



# TRUE LEARNING PARTNERSHIP

## SAFER RECRUITMENT POLICY

<b>Policy Ref Number:</b> TTLP/77	<b>Reviewed by:</b> People Committee <b>Approved by:</b> People Committee
<b>Policy Date:</b> Approved in March 2023	<b>Review Date:</b> To be reviewed in March 2026

## **APPLICATION OF THE POLICY**

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This procedure applies to all employees of The True Learning Partnership and covers the recruitment of all school-based staff and Trust Corporate team.

## **PURPOSE**

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The True Learning Partnership is committed to safeguarding and promoting the welfare of children and young people and expects all staff, volunteers and apprentices to share this commitment. The safe recruitment of staff is the first step to safeguarding and promoting the welfare of children in education. In order to meet this responsibility, it follows a rigorous recruitment process to select the best candidate for each role.

This policy is an essential element in creating and maintaining a safe and supportive environment for all pupils, staff and others within the Trust 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 our vacancies;
- Deterring prospective candidates/volunteers who are unsuitable for work with children or young people;
- Identifying and rejecting those candidates/volunteers who are unsuitable to work with children and young people;
- Ensuring the best possible staff are recruited on the basis of their abilities and suitability for the role.

This policy should be read in conjunction with the Trust's Privacy Notices, Applicant Information and School Safeguarding and Child Protection Policies.

## **DEFINITIONS**

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Regulated Activity - The decision on the appropriate level of DBS check is based on whether the applicant will be working in regulated activity.

Regulated activity means a person who will be:

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

## **LEGISLATION AND GUIDANCE**

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This policy takes into account relevant legislation and guidance, and makes particular reference to the statutory guidance 'Keeping Children Safe in Education' (Department for Education, (September 2022 and subsequent versions), as well as the Equality Act 2010 Employment Statutory Code of Practice and the Data Protection Act (DPA) 2018 and UK General Data Protection Regulations.

This policy complies with our funding agreement and articles of association.

## **LINKS TO THE NOLAN PRINCIPLES**

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This policy has been written to reflect the seven principles of public life (also known as the Nolan Principles) which apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources.

The seven principles are:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

All employees have a responsibility to act and to take decisions based on public interest and should act with honesty, integrity, objectivity and impartiality at all times.

## **EQUALITY AND EQUITY**

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The True Learning Partnership is committed to eliminating discrimination and encouraging diversity amongst our employees. We endeavour to build a workforce that will be truly representative of all sections of society and that each employee feels respected and able to give their best. To that end we are committed to provide equality and fairness for all in our recruitment and employment practices and not to discriminate on grounds of age, disability, gender reassignment, marriage/civil partnership status, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.

## **RECRUITMENT AND SELECTION PROCESS FOR OUR EMPLOYEES**

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To make sure we recruit suitable people, we will ensure that those involved in the recruitment and employment of staff to work with children have received appropriate safer recruitment training. We have put the following steps in place during our recruitment and selection process to ensure we are committed to safeguarding and promoting the welfare of children.

## **Advertising**

When advertising roles, we will make clear:

- Our Trust's commitment to safeguarding and promoting the welfare of children
- That safeguarding checks will be undertaken
- The safeguarding requirements and responsibilities of the role, such as the extent to which the role will involve contact with children
- Whether or not the role is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. If the role is exempt, certain spent convictions and cautions are 'protected', so they do not need to be disclosed, and if they are disclosed, we cannot take them into account

## **Application Forms**

Our application forms will:

- Be used for all recruitment across the Trust, containing a common set of core data that all prospective applicants must complete. It will advise candidates that CVs will not be accepted in substitution for completed applications forms
- Include a statement saying that it is an offence to apply for the role if an applicant is barred from engaging in regulated activity relevant to children (where the role involves this type of regulated activity). It will advise candidates that shortlisted candidates will be asked to complete a self-disclosure form before interview.
- Include a reference to, and direct candidates to our child protection and safeguarding policies.

## **Shortlisting**

Our shortlisting process will involve at least 2 people and will:

- Include a vacancy lead who has completed full safer recruitment training.
- All applications will be scrutinised to ensure they are fully completed, the information provided is consistent and does not contain any discrepancies.
- All candidates will be assessed equally against the criteria contained in the person specification and notes taken.

## **After Shortlisting**

Once we have shortlisted our candidates, we will ask shortlisted candidates to:

- Complete and return a self-declaration form of their criminal record or any information that would make them unsuitable to work with children, so that they have the opportunity to share relevant information and discuss it at interview stage.

In line with KCSIE statutory guidance (September 2022, paragraph 220), the Trust may carry out an online search of shortlisted candidates as part of its due diligence checks to identify

candidates who may not be suitable to work with children and/or bring the Trust into disrepute. The searches only include what is publicly available online. The review is carried out by a member of staff who does not sit on the selection panel for recruitment and who only provides information found in the online review which impacts safeguarding or reputation. Any concerns that are found from the online search are reviewed and if appropriate discussed with the candidate at interview.

## **References**

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. They are always sought and obtained directly from the referee; we do not rely on references or testimonials provided by the candidate, or on open references and testimonials, i.e. "To Whom it May Concern". Where the referee is school based, we will ask for the reference to be confirmed by the headteacher/principal.

Referees are asked to give any reason why the applicant should not be employed for work with children. Applicants should be aware that any previous employer may be contacted prior to interview. All email references are verified to ensure that the sender is genuine and appropriate. References are requested before interview.

## **Interviews**

The interview will assess the merits of each candidate against the job requirements and explore their suitability to work with pupils. The selection process will involve a face-to face interview and may include additional relevant tasks for the role applied for. In addition to assessing and evaluating the applicant's suitability for the particular post, it will also explore:

- Any gaps in employment, or where the candidate has changed employment or location frequently, and ask candidates to explain this
- Any potential areas of concern to determine the candidate's suitability to work with children
- and any concerns or discrepancies arising from the information provided by the candidate, the online check and/or their referee.

All candidates invited to interview must bring photographic ID to confirm identity. Interviews will be conducted by appropriately trained employees and full notes will be taken. The panel will always include a member of staff trained in safer recruitment

## **Conditional Offer of Employment**

In accordance with the recommendations set out in Keeping Children Safe in Education (KCSIE) and Disqualification under childcare Act 2006 (DUCA), the Trust carries out a number of pre-employment checks in respect of all prospective employees.

### Pre-Appointment Vetting Checks

All offers of appointment will be conditional until satisfactory completion of the necessary pre-employment checks. When appointing new staff, we will:

- Verify their identity if this couldn't be verified at interview
- Obtain two satisfactory references, if these had not been received prior to interview.
- Obtain (via the applicant) a satisfactory enhanced DBS certificate, including barred list information for those who will be engaging in regulated activity. We will obtain the certificate before, or as soon as practicable after, appointment, including when using the DBS update service. We will not keep a copy of the certificate for longer than 6 months, but when the copy is destroyed we may still keep a record of the fact that vetting took place, the result of the check and recruitment decision taken
- Obtain a separate barred list check if they will start work in regulated activity before the enhanced DBS certificate is available
- 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 member of staff's 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
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK.
- Check that candidates taking up a management position are not subject to a prohibition from management (section 128) direction made by the secretary of state
- If the role involves working with Children under 8 or in a wrap-around care setting 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.

### DBS Clearance Not Received Before Start Date

In exceptional circumstances it may be possible for an individual to start employment without a completed DBS. If an individual starts work before their DBS has returned then the school must take advice from the Trust HR Director and either defer the start date or carry out a DBS Risk Assessment to manage any potential risks to the school, or Trust, of someone who has not yet had formal clearance of their suitability to work in a school setting.

It is the responsibility of each Headteacher or CEO in the case of the Trust Corporate Team to ensure that such measures are in place and that the candidate is supervised whilst working at the school.

### Limitations of Disclosure Information

The information provided on a disclosure certificate is limited to basic facts: for example, the date, offence and sentence. It does not set the offence in context. If the information on the disclosure certificate gives cause for concern, the applicant must be given the opportunity to discuss this information. Only then should a final decision on the individual's appointment or employment be made.

Staff should be aware that disclosure certificates are an important part of the overall recruitment process, which should also include references, qualification checks and interviews. Disclosure certificates requested by other employers must not be accepted because a disclosure will only contain relevant information on offences up to the date it was issued.

### Post-Appointment Documentation

Application and interview details of those candidates not appointed will be destroyed after 6 months from the interview date. All other relevant recruitment documentation relating to the chosen candidate must be kept securely within their HR file which are stored in locked filing cabinets in each school location.

### New Starter Checklist

A New Starter Checklist has been developed to ensure all new starters are managed in a consistent way to ensure that all school and Trust obligations are met. Once completed the new starter checklist is filed within the chosen candidate's employee file.

### Single Central Record (SCR)

A record of safeguarding checks for those who work within a True Learning Trust school on a paid or voluntary basis must be maintained. This information should be entered into the schools' Single Central Record. The Single Central Record should include volunteers and other visitors not entered into the HR system.

## **NON EMPLOYED ADULTS WORKING WITHIN OUR SETTINGS**

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### **AGENCY WORKERS**

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. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

## **CONTRACTORS**

Contractors who employ staff to work with, or provide services for the Trust, must also adopt and implement Safer Recruitment procedures where reasonable and practicable. We will ensure that any contractor, or any employee of the contractor, who is to work at any of our schools has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract). This will be:

- An enhanced DBS check with barred list information 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

Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.

We will check the identity of all contractors and their staff on arrival at the school.

For self-employed contractors such as music teachers or sports coaches working in our Primary settings, 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.

## **TRAINEE/STUDENT TEACHERS**

Where applicants for initial teacher training are salaried by us, we will ensure that all necessary checks are carried out.

Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children. This includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006 where applicable to their placement.

## **VOLUNTEERS**

If any Trust School is actively seeking volunteers we will adopt the same recruitment measures that would apply to paid staff.

We will:

- Request a reference in line with our standard recruitment process for paid staff.
- Carry out a risk assessment when deciding whether to seek an enhanced DBS check without barred list information for any volunteers not engaging in regulated activity. We will retain a record of this risk assessment
- Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity



- Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in regulated activity
- If the role involves working with Children under 8 or in a wrap-around care setting 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 a volunteer's role will be a one-off, such as accompanying teachers and pupils on a day outing or helping at a concert or school fete, such measures would be unnecessary provided that the person is not to be left alone and unsupervised in charge of pupils. This also extends to secondary school pupils on work placements (or similar) and students aged 18 or over in a normal student capacity. However, any overnight supervision would require an Enhanced DBS and barred list check.

It is our policy that any unsupervised volunteer, whose presence is frequent and regular, will be subject to an enhanced DBS check barred list check at the appropriate level.

### **STAFF WORKING IN ALTERNATIVE PROVISION SETTINGS**

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

### **ADULTS WHO SUPERVISE PUPILS ON WORK EXPERIENCE**

When organising work experience, we will ensure that policies and procedures are in place to protect children from harm.

We will also consider whether it is necessary for barred list checks to be carried out on the individuals who supervise a pupil under 16 on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity.

### **PUPILS STAYING WITH HOST FAMILIES**

Where any of the Trust schools make arrangements for pupils to be provided with care and accommodation by a host family to which they are not related (for example, during a foreign exchange visit), we will request enhanced DBS checks with barred list information on all members of the household over the age of 16.

Where the school is organising such hosting arrangements overseas and host families cannot be checked in the same way, we will work with our partner schools abroad to ensure that similar assurances are undertaken prior to the visit.

## **MONITORING AND EVALUATION**

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The Trust Board, LGBs and Headteachers will monitor the operation and effectiveness of Trust recruitment process.

## **RETENTION**

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We take the security of all data seriously. We have internal policies and controls in place to ensure that personal data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the proper performance of their duties.

If an application for employment is unsuccessful, the organisation will hold the data on file for 6 (six) months after the end of the relevant recruitment process. At the end of that period, the data is deleted or destroyed.

If an application for employment is successful, personal data gathered during the recruitment process will be transferred to the personal Human Resources file (electronic and paper based) and retained during the period of employment.

The periods for which the data will be held will be termination plus 7 (seven) years.

## **REVIEW OF THE POLICY**

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The Policy will be reviewed in 3 years unless operating experience and/or changes in legislation require an earlier review

Prepared by:	Director of HR, The TRUE Learning Partnership
Date:	March 2023
Review date:	March 2026
Adopted by:	Trust Board
Date:	March 2023