Telford Infant School

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Safer Recruitment and Employment Procedure

Manager:	Headteacher
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This Policy is available for Staff and Governors on the Learning Platform. It is also available for parents on the school website and on request from the school office.

This procedure has been developed in partnership between the WES HR Service and the Education Safeguarding Service and is applicable to all community, voluntary controlled, voluntary aided, foundation, independent and academy schools, FE Colleges and alternative providers of education in Warwickshire.

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In Support of Learning
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Working for Warwickshire

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SAFER RECRUITMENT AND EMPLOYMENT

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SAFER RECRUITMENT AND EMPLOYMENT

Introduction

1. This policy applies to all schools/academies that employ staff and/or recruit volunteers to work with or provide services to children and young people in Warwickshire. It is designed to support recruiting managers in schools/ academies to make their recruitment practices and processes safer for children.

2. All schools/academies should adopt a consistent and thorough process of safer recruitment in order to ensure that people who are unsuitable to work with children and young people are prevented from doing so. That process should include all individuals who may not have direct contact with children but who, because of their presence and familiarity in certain settings, will still be seen as safe and trustworthy.

3. The principles of safer recruitment should be included in the terms of any contract drawn up between a school/academy and contractors or agencies that provide services for children and young people for whom the school/academy is responsible. The school/academy should monitor compliance with the contract, which should also include a requirement that the provider will not sub-contract to any personnel who have not been recruited subject to a safer recruitment process.

4. This policy is entitled 'Safer Recruitment and Employment' in order to highlight the importance of continued vigilance after an employee or volunteer has been appointed. Recruitment cannot and must not be the end of the matter. Although schools and academies are safe environments for the great majority of children and the vast majority of people who work with children have children's safety and welfare at heart, organisations need to promote a culture of ongoing vigilance in order to avoid complacency.

5. Two fundamental principles of effective Safer Recruitment and Employment are therefore that schools/academies should not rely on one process in order to safeguard children; and that effective safeguarding requires robust policies for the management and supervision of staff after the recruitment phase. A comprehensive and systematic approach must therefore include policies and practices designed to:

    - **Deter** unsuitable people from seeking employment or opportunities to volunteer to work with children and young people
    - **Reject** applications from unsuitable people
    - **Prevent** abuse and neglect of children by staff and volunteers
    - **Identify** incidents of abuse and neglect by staff and volunteers
    - **Respond** to concerns in an open and positive way
    - **Manage allegations** in accordance with school/academy procedures

6. Safer recruitment practice should therefore be applied at all stages of the recruitment and employment process including all of the following:

- Ensuring job descriptions and person specifications reflect the importance of safeguarding and define accurately the safeguarding responsibilities of the role
- Advertising and information for applicants
- Structured application process
- Scrutinising applications
- Short listing
- References
- Other checks before interview
- Interviewing short-listed candidates
- Selection of preferred candidates
- Pre-appointment checks including criminal record (DBS) checks
- Offer of appointment to successful candidates
- Induction of newly appointed staff
- Probationary periods
- Supervision and appraisal of staff
- Staff codes of conduct
- Open and listening workplace culture
- Effective whistle blowing and management of allegation policies
- Ongoing culture of vigilance
- Provision of references

Context

7. *Working Together to Safeguard Children* (DfE 2013) states that organisations including schools/academies should have arrangements in place that reflect the importance of safeguarding and promoting the welfare of children, including **safe recruitment practices for individuals whom the organisation will permit to work regularly with children, including policies on when to obtain a criminal record check**.

8. *Working Together 2013* states that schools/academies are also responsible for:

- ensuring that their staff are competent to carry out their responsibilities for safeguarding and promoting the welfare of children;
- creating an environment where staff feel able to raise concerns and feel supported in their safeguarding role;
- maintaining policies and practices that minimise opportunities for abuse or ensure its prompt reporting.

Volunteers recruited to work with children should be treated in the same way.

9. Safer practice in recruitment means thinking about and including consideration of child protection, safeguarding and promoting the welfare of children at every stage of the recruitment process and in the induction, management, development and training of staff.

10. Throughout the process of recruitment and selection, it is therefore important that applicants for all positions in schools/academies working with children are aware of the school/academy's commitment to safer recruitment and safeguarding children

in general. Ensuring that safeguarding features highly in all of the organisation's processes, policies, procedures and practice sends a clear message to applicants and existing staff and volunteers and helps to deter unsuitable individuals and inappropriate behaviour.

11. In addition to the requirements of *Working Together 2013,* specific guidance for schools and academies *Keeping Children Safe in Education* (DfE 2014) highlights that it is vital that schools and colleges create a culture of safe recruitment and, as part of that, adopt recruitment procedures that help deter, reject or identify people who might abuse children. It also states that governing bodies and proprietors must act reasonably in making decisions about the suitability of prospective employees based on checks and evidence including: criminal record checks (DBS checks), Barred List checks and prohibition checks together with references and interview information.

Safer Workforce Cycle

12. It is helpful to think about a safer workforce cycle, which has 6 stages that operate together to make up a safer environment within organisations:

(1) Safer Recruitment
(2) Induction
(3) Training
(4) Supervision and Appraisal
(5) Managing allegations
(6) Determining future employment

(1) Safer Recruitment

13. Safer Recruitment covers activity from a decision to create a post or role to the successful candidate's first day working or volunteering in the position in a school/academy.

14. It can be further broken down into 4 stages and activities:

1.1 Preparation and advertisement - sending the right message to potential applicants in order to deter unsuitable applicants
1.2 Shortlisting – reject unsuitable applicants
1.3 Interview/Selection process – reject unsuitable candidates
1.4 Pre-employment checks – reject unsuitable preferred candidates

1.1 Preparation and advertisement

15. When a vacancy is first identified – whether a new or existing post – the first priority is to review the job description and person specification to ensure they accurately describe the role and attributes required including explicit reference to expectations in respect of safeguarding; responsibility and opportunity for contact with children in the role; attitude, motivation for working with and values towards children and young people and any specific duties in relation to the school/academy's safeguarding responsibilities.

16. Managers should clearly identify the duties of the post/role and exactly how they expect the post/role holder to perform those duties and ensure the skills, abilities, experience and behaviours required for that performance are reflected in the job description and person specification.

17. On the basis that safeguarding children and young people is everybody's responsibility, there can be no post or volunteer role that involves work in a school/academy that does not contain expectations in relation to safeguarding children and young people.

18. Job descriptions and person specifications for specialist safeguarding roles, e.g. Designated Safeguarding Lead, Pastoral Support staff, School Counsellor, Family Support/Link Worker will require detailed and delineated duties and attributes that reflect the technical and vocational nature of those roles.

19. For other generic posts, appropriate wording in job descriptions would be "*Contribute to the school/academy's responsibility to safeguard and promote the welfare of children and young people.*" Appropriate wording in person specifications would be "*Displays commitment to the protection and safeguarding of children and young people*".

    For job descriptions and person specifications for management and leadership roles, appropriate wording would be similar but preceded by "*Lead staff in fulfilling the school/academy's responsibility to …… etc.*" and "*Displays understanding and leadership skills in ensuring staff maintain their commitment ……. etc.*".

    Such wording not only makes explicit reference to and describes expectations but also facilitates exploration of a candidate's suitability for the post/role in terms of their commitment to safeguarding in the selection process.

20. Before the recruitment campaign for the post/role begins, schools/academies should also ensure that:

    - there is an up to date recruitment and selection policy that accurately describes the process to be followed.

    - the school/academy has a robust and up to date safeguarding policy and that a statement about the school/academy's commitment to safeguarding is included in all recruitment and selection materials.

    - the job description and person specification for the role(s) are fit for purpose as above and have been agreed with the recruiting manager.

    - an appropriate advertisement that contains all necessary information about the role, timetable for recruitment and a clear statement about the school/academy's commitment to safeguarding* is prepared.

    - a suitable candidate information pack containing all the required information about the school/academy, role, recruitment timetable, safeguarding policy/statement and application form is compiled.

21. When placing an advertisement for the post/role, schools/academies should ensure that unsuitable applicants will be deterred from applying by:

- stating the school/academy's commitment to safeguarding *
- stating the need for DBS disclosures **
- sending information about the school/academy's safeguarding policy and practices to prospective applicants

  * Suggested wording - *"This* school/academy *is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment"*.

  ** Suggested wording - *"Successful candidates will be required to undertake an enhanced DBS check with Children's Barred List check".*

1.2 Shortlisting

22. It is essential to plan the recruitment campaign so that sufficient time is allocated for:

- applicants to respond to the advertisement, peruse the information provided and submit an application that addresses all required areas
- scrutinising all applications in a systematic way by at least two members of the recruitment panel in order to agree the shortlist before sending invitations to interview
- agreeing the selection process to include a face to face interview with every candidate as a minimum
- agreeing systematic selection criteria for each aspect of the selection process, based on the person specification
- requesting and scrutinising references for each shortlisted candidate before interview
- planning the selection process so that all personnel, rooms and resources are available
- ensuring that all shortlisted candidates receive the same letter of invitation to interview, supplying them with all of the necessary information.

NB wherever possible, it is useful to specify the date of interviews/selection in the advertisement to give candidates as much notice as possible to ensure their availability to attend.

23. Application forms should require applicants to provide all of the following information:

- Personal details (name/address/contact details including telephone numbers and e mail addresses)
- Present and past employment and reasons for leaving
- Full history since leaving school (education and employment or voluntary work)
- Qualifications
- Details of referees (applicants are expected to nominate their current or most recent employer as their first referee)
- Personal statement to meet person specification
- Signed declaration about any criminal record
- Signed declaration that all information is true and that applicant is not barred from working with children

24. Schools/academies should ensure that school leaders and governors who are responsible for recruiting staff and volunteers to work in the school/academy access safer recruitment training; and that at least one member of every selection panel (ideally the recruiting manager or chair of the panel) has accessed that training.

25. At least two members of the recruitment panel should scrutinise all applications in order to draw up a shortlist. The panel should agree criteria based on the person specification against which applications will be evaluated, using an objective scoring system (e.g. if an applicant fully demonstrates she/he meets one of the criteria, panel members would award 2 points, with 1 point being awarded if the applicant only partially meets the criteria).

26. Short listing criteria must be applied consistently to all applicants.

27. At least one of the criteria used for short listing should be based on the safeguarding aspects of the person specification.

28. It must be emphasised that short listing takes time. When planning short listing processes, recruiting managers should allocate sufficient time for scrutinising a large number of applications.

29. When scrutinising applications, panel members should be vigilant in identifying:

- Any inconsistencies
- Application forms that have not been completed fully
- Information and evidence provided relates to the person specification and job description for the post/role
- Any gaps in the applicant's employment history or other information that need to be explored

30. The short listing panel should ensure that applicants have provided all of the information as in para 23 above.

31. While candidates may choose to submit CVs, these should not be accepted in lieu of a fully completed application form. A CV will be structured to provide only the information the applicant chooses to provide, whereas an application pro forma provided by the recruiting school/academy should ask applicants to demonstrate how they are able to meet the requirements of the person specification and job description for the post/role.

32. If there is time, the short listing panel may choose to return incomplete applications to the applicant with an invitation to resubmit a fully completed application.

33. Once the short list of candidates has been agreed, the short listing panel will also need to make decisions and plan the interview/selection process (see paras 56-65 below).

34. Criminal background self-disclosures
Schools/academies' job/role application pro forma should include a request to applicants to self-disclose any relevant criminal convictions and cautions. The purpose of criminal background self-disclosures is to:

- give candidates an opportunity to be open and honest and demonstrate their integrity by sharing any relevant information at an early stage
- help candidates understand the information that may be revealed in a DBS check
- allow information to be discussed and considered before the DBS check comes back in due course
- deter unsuitable individuals from pursuing an application
- in some circumstances, help recruiting managers make decisions about recruitment before processing a DBS disclosure.

35. Schools/academies may also choose to ask candidates the following questions as part of the self-disclosure:

- Whether they have ever been the subject of a police investigation that did not lead to a criminal conviction
- Whether they have ever had any allegation made against them, which has been reported to and investigated by a Children's Social Care department
- Whether there has ever been any cause for concern regarding their conduct with children, young people and/or vulnerable adults.

36. As a result of an amendment to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, certain old and minor convictions and cautions are no longer subject of criminal records disclosure and recruiting managers will therefore not have the opportunity to take those old convictions and cautions into account when making decisions about employment. This process is known as 'Filtering'.

37. Schools/academies must therefore ensure that the criminal background self-disclosure section of their job application forms makes it clear that candidates are not required to disclose information about offences subject to filtering.

38. All convictions and cautions for serious violent and sexual offences remain subject of disclosure and where an individual has more than one conviction or caution, all convictions and cautions will be disclosed.

39. In order to assist candidates in deciding which convictions are subject of filtering, it is helpful to ask the following questions:

    1. Have you received more than one conviction?
       If yes, none of your convictions will be filtered.
       If no, move to 2.

    2. If you have only received one conviction, did you receive a custodial sentence (including a suspended sentence) for it?
       If yes, your conviction will not be filtered.
       If no, move to 3.

    3. Is the conviction that you received on the list of exempt offences?
       Check list of offences that will never be filtered on GOV.UK website - https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check
       If yes, your conviction will not be filtered.
       If no, your conviction will be filtered, subject to 4; move to 4.

    4. Did you receive the conviction when you were under 18 years of age?
       If yes, your conviction will be filtered after 5 and a half years of the date of conviction.
       If no, your conviction will be filtered after 11 years of the date of conviction.

40. In order to assist candidates in deciding which cautions are subject of filtering, it is helpful to ask the following questions:

    1. Is the caution that you received on the list of exempt offences?
       Check list of offences that will never be filtered on GOV.UK website - https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check
       If yes your caution will not be filtered
       If no your caution will be filtered subject to 2; move to 2

    2. Did you receive the caution when you were under 18 years of age?
       If yes your caution will be filtered after 2 years of the date of the caution
       If no your caution will be filtered 6 years after the date of the caution

41. Schools/academies should be aware that it is discriminatory to use disclosed information for the purposes of shortlisting. Criminal background self-disclosures should not be considered by the short listing panel until the short list has been agreed and self-disclosures should therefore only be considered for short listed candidates. Schools/academies should therefore ensure that applicants are provided with a mechanism for submitting criminal background self-disclosures in a format separate from the application form if they choose to do so in order to ensure that the self-disclosure remains confidential until the short listing panel has identified the short list of candidates.

42. Panel members should agree what additional questions need to be asked of the candidate at interview in respect of information in their self-disclosure.

43. When DBS checks are undertaken in respect of preferred candidates at the end of the interview/selection process, it is important to compare information in the self-disclosure and the candidate's responses at interview about the self-disclosure with information on the DBS certificate and any additional information shared at the discretion of the Police.

44. Employment History and References
The purpose of seeking references is to obtain objective and factual information to support appointment decisions.

45. Ideally, references should be sought on all short-listed candidates, including internal ones, **before interview**, so that any issues of concern they raise can be explored further with the referee and taken up with the candidate at interview.

46. References should always be obtained, scrutinised and any concerns resolved satisfactorily, before an appointment is confirmed. Requests for references should always be addressed directly to the referee.

47. Candidates should be expected to nominate their current employer as their first referee in order to secure the most recent information about the candidate's employment history, work performance and suitability for the post that is being recruited to.

48. Recruiting managers should carefully explore with the candidate reasons for not nominating their current or most recent employer as a referee, making it very clear that it may not be possible to proceed with an appointment without an opportunity to check the candidate's suitability for the role with their most recent employer.

49. Candidates may request that the recruiting manager delays requesting a reference from a current employer until a decision about making a conditional offer of employment has been made, in order to avoid any prospective repercussions of seeking alternative employment in the event that the candidate is unsuccessful in their application. Recruiting managers should be sensitive to such requests but should make it clear to candidates that references will be sought in due course and that it may be necessary to call them back for a further discussion about any issues arising from references before a final decision can be made.

50. If a candidate for a post requiring a specific qualification (e.g. teacher, nursery officer) is not currently employed in that vocational role, the recruiting manager should check with the school, early years provider or organisation at which the candidate was most recently employed in a similar role to confirm details of their employment and their reasons for leaving.

51. If a candidate is not currently working with children, the recruiting manager should seek references from previous employers where the role involved working with children.

52. The recruiting school/academy should use a standard reference pro forma that asks the same questions for all candidates with reference to the job description and person specification, which should also be provided for the perusal of referees. In addition to other information, reference pro forma should specifically ask referees about:

- any behaviour that might give rise to concern about the candidate's suitability to work with children or to fulfil the criteria of the person specification
- any substantiated allegations about the candidate's behaviour towards children
- any disciplinary action.

53. Upon receipt of all references, the recruiting manager should:

- scrutinise the reference carefully, giving active consideration to the significance of all information provided
- check that the information provided is not contradictory or incomplete.
- check to ensure that all specific questions on the reference pro forma have been answered satisfactorily. NB. Referees should be contacted to provide further clarification as appropriate.
- compare the information provided to ensure it is consist with the information provided by the candidate on the application form.
- confirm the specific details and responsibilities of the candidate's previous post as provided by the applicant.
- take up any discrepancies with the candidate.
- if there are any anomalies or doubts about the candidate's suitability to fulfil the requirements of the role, the recruiting manager should contact the referee and explore the issues, asking the referee whether there are any reasons that would prevent them from re-employing the candidate. The recruiting manager should make and retain a detailed written record of all such discussions and sign the record.
- the school/academy's recruitment and selection policy should make it explicit that recruiting managers reserve the right to contact referees directly to discuss information provided in references and clarify a candidate's suitability to fulfil the requirements of the role.
- best practice is for recruiting managers to contact all referees directly to confirm that they have provided the written reference and that they have provided all available information to support a safe decision about the recruitment of the candidate.

54. <u>Dangers of open references</u>
Open references could be written by the applicant or could be the outcome of a compromise agreement with a previous employer. As such, they should not be used as part of the recruitment process.

55. Alternatively, an open reference may have been provided in circumstances of a workplace closing and redundancy. If a candidate provides an open reference, the recruiting manager should therefore ask them to confirm the name and contact details of the referee so that a standard reference request with the pro forma, job description and person specification for the role can be sent to the referee as above.

1.3 Interview/Selection process

56. When short listing, the panel should also agree the structure of the interview and selection process. As a minimum, all candidates for posts subject to this policy should undertake a face to face interview with a panel consisting of at least two members. The interview should consist of an agreed framework of structured questions to be put to all candidates based upon criteria in the person specification.

57. As well as exploring candidates' skills, attributes to perform the role and relevant experience, there should be at least one value based question designed to explore the candidate's suitability for the role in relation to the safeguarding criteria in the person specification. Panel members should probe candidates' motives, attitudes and behaviours in relation to safeguarding and working with children.

58. In addition to the agreed framework of questions, the panel should ask follow up questions to address any vagueness or areas of concern and to check its understanding in relation to candidates' attitudes towards children, child protection issues and motives for working with children

59. Furthermore, the panel should agree and ask additional questions to address concerns or lack of clarity arising from individual candidates' application forms, gaps in employment history, frequent changes in employment, references and self-disclosure of any criminal history.

60. The short listing panel should also consider whether or not any selection tools in addition to a face to face interview will be used. These may include meeting service users, group interview/exercise, written test etc.

61. Opportunities to observe candidates' interactions with pupils/students can be very informative in assessing their suitability for the role but the short listing panel will need to agree how other parts of the process in addition to the face to face interview will be assessed and scored, what weighting will be given to those scores and how the panel will receive feedback from pupils/students and other staff involved in the process.

62. The short listing panel should also give consideration to how pupils/students will be safeguarded and supported while in contact with candidates during the recruitment process.

63. The greater the number of candidates and the more complex the selection process, the more time, planning and organisation will be required to ensure the process runs efficiently and is fair to all candidates. If it is possible to appoint an administrator to ensure the interview and selection process runs smoothly, that can be very helpful in ensuring that all candidates are greeted appropriately, documentation is checked and copies taken as necessary, appropriate instructions are provided to all candidates and candidates are escorted from one part of the process to the next at requisite times.

64. Interviewing

The following are useful guidelines for selection panels when drawing up interview questions and conducting interviews:

- Questions and expected responses should be based on the Person Specification.
- Draw up a list of positive indicators, i.e. what the panel would expect a good candidate to say, and responses that would raise potential concerns. These cannot be exhaustive, should be a guide only, bespoke to the role and used to underpin selection decisions and as evidence of why a candidate is suitable or unsuitable for appointment.
- Agree a scoring system for assessing candidates' responses to all structured questions.
- Clearly document candidates' responses and all panel decisions.
- Seek to enable every candidate to perform to the best of their ability by making them welcome, addressing comfort issues, providing clear instructions and explanations, providing typed copies of questions at the start of the interview etc.
- Ask open questions which invite longer responses, e.g. 'Tell me about…', 'Can you give me an example of…', 'How do you go about…'.
- Ask follow up questions and probe to check understanding.
- Past behaviour is a good predictor of future performance.
- Avoid questions based on hypothetical situations but questions based on real scenarios can be very useful in exploring candidates' capacity to identify issues, challenges, complexities and priorities as well as what they would actually do.
- When asking about practice experience, ask candidates what they have actually done, what was the situation, what was the action they took, was the result an effective or ineffective outcome?
- Beware of prejudices and discrimination and challenge as necessary.

65. Areas of potential concern

When assessing candidates' suitability to work with children based on their responses in interview, panel members should be alert to the following areas of concern:

- No understanding or appreciation of children's needs
- Unrealistic/unreasonable expectations of children in relation to their age and stage of development
- Candidate wanting the role to meet their own needs at the expense of the needs of children
- Inappropriate language when talking about children
- Unclear boundaries with children
- Vagueness about their experiences and gaps in employment/ information
- Unable to provide any examples to support what they say in interview
- Reluctance/unwillingness to work as part of a team, comply with guidelines and/or within agreed frameworks/systems.

1.4 Pre-employment checks

66. *Keeping Children Safe in Education (DfE 2014)* requires schools/academies to do all of the following when appointing new staff:

- Verify a candidate's identity, preferably from current photographic ID and proof of address;
- Obtain an enhanced DBS check with Barred List check where the person will be engaging in regulated activity;
- Obtain a separate Barred List check if an individual will start work in regulated activity before the DBS certificate is available;
- Check teachers are not subject to a prohibition order;
- Verify the candidate's mental and physical fitness to do the job;
- Verify the person's right to work in the UK.
- If the person has lived or worked outside the UK, make any further checks the school or college consider appropriate; and
- Verify professional qualifications, as appropriate.

In order to save time, candidates can be asked to bring evidence of their identity, other documents that will be required in order to process a DBS check, right to work in the UK and professional qualifications to interview.

67. Verification of candidates' mental and physical fitness to do the job should not take place until after the job offer has been made. Schools/academies will need to decide how this will be undertaken, e.g. completion of a health questionnaire to be considered by the occupational health medical adviser, letter from medical practitioner. However, the key principle is that only candidates selected as suitable for employment subject to pre-employment checks should be asked to participate in this process.

68. Staff in roles that constitute Regulated Activity are eligible for Enhanced Disclosure and Barring Service (DBS) checks in order to establish any previous criminal convictions plus other information held by the Police that is considered relevant by the Police; along with checks of the DBS Children's Barred List to establish that an individual is not barred from working with children.
(N.B. The DBS determines whether an adult should be barred from working with children or vulnerable adults. It maintains 'Barred Lists' of people barred from working with children and vulnerable adults. The two lists are not identical but some people are on both. The DBS lists replace the lists maintained by the former Independent Safeguarding Authority.)

69. In the event that the post/role also involves work with vulnerable adults, a request for a Vulnerable Adults Barred List check would also be necessary.

70. The DBS also undertakes Enhanced checks **without** checks of the Barred List and Standard checks, which are checks of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings only.

71. More information is available on the DBS website at https://www.gov.uk/government/organisations/disclosure-and-barring-service/about

72. When the DBS has completed its check of an applicant's PNC record and, if appropriate, whether or not they are on the Barred List, the relevant information will be recorded on a certificate (the DBS certificate) that is sent to the applicant. The applicant must show the DBS certificate to their potential employer before they take up post or as soon as practicable afterwards.

73. If a school/academy allows an individual to start work in regulated activity before the DBS certificate is available then they should ensure that the individual is appropriately supervised and that all other checks, including a separate Barred List check, have been completed.

74. **If an employer 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. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work**.

75. Regulated activity
The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government have produced a *factual note on Regulated Activity in relation to Children: scope* at https://www.gov.uk/government/uploads/system/uploads/attachmentdata/file/249435/dbs-factsheet-regulated-activity-children.pdf

Regulated activity includes:

(a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,

(b) work for a limited range of establishments (known as 'specified places', which include childcare settings, schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers;

Work under (a) or (b) is regulated activity only if done regularly, i.e. once per week or four times in a 30 day period. In addition, work under (a) is always regulated activity if it is ever undertaken between 2.00 a.m. and 6.00a.m. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. These include:

(c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:

personal care includes helping a child - for reasons of age, illness or disability - with eating or drinking; or in connection with toileting, washing, bathing and dressing;

health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

76. Volunteers
Any volunteer role that gives any individual undertaking the role unsupervised contact with children is deemed to be regulated activity and should therefore be subject to the same level of pre-employment checks including DBS checks with a Barred List check as an employed role.

77. However, volunteers whose contact with children is always supervised by another individual who is in regulated activity (e.g. a teacher) are not deemed to be in regulated activity and are therefore not eligible for a Barred List check.

78. Agency and third party staff
Schools/academies that allow staff from third-party organisations (e.g. health professionals, peripatetic specialist teachers) to have regular direct contact with children on their premises and/or use the services of staff who are employed by external agencies (e.g. bank staff, supply teacher agencies) to care for or teach children must obtain **written notification** from the third-party organisation or agency that it:

- operates a safer recruitment policy and
- has carried out the checks on the individual who will be working at the setting/school/college that the setting/school/college would otherwise perform. Those checks must include a Barred List check prior to the individual commencing work at the setting/school/college.

79. Schools/academies must also check that the person presenting themselves for work is the same person on whom the checks have been made.

80. Contractors
Schools/academies who commission contractors to undertake work on site when children are present will need to determine whether the contractor and the contractor's employees will be engaging in Regulated Activity in order to decide what checks are required.

81. The key questions to ask in order to ascertain whether or not checks are required are:

- Does the activity give the opportunity for contact with children?
- Is the activity carried out regularly or frequently (i.e. once a week or more or on more than three days in a 30 day period)?

82. Schools/academies should ensure that contractors and their employees for whom an appropriate DBS check has not been undertaken should be supervised at all times if they will have contact with children.

83. If a self-employed contractor has contact with children, the school/academy should consider obtaining the DBS check because self-employed people are not able to make an application directly to the DBS on their own account.

84. Schools/academies should always check the identity of contractors and their employees on arrival at the school/academy.

85. Relevance of criminal records
When assessing applicants' criminal records both in self-disclosures and DBS certificates, recruiting managers should consider any offences in terms of:

- nature, seriousness and relevance to the role applied for
- how long ago the offence occurred
- if it was a one-off or part of a history
- circumstances of the offence being committed
- changes in the applicant's personal circumstances since the conviction
- country of conviction
- subsequent decriminalisation of the offence
- remorse and the applicant's sense of responsibility.

(2) Induction

86. *Keeping Children Safe in Education* (DfE 2014), highlights that:

- Staff in schools/academies are particularly important in safeguarding children as they are in a position to identify concerns early and provide help for children, to prevent concerns from escalating.
- All school/academy staff have a responsibility to provide a safe environment in which children can learn.
- Governing bodies and proprietors should appoint a member of staff of the school/academy's leadership team to the role of designated safeguarding lead. This should be explicit in the role-holder's job description. This person should have the appropriate authority and be given the time, funding, training, resources and support to provide advice and support to other staff on child welfare and child protection matters, to take part in strategy discussions and inter-agency meetings – and/or to support other staff to do so – and to contribute to the assessment of children.
- Governing bodies and proprietors should ensure there is an effective child protection policy in place together with a staff behaviour policy (code of conduct). **Both should be provided to all staff – including temporary staff and volunteers – on induction.**
- All staff members should be aware of systems within their school or college which support safeguarding and **these should be explained to them as part of their induction**. These must include the child protection policy; the staff behaviour policy; and the designated safeguarding lead.
- The *Teacher Standards 2012* state that teachers, including head teachers, should safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties.
- All staff members should also receive appropriate child protection training which is regularly updated.
- All school and college staff members should be aware of the signs of abuse and neglect so that they are able to identify cases of children who may be in need of help or protection.
- Staff members working with children are advised to maintain an attitude of 'it could happen here' where safeguarding is concerned. When concerned about the welfare of a child, staff members should always act in the interests of the child.
- Head teachers and principals should ensure that the policies and procedures adopted by governing bodies and proprietors, particularly concerning referrals of cases of suspected abuse and neglect, are followed by all staff.

87. Furthermore, in accordance with *Working Together 2013*, all schools/ academies should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children, including:

- Ensuring that their **staff are competent to carry out their responsibilities for safeguarding** and promoting the welfare of children and creating an environment where staff feel able to raise concerns and feel supported in their safeguarding role;

- Ensuring that all staff and volunteers have **regular reviews of their own practice** to ensure they improve over time.

88. The application of robust processes for induction, probationary periods, supervision, training and appraisal is therefore essential. The importance of safeguarding should continue to be highlighted throughout the cycle of an individual's employment.

89. Empowering and encouraging members of staff and volunteers to report concerns or allegations about the behaviour of others is essential in order to tackle inappropriate or abusive behaviour. Schools/academies should therefore develop policies and practices that minimise opportunities for abuse and ensure its prompt reporting by promoting and maintaining an ongoing culture of vigilance and openness within the organisation.

90. <u>Features of a safer culture</u>

- Open, no secrets
- Belief that 'it could happen here'
- Clear procedures for reporting concerns
- Support in raising concerns and commitment to take action
- Setting acceptable standards of behaviour
- Policies and procedures put into practice
- Induction and probationary periods
- Commitment to safeguarding and an ongoing culture of vigilance

91. The familiarisation with safeguarding and child protection responsibilities before any individual commences unsupervised work with children that all staff and volunteers should be given as part of their mandatory induction should specifically include:

- recognition of signs and symptoms of abuse and neglect (highlighting that children are abused and neglected by their parents/carers and by adults who are employed and volunteer to work with them)
- appropriate responses to disclosure of abuse or neglect by a child
- procedures to be followed if anyone has any concerns about a child's safety or welfare, including the identity of the designated child protection officer within the agency or setting and the agency's whistle blowing procedure
- the school/academy's staff behaviour policy or code of conduct, which makes explicit the standards of behaviour required of staff in order to safeguard children.

92. As highlighted in para 21 above, best practice would be for schools/ academies to send a copy of the child protection policy as part of the information pack sent to all potential applicants prior to application. All new starters should certainly receive a copy of both the child protection policy and the staff behaviour (code of conduct) policy with their offer of employment or volunteering opportunity, with a clearly stated expectation that the new starter will have read both policies before commencing work.

93. New starters should then be given an opportunity to discuss and clarify any issues arising from the child protection and staff behaviour policies on their first day before they have any contact with children; and should be asked to sign a pro forma to confirm they have read, understood and agree to work in accordance with both policies.

94. Schools/academies also need to ensure that all staff working with children – regardless of role – are informed about and provided with copies of other relevant policies and procedures in relation to safeguarding and promoting the welfare of children, such as:

- Behaviour management policy
- Guidelines in respect of physical intervention and the use of force
- E safety
- Staff use of social networking
- Whistle blowing (i.e. how to raise concerns about abuse or neglect of children by other staff/volunteers or conduct of staff/volunteers that places children at risk or undermines the organisation's safeguarding practice).
- Tackling bullying
- Intimate care
- Health and safety

(3) Training

95. Schools/academies should ensure that their staff training strategies include the provision of safeguarding training for staff as part of their induction and regular refresher training thereafter.

96. *Keeping Children Safe in Education* states that the designated safeguarding lead should undergo updated child protection training every two years. It also states that the Head teacher and all staff members should undergo child protection training which is updated regularly, in line with advice from the LSCB.

97. Warwickshire Safeguarding Children Board advises that all staff in all roles in a school should receive refresher training for 3 hours every 3 years as a bare minimum. However, in order to highlight the importance of safeguarding to all staff and volunteers in all roles, WSCB advises that focused training should be provided in different ways on an ongoing basis, possibly including thematic training sessions, discussions in staff team meetings, material provided on the school's online learning and resources platform for staff and the provision of guidance documents with a requirement that staff read them by identified dates.

98. WSCB advises that all staff appointed to designated safeguarding lead roles access initial and refresher training provided by Warwickshire County Council Education Safeguarding Service (ESS). The ESS also provides training for whole school staff groups, designated safeguarding governors and safer recruitment training by request.

99. Schools/academies should consult the ESS and /or the WSCB Inter-agency Learning & Improvement Officer as necessary in order to ensure that the frequency and content of training are consistent with the WSCB training strategy.

100. Schools/academies are encouraged to facilitate staff and volunteers accessing WSCB inter-agency training in addition to single agency training.

(4) Supervision and Appraisal

101. In order to fulfil the requirements of *Working Together 2013* and *Keeping Children Safe in Education 2014*, schools/academies should develop a policy for the supervision and appraisal of staff with specific reference to their safeguarding responsibilities.

102. *Keeping Children Safe in Education 2014* requires governing bodies and proprietors to appoint a designated safeguarding lead, who should be a member of the school/academy's leadership team and should have the appropriate authority and be given the time, funding, training, resources and **support** to provide **advice and support to other staff** on child welfare and child protection matters.

103. Annex B of *Keeping Children Safe in Education 2014* defines the responsibilities of the Designated Safeguarding Lead and highlights that the post holder should act as a **source of support, advice and expertise to staff** on matters of safety and safeguarding.

(5) Managing allegations

104. In accordance with *Working Together 2013* and *Keeping Children Safe in Education 2014*, all schools/academies should have in place arrangements that include clear procedures for dealing with allegations against members of staff and volunteers. An allegation may relate to a person who works with children who 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; or
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

105. The school/academy's procedure must state that it relates to members of staff and volunteers who are currently working in the school/academy regardless of whether the school/academy is where the alleged abuse took place. Allegations against a teacher who is no longer teaching should be referred to the Police.

106. Schools/academies must ensure that their procedures for dealing with allegations against members of staff and volunteers are consistent with Part Four of *Keeping Children Safe in Education 2014* and WSCB's procedure *Managing Allegations against People who work with Children* (section 6 of WSCB's inter-agency safeguarding procedures) - *http://www.warwickshire.gov.uk/wscbresources*.

107. Any allegation should be reported immediately to the Head teacher/ Principal of the school/academy unless the allegation relates to the Head teacher/ Principal, in which case staff should report the allegation to the chair of governors/chair of the management committee/proprietor. The school/academy must ensure that all staff have ready access to contact details for the chair of governors/chair of the management committee/proprietor.

108. The Head teacher/Principal must ensure that all staff are informed and reminded regularly about these reporting arrangements and responsibilities.

109. The Local Authority is required to appoint a Local Authority Designated Officer (LADO) to be involved in the management and oversight of individual cases. The LADO provides advice and guidance to employers and voluntary organisations, liaising with the Police and other agencies and monitoring the progress of cases to ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

110. The LADO should be informed within one working day of all allegations that come to the attention of the Head teacher/Principal/chair of governors/chair of the management committee/proprietor (known as the 'case manager') or that are made directly to the Police.

111. If a school/academy removes an individual (paid worker or unpaid volunteer) from work in a school/academy (or would have, had the person not left first) because the person poses a risk of harm to children, the school/academy's case manager must make a referral to the Disclosure and Barring Service. It is an offence to fail to make a referral without good reason.

112. Schools/academies should ensure they have effective policies for whistle blowing and the management of allegations that are consistent with the policy on 'Managing Allegations against People who work with Children'.

113. Schools/academies should ensure that all staff recognise the principle of 'It could happen here' and their responsibilities to report any concerns about the conduct of any adult that works with children that may constitute a risk to children. Any impediments/disincentives to appropriate reporting in order to safeguard children must be discussed openly and addressed as part of a safe and open culture.

(6) Determining future employment

114. In order to complete the cycle of effective protection of children from potential abuse and neglect by staff and volunteers, it is essential that schools/academies ensure that when their managers are asked to provide references, they are written with the following 4 objectives in mind:

    - **Deter** unsuitable people from seeking employment or opportunities to volunteer to work with children and young people

    - **Reject** applications from unsuitable people

    - **Prevent** abuse and neglect of children by staff and volunteers

    - **Identify** incidents of abuse and neglect by staff and volunteers and **respond** appropriately.

115. In particular, managers should provide honest, objective and factual information about any concerns discussed with the applicant about their practice with children; any investigations of allegations other than those that led to a conclusion that the allegation was false or malicious; and any disciplinary action in respect of the applicant's practice with children including outcomes and any sanctions imposed.

116. This requirement highlights the importance of managers addressing concerns with employees and volunteers as early as possible and maintaining a clear record of all such discussions. This must include discussions undertaken in the context of day to day management and supervision, as well as formal investigation and disciplinary processes.

117. Managers should refer to their supervision, whistle blowing and management of allegations policies and ensure these are consistent with Working Together 2013 and other relevant government guidance.

12 steps to safer recruitment

Before you release your post…

1. Ensure that you have an up to date recruitment and selection policy that describes the process and roles before you begin.

2. Ensure that your school/academy has a safeguarding policy and that a statement about the school/academy's commitment to safeguarding is included in all recruitment and selection materials.

3. Ensure that you have an up to date job description and person specification for the role(s) you wish to recruit to, that have been agreed with the recruiting manager.

4. Ensure that you have an appropriate advertisement prepared that contains all necessary information about the role, timetable for recruitment and the school/ academy's commitment to safeguarding.

5. Ensure that you have compiled a suitable candidate information pack containing all the required information about the school/academy, role, recruitment timetable, safeguarding policy/statement and application form.

Before you interview…

6. Ensure that each application received is scrutinised in a systematic way by the shortlisting panel in order to agree your shortlist before sending invitations to interview.

7. Ensure that all appropriate checks have been undertaken on your shortlisted candidates, including references and criminal background self-disclosures.

8. Ensure that all shortlisted candidates receive the same letter of invitation to interview, supplying them with all of the necessary information.

Before you select your preferred candidate…

9. Ensure that a face-to-face interview is conducted for ALL shortlisted candidates based on an objective assessment of the candidate's ability to meet the person specification and job description.

10. Ensure that all specific questions designed to gain required information about each candidate's suitability have been asked, including those needed to address any gaps in information supplied in the application form and any issues arising from references and/or criminal background self-disclosure.

Before you formally appoint…

11. Ensure that you are able to make a confident selection of a preferred candidate based upon their demonstration of suitability for the role.

12. Ensure that your preferred candidate is informed that the offer of employment (including volunteer positions) is conditional on receiving satisfactory information from all necessary checks including criminal record (DBS) and Barred List checks.