



East Midlands
Education Trust

Safeguarding - Safer Recruitment Policy

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Mid-reviews (<i>statutory</i>)			
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Introduction

- 1.0 The Trust recognises that the welfare of the child is paramount and takes seriously its responsibility to safeguard and promote the welfare of the children and young people in its care.
- 1.1 All children have the right to be safeguarded from harm or exploitation. In order to keep all of our children safe, all Trust schools follow a clear process of Safer Recruitment to ensure that only those who are deemed appropriate to be with children are able to work in our schools.
- 1.2 The Trustees, Local Governing Bodies and staff act in accordance with Section 175 of the Education Act 2002 and the supporting statutory guidance 'Keeping Children Safe in Education 2021 and Working Together to Safeguard Children 2018' to safeguard and promote the welfare of children across the Trust.

Safer Recruitment Practice

- 2.0 Safer Recruitment is not just about compliance – it is about creating a culture within our schools to minimise risk and keep children safe.
- 2.1 The following process will enable staff involved in recruitment and selection and with responsibility for the single central record to understand the boundaries they operate within with regards Safer Recruitment. This procedure has been developed from 'Keeping Children Safe in Education 2022'. Following the procedure should help deter, reject or identify people who might abuse children, or are otherwise unsuited to work with them.
- 2.2 If any school allows external childcare providers to hire school premises for the provision of childcare (e.g. Breakfast or After School Clubs, etc) the school must ensure that the providers have appropriate policies and procedures in place with regard to safeguarding children.

Safer Recruitment Procedures

3.0 Recruitment paperwork

- 3.1 In an effort to prevent inappropriate individuals from applying for posts within the Trust, all adverts, application forms and job descriptions/person specifications should include the following statement:

“The Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. Safeguarding checks will be undertaken during the recruitment process and this may include online searches”.

- 3.2 Changes to the Rehabilitation of Offenders Act in 2020 means we are no longer able to collect information on previous criminal convictions at the point of application.

- 3.3 The application form should also include an explanation that the post is included in the Exceptions Order(Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 Amendment Order 2020) and therefore all unspent convictions and cautions must be disclosed as well as spent cautions and convictions if they meet the circumstances described in the table below

Disposal	Age when given/sentenced	How long since given/sentenced?
Cautions for specified offence	18 or over	Any time
Cautions for non-specified offence	18 or over	Less than 6 years
Conviction for specified offence	Any age	Any time
Conviction resulting in custodial sentence	Any age	Any time
Conviction for non-specified offence	18 or over	Less than 11 years
Conviction for non-specified offence	Under 18	Less than 5 and half years

A ‘specified offence’ is one which is on the list of specified offences agreed by Parliament which will always be disclosed on a Standard or Enhanced DBS certificate.

All other cautions or convictions which do not meet the details set out in the table, such as spent youth reprimands warnings and cautions are considered protected and therefore do not need to be disclosed.

- 3.4 The application form will advise candidates they will need to complete a Criminal Records Self-Declaration form prior to interview.

4.0 Prior to Interview

- 4.1 Following shortlisting, the school should always check that information about previous employment history is not contradictory or incomplete. Any gaps in employment history should be explained on the application form. Unexplained gaps, or any gaps that have not been adequately explained or appear suspicious, must be noted down for discussion at interview.
- 4.2 Candidates must complete a Criminal Records Self-Declaration Form prior to any job offer being made, to ensure relevant discussions about previous criminal convictions can be had with the interview panel. Please contact your HR Business Partner if you wish to discuss any candidate who has answered ‘yes’ to one or more questions on the form.
- 4.3 Two written references should be obtained for all short-listed candidates, including internal ones. Where possible, they should be sought before interview so that any issues of concern can be explored further with the referee and taken up with the candidate at interview.

- 4.4 References should always be obtained from the candidate's current employer. Where a candidate is not currently employed, verification of their most recent period of employment and reasons for leaving should be obtained from the school, college, local authority or organisation at which they were employed.
- 4.5 Where a candidate has previously worked with children, a reference must be sought from the relevant employer from the last time the applicant worked with children (if they are not currently working with children).
- 4.6 Referees should be specifically asked about the candidate's suitability for working with children and young people, any disciplinary warnings, including time expired warnings that relate to safeguarding children and the candidate's suitability for the post. References should always be requested directly from the referee and schools should not rely on open references, for example in the form of 'to whom it may concern' testimonials.
- 4.7 Information detailed on a reference must be verified with the referee, especially where the content of the reference is vague or insufficient, or where it does not match the information provided on the application form, in these circumstances referees should be contacted to clarify the content.
- 4.8 Any offer of appointment made to a successful candidate must be conditional on satisfactory references being received. Any concerns with the references must be resolved satisfactorily before the appointment is confirmed.
- 4.9 We will ensure that every interview panel has a suitably trained member of staff or governor who has completed Safer Recruitment training. This training will be refreshed every two years.

5.0 The Job Offer

Any offer of appointment made to a successful candidate must be conditional on satisfactory completion of the following pre-employment checks:

5.1 Verifying Identification

- 5.1.1 The applicant must provide sufficient ID documents for the school to ensure that the individual is genuine. Where possible, at least one document should include a photograph (ie, passport or photo driving licence). When checking, schools should ensure that documents appear to be the originals, are current and have not been tampered with in any way. Please speak to EMET HR if you are unsure about the validity of any documents.
- 5.1.2 A copy of all documentary evidence used to verify the successful candidate's identity must be kept on their personal file.

5.2 Disclosure and Barring Service (DBS) checks

- 5.2.1 An Enhanced DBS with Children's Barred List check must be carried out for all staff new to the Trust, even if the individual has never been to the UK. This level of DBS allows for an additional check to be made as to whether the person appears on the children's barred list.
- 5.2.2 If an individual will be starting work before the DBS certificate is available, the school should ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, has been completed. This check can be carried out using the Secure Access Teacher Services' system.
- 5.2.3 The individual must show their original paper DBS certificate to the school before they take up post, or as soon as practical afterwards. Originals or copies of certificates must never be kept on file once the appropriate information has been entered into the Single Central Record. However, the confirmation letter from the school's DBS provider stating the individual's name, the date the disclosure was completed and the disclosure number should always be kept on the personal file.
- 5.2.4 A positive DBS disclosure does not automatically mean that the person is unsuitable for a role in school. Please speak to EMET HR if you are unsure what a positive disclosure means for your school.
- 5.2.5 DBS checks may be portable if staff move between EMET schools. It is the responsibility of the outgoing and incoming school to work together to arrange transfer of the DBS details to the incoming school. However, if a member of staff leaves the Trust to work elsewhere and then returns to the Trust a new DBS should be completed.
- 5.2.6 Individuals may choose to subscribe to the DBS update service and give permission to schools to check their current DBS status for free. This is acceptable as long as a copy of the webpage with the current DBS status is printed at the point of appointment and retained on the personnel file. It is the responsibility of individuals if they wish to take advantage of the Update Service, and schools should neither advise staff to join nor pay the fee associated with being part of the service.
- 5.2.7 If a school has concerns about an existing staff member's suitability to work with children, the school should carry out all relevant checks as if the person were a new member of staff.
- 5.2.8 **Staff need to be aware that if a school or college 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.**

5.3 Individuals who have lived or worked outside the UK

- 5.3.1 In addition to the standard checks undertaken for all staff, schools must make any further checks they think appropriate for individuals who have lived or worked outside the UK, so that any relevant events that occurred outside the UK can be considered. Anyone who has lived or worked outside the UK since the age of 16 should provide an Overseas Criminal Records Check for each country they have resided in for 3 consecutive months or more.
- 5.3.2 If the individual has worked outside the UK within a professional role, a letter of professional standing from the professional regulating authority in the country in which the applicant has worked should also be requested. The letter should confirm that there are no imposed sanctions or restrictions and they are not aware of any reason why they may be unsuitable to teach.
- 5.3.3 Where available, the above evidence can be considered together with information obtained through other pre-employment checks to help assess their suitability. Always contact EMET HR to discuss these checks if you would like to offer a post to an applicant who has lived or worked outside of the UK since the age of 16.
- 5.3.4 Where the above information is not available schools should seek alternative methods of checking suitability and/or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

5.4 Childcare Disqualification

- 5.4.1 The 2018 regulations made under section 75 of the Childcare Act 2006 states that a person who is disqualified under the 2018 regulations may not:
- Provide relevant childcare provision
 - Be directly concerned in the management of such provision
- 5.4.2 Staff covered by the legislation are those employed or engaged:
- to provide early years care (from birth until 1 September following the child's fifth birthday, that is up to and including reception year). In nursery or reception classes or any supervised activity both during the normal school day and outside of school hours.
 - to provide later years childcare outside of the normal school day (this covers children above reception age but who have not attained the age of 8) in nursery, primary or secondary school settings. It does not include education or supervised activity during school hours including extended school hours for co-curricular activities but does include before and after school provision
 - to manage the childcare provision for those children covered by these arrangements. This will include the Headteacher and may also include other members of the senior leadership team as well as anyone responsible for the day to day management of the provision.

5.4.2 All staff must be checked to ascertain the following:

- Whether the individual has committed any relevant offences;
- Whether the individual has been placed on the Children’s Barred List;
- Whether the individual has had their own child(ren) placed under a care order;
- Whether the individual has had their childcare registration cancelled or refused;
- Whether the individual has received any relevant conviction overseas.

5.4.3 Staff have a responsibility to inform their school if their circumstances around any of these elements change during their employment, as stated in the EMET Code of Conduct.

5.5 Teacher prohibition orders

5.5.1 Teacher prohibition orders prevent a person from carrying out teaching work in all schools, sixth form colleges, youth accommodation and children’s homes in England. If an applicant is subject to a Teacher Prohibition Order, this should be flagged up on an enhanced DBS with Barred List Check.

5.5.2 The Prohibition list) should be checked using the Secure Access Teacher Services’ system.

5.5.3 Any person who is prohibited from teaching must not be appointed to a role that involves teaching work. The Teachers’ Disciplinary (England) Regulations 2012 define teaching work as: planning and preparing lessons and courses for pupils; delivering lessons to pupils; assessing the development, progress and attainment of pupils; and reporting on the development, progress and attainment of pupils. Delivery of lessons includes lessons through distance learning or computer aided techniques.

5.5.4 Any new member of staff who has a teaching qualification should be checked for a teacher prohibition order, even if they are not being employed in a teaching role.

5.6 Section 128 direction

5.6.1 A Section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited is unable to participate in any management of an independent school as an employee, a trustee or a governor. However, a prohibited person is able to be an employee in a non-management role.

5.6.2 For the purposes of Section 128 direction, EMET include the following roles within the definition of ‘management’:

- Trustees
- Governors
- Head Teachers
- CEO and EMET Directors
- Deputy Head Teacher

- Assistant Head Teacher
- Department Heads
- Any member of the school's defined leadership team

5.6.3 If an applicant is subject to a Section 128 direction, this should be flagged up on an enhanced DBS with Barred List Check. The Prohibition list can also be checked using the Secure Access Teacher Services' system.

5.7 Qualifications

5.7.1 For any posts that require a professional qualification (e.g. teacher, teaching assistant, finance officer, etc) schools should ensure that qualifications are in place. When checking, schools should ensure that documents appear to be the originals, are current and have not been tampered with in any way. Teaching qualifications should be cross-referenced with the individual's record on the Secure Access Teacher Services' system.

5.7.2 Please speak to EMET HR if you are unsure about the validity of any documents.

5.7.3 Copies of qualification documents should be retained in the individual's personal file.

5.8 Right to Work in the UK

5.8.1 Everyone who works within the Trust must be checked to ensure that they have the right to work in the UK. This is particularly important as employing an illegal worker can lead to an unlimited fine or a jail sentence.

5.8.2 Acceptable documents to establish a right to work in the UK are listed in Appendix 1.

5.8.3 From 30 June 2021, EU, EEA and Swiss nationals will no longer have an automatic right to work in the UK. Any applicant from these countries will need to prove they have Settled or Pre-Settled Status, which allows them to work in the UK. The status can be checked at www.gov.uk/view-right-to-work using the individual's date of birth and 'share code'. The outcome page from this website must be printed to show proof that a check was conducted.

5.8.4 Documents checked for the right to work in the UK should be signed and dated by the checker and retained in the personal file.

5.8.5 When checking, schools should ensure that documents appear to be the originals, are current and have not been tampered with in any way. Please speak to EMET HR if you are unsure about the validity of any documents.

5.9 Medical Clearance

5.9.1 The candidate's mental and physical fitness to carry out their work responsibilities should always be carried out. This will usually be carried out via the Trust's occupational health provider.

5.10 Overseas Trained Teachers

5.10.1 The DfE has issued guidance on the employment of overseas trained teachers which can be found at <https://www.gov.uk/government/publications/employing-overseas-trained-teachers-from-outside-the-eea> Schools should follow this guidance in all cases where an overseas trained teacher is the preferred candidate.

Single central record

- 6.0 All schools within the Trust must keep a single central record (referred to in the regulations as 'The Register'). The single central record must include all staff, volunteers, Governors, supply agency staff, the EMET CEO, the EMET Deputy CEO for their educational phase, the Finance Director, Operations Director, Estates Director and IT Director, as well as the EMET Trustees.
- 6.1 The single central record will be kept in a secure area on Microsoft Teams that can be accessed by the school and the central team.
- 6.2 In addition to the above, a single central record will be kept to include all centrally employed staff, centrally based volunteers and supply agency staff and the Trustees.
- 6.3 The information that must be included is whether the following checks have been carried out or certificates obtained, and the date on which each check was completed/certificate obtained:
- an identity check;
 - a barred list check;
 - an enhanced DBS check;
 - a prohibition from teaching check (where appropriate);
 - a section 128 check (where appropriate);
 - further checks on people who have lived or worked outside the UK;
 - a check of professional qualifications;
 - a check to establish the person's right to work in the UK.
- 6.4 In addition to the above statutory requirements, EMET schools will also include the following information on their single central record:
- post and contract details;
 - childcare disqualification;
 - reference checks;
 - medical clearance;
 - SCR check completed.

- 6.5 For agency and third party supply staff, schools must include whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, and the date that confirmation was received and whether any enhanced DBS certificate check has been provided in respect of the member of staff.

Agency and third-party staff

- 7.0 Schools must obtain written notification from any agency, or third-party organisation they use, that the organisation has carried out the appropriate checks on any individual who will be working at the school. Where the position requires a barred list check, this must be obtained by the agency or third-party prior to appointing that individual. This information should be included on the single central record.
- 7.1 Where the agency or third-party organisation has obtained an enhanced DBS certificate before the person is due to begin work at the school, which has disclosed any matter or information, or any information was provided to the employment business, the school must obtain a copy of the certificate from the agency.
- 7.2 The school must also check that the person presenting themselves for work is the same person on whom the checks have been made.

Trainee/student teachers

- 8.0 Where applicants for initial teacher training are salaried by the school, the school must ensure that all necessary checks are carried out.
- 8.1 Where trainee teachers are fee-funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. Schools should obtain written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

Volunteers

- 9.0 Volunteers who on an unsupervised basis teach or look after children regularly, or provide personal care even on a one-off basis must have an enhanced with barred list DBS check.
- 9.1 The school or college should undertake a risk assessment and use their professional judgement and experience when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. Details of the risk assessment must be recorded and should include:
- the nature of the work with children, especially if it will constitute regulated activity, including the level of supervision;
 - what the school knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
 - whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability; and
 - whether the role is eligible for a DBS check and, if it is, what level is appropriate.

- 9.2 Under no circumstances should a volunteer who has not been checked be left unsupervised within school. For a person to be considered supervised, the supervision must be:
- by a person who is in regulated activity relating to children;
 - regular and day to day; and
 - reasonable in all the circumstances to ensure the protection of children.

Contractors

- 10.0 Where schools use contractors to provide services, they should set out the safeguarding requirements in the contract between the organisation and the school.
- 10.1 Schools should ensure that any contractor, or any employee of the contractor who is to work at the school, has been subject to the appropriate level of DBS check.
- 10.2 Schools should always check the identity of contractors and their staff on arrival.
- 10.3 Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised in school when students are present.

Governors, Trustees and Members

- 11.0 Enhanced DBS checks, identity checks and Section 128 checks must be undertaken for all members of the Governing body of a school and all Members and Trustees of the Trust before, or as soon as practicable after, any individual takes up their position. Further checks should be undertaken if an individual has lived outside of the UK for any period of time after the age of 16.

Legal Duty

- 12.0 Schools have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult; where the harm test is satisfied in respect of that individual; where the individual 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 that the individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left.
- 12.1 Where a teacher is dismissed or the school ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, who will decide whether to make a prohibition order in respect of that person.
- 12.3 Always contact EMET HR if you have any concerns or issues that may need to be referred to either the DBS or Secretary of State.

Appendix 1 - Acceptable documents to establish a right to work in the UK

List A - Acceptable documents to establish a continuous statutory excuse

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4. A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.
5. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7. A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8. A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10. A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B - Group 1: Documents where a time-limited statutory excuse lasts until the expiry date of leave

1. A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4. A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Group 2 – Documents where a time-limited statutory excuse lasts for 6 months

1. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months'** old **together with a Positive Verification Notice** from the Home Office Employer Checking Service.
2. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, **together with a Positive Verification Notice** from the Home Office Employer Checking Service.
3. A **Positive Verification Notice** issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question