



Warlingham Park School Safer Recruitment Policy

This policy applies to the whole school, including the EYFS

September 2021

Introduction

Warlingham Park School is committed to safeguarding and promoting the welfare of children, and expects all staff and volunteers (including EYFS) to share this commitment.

This policy provides a framework for safer recruitment practices and procedures throughout the school and supports the creation of a safer culture by instilling good safeguarding practice and ensuring the well-being of children in our care.

This policy refers to the following guidance documents:

- Keeping Children Safe in Education September 2021 (KCSiE)
- Working Together to Safeguard Children, (as revised July 2018)
- Every Child Matters
- Safeguarding Children and Safer Recruitment in Education, 2007
- The Education (Independent School Standards) (England) Regulations 2014, updated 2019
- Disqualification under the Childcare Act 2006 June 2016
- The Protection of Freedoms Act 2012
- Guidance from the Disclosure and Barring Service (DBS) 2013.

All successful candidates for paid or volunteer employment should be made aware of these documents.

This policy is an essential element in creating and maintaining a safe and supportive environment for all children, 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, and deterring prospective candidates/volunteers who are unsuitable from applying for vacancies, as well as identifying and rejecting those candidates/volunteers who are unsuitable to work with children.

1. Roles and responsibilities

The Governors of the school will:

- Ensure the school 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 school's compliance with them.
- Ensure that appropriate staff and governors have completed safer recruitment training.

The Headteacher will:

- Ensure that the school operates 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 school and governors.
- Monitor any contractors and agencies compliance with this document.
- Promote the safety and well-being of children at every stage of this process.

2. Appointment procedure

Appointment of any new staff is made when a vacancy arises as a result of a current member of staff leaving the school or the need arises for additional support. Posts are advertised, usually in local newspapers, and suitable candidates are short-listed for interview. Details of applications for all posts are retained on file with the applicant's permission and this may be consulted as well.

Interviews are held at school with the Headteacher. Posts for senior management will involve a member of the Board of Governors in the interview process. Successful candidates will be offered employment subject to the receipt of suitable written references.

Prior to appointment of all staff, including volunteers and governors, the following appropriate checks must be carried out:

- Confirmation of identity
- Medical fitness
- Right to work in the UK
- Overseas checks if applicable
- Previous employment history
- Professional references
- Appropriate qualifications
- Enhanced DBS check and other checks for suitability to work with children in a school setting

Clearance through the Disclosure and Barring Service (formerly the Criminal Records Bureau) is undertaken in conjunction with GBG Disclosures, acting as an umbrella body.

Details of all members of staff, volunteers and governors will be entered in the school's central register, which is a confidential document, subject to the Data Protection Act,

stored in electronic form. This register will indicate the dates when such checks were made. Access to this document is restricted to the Headteacher and Governors. Details of the data contained on any member of staff within the document may not be reproduced without the consent of that member of staff.

Two references, one of which must be from the applicant's current/most recent employer, will be taken up so that any discrepancies may be probed. References will be sought directly from the referee, and where necessary, referees will be contacted to clarify any anomalies or discrepancies. Where necessary, previous employers who have not been named as referees may be contacted in order to clarify any anomalies or discrepancies.

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.

All appointments are subject to satisfactory references, vetting procedures and DBS clearance.

3. Employment checks

An offer of appointment will be conditional and all successful candidates will be subject to:

- Verification of a candidate's identity preferably from current photographic ID (ie. official documents such as a passport or driver's licence) and proof of address (copy of utility bill, bank statement or similar dated within the last 3 months);
- Enhanced DBS check with barred list information;
- Separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;
- Check that a candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State, using the Teacher Services system;
- Check that a candidate taking up a management position is not subject to a section 128 direction made by the Secretary of State, using the Teacher Services system;
- Verification of the candidate's mental and physical fitness to carry out their work responsibilities.
- Verification of the candidate's right to work in the UK;
- If the candidate has lived or worked outside the UK for more than 3 months within the last 10 years, further checks will be made which the school considers appropriate (for example a certificate of good conduct from a local police force or additional references). If the candidate has worked in a school in the UK since moving from overseas then the standard checks can be made for subsequent appointments.
- Verify professional qualifications, as appropriate.

All checks will be confirmed in writing and recorded on the school's Single Central Record.

The definition of staff is: *'Any person working at the school whether under a contract of employment (ie. all employees, no matter what sort of work they do), under a contract for services (ie. self-employed people arranged and/or paid direct by the school) or otherwise than under a contract (ie. self-employed people who are arranged by the school for the purposes of the school but for example paid directly by parents such as some peripatetic teachers), but does not include supply staff or a volunteer'*. The following are therefore included in 'staff': teachers, peripatetic teachers and coaches, part-time staff, students, administrative staff, caretakers and other ancillary staff, staff appointed from overseas, pupils paid to work at the school (for example as after-school carers). In line with the Protection of Freedoms Act 2012, this definition is restricted to only include those individuals who meet the requirements for regulated activity.

If the candidate is found to be on the Barred List, the DBS Disclosure shows that they have been disqualified from working with children, the applicant has provided false information or there are concerns about their suitability to work with children, this will be reported to the police and/or the DfE/DBS/TRA. If a school knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity.

Employment will commence only when all checks and procedures have been satisfactorily completed.

The school will accept prior checks made on behalf of other organisations (unless there is a gap in employment of three months or more). However this will only be a temporary measure and a new disclosure will be applied for and a Barred List check obtained. New DBS certificates are no longer automatically sent to the school; therefore this should be brought in by the member of staff once received. A copy will then be made and kept on file, and the new information added to the SCR. Staff will be encouraged to subscribe to the DBS Update service for future checks within 19 calendar days of their certificate date (this is mostly beneficial for peripatetic staff who may work in a number of different organisations). The school will then be able to carry out free online status checks periodically, providing that permission has been obtained.

If a new employee has not yet received their DBS certificate prior to their starting date and they do not have one from another setting, a short period of work is allowed under controlled conditions, at the Head's discretion. As long as a Barred List check has been carried out if the person will be working in regulated activity, the DBS application has been made in advance, their identity has been checked and all other relevant checks have been completed satisfactorily, the employee will be able to take up their post. However a risk assessment will be completed prior to their commencement, which will include details of appropriate safeguards to be taken (eg. loose supervision). A note with this information will be added to the SCR. For staff working in the Early Years, a risk assessment is not sufficient and they may not begin work until their DBS has been received. Any risk assessments in place are reviewed every two weeks and the person in question is made aware of the safeguards in place.

If a new employee has not previously lived in the UK, they will need to bring a document from their country of origin issued by the local police, confirming that they do not have a criminal record. They will also need to apply for an Enhanced DBS certificate.

We will not knowingly employ anyone to work in the Early Years or in childcare of those under the age of eight, or allow them to be directly concerned in its management, if they are 'disqualified'. Grounds for disqualification include, in summary:

- being on the DBS Children's Barred List;
- being cautioned for, convicted of or charged with certain violent and sexual criminal offences against children and adults, at home or abroad;
- being the subject of certain other orders relating to the care of children;
- refusal or cancellation of registration to childcare or children's homes or being prohibited from private fostering;

4 Regulated activity

For most appointments, an enhanced DBS check with barred list information will be appropriate as the majority of school staff engage in regulated activity.

Regulated activity can be defined as follows:

- All regular work for schools with opportunity for contact with children. For the purpose of assessing whether a person is working in regulated activity, 'regular' includes 'frequently' (once a week or more often), or on 4 or more days in a 30-day period, or overnight (between 2am & 6am).
- Regular, unsupervised activities such as teaching, training, instructing, caring for or supervising children, providing advice/guidance on well-being or driving a vehicle only for children if done regularly).
- Relevant personal care (ie. helping children with washing or dressing; or health care by or supervised by a professional).

When deciding whether a person is engaging in regulated activity, the following key questions will be asked:

- Is the activity they will do 'work'?
- Is the work regular?
- Does it give rise to opportunity for contact with children? (This applies whether or not that contact is required by the work and whether or not it actually takes place)
- Is the work for the purposes of the school? (This would not include, for example, those working for bodies hiring premises for other purposes out of school hours).

If the answer to all the above questions is 'yes', then the person is working in regulated activity unless an exception as below applies:

- Is the person a volunteer?
 - If so, does their work involve personal care of pupils? If so, they are engaged in regulated activity.
 - If not, are they supervised? If so, they are not engaged in regulated activity.
- Is the person a contractor?
 - If so, are they administering personal care or health care as defined? If so, these are always regulated activity.
 - If not, are they teaching pupils? If so, this is always regulated activity.
 - If not teaching work, is the contract for occasional or temporary non-teaching work (eg. a quick plumbing task?). If so, they are not in regulated activity.

A **supervised** volunteer who regularly teaches or looks after children is not in regulated activity. However for this to apply there must be supervision by a person who is in regulated activity themselves; the supervision must be regular and day to day, and the supervision must be 'reasonable in all the circumstances to ensure the protection of children'. In these cases, the school has no entitlement to do a barred list check.

5. Qualifications

All members of the teaching staff are required to hold appropriate qualifications as are staff to be included in Early years ratios.

6 Records of Checks and the Single Central Register (SCR)

An individual checklist will be completed for all staff employed at or those attending school on a regular basis.

In addition to the various staff records kept in schools and on individual personnel files, a register of recruitment and vetting checks is kept in accordance with ISI requirements. This is updated on a regular basis as and when required.

The SCR will contain details of checks on staff who are working within the school environment at the current time:

- All staff (including supply staff) who work at the school;
- All others who work in regular contact with children in the school, including volunteers working in regulated activity;
- All members of the proprietorial body.

For the purposes of creating a record of checks for supply staff provided through a supply agency our school will request written confirmation from the supply agency that it has satisfactorily completed all relevant checks. We do not need to carry out or see the checks itself except where there is information contained in the Disclosure. Photographic identity checks will be carried out by the school to confirm that the individual arriving at the school is the individual that the agency intends to refer to them. Information disclosed as part of a DBS check will be treated as confidential.

Generally, the information recorded in the SCR concerns whether or not the following checks have been carried out or certificates obtained, the date on which the checks were completed and by whom:

- Identity check;
- Barred List check;
- Enhanced DBS check (or DBS Status check);
- Prohibition from teaching check;
- Prohibition from management check (if applicable for appointments after 8/15);
- Disqualification self-declaration (if applicable, relating to staff working in the Early Years and those involved in the care of children under the age of eight, or directly concerned in its management);
- Employment history/CV
- Interview notes
- Overseas checks (and for appointments from September 2016 an additional EEA

- check if relevant);
- Professional qualifications; and
- Right to work in the UK.

The record of checks will be kept up to date and be readily available for school inspections as required.

Identity checks are made against official documents such as a passport (which will also verify permission to work in the UK), driving license or a birth certificate.

The individual Governors are checked as per the arrangements for staff appointments. Since May 2007, recruitment checks on proprietors include Barred List check, enhanced disclosure, identity, overseas (where appropriate) and right to work in the UK. The DBS certificate for the Chair must be obtained via the DfE. Since August 2015, all Governors are checked via the TRA website for 'prohibition from management of independent schools' (also known as a section 128 direction). Our Headteacher, SMT and those involved in teaching positions with departmental headship would already have been checked against 'prohibition from teaching'. All relevant information is recorded on the SCR.

7 Appointments for those falling outside the definition of staff, supply staff and proprietors

Several categories of people fall outside of the main regulations concerning appointment but may still need checks as part of having regard to KCSIE. These main groups are described below.

The arrangements for volunteers will vary by individual and activity. The school will assess whether the individual will be in regulated activity. When volunteers are supervised, they do not generally fall within this definition and so would not require barred list checks (except if providing personal care). An unsupervised volunteer, whose presence is frequent and regular, is in regulated activity and an enhanced DBS with barred list information will be obtained. However even where a volunteer is not in regulated activity, we may still require other checks in line with KCSIE guidance. The school may decide what other checks to undertake to be assured of the suitability and competence of the individual, which may include some of the following: reference, informal interview and no concerns raised by others in the school community. Volunteers who have been subject to vetting checks are included on the SCR. 'One-off' volunteers for day outings do not require vetting checks but they should not be undertaking any kind of personal care. Also refer to the Adult Volunteer Helpers policy and Appendix 3 of the ISI Regulatory Handbook.

Visiting professionals such as psychologists, nurses and other public sector staff will have been checked by their employing organisation. It is therefore not necessary for the school to see their disclosure, however they should check photographic identity when the individual arrives. The same rules apply to sports referees and equivalent professionals supplied by a central body.

Where contractors are working at the school on a long term basis (eg. caterers or cleaners), they are subject to the same checks as school staff with written confirmation

supplied by the employing organisation and the school checking photographic identity on arrival. Where the employees of contractors such as builders will have access to areas where unsupervised contact with children is possible, the school will ensure that the DBS checks are undertaken by the contractor. Before a new individual starts work, the school will check photographic identification on arrival at the school. The school will keep a record of the confirmations from the contractor. Temporary contractors are not necessarily entered on the SCR but identity checks are still carried out.

It is not necessary for the school to undertake vetting checks on visitors to our Headteacher/other staff or those who have only brief contact with children in the presence of a teacher; visitors carrying out repairs or servicing equipment; pupils aged under 16 on work experience or similar; those on the school site when pupils are not present; students (pupils) aged eighteen or over studying as pupils. Individuals returning from maternity leave, sabbaticals or similar, where continuity of employment is maintained do not need to be checked as new employees but renewed checks may be undertaken. Similarly, staff with 'zero-hours' contracts (or those providing regular cover) that have continuity of service between periods of work do not need to be rechecked on each occasion.

As part of the Prevent duty, any visiting speakers (whether invited by staff or by the pupils themselves) must be deemed suitable and be appropriately supervised. Even where specific vetting checks are not prescribed, a background check via an internet search for example should be carried out and photographic identity checked on arrival.

8 Recruitment of ex-offenders

Applicants for all posts within the school will have access to this policy which contains information about the recruitment of ex-offenders below.

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, qualifications and experience. We do not discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.

A DBS check is only requested if one is both proportionate and relevant to the position concerned. For those positions where a DBS check is required, the application forms, job adverts and recruitment briefs contain a statement that a DBS will be requested in the event of the individual being offered the position.

Where a DBS check is to form part of the recruitment process, we encourage all applicants called for interview to provide details of any criminal record at an early stage in the application process. This information should be sent under separate, confidential cover to our Headteacher, and it will only be seen by those who need to see it as part of the recruitment process.

Unless the nature of the position requires our school to ask questions about an entire criminal record, we only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

At interview, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of 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.

We will discuss any matter revealed in a DBS check with the person seeking the position before withdrawing a conditional offer of employment.

9 Referrals

Our school will report to the DBS, within one month of leaving our school any person (whether employed, contracted, a volunteer or student) whose services we no longer use because they are considered unsuitable to work with children. Failure to make a report constitutes an offence and as a consequence could lead to our school being removed from the register of independent schools. Where a dismissal does not reach the threshold for DBS referral, separate consideration will be given to a TRA referral, where a teacher has been dismissed (or would have been dismissed had they not resigned) and a prohibition order may be appropriate. We have a legal duty to respond to requests from the DBS for information held on record.

10 Induction

All staff and volunteers who are new to the school will receive information on the school's safeguarding policy and procedures and guidance on safe working practices as part of their induction training.

Successful candidates will undergo a period of induction and monitoring and will:

- Meet regularly with either the Headteacher, the Deputy Head or the Nursery Manager
- Attend any appropriate training

New staff receive a copy of the Staff Handbook, Code of Conduct and other key documents within their first few days of employment. An initial induction meeting with a member of the SMT is arranged to take place either before they start work or at least within the first week in school. This may be followed up by a monitoring meeting a few weeks later to ensure that they understand all procedures and have read all the relevant school policies. The original induction checklist is retained on file. They should particularly note the school's evacuation procedures, safeguarding arrangements and various health & safety issues. They should have a clear understanding of how the school operates and their roles & responsibilities within the school environment. Any issues should be discussed with a member of the SMT.

11 Equal opportunities

The school operates an equal opportunities policy for all employees. Job opportunities are made available to all applicants, irrespective of ethnic background, cultural and religious beliefs. The school complies fully with the requirements of the Disability Discrimination Act.

12 Monitoring and review

Our Governors acknowledge their responsibility to ensure that this policy is effectively implemented and meets all current regulatory requirements.

This policy is reviewed annually, however it may be amended earlier if legislation or our school procedures change. In order to assess the effective implementation of this policy and to ensure compliance with all relevant legislation, the Governors in charge of safeguarding reviews staff appointments made each term.

This policy is monitored by our Headteacher, including staff turnover and reasons for staff leaving.

Relevant legislation:

The Education (Independent Schools Standards) Regulations 2014

<http://www.legislation.gov.uk/ukSI/2010/1997/contents/made>

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Version control

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