ability or suitability at the outset and address them immediately.

10.2 The content and nature of the induction process will vary according to the role and previous experience of the candidate, but as far as safeguarding and promoting the welfare of children is concerned, the induction programme should include information about, and written statements of:

- policies and procedures in relation to safeguarding and promoting welfare, e.g. child protection, anti-bullying and harassment, anti-discrimination on all grounds, including race, gender, disability, sexual orientation, religion or belief, age and transgender, physical intervention/restraint, intimate care, internet safety and any local health and safety, child protection and safeguarding procedures;
- safe practice and the standards of conduct and behaviour expected of staff and pupils in the establishment;
- how and with whom any concerns about those issues should be raised; and
- other relevant personnel procedures, e.g. disciplinary, capability and whistle-blowing.

The programme should also include attendance at child protection training appropriate to the person's role.

10.3 All successful candidates will undergo a period of monitoring and will:

- meet regularly with their line manager
- attend any appropriate training

## **11. Contractors**

11.1 Contracted out staff that work in the school on a long term basis will be subject to the same checks as College staff (see section 8.1).

11.2 Where the employees of contractors that have access to areas where unsupervised contact with children is possible, the contractor will undertake DBS checks:

11.2.1 before the individual starts work the company should confirm that the checks have been carried out satisfactorily;

11.2.2 the College will check the individual's identity on arrival;

11.2.3 the College will keep these records.

11.3 Self-employed contractors should be checked by their professional association to obtain a DBS.

11.4 Occasional/temporary contractors can be employed for emergency work and are an exception to the definition of regulated activity:

11.4.1 if the workers are not in regulated activity a DBS check is not needed;

11.4.2 if the work gives them opportunity for regular contact with children then an enhanced DBS check without barred list information must be carried out;

- 11.4.3 unchecked contractors will under no circumstances be allowed to work unsupervised. The College will determine the appropriate level of supervision depending on the circumstances.

**12. Monitoring and Review:**

- 12.1 This policy will be reviewed every year or following the issue of any new guidance from the Department of Education or ISI.
- 12.2 The review will be carried out by the Deputy Head Pastoral and recommendation sent to the Head for authorisation.

<b>Authorised by</b>	The Head
<b>Date</b>	September 2023

<b>Reviewed by</b>	DHP
<b>Date</b>	September 2023

<b>Effective date of policy</b>	September 2023
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### **Recruitment Checklist**

1. Advertisement to include: *The College is committed to safeguarding and promoting the welfare of its students and expects its staff to share this commitment. Applicants must be prepared to undergo child protection screening including checks with past employers and DBS (Disclosure & Barring Service).* References will be sought and verified at the short-listing stage as part of our Safeguarding Children procedure.
2. Application Form, hard copy and on-line.
3. Job description and Person Specification (if appropriate).
4. Shortlist by telephone and letter to confirm date/times to candidates.
5. At least one member of the recruitment panel will have undertaken safe recruitment training.
6. References sought – send reference request form.
7. Verification of candidate's identity.
8. DBS / List 99.
9. Early / later years Disqualification Declaration Form (if relevant).
10. Keeping Children Safe in Education, September 2023 – all new staff to read and then complete and pass Ellesmere's KCSE E-Learning Test
11. Induction of new staff.

### **APPENDIX 1:**

List of valid identity documents: Gov.com

#### Group 1: primary identity documents

- Any current valid passport
- Biometric residence permit (UK)
- Current driving licence, photocard; (full or provisional); UK/Isle of Man/ Channel Islands and EEA
- Birth certificate Issued within 12 months of birth; UK, Isle of Man and Channel Islands - including those issued by UK authorities overseas, for example embassies, High Commissions and HM Forces
- Adoption certificate (UK and Channel Islands)

#### Group 1a: trusted government documents

- Current driving licence (full or provisional) paper version (if issued before 1998); UK/Isle of Man/ Channel Islands and EEA;
- Current driving licence photocard- (full or provisional); All countries outside the EEA (excluding Isle of Man and Channel Islands);
- Birth certificate – issued after the time of birth (UK, Isle of Man, Channel Islands and EEA);
- Marriage/civil partnership certificate (UK and Channel Islands)
- Immigration document, visa or work permit – Issued by a country outside the EEA. Valid only for roles whereby the applicant is living and working outside of the UK. Visa/permit must relate to the non EEA country in which the role is based.
- HM Forces ID card (UK)
- Fire arms licence (UK, Channel Islands and Isle of Man)

Group 2b: Financial and social history documents

- Mortgage statement (UK or EEA) \*\*
- Bank/building society statement (UK and Channel Islands or EEA)\*
- Bank of building society statement (Countries outside the EEA- branch must be in the country where the applicant lives and works)\*
- Bank/building society account opening confirmation letter (UK)\*
- Credit card statement (UK or EEA)\*
- Financial statement – e.g. pension, endowment (UK) \*\*
- P45/P60 statement (UK and Channel Islands)\*\*
- Council tax statement (UK and Channel Islands)\*\*
- Letter of sponsorship from future employment provider (non UK/non EEA only; valid only for applicants residing outside the UK at the time of application; must be valid at the time of application).
- Utility bill (UK; not mobile telephone bill)\*
- Benefit statement e.g. child benefit, pension (UK) \*
- A document from central or local government/government agency/local authority giving an entitlement e.g. from the Department for Work and Pensions, the Employment Service, HM Revenue and Customs (UK and Channel Islands) \*
- EEA national ID card (must be valid at the time of application)
- Irish Passport Card (Cannot be used with an Irish passport; must be valid at the time of application)
- Cards carrying the PASS accreditation logo (UK and Channel Islands; must be valid at time of applications)
- Letter from Head or College Principal (for 16-19 year olds in full time education. This is only used in exceptional circumstances if other documents cannot be provided; must be valid at the time of application).

Note: if a document in the list of valid identity document is:

Denoted with \* - it should be less than three months old

Denoted with \*\* - it should be less than 12 months old.