



**Shaw
Education
Trust**

Safer Recruitment & Selection Policy

Procedure Originator: Jo Collingwood/Natalie Turner

Approved By: Stephen Watson

Queries to: Regional People Team

Review Interval: Every 3 years (or when relevant within 3yrs)

Safer Recruitment & Selection Policy Introduction

Here at Shaw Education Trust we are committed to the safe recruitment of colleagues across the Trust is the first step to safeguarding and promoting the welfare of children and young people in its care.

The Trust is dedicated to ensuring that there is a thorough and committed approach to Safer Recruitment and takes very seriously its duty of care for all children and young people, in order to half safeguard and promote their welfare.

This policy and associated guidance are in line with the Department for Education's statutory guidance for schools & colleagues " Keeping children safe in education" (part 3) which can be found at:

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

A brief overview can be found in *Annex 1*.

What's our Aim?

The aim of this policy is to help deter, reject or identify people who may pose a risk to pupils or are otherwise unsuited to working with them by having appropriate procedures for appointing colleagues.

Employees involved in the recruitment & selection of colleagues are responsible for familiarising themselves with and complying with the provisions of this policy. If a colleague involved in the recruitment process has a close personal or familial relationship with an applicant must declare it as soon as they are aware of the persons applications and avoid any involvement in the recruitment and selection decision making process.

The Trust aims to operate this procedure constantly and thoroughly while obtaining, collating, analysing and evaluation information from and about applicants applying for roles with Shaw Education Trust and its schools.

Equal Opportunities

As an employer, Shaw Education Trust is committed to ensuring that it provides equality of opportunity to all in employment. Through the SET recruitment and selection policy and procedures, it aims to eliminate barriers and encourage applicants from all sections of the community by:

- Ensuring recruitment and selection procedures are fair and equitable
- Only considering applicants for jobs on the basis of their relevant experience, skills and abilities unless a Genuine Occupational Qualification (GOQ) exists for specific posts; interviewing all applicants with disabilities who meet the essential criteria of the post in line with the company's accreditation of the Job Centre Plus Disability Confident Scheme
- Ensuring that all employees receive fair and equal treatment in relation to their employment regardless of whether they are part-time, full-time or employed on a temporary basis

Roles and responsibilities

It is the responsibility of the SET Board of Trustees to:

- Ensure the Academy Trust and its academies has effective policies and procedures in place for recruitment of all employees and volunteers in accordance with DfE guidance and legal requirements
- Monitor compliance with the approved policy

It is the responsibility of the Trust, Principals and Academy Councils to:

- Ensure that each academy operates safe recruitment procedures and makes sure all appropriate checks are carried out on all employees and volunteers who work at the academy
- To monitor contractors and agencies compliance with this document
- Promote welfare of children and young people at every stage of the procedure

In accordance with the SET scheme of delegation, the Trustees have delegated responsibility to the Principal to lead in all appointments at their Academy. The exception is the appointment of the Principal themselves. The responsibility to appoint the Principal sits with the Chief Executive Officer (CEO) of SET. Academy councillors may be involved in other senior staff appointments, although the final decision will rest with the CEO.

The Principal and Academy Council may have a local recruitment and selection process, but this document must reflect the principles outlined in this policy.

Job Descriptions and Person Specifications

At the start of the recruitment process it is important to define what the post holders responsibilities are for children/vulnerable adults will be over and above the qualifications and experience needed to perform the job.

The job description will clearly and accurately set out the duties and responsibilities of the job role and will include a statement that the employee is responsible for promoting and safeguarding the welfare of children for whom he or she is responsible or comes in contact with.

The person specification is of equal importance and informs the selection decision. It details the skills, experience, abilities and expertise that are required to do the job.

The Advert

To ensure equality of opportunity, each Academy will advertise all vacant permanent posts. The minimum requirement is to advertise the vacant post to all current employees of SET. In exceptional circumstances when a role must be filled with immediate effect, approval must be sought from the CEO or Chief People Officer.

Promoting commitment to safeguarding and child protection can act as a deterrent to would be abusers. Advertisements for all vacancies should demonstrate the Trusts commitment to safer recruitment and vetting procedures with the following wording:

(The Shaw Education Trust is committed to safeguarding and promoting the welfare of children and young people/vulnerable adults and expect all staff and volunteers to share this commitment)

All documentation relating to applicants will be treated confidentially in accordance with the General Data Protection Regulation (GDPR).

Application

All applicants for employment will be required to complete a Shaw Education Trust application form containing questions regarding their academic and full employment history and their suitability for the role (in addition all applicants are required to account for any gaps or discrepancies in employment history).

If a candidate submits only a CV before the closing date for the post, they will be required to complete an application form with a request to return the completed form before the closing date. If an applicant is unable to complete an application form due to a disability, consideration can be made for accepting CVs if alternative formats are not suitable/available.

Shortlisting

Safer recruitment

At least two members of the agreed interview panel will be involved in the shortlisting process. This will usually involve the Principal and another nominated leader, the Chair of the Panel will be Safer Recruitment Trained. Applications will be objectively assessed against the job description and person specification. The application forms will also be scrutinised sufficiently in order to ensure that there are no gaps in the applicants' employment history and to ensure there are no other inconsistencies in their application evidence.

Criminal Convictions

Criminal convictions disclosed by applicants will be withheld from the initial short-listing process. Disclosure of a criminal background should not be used as a reason to exclude an applicant.

For further information on dealing with criminal convictions, please refer to the DBS policy.

Social Media Checks

In addition, as part of the shortlisting process, Shaw Education Trust will be carrying out an online search/Social Media Check as part of our due diligence on shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school, Academy or College might want to explore with the applicant at interview. A Social Media Check report highlights material which may contain high risk behaviour of relevance to individual conduct and standards. The report will objectively assess all information against consistent criteria. The interpretation and action to be taken as a result of the findings is the responsibility of the report requestor. The Social Media check will be withheld from the initial short-listing process and will not be used as a reason to exclude an applicant.

References

No-one should be permitted to start work until two satisfactory professional references have been obtained. One of the referees must be the candidate's current or most recent employer. Open references must not be accepted under any circumstances.

References must be signed by the Headteacher/Principal of the school giving the reference or if not a school, then the person who can answer the question about conduct/suitability to work with children and young people. In exceptional circumstances an alternative member of the Leadership team or the relevant HR department may provide a reference if there are difficulties in obtaining a reference from the Headteacher/Principal. Please seek further advice from your Regional People Advisor (People Team).

Wherever possible, references should be requested for all shortlisted candidates (including internal candidates) prior to interview and in sufficient time for them to be made available to the interviewing panel. However, it is acknowledged that particularly with applicants not currently working in education, they may not wish their current employer to know that they are seeking alternative employment. In this case no contact with their referee(s) should be made until they have been formally offered the post in question. An offer of appointment will not be confirmed until all references have been received and are deemed to be satisfactory.

References will be used to check the appointment and to reinforce decisions made as part of the interview/selection process. References will be checked against information on the application form and from the interview/selection process.

Two professional references must be provided. Any discrepancies or anomalies will be followed up at interview or prior to final appointment to the post, should the references not be available at the time of interview. One of the references must be from the most recent/current employer.

Failure to fully disclose issues or forge references/qualifications will result in disciplinary action reporting to the relevant authorities.

All posts are offered conditionally subject to the receipt of satisfactory references.

Interviews

The shortlisting panel would ordinarily be involved in the interview. Prior to the interview, the panel will establish who will chair the process and who will make the decision to appoint after the panel have scored the evidence provided.

The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will also enable the panel to explore any anomalies or gaps have been identified in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with the Safer Recruitment Training). Interview panels will cover the same questions with all candidates but are encouraged to ask supplementary questions to gain a thorough understanding of the applicant's skills and knowledge in order to ensure comparability between interview responses.

Any information in respect to past disciplinary action or allegations, cautions or convictions will be discussed and considered where disclosed at the interview stage. At least one member of any interviewing panel will have undertaken safer recruitment training or refresher training as applicable. SET encourages interview panels to have at least two safer recruitment trained colleagues on each panel.

Interview panels should use assessment and scoring procedures against which all applicants are scored fairly. If a high number of applicants is received for a single role, the "hiring manager" should seek to use a scoring process in which only the most suitable applicants are invited for interview. Hiring managers should seek advice from their Regional People Advisor if they are unsure on how to score interviews. Managers will refer to the requirement to interview candidates who meet the essential criteria of the post in line with the company's accreditation of the Job Centre Plus Disability Confident Scheme.

Pre-Employment Checks

No candidate will be offered a post with the Trust unconditionally. All offers are subject to the receipt of a satisfactory enhanced DBS Certificate, references, social media check and medical checks, copies of qualifications and proof of identity. These checks must be made clear to the candidates at interview then be externally verified by the appointing officer (or representative of the appointing officer).

Only when all checks have been completed and returned will an offer of employment be confirmed.

Enhanced DBS (Disclosure and Barring Service) Certificate

All colleagues of Shaw Education Trust are required to have an enhanced DBS Certificate and therefore a DBS Certificate must be obtained before the commencement of employment of any new employee.

It is the Trust's policy to ask colleagues to complete an annual declaration of disclosure, these documents will be stored in line with data protection. Employees' with a break in service of more than 3 months or whose role and responsibilities change substantially e.g. TA to Teacher will be required to reapply.

Colleagues must be made aware of their obligation to inform the Principal (or in the case of central team colleagues the Chief People Officer of any cautions or convictions that arise at any point in time.

In exceptional circumstances the Trust may permit an adult to start work before a DBS has been completed, if that person is not in a regulated activity with an appropriate risk assessment completed. Where an adult is in a regulated activity and the enhanced DBS with barred list has not been completed, the adult will not be able to commence employment. A possible exception maybe if an existing enhanced DBS with barred list exists from a previous employer and considered portable, this maybe accepted alongside a completed risk assessment until a new enhanced DBS is completed. Trust HR must be consulted with before this is agreed.

Portability of DBS Certificates Checks

Taking into account the above information, when considering the portability of DBS checks the Principal or hiring Manager must take into account the latest guidance in 'Keeping Children Safe in Education' and any associated updates that are made.

Dealing with convictions

The Trust operates a formal procedure if a DBS Certificate is returned with details of convictions. Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- Nature, seriousness and relevance of the offence
- How long ago the offence occurred
- One-off or history of offences
- Decriminalisation and remorse

The person concerned will be asked to write down the circumstances regarding the matter and provide supporting information for their continued employment.

A formal meeting will take place face-to-face to establish the facts with the Principal/ Line Manager. Following these discussions, the Principal/ Line Manager will complete a risk assessment of the situation and it is the decision of the Chief People Officer or Chief Executive Officer as to whether to allow the person to work in the Trust. The person will then be informed of the decision.

It is an offence to employ anyone on the barred list in schools. Where appropriate checks will be undertaken in line with the DfE guidance 'Disqualification under the Childcare Act 2006 as amended'.

The Rehabilitation of Offenders Act 1974

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with or having access to pupils. Therefore, any convictions and cautions that would normally be considered SPENT must be declared when applying for any position within the schools or central team

Social Media Checks

Colleagues at Shaw Education Trust are required to have a social media check prior to commencement of employment for any new employee.

The Social Media Check highlights material which may contain high risk behaviour of relevance to individual conduct and standards such as:

- Swearing & Profanity
- Extremist Groups
- Negative Sentiments
- Hate Speech
- Violent Images
- Potential Nudity

- Toxic Language

The report will objectively assess all information against consistent criteria. The interpretation and action to be taken as a result of the findings is the responsibility of the report requestor.

Shaw Education Trust is committed to treating all people equally and with respect irrespective of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

Prohibition Check, and 128 checks

Any candidate with QTS should be checked against the prohibited list if they are being recruited to a post which includes teaching work.

“Teaching work” is defined as work not subject to the direction and supervision of a qualified teacher (or other person nominated by the head teacher to provide such direction and supervision) which involves one or more of the following:

- planning and preparing lessons and courses for pupils
- delivering lessons to pupils
- assessing the development, progress and attainment of pupils reporting on the development, progress and attainment of pupils.

This may include Support staff who may not have QTS but take on teaching responsibilities e.g. HLTA’s

This check ensures that a teacher is not prohibited from teaching and has been a statutory requirement since April 2014, but there is no requirement to retrospectively check teachers who commenced their current employment prior to that date. Existing staff will have been checked in line with previous guidance for checking QTS status. Further information is in the TRA publication “Teacher misconduct: the prohibition of teachers”.

The individual’s teaching record should be printed off and placed in their personnel file. Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by DfE. Pending such consideration, the Secretary of State may issue an interim

prohibition order if he considers that it is in the public interest to do so. These can only be lifted by re application to be removed even if they are time bound.

To ensure that you are able to carry out the check prior to appointment, academies must register on the Teacher Services system. This is a free service. Further information on how to register and access can be viewed at <https://www.gov.uk/teacher-status-checks-information-for-employers>. This replaces the database previously managed by the GTCE which listed any teacher who may have been the subject of a suspension or conditional order and confirmed that a teacher had QTS and had completed their induction.

You can check whether a teacher you are considering employing has:

- Qualified teacher status (QTS)
- Completed their induction
- A mandatory qualification for teachers of hearing impaired or visually impaired pupils
- An active teaching restriction
- Been the subject of a decision by the Secretary of State not to impose a prohibition order for unacceptable professional conduct, conduct that may bring the teaching profession into disrepute or conviction of a relevant offence been prohibited from teaching
- Been prohibited under section 128 from taking up a management position in an independent school (including an academy or free school). This check should also apply to members of the central/hub teams who are in leadership roles.
- A suspension or conditional order imposed by the GTCE or TRA for England that is still current
- Failed their induction or probation period

It is important that the checker also 'claims' the teacher on the Teachers Services website.

A Section 128 check is only undertaken on individuals who are involved in the management and governance of schools. If an individual has been

issued with a 'Section 128' they cannot serve on the board or on the Senior Management team.

Please note: *The prohibition order check is different to the barred list check operated by the DBS (see 4.4.3). Some new appointments will require an enhanced check.*

Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status

All applicants will be required to bring their identification documentation such as passport, birth certificate and driving licence with them as proof of identity/eligibility to work in UK in accordance with those set out in the Immigration, Asylum and Nationality Act 2006 and DBS Code of Practice Regulations.

In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification legally required for the position and claimed in their application form. Failure to provide accurate documentation will lead to a retraction of an offer of employment.

Medical Fitness

Anyone appointed to a post involving regular contact with children must possess the appropriate level of physical and mental fitness before any appointment offer is confirmed. Applicants are required to complete a brief pre-employment medical questionnaire if they have declared any medical conditions/disabilities and where appropriate a doctor's medical report may be required.

Overseas checks

All new employees who have lived outside the UK are subject to additional checks in accordance with Immigration, Asylum and Nationality Act 2006. The academy will take into account the latest guidance in 'Keeping Children Safe in Education'.

If the potential employee has lived or worked outside the UK for a period of time (whether or not they are a British national) please visit the

following link to check the most up to date information www.gov.uk/criminal-record-checks-apply-role , then a UK DBS Disclosure will not give a full picture in respect of any criminal record they may have. Good practice would be to explore the travels with the candidate during the interview. In addition to the usual pre-employment checks listed elsewhere in this policy, where an individual has lived or worked abroad in recent years, academies must make any further checks they think are appropriate so that any relevant events that occurred outside the UK can be considered. For example:

- An overseas criminal record check, where available. The overseas criminal record certificate may also be referred to as a certificate of good conduct or police character certificate (etc.) depending on the country in question. Please request a copy of the Overseas Declaration Form from your Regional People Advisor or the People Central Team
- An employment reference from the overseas' employer, even if this is not the last two employers
- Where the vetting documents are received in a language other than English, the translation must be completed by an accredited translator Since 01 January 2021 the TRA Teacher Services system no longer maintains a list of those teachers who have been sanctioned in EEA member states and therefore this check is no longer required. This column on your SCR must remain as evidence that this was part of your checks from 18th Jan 2016 to 31st Dec 2020.

Under KCSiE there is no requirement to carry out checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the applicant has worked in a school (or the further education sector or 16-19 Academy) in England in a post which brought them into regular contact with children or young persons. However, notwithstanding this, an academy may make any further checks they consider to be appropriate in the circumstances of the individual case. If the individual is a Visa Applicant, additional statutory requirements to provide criminal record certificates apply.

Please contact the Regional People Team for further support.

Academies should ensure that their SCR includes a confirmation of whether an overseas criminal records certificate is required and, if so, the date this was seen /verified.

Further information:

The Home Office has published guidance on criminal record checks for overseas

applicants, on a country-by-country basis

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

The DfE has also issued guidance on the employment of overseas-trained teachers

<https://www.gov.uk/government/publications/employing-overseas-trained-teachersfrom-outside-the-eea>

Contractors and agency staff

Contractors engaged by the academy must complete the same checks for their employees that the academy is required to complete for its staff.

The academy requires confirmation that these checks have been completed before employees of the Contractor can commence work at the academy.

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

Monitoring and Evaluation

The Chief People Officer and Director's of Education will be responsible for ensuring that this policy is monitored and evaluated throughout the trust.

Links with other Policies & Procedures

DBS Policy – for more information on regulated activities and recruiting new people

Safeguarding & Child Protection Policy – Information on the Single Central Record and keeping children and young children safe in our schools.

Social Media Policy & IT Acceptable Use Policy – For guidance and the acceptable use of Social Media in the Trust

Single Central Record Checklist – Ensuring the SCR is compliant following the recruitment process.





Shaw Education Trust

Shaw Education Trust Head Office,
Kidsgrove Secondary School,
Gloucester Road,
Kidsgrove,
ST7 4DL

Twitter
LinkedIn
Call
Email
Visit

@ShawEduTrust
@ShawEducationTrust
01782 948259
info@shaw-education.org.uk
shaw-education.org.uk

**Pupil &
people
centred**

**Act with
integrity**

**Be
innovative**

**Be best
in class**

**Be
accountable**