

## SAFE RECRUITMENT POLICY

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v1.0	Autumn 2021	S Pinfield	Point 17 has been added.
V2.0	January 2024	S Pinfield	Policy reviewed to ensure compliant with 2020 change in legislation which became effective 28 October 2023. Legal advice taken and whilst policy was compliant it required the date 2020 to be added into the references to the legislation Rehabilitation of Offenders Act 1974 (ROA 1974) (Exceptions) Order 1975 (as amended in 2013 and 2020) ('Exceptions Order')

<b>Review frequency</b>	Policies will be reviewed in line with EST internal policy schedule and/or updated when new legislation comes into force
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<b>Author</b>	HR Manager

The electronic version is the definitive version of this document.

## Table of Contents

SAFE RECRUITMENT POLICY .....	1
1. Introduction.....	2
2. Existing Staff .....	3
3. Roles and Responsibilities.....	3
4. Inviting Applications .....	4
5. Identification of the Recruitment Panel .....	5
6. Shortlisting and References.....	5
7. Invitation to Interview .....	6
8. The Selection Process.....	6
9. Employment Checks.....	7
10. Induction.....	8
11. Trustees, Governors and Members .....	8
12. Volunteers .....	9
13. Contractors.....	9
14. Trainee/student Teachers.....	10
15. Supply Staff Agency and Third-Party Staff .....	10
16. Staff Working in Alternative Provision Settings, including trips involving overnight accommodation. ....	10
17. Policy Statement on the recruitment of ex-offenders. ....	10

### 1. Introduction

- 1.1 This policy applies to all schools and operations of Endeavour Schools Trust (“The Trust”), and to all of its workforce and volunteers.
- 1.2 In this policy, “we”, “us” and “our” means the Trust.
- 1.3 This policy has been developed to embed safer recruitment practices and procedures throughout the Trust and to support the creation of a safer culture by reinforcing safeguarding and well-being of children and young people in our care. This policy complies with guidance outlined in the Department for Education’s Keeping Children Safe in Education.
- 1.4 This policy reinforces the expected conduct outlined in our Staff Code of Conduct as well as our Confidential Reporting Policy, which all staff are expected to be familiar with. All successful candidates for paid or volunteer employment will be made aware of these documents.

- 1.5 This policy is an essential element in creating and maintaining a safe and supportive environment for all pupils, staff and others within the Trust 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.
- 1.6 We are committed to using procedures that deal effectively with those adults who fail to comply with our safeguarding and child protection procedures and practices.

## 2. Existing Staff

- 2.1 If we have concerns about an existing member of staff's suitability to work with children, we will carry out all the relevant checks as if the individual was a new member of staff. We will also do this if an individual moves from a post that is not regulated activity to one that is.
- 2.2 We will defer to the Disclosure and Barring Service (DBS) anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:
- We believe the individual has engaged in relevant conduct; or
  - The individual has received a caution or conviction for 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); or
  - The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left
- 2.3 We will also refer to the DBS an employee following a disciplinary investigation, who is dismissed or resigns because of misconduct towards a pupil and we may refer any concerns we have before the completion of this process.
- 2.4 As an employer we are under a duty to refer any allegation of abuse against a member of staff to the Local Authority Designated Officer (LADO) within one working day of the allegation being made. A referral will be made if a teacher or member of staff (including volunteers) has:
- Behaved in a way that has harmed a child, or may have harmed a child
  - Possibly committed a criminal offence against or related to a child
  - Behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children

## 3. Roles and Responsibilities

- 3.1 The Trust will:

- Ensure we have effective policies and procedures in place for the safe and fair recruitment and selection of staff and volunteers in accordance with the Department for Education guidance and legal requirements
- Monitor our compliance with them
- Ensure that appropriate staff, trustees and governors have completed safer recruitment training (and repeat this every 5 years)

3.2 The Chief Executive, Safeguarding Director and Headteachers will:

- ensure that all schools and operations of the Trust operate safe and fair recruitment and selection procedures which are regularly reviewed and updated to reflect any changes to legislation and statutory guidance;
- ensure that all appropriate checks have been carried out on staff and volunteers in the Trust;
- monitor contractors and agencies compliance with this document;
- promote the safety and well-being of children and young people at every stage of this process.

## 4. Inviting Applications

4.1 All advertisements for posts of regulated activity, paid or unpaid, will include the following statement:

“Endeavour Schools Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share in this commitment. All post holders in regulated activity are subject to appropriate vetting procedures and a satisfactory “Disclosure and Barring Service (DBS) Enhanced Check”.

4.2 Advertisements for posts also make clear that staff will be expected to promote fundamental British Values.

4.3 All applicants will receive website links for the following when applying for a post:

- A statement of our commitment to ensuring the safety and well-being of the pupils
- Job description and person specification
- The safeguarding and Child Protection Policy, appropriate to the school or operation when the post is based
- The selection procedure for the post
- Our Confidential Working Policy
- An Application form
- Copy of our Code of Conduct
- The Safer Recruitment Policy

4.4 Prospective candidates must complete, in full, a signed application form. Incomplete application forms will be returned to the applicant where the deadline for completed forms has not passed.

4.5 Candidates submitting an application form completed online will be asked to sign the form if called for interview.

4.6 We will ask for written information about previous employment history and check that the information given is not contradictory or incomplete.

4.7 A curriculum Vitae will not be accepted in place of a completed application form.

## 5. Identification of the Recruitment Panel

5.1 At least one member of the Selection and Recruitment Panel will have successfully completed training in safer recruitment within the last 5 years.

## 6. Shortlisting and References

6.1 Candidates will be shortlisted against the person specification for the post.

6.2 Shortlisted candidates will meet at least all the essential criteria of the person specification.

6.3 We will seek references on all short-listed candidates, including internal candidates, normally before interview. We will scrutinise these and seek to resolve any concerns during interviews and certainly before confirming appointments. The references requested will ask specific questions about the suitability of the applicant to work with children. Two references, one of which must be from the applicants current/most recent employer where possible, will be taken up before the selection stage so that any discrepancies may be probed during this stage of the procedure (note references should come from the head/line manager of the previous organisation, not a colleague).

6.4 Where a candidate is an internal candidate references will not be sought from a member of the shortlisting/interview panel.

6.5 References will be sought directly from the referee and, where necessary, they will be contacted again to clarify any anomalies or discrepancies. Detailed written records will be kept of such exchanges. Where possible references will be requested and attempts made to ensure receipt in advance of interviews.

6.6 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. Permission to contact anyone not given as referee on their application form will be requested from the applicant prior to such exchanges.

6.7 Where previous employers have a policy to submit what is known as a “corporate reference” that provides minimal information, applicants will be asked to provide further referees that are able to provide character references and comment on the applicants suitability to work with children.

6.8 References that are not from previous employers i.e. “personal references” must be made by a person of “good standing” in the community and/or a holder of professional qualifications/membership of a professional body.

6.9 Referees will be asked specific questions about the following:

### *All referees*

- The candidate’s suitability to work with children and young people

- The candidate's suitability for the post, including the candidate's ability and willingness to promote fundamental British Values.

*Previous employers will also be asked*

- Any substantiated allegations
- Any disciplinary warnings, including time-expired warnings, relating to the safeguarding of children and young people.

6.10 Employer reference requests will include the following:

- Applicants current post and salary
- Disciplinary record.

6.11 All appointments are subject to satisfactory references, vetting procedures, Right to Work in the UK and DBS clearance.

## 7. Invitation to Interview

7.1 Candidates called to interview will receive:

- A letter or email confirming the interview and any other selection techniques
- Details of the interview day including names and position of the panel members
- Further copy of the person specification
- Details of any tasks to be undertaken as part of the interview process.
- The opportunity to discuss the process prior to the interview

7.2 Candidates called to interview will be asked to provide proof of identity and relevant qualifications. Original documents requested are

- passport,
- driving licence (if appropriate),
- a utility bill showing your current address dated within the last three months,
- national insurance number
- birth and any documentation proving any change of name if applicable,
- Relevant qualifications e.g. degree certificate and certificates proving your qualification to teach.
- Proof of your membership to the General Teaching Council (DFES number) is also required. (Teachers only)
- If not a national of either the UK and Colonies having the right to abode in the UK, evidence of your right to work and remain in the UK.
- Current DBS.
- Self-Disclosure Safeguarding declaration.

## 8. The Selection Process

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

8.2 Interviews will always be face to face, in exceptional circumstances this may be by video call. Interviews may include additional interview techniques such as observations or exercises.

8.3 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 and their ability and willingness to promote fundamental British values.

## 9. Employment Checks

9.1 An offer of employment will be conditional and all successful candidates will be required to:

- Verify their identity
- Obtain (via the Trust) an enhanced Disclosure and Barring Service (DBS) certificate, including barred list information for those who will be engaging in regulated activity. We will not keep a copy of this for longer than 6 months
- Obtain a separate barred list check if they start work in regulated activity before the DBS certificate is available. This will only be following completion of a risk assessment and approval by the Chief Executive.
- Verify their mental and physical fitness to carry out their work responsibilities
- Verify their right to work in the UK. We will keep a copy of this verification for the duration of the staff members employment and for 2 years afterwards.
- Verify their professional qualifications, as appropriate
- Ensure they are not subject to a prohibition order if they are employed to be a teacher

9.2 Further additional checks will be carried out, as appropriate, on candidates who have lived or worked outside of the UK, including (where relevant):

- Any teacher sanctions or restrictions imposed
- Criminal records checks or their equivalent overseas police check for any individual who within the last five years\* has lived or worked outside the United Kingdom, whether they are a British citizen or not.

*\* Five years is a guide and we may carry out any further checks that we think appropriate so that any relevant events that occurred outside the UK can be considered.*

9.3 We will check that candidates taking up a management position are not subject to a prohibition from management (known as a Section 128 Check) direction made by the Secretary of State. This applies to:

- CEO and any central post on the Executive Team and senior leadership team
- Headteachers
- Teaching posts on senior leadership teams
- Teaching posts which carry a departmental head role
- Support staff posts on a senior leadership team: and
- We will assess on a case-by-case basis whether the check should be carried out when appointments are made to teaching and support roles which carry out additional responsibilities.

- It also applies to appointments to the Trust’s Board of Directors and Local Governing Bodies.

9.4 The relevant information for a Section 128 is contained in the enhanced DBS disclosure (which we obtain for all posts that amount to regulated activity). It can also be obtained through the Teaching Regulation Agency Teacher Services system. We will use either, or both, methods to obtain this information.

9.5 For our schools with pupils aged under 8 we will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare Disqualification Regulations and Childcare Act 2006.

9.6 Where we take a decision 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 on the individual’s personnel file. This will include our evaluation of any risks and control measures put in place, and any advice sought.

9.7 “Regulated activity” means a person who will be:

- Responsible, on a regular basis in a Trust setting, for teaching, training, instructing, caring for or supervising children; or
- Carrying out paid, or unsupervised unpaid, work regularly in a Trust setting where that work provides an opportunity for contact with children; or
- Engaging in intimate or personal care or overnight activity, even if his happens only once and regardless of whether they are supervised or not

9.8 All checks will be

- Confirmed in writing
- Documented and retained on the personnel file
- Recorded on our Single Central Record
- Followed up if they are unsatisfactory or if there are any discrepancies in the information received.

9.9 Employment should only commence following all checks and procedures being satisfactorily completed.

## **10. Induction**

10.1 All staff and volunteers who are new to the Trust will receive information on the Safeguarding and Child Protection Policy appropriate to the school or operation where they will be based, and procedures on acceptable conduct/behaviour. These expectations will form part of the new staff members’ induction training.

10.2 All successful candidates will undergo a period of induction and will:

- Meet regularly with the induction tutor or their line manager
- Attend appropriate training including generalist child protection training

## **11. Trustees, Governors and Members**



- 11.1 Trustees, Governors and 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.
- 11.2 The Chair of the Trust Board will have their DBS check countersigned by the Secretary of State for Education
- 11.3 All proprietors, directors, trustees, local governors and members will also have the following checks:
- A section 128 check (to the check prohibition on participation in management under Section 128 of the Education and Skills Act 2008.
  - Identity
  - Right to work in the UK
  - Other checks deemed necessary if they have lived or worked outside the UK

## 12. Volunteers

We will:

- Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity
- Carry out a risk assessment when deciding whether to seek an enhanced DBS without barred list information for any volunteers not engaging in regulated activity. We will retain a record of this risk assessment
- Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in “regulated activity”
- For our schools with pupils aged under 8 we will ensure that 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. Contractors

- 13.1 We will ensure that any contractor, or any employee of the contractor, who is to work at a school or any Trust setting has had the appropriate level of DBS check. This will be:
- An enhanced DBS check with barred list for contractors engaging in regulated activity
  - An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children.
- 13.2 We will obtain the DBS check for self-employed contractors.
- 13.3 We will not keep copies of such checks for longer than 6 months.
- 13.4 Contractors who have not had any checks will not be allowed to work unsupervised where contact/communication with children on the school site is possible or engaged in regulated activity under any circumstances.

- 13.5 We will check the identity of all contractors and their staff on arrival at Trust premises.
- 13.6 In addition, for our schools with pupils aged under 8, when we use self-employed contractors such as music teachers or sports coaches, we will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.
- 13.7 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 or any risks and control measures put in place, and any advice sought.

## **14. Trainee/student Teachers**

- 14.1 Where applicants for initial teacher training are salaried by us, we will ensure that all necessary checks are carried out.
- 14.2 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.
- 14.3 In both cases, for our schools and pupils aged under 8, this includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

## **15. Supply Staff Agency and Third-Party Staff**

- 15.1 We will only use those agencies which operate a safer recruitment policy and we will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. Any information disclosed as part of the DBS check will be treated confidentially. These agencies should be able to demonstrate that their staff have received appropriate safeguarding training.
- 15.2 We will carry out identity checks when the individual arrives at Trust premises and we will also check that the person presenting themselves for work is the same person on whom the checks have been made.

## **16. Staff Working in Alternative Provision Settings, including trips involving overnight accommodation.**

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

## **17. Policy Statement on the recruitment of ex-offenders.**

- 17.1 It is a legal requirement that all registered bodies and prospective employers must treat DBS applicants who have a criminal record fairly and not discriminate because of a conviction or other information revealed.

- 17.2 Registered Bodies and employers who are Regulated Activity Providers (including schools) are obliged to have a written policy on the recruitment of ex-offenders, which is available to DBS applicants at the outset of the recruitment process.
- 17.3 Policy Statement
- 17.3.1 As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, Endeavour Schools Trust ("the Trust) complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.
- 17.3.2 The Trust is committed to the fair treatment of its staff, potential staff or users of its services, regardless of gender, pregnancy and maternity, ethnicity, culture, age, disability, sexual orientation, gender identity, religion or belief, marital and civil partnership status, education, learning styles, caring responsibilities or offending background.
- 17.3.3. A summary of this policy on the recruitment of ex-offenders is available to all DBS applicants on request.
- 17.3.4 We 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, knowledge and experience.
- 17.3.5. As a Regulated Activity Provider (RAP) most paid employees of the Trust are in regulated activity with children and therefore subject to checks of the DBS children's barred list in addition to enhanced DBS certificate.
- 17.3.6. In relation to volunteers and contractors, we only request a DBS check after a risk assessment had indicated that one is both proportionate and relevant to the position concerned.
- 17.3.7. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position. 2
- 17.3.8. We expect all applicants to provide details of any criminal record history that is not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) order 1975 (as amended in 2013 and 2020) at an early stage in the application process. Applicants should disclose details of any unspent convictions, cautions, reprimands, bindovers and final warnings you may have in addition to any criminal proceedings pending against you. You should not disclose any criminal history that would be protected or filtered. A statement of these details should be sent with your application under separate cover in an envelope marked 'Private and Confidential - for the addressee only' in the top left hand corner with 'The Headteacher/Principal' (or 'Director of the Trust' for central Trust posts) in the centre of the envelope and with the words 'Conviction Information' in the bottom left hand corner. Please forward these details prior to the date of your interview.
- 17.3.9. We guarantee that this information will only be seen by those who need to see it as part of the recruitment process. Disclosed information will only be considered for shortlisted applicants. Disclosures for applicants that are not shortlisted will be confidentially destroyed and will not be considered during the recruitment process.

17.3.10. We ensure that everyone within the Trust who is involved in the recruitment process has been suitably briefed to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance on the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 and its amendments and know how to access advice and support.

17.3.11. At interview, or on a separate occasion, we ensure that an open and measured discussion takes place on the subject of any relevant offences or other matter that may 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.

17.3.12. We undertake to discuss any matter revealed in a DBS check with the person seeking the position before considering withdrawing a conditional offer of employment. This discussion and any subsequent risk assessment may be undertaken by our HR team or another trained member of our Senior Leadership Team

All shortlisted applicants will be asked to complete a Suitability Declaration Form which includes the following policy statement:

The post you are applying for is 'exempt' from the Rehabilitation of Offenders Act 1974 and therefore you are required to declare any convictions, cautions, reprimands and final warnings that are not "protected" (i.e. filtered out) as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013 and 2020)

For further information on filtering please refer to Nacro [guidance](#) and DBS [website](#).

We recognise the contribution that former or ex-offenders can make as employees and volunteers and welcome applications from them. A person's criminal record will not, in itself, debar that person from being appointed to this post. Any information given will be treated in the strictest confidence. Suitable applicants will not be refused posts because of offences which are not relevant to the role and which do not make them a risk in the role for which they are applying

All cases will be examined on an individual basis, taking the following into consideration:

- Whether the conviction is relevant to the position applied for.
- The seriousness of any offence revealed.
- The age of the applicant at the time of the offence(s).
- The length of time since the offence(s) occurred.
- Whether the applicant has a pattern of offending behaviour.
- The circumstances surrounding the offence(s), and the explanation(s) offered by the person concerned.
- Whether the applicant's circumstances have changed since the offending behaviour.

It is important that applicants understand that failure to disclose all convictions, cautions, reprimands or final warnings that are not “protected” could result in disciplinary proceedings or dismissal. Further advice on disclosing a criminal record can be obtained from [Nacro](#).

Any positive disclosures will be explored as part of questions in interview and further enquiries made where appropriate before appointment decisions are made.