



Safer Recruitment Policy

Date	Review Date	Headmistress	Proprietor
November 2020	November 2023	Zoe Sylvester	Brian Berkery

This policy should be read alongside all the Broadhurst School's policies and procedures especially regarding the overarching Safeguarding and Staff Behaviour Code of Conduct Policy and Procedures.

The policy applies to all staff employed in the school, volunteers, parents and the Senior Leadership Team.

Introduction

Broadhurst School (the School) is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. The School is also committed to providing a supportive and flexible working environment to all its members of staff. The School recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment.

The aims of the School's recruitment policy are to:

- ensure that the best possible staff are recruited based on their merits, abilities and suitability for the position which includes their attitudes towards safeguarding and their ability to work with children in a way that promotes the safety and welfare of children;
- ensure that all job applicants are considered equally and consistently
- ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age
- ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education (KCSIE – September 2020) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- carry out all necessary pre-employment checks and by conducting the recruitment process in a way which prevents as far as possible the recruitment of individuals who are unsuitable to work with children

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

Recruitment and selection procedure

All applicants for employment will be required to complete an application form containing questions about their academic and employment history and their suitability for the role. The School will only consider candidates who have completed the application form in full. Should there be any gaps in academic or employment history, a satisfactory explanation must be provided. Curriculum vitae will not be accepted in place of the completed application form but may be submitted in addition to the completed application form.

Applicants will receive a job description and person specification for the role applied for. Application forms, job descriptions, person specifications and the School's Safeguarding Policy are available to applicants on request.

Applicants will also be asked to provide information regarding any periods of overseas residence so that a decision can be made as to whether overseas police check, or additional references are required.

The applicant may then be invited to attend a formal interview at which his/her relevant skills and experience will be discussed in more detail. All applicants will be asked whether they have any special requirements, either due to disability or otherwise, on being invited to interview and any reasonable adjustments made.

Candidates will also be asked questions relating to child protection at interview to ascertain the level of their knowledge and the suitability of their answers. It is recognised that not all interviewees will have Child Protection experience or experience within schools. In such cases, questions will be adapted to test applicants' responses to hypothetical safeguarding scenarios. At least one member of every appointment panel will have received safer recruitment training. In addition, any member of staff responsible for assessing pre-employment checks will have received the relevant training.

If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the School's standard terms and conditions of employment;
- a pre-employment immigration check (the necessary documents to be shown before any employment may start) confirming the right to work in the UK;
- verification of the applicant's identity (where that has not previously been verified);
- the receipt and verification of two references (one of which must be from the applicant's most recent employer) which the School considers to be satisfactory

For positions which involve 'teaching work'

- information about whether the applicant is, or has ever been, the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency (TRA) or any predecessor or successor body, or by a regulator of the teaching profession in any other European Economic Area country which prevents them from working at the School or which, in the School's opinion, renders them unsuitable to work at the School²
- information about whether the applicant is, or has ever been, the subject of any proceedings before a professional conduct panel in the UK or an equivalent body in any other country for any reason which prevents them from working at the School or which, in the School's opinion, renders them unsuitable to work at the School
- where the position amounts to 'regulated activity' (see **Disclosure and Barring Service Check** below) the receipt of an enhanced disclosure from the DBS which the School considers to be satisfactory and that the applicant is not named on the Children's Barred List¹
- In the unlikely event that the position does not amount to 'regulated activity' (for example where volunteers are regularly supervised) the School will carry out the relevant DBS check which will ordinarily be an enhanced check without barred list;
- information about whether the applicant is, or has ever been, subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a school, taking part in the management of an independent school or working in a position which involves regular contact with children or which otherwise, in the School's opinion, renders them unsuitable to work at the School

For management positions, including all members of the Senior Leadership Team;

- information about whether the applicant is, or has ever been, the subject of a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school or which otherwise, in the School's opinion, renders them unsuitable to work at the School²
- information about whether the applicant is, or has ever been, the subject of a referral to, or proceedings before, the Department for Education or other appropriate authority where consideration was given to imposing a direction under section 128 of the Education and Skills Act 2008 which, in the School's opinion, renders them unsuitable to work at the School;
- confirmation that the applicant is not disqualified from working in connection with early years provision
- verification of the applicant's medical fitness for the role
- any further checks that the School deems appropriate as a result of the applicant having lived or worked outside of the UK
- verification of professional qualifications which the School deems a requirement for the post, or which the applicant otherwise cites in support of their application (where they have not been previously verified)

¹ A check of the Children's Barred List is not permitted if an individual will not be undertaking "regulated activity". Whether a position amounts to "regulated activity" must therefore be considered by the School in order to decide which DBS checks are appropriate. It is however likely that in nearly all cases a Children's Barred List check will be carried out.

² The School carries out these via the Teacher Services' system page. (formally known as Employer Access Online). This service allows the School to identify existing prohibitions and sanctions made under section 142 of the 2002 Act; teacher prohibitions made under section

141 of the 2002 Act; any direction made under 128 of the 2008 Act; sanctions or restrictions imposed by the General Teaching Council for England before its abolition in March 2012; and teacher sanctions or restrictions imposed by European Economic Area regulating authorities on or after 18 January 2016.

Medical fitness

The School is legally required to verify the medical fitness of anyone to be appointed to a post at the School, after an offer of employment has been made but before the appointment can be confirmed. It is the School's practice that all applicants to whom an offer of employment is made must complete a Health Questionnaire and sign to confirm that they know of no reasons, on grounds of mental or physical health, why they should not be able to discharge with due care and skill the responsibilities required by the post in question.

Pre-employment checks

In accordance with the recommendations set out in KCSIE, DUCA and the requirements of The Education (Independent School Standards) (England) Regulations 2014 the School carries out several pre-employment checks in respect of all prospective employees.

In addition to the checks set out below, the School reserves the right to obtain such formal or informal background information about an applicant as is reasonable in the circumstances to determine whether they are suitable to work at the School. This may include internet and social media searches. In fulfilling its obligation, the School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

Verification of identity and address

All applicants who are invited to an interview will be required to bring with them evidence of identity, right to work in the UK, address and qualifications.

References

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the School. One of the references must be from the applicant's current or most recent employer. If the current / most recent employment does / did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

It is a criminal offence to falsify references. Any applicants or referees who are found to have submitted false references to the School will be referred to the Local Area Designated Officer (LADO).

Disclosure and Barring Service Check

Due to the nature of the work, the School applies for an enhanced disclosure from the Disclosure and Barring Service (DBS) in respect of all prospective staff members, volunteers and other persons deemed to be working in a regulated activity.

The School also applies for a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the School which amount to 'regulated activity' as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended).

Prohibition from Teaching

The School is required to check whether staff who carry out 'teaching work' are prohibited from doing so. The School uses the TRA Secure Access Portal (formerly NCTL) to check whether successful applicants are the subject of a prohibition or an interim prohibition order.

In addition, we ask all applicants for roles which involved "teaching work" to declare in the application form whether they:

- have ever been the subject of a sanction, restriction or prohibition issued by the NCTL, or any predecessor or successor body
- have ever been the subject of any proceedings before a professional conduct panel of the NCTL, or equivalent body in the UK

The existence of any relevant information is not a bar to employment with the School.

In addition, for all appointments to roles, which involve "teaching work" made on or after 18th January 2016 the School checks whether the applicant is subject to a sanction imposed by a regulator of the teaching profession in any other European Economic Area. For the same reasons as set out above the School also asks applicants to declare whether they:

- have ever been the subject of a sanction imposed by a regulator of the teaching profession in any other country; and
- have been the subject of any proceedings before a professional conduct panel, or equivalent body, in any other country.

Prohibition from Management of Independent Schools (Section 128)

The School will check whether applicants appointed to management positions after 12th August 2015 are subject to a Section 128 direction in line with the direction made by the Secretary of State under s.128 of the Education and Skills Act 2008.

In addition, we ask all applicants for management roles to declare in the application form whether they:

- have ever been the subject of a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school

- have ever been the subject of a referral to, or proceedings before, the Department for Education or other appropriate authority where consideration was given to imposing a section 128 direction or any other sanction which prohibits, disqualifies or restricts them from being involved in the management of an independent school

Overseas Checks

In addition to DBS checks, applicants with periods of overseas residence and those with little or no previous UK residence may also be asked to provide further information, including a criminal record check from the relevant jurisdiction(s). There is no mandatory period spent overseas which requires additional checks to be completed with guidance stating that “such further checks are made as the School considers appropriate having regard to any guidance issued by the Secretary of State”. The Headmistress will assess each applicant individually.

Contractors, supply and agency staff

Contractors engaged by the School must complete the same checks for their employees that the School is required to complete for its staff including DBS. The School requires confirmation (in writing) that these checks have been completed before employees of the Contractor can commence work at the School.

Agencies who supply staff to the School must also complete the pre-employment checks which the School would otherwise complete for its staff. Again, the School requires confirmation that these checks have been completed before an individual can commence work at the School.

Volunteers

Under no circumstances will a volunteer, in respect of whom no safeguarding checks have been undertaken, be left unsupervised with children or allowed to engage in regulated activity. Prior to engaging a volunteer to carry out any activities for or on behalf of the School, the member of staff with responsibility for the volunteer appointment will discuss the proposed activities to be undertaken by the volunteer with the Headmistress so that a decision can be made as to what vetting checks are required, or whether it is appropriate to carry out a risk assessment. See **Appendix 3** (Vetting Checks on Volunteers) of the ISI Handbook for the Inspection of Schools (September 2020).

And, where an enhanced criminal record check is made, the Secretary of State obtains an enhanced criminal record certificate relating to the individual.

Those who do not require vetting checks

It is not necessary to undertake vetting checks on: visitors to the Head/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; supervised volunteers (including pupils aged 16 and over on work experience in other schools) unless they undertake personal care; those on the school site when pupils are not present; and students (pupils) aged 18 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 schools may choose to renew checks if they wish.

Retention of records

If an applicant is successful in their application, the School will retain on his/her personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications.

This documentation will be retained by the School for the duration of the successful applicant's employment with the School. It will be retained for a period of six months after employment terminates after which it will be securely destroyed.

If the application is unsuccessful, all documentation relating to the application will normally be confidentially destroyed after six months.

Referral to the DBS and Teaching Regulation Agency

This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that any offer of employment is subject to. Whilst these checks are carried out pre-employment, the School also has a legal duty to refer to the DBS:

- any applicant who has applied for a position at the School despite being barred from working with children
- any individual who has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence; and
- anyone who has harmed, or poses a risk of harm, to a child, and who has been removed from working (paid or unpaid) in a regulated activity, or would have been removed had they not left

Failure to refer in circumstances where the above criteria are met is an offence. Where there are serious concerns about a teacher's suitability to work with children, separate consideration will be given to whether a referral to the NCTL should be made. This is the case irrespective of whether the DBS criteria have been met.

Headmistress:		Date:	
----------------------	--	--------------	--

APPENDIX 1

List of Valid Identity Documents

Group 1 – Primary Trusted Identity Credentials

- Current valid Passport
- Biometric Residence Permit (UK)
- Current Driving Licence Photocard (UK/Isle of Man /Channel Islands and EU);
- Birth Certificate (UK & Channel Islands) – issued at time of birth). UK, Isle of Man and Channel Islands - including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces
- Adoption Certificate (UK & Channel Islands)

Group 2a – Trusted Government/State Issued Documents

- Old style paper Driving Licence (UK/Isle of Man /Channel Islands and EU)
- Current Driving Licence Photocard. (All other countries)
- Birth Certificate (UK and Channel Islands) – (issued after time of birth)
- Marriage/Civil Partnership Certificate (UK)
- HM Forces ID Card (UK)
- Fire Arms Licence (UK, Isle of Man and Channel Islands)

Group 2b – Financial/Social History Documents

- Mortgage Statement (UK or EEA) **
- Bank/Building Society Statement (UK and Channel Islands or EEA) *
- Bank/Building Society Account Opening Confirmation Letter (UK) *
- Credit Card Statement (UK or EEA) *
- Financial Statement ** - e.g. pension, endowment, ISA (UK)
- P45/P60 Statement **(UK & Channel Islands)
- Council Tax Statement (UK & Channel Islands) **
- Work Permit/Visa (UK) (UK Residence Permit) valid up to expiry date
- Letter of sponsorship from future employment provider (Non-UK/Non-EEA only valid for applicants residing outside the UK at the time of application)
- Utility Bill (UK)* – Not Mobile Telephone
- Benefit Statement* - e.g. Child Allowance, Pension
- A document from Central/ Local Government/ Government Agency/ Local Authority giving entitlement (UK & Channel Islands) *- e.g. from the Department for Work and Pensions, the Employment Service, Customs & Revenue, Job Centre, Job Centre Plus, Social Security
- EU National ID Card
- Cards carrying the PASS accreditation logo (UK)
- Letter from Head or College Principal (UK) for 16-19-year olds in full time education. This is only used in exceptional circumstances if other documents cannot be provided

If a document in the List of Valid Identity Documents is:

denoted with * it should be less than three months old

denoted with ** it should be less than 12 months old

not denoted it can be more than 12 months old but must still be valid

APPENDIX 2

List of Jobs involved in the Management of the School for the purposes of s128 checks

The Proprietor, the Headmistress and any other members of the Senior Leadership Team.

The Education (Independent School Standards) Regulations 2014

Part 4 – Suitability of staff, supply staff and proprietors

Paragraph 20 – The individual proprietor

(2) Sub-paragraph (3) relates to the suitability of the proprietor where the proprietor is an individual.

(3) The standard in this paragraph is met if—

(a) the individual—

(i) is not barred from regulated activity relating to children in accordance with section 3(2) of the 2006 Act where that individual is or will be engaging in activity which is regulated activity within the meaning of Part 1 of Schedule 4 to that Act; and

(ii) does not carry out work, or intend to carry out work, at the school in contravention of a prohibition order, an interim prohibition order, or any direction made under section 128 of the 2008 Act or section 142 of the 2002 Act or any disqualification, prohibition or restriction which takes effect as if contained in either such direction; and

(b) the Secretary of State makes the following checks relating to the individual before the school is entered in the register or, in the case of a registered school, before or as soon as practicable after the individual takes over as proprietor—

(i) where relevant to the individual, an enhanced criminal record check, countersigned by the Secretary of State where an application for such a check is made under section 113B (1) of the 1997 Act;

(ii) checks confirming the individual's identity and their right to work in the United Kingdom; and

(iii) in the case of an individual for whom, by reason of that individual living or having lived outside the United Kingdom, obtaining an enhanced criminal record certificate is not enough to establish the individual's suitability to work in a school, such further checks as the Secretary of State considers appropriate; and, where an enhanced criminal record check is made, the Secretary of State obtains an enhanced criminal record certificate relating to the individual.

The first category of proprietor is the individual. The DfE carries out the suitability checks required for individual proprietors by Part 4, paragraph 20, either when the school applies for first registration or upon notification of changes. The DfE treats each person who is a proprietor as an individual proprietor, even if there is more than one, unless and until, when there is more than one, a chair is appointed. Once a chair is appointed, the DfE checks only the chair (see second category below) and the chair is responsible for checking the other members of the body (see third category).

In addition to the checks required by Part 4, paragraph 20, carried out by the DfE, the proprietor should not engage in childcare if disqualified, including by association. This is not checked by

the DfE and it would be the responsibility of the school to check, if this is relevant to the individual. See the extensive notes above as to when this applies.

Individual proprietors who are checked by the DfE are not required to be on the SCR.

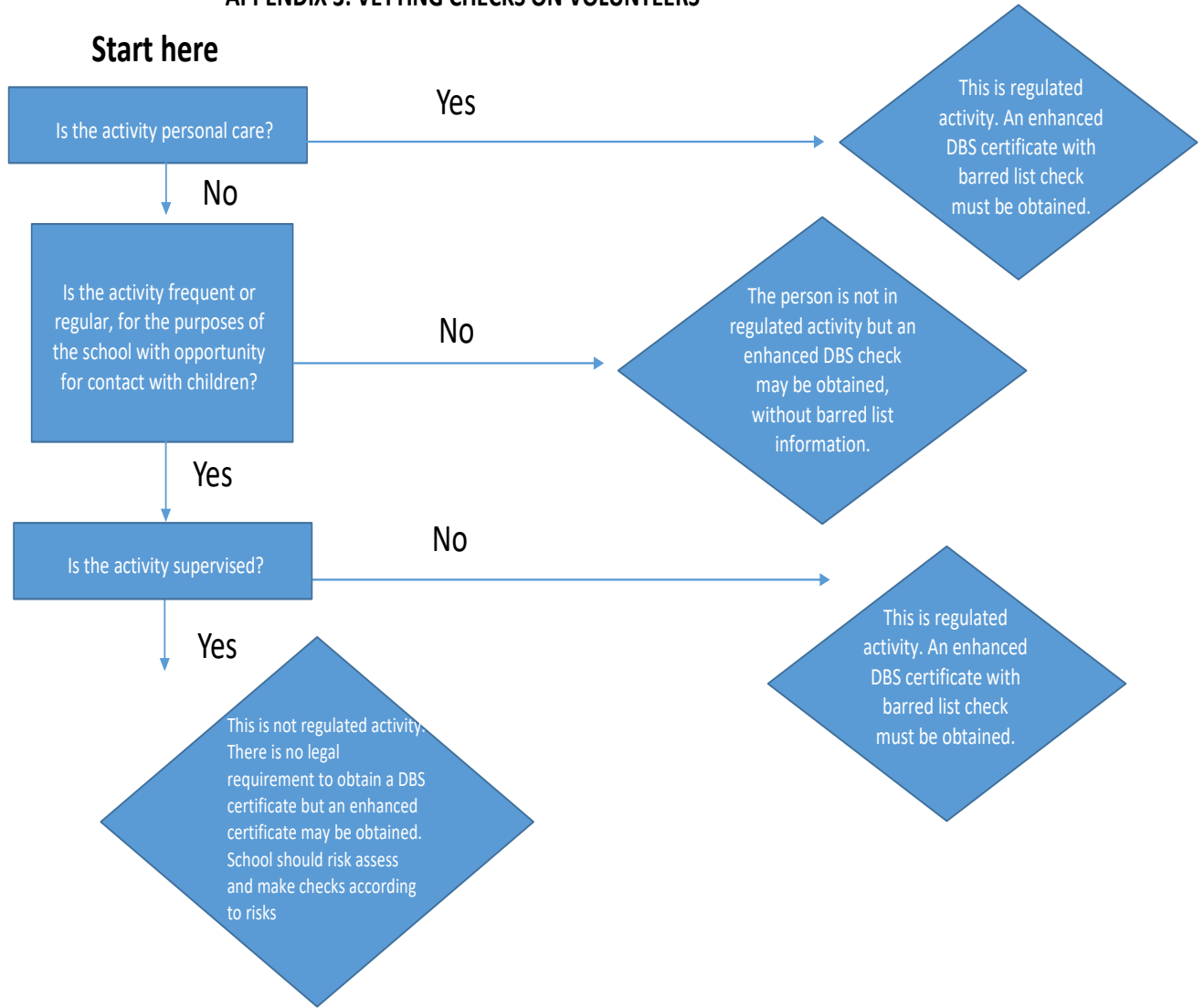
Prohibition from management of independent schools' directions

From 12 August 2015, schools must check whether members of a proprietorial body appointed thereafter are subject to a section 128 direction. There are two ways to check for prohibition from management:

- . for proprietors who are not in regulated activity, the prohibited list can only be accessed via the TRA Secure Access Portal; this can be done whether the person is a teacher and without a teacher reference number;
- . for proprietors who are in regulated activity, for example, a proprietor who is also the head or whose voluntary work as a proprietor gives them regular opportunity for contact with pupils in school, the check can either be done as above or via the DBS: a s128 direction would show on a DBS barred list check only. Schools must include on the DBS application form Position Applied for, 'Child Workforce Independent School'. This allows the DBS to confirm if a s128 direction has been made. ^[1]_{SEP} See the letter of the DfE to all schools dated 11th August 2015 for more information.

APPENDIX 3

APPENDIX 3: VETTING CHECKS ON VOLUNTEERS



Broadhurst School - Reference Request – Teacher / Teaching Assistant

We would appreciate you completing this reference and emailing it back to xxxxxxx as soon as possible.

Candidate's Name:	
--------------------------	--

In writing your reference, please note that, in order to protect children, the post for which application is made exempt from section 4(2) of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 1986. It is not, therefore, in any way contrary to the Act to reveal any information you may have concerning convictions/binds overs/cautions which would otherwise be considered as 'spent' in relation to this application and which you consider relevant to the applicant's suitability for employment. Any such information will be kept in strict confidence and used only in consideration of his/her suitability.

Please note that the individual to whom this reference is supplied may later make a specific request under the DPA to view the contents of what is provided.

In what capacity, do you know the applicant?	
How long have you known the applicant?	
Job Title/Duties	
Employed from:	From: _____ To: _____
Reason for leaving:	
Would you employ/engage this person again?	Yes / No
If no, please provide an explanation:	
Performance	
Disciplinary Record	

	Excellent	Good	Average	Below Average	Comments
Attendance					
Timekeeping					
Relationships with pupils					
Relationships with colleagues					
Relationships with parents					
Professional conduct					
Classroom control and discipline					
Preparation and planning					
Development of pupils					

Are you completely satisfied that the candidate is suitable to work with children?	Yes / No
If no, please give reasons why you think the candidate might not be suitable.	

Has the candidate been subject to any disciplinary procedure where the disciplinary sanction is still current?	Yes / No
If yes, please give details.	

Has the candidate been subject to any disciplinary procedures relating to the safety and welfare of children or young people including any, where disciplinary sanction has expired or where the allegation was unfounded and / or no sanctions were imposed?	Yes / No
If yes, please give details.	

Does the candidate support terrorism or any form of extremism? Extremism is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas.	Yes / No
If yes, please give details.	

Any Additional Comments:

Name:
Position:
Signed:
Date:
School Name and Stamp:

Date checked by Broadhurst Staff and initials: