

Safer Recruitment Policy



Safer Recruitment Policy Document Status			
Date of Policy Creation	September 2020	Author	T&W HR Department
Adoption of policy by Governing Board	10 February 2021	Executive Headteacher	Denise Garner
Inception of new Policy	11 February 2021	Chair of Governors	Gill Stubbs
Date of policy review	September 2021	Governor/Staff Member Responsibility	Lisa Parish/Sara Griffiths

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Summary

The policy aims to ensure both safe and fair recruitment and selection is conducted at all times. Safeguarding and promoting the welfare of children and young people is an integral factor in recruitment and selection and is an essential part of creating safe environments for children and young people. The school is also committed to ensure that recruitment and selection is undertaken in a fair and transparent way and that appointments are based on the candidate judged to be most suitable, securing the position.

Recruitment and Selection Policy Statement

The School is committed to safeguarding and promoting the welfare of children and expects all staff and volunteers to share in this commitment.

The School is committed to attracting, selecting and retaining employees who will successfully and positively contribute to providing the very best education for our children. A motivated and committed workforce with appropriate knowledge, skills, experience and ability to do the job is critical to the school's performance and fundamental to the delivery of a high quality education.

Purpose

To ensure the recruitment of both permanent and temporary (including voluntary) staff is conducted in a fair and effective manner, while applying value for money principles to the recruitment & selection process.

To help achieve this, those that are responsible for each stage of the recruitment process will at all times be expected to demonstrate a professional approach by dealing honestly, efficiently and fairly with all internal and external applicants.

Scope

The policy applies to all school employees employed at [Wrockwardine Wood Infant School & Oakengates Nursery Federation](#) as well as governors responsible for and involved in recruitment and selection of all school based staff. Where a Headteacher or Deputy Headteacher is being appointed, the Governing Body will consult with Telford & Wrekin Local Authority about the recruitment process.

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The ultimate responsibility for recruitment and selection lies with the Governing Body. The Governing Body has delegated the responsibility to the Headteacher for appointments other than those to the leadership group.

Aims

- To ensure that the safeguarding and welfare of children and young people is first consideration at each stage of the process.
- To ensure a consistent and equitable approach to the appointment of all school based staff.
- To ensure all relevant equalities legislation is adhered to and that appointees are not discriminated against on the grounds of race, nationality, gender, religion, age, disability, marital status, and sexual orientation.

Process checklist for School Business Manager and admin staff (see appendix 1)

Equalities

The School is committed to providing equality of opportunity for all and ensuring that all stages of recruitment and selection are fair. Recruitment and selection procedures will be reviewed on a regular basis to ensure that applicants are not discriminated against on the grounds of race, nationality, gender, religion, age, disability, marital status, sexual orientation. The School acknowledges that unfair discrimination can arise on occasion and therefore will ensure that the Equal Opportunities Policy is the foundation for all its activities.

Safer Recruitment – Recruitment and Selection Training

It is a statutory requirement that at least one member of the interview panel has completed this training successfully prior to the start of a recruitment process.

Safer Recruitment is a training package developed for Governors and senior leaders of schools, which aims to improve recruitment processes in schools to help deter, identify and reject applicants who might be unsuitable to work with children. Safer Recruitment Training is frequently delivered by Telford & Wrekin Local Authority by accredited trainers. **Please also see addendum to policy regarding advice during covid-19 pandemic.**

Safer recruitment and DBS checks

We will record all information on the checks carried out in the school's single central record (SCR). Copies of these checks, where appropriate, will be held in individuals' personnel files. We follow requirements and best practice in retaining copies of these checks, as set out below.

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Appointing new staff

When appointing new staff, we will:

- Verify their identity
- Obtain (via the applicant) an enhanced Disclosure and Barring Service (DBS) certificate, including barred list information for those who will be engaging in regulated activity (see definition below). We will not keep a copy of this for longer than 6 months
- Obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available
- Verify their mental and physical fitness to carry out their work responsibilities
- Verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards
- Verify their professional qualifications, as appropriate
- Ensure they are not subject to a prohibition order if they are employed to be a teacher
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK, including (where relevant) any teacher sanctions or restrictions imposed by a European Economic Area professional regulating authority, and criminal records checks or their equivalent
- Check that candidates taking up a management position are not subject to a prohibition from management (section 128) direction made by the secretary of state
- Ask for written information about previous employment history and check that information is not contradictory or incomplete

We will seek references on all short-listed candidates, including internal candidates, before interview. We will scrutinise these and resolve any concerns before confirming appointments.

We will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare Disqualification (Regulations) 2009 and Childcare Act 2006. Where we take a decision that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment on the individual's personnel file. This will include our evaluation of any risks and control measures put in place, and any advice sought.

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Regulated activity means a person who will be:

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

Existing staff

If we have concerns about an existing member of staff's suitability to work with children, we will carry out all the relevant checks as if the individual was a new member of staff. We will also do this if an individual moves from a post that is not regulated activity to one that is.

We will 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 the individual (i.e. that no action or inaction occurred but the present risk that it could was significant)
- Where the individual has received a caution or conviction for a relevant offence
- If there is reason to believe that the individual has committed a listed relevant offence, under the [Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria and Miscellaneous Provisions\) Regulations 2009](#)
- If the individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

Agency and third-party staff

We will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

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Contractors

We will ensure that any contractor, or any employee of the contractor, who is to work at the school has had the appropriate level of DBS check. This will be:

- An enhanced DBS check with barred list information for contractors engaging in regulated activity
- An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children

We will obtain the DBS check for self-employed contractors.

We will not keep copies of such checks for longer than 6 months.

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

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

Trainee/student teachers

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

Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

In both cases, this includes checks to ensure that individuals are not disqualified under the Childcare Disqualification (Regulations) 2009 and Childcare Act 2006.

Volunteers

We will:

- Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity
- Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in regulated activity
- Obtain an enhanced DBS check without barred list information for all volunteers who are not in regulated activity, but who have an opportunity to come into contact with children on a regular basis, for example, supervised volunteers

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- Carry out a risk assessment when deciding whether to seek an enhanced DBS check for any volunteers not engaging in regulated activity
- Ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare Disqualification (Regulations) 2009 and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought

Governors

All governors will have an enhanced DBS check without barred list information. They will have an enhanced DBS check with barred list information if working in regulated activity.

Adults who supervise pupils on work experience

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

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

Monitoring, reviewing and assessing impact

This policy will be regularly monitored and reviewed by staff and governors on an annual basis at the same time as the Child Protection policy to ensure that it is effective in helping the school recruit and retain excellent, well-motivated staff who share the ethos of safeguarding and promoting the welfare of children and young people.

Useful documents

Keeping Children safe in Education

Appendix 1

Process for recruitment

- Dates added to the diary for interview and shortlisting (seek timeline guidance from HR services)
- Safer recruitment Governor and Chairman of the Governing Board are notified of dates for shortlisting and interview
- Complete T&W advert
- Recruitment advertising will contain a safer recruitment statement
- The job description and person specification are essential tools. They will be used throughout the process and will encompass safeguarding and child protection responsibilities
- When applications arrive the school will number each application form and record relevant details on a spread sheet provided by T&W HR services
- Monitoring and Evaluation are essential for assessing the effectiveness of the recruitment and selection process
- The Disability Discrimination Act (DDA) makes it a requirement to make reasonable adjustment to the recruitment process if an applicant makes the employer aware that they have a disability. This applies to the entire recruitment process, from advertisement to appointment.
- A long list will be completed by the SBM or Admin team to ascertain which candidates meet the selected criteria
- Safer recruitment checks on timelines of candidates previous employment will be completed to identify any gaps
- Any gaps in employment will be discussed at interview
- A short list will be made of applicants who meet the criteria agreed by the Governing Board this will be done by the Headteacher and/or Deputy Headteacher, School Business Manager and Safer Recruitment Governor
- A letter will be sent to the short list candidates who will be called for interview
- Two references must be taken up prior to interview, one of which must be the current, or most recent employer
- When requesting references the referee will be asked about the candidates suitability for working with children
- A panel will carry out selection with at least two members but preferably with three. At least one panel member will have carried out and passed appropriate safer recruitment training on the selection process by attending Local Authority training on Safer Recruitment
- Selection will be based on a minimum of a completed application form, a short listing process and an interview
- Gathering information and carrying out relevant background and vetting checks on a candidate for appointment will be followed as per HR Guidance and recorded immediately on the Single Central Record (SCR) as information is received.
- If there is an urgent business need a Pre DBS risk assessment can be completed (see appendix 5)
- The candidates suitability to work with children will be explored at interview by asking open ended questions, as well as questions which explore the candidates attitude towards child protection

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- Employees will be recruited on the knowledge, experience and skills needed for the job
- A letter to confirm appointment will only be confirmed after all checks have been completed satisfactorily.
- A Personnel file will be set up immediately after the interview appointment with an Induction Checklist (See induction policy)
- The induction checklist will be worked through systematically and collaboratively by the SBM and Administration staff
- T&W will be informed of the contract details through the contract request form
- New Starter forms and the medical questionnaire will be completed

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Appendix 2

T&W Schools HR Advisory Service	Safer Recruitment Guidance Note 1 Template Single Central Record Sept 2020
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This is a template SCR produced by the Safer Recruitment Consortium. With the exception of the columns for DBS certificate number, GTCE check and volunteer risk assessment, these are the statutory columns for an SCR.

Whilst there is no statutory duty to include details of other checks, you can record any other information you deem relevant. Our advice would be to include, childcare disqualification, volunteers and dates of safeguarding and Safer Recruitment training so that you are capturing all of the information centrally in one place. You should however, keep in mind your obligations under GDPR and the Data Protection Act 2018 only to hold sensitive personal data securely and where there is a good reason to do so.

Identity			Start date		Qualifications		Prohibited list	GTCE list	EEA list check	S128 Prohibited from management	Barred list check	DBS certificate		Right to work in UK	Overseas Check		Volunteers only
Surname	First name	Date evidence of ID seen	Start date	Role	Required Yes / No	Check evidenced date	Check evidenced date	Check evidenced date	Check evidenced date	Check evidenced date	Check evidenced date	Original certificate seen da	Disclosure number	Check evidenced date	Checks required Yes / I	Checks complete Yes / I	Date risk assessment completed

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Schools must include on the SCR:

- All staff who are employed to work in the school, including teacher trainees on salaried routes, and supply staff.
- For independent schools, all members of the proprietor body. For Academies and Free Schools, this means all the members and trustees of the Academy Trust.
- In maintained schools all governors should be included. They should also have an enhanced DBS check, this should include be an enhanced with barred list check if they are also undertaking regulated activity.
- Although there is no requirement to include volunteers or those that are brought into the school to provide additional teaching for pupils who are not staff members, eg sports coaches you may choose to do so.

Please note that Ofsted expect the Governor with Safeguarding Responsibility to scrutinise the SCR and relevant records.

Notes for completion:

There is no requirement to state who undertook the check but you may state this if you wish.

Identity:

- There is not a requirement to record the address
- Identification checking guidelines can be found on the gov.uk website [ID checking guidelines - GOV.UK](#)

Qualifications:

- Verify professional qualifications required for the post. The DFE Sign In system should be used to verify any award of QTS and the completion of teacher induction or probation.

Prohibited List & GTCE Check

- Schools must ensure that a candidate to be employed to carry out teaching work is not subject to a prohibition order issued by the Secretary of State (via the Teacher Regulation Agency), or any sanction or restriction imposed (that remains current) by the GTCE before it's abolition in March 2012.

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- ☑ 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. These activities are not teaching work for the purposes of these Regulations if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher or other person nominated by the head teacher to provide such direction and supervision.
- ☑ In line with the definition above please note this can also apply to non-teaching roles where they are teaching and are unsupervised, HLTA's for example. As well as support staff that hold a teaching qualification. These are carried out by logging onto the DfE Sign In Portal <https://services.signin.education.gov.uk/> or can be undertaken by HR. You should indicate if you need one undertaken for a member of support staff on appointment to a relevant role.
- ☑ When schools carry out a teacher check by using a teacher's teacher reference number (TRN) and date of birth, any sanctions against the teacher are clearly found in the 'sanctions' section at the bottom of the teacher's record. This includes teachers previously prohibited from teaching by the GTCE. The teacher should be claimed by the school, and their record printed and retained in their personnel file.

When a school wishes to carry out a teacher check on unqualified teaching staff (and those doing teaching works – HLTA's/Cover Supervisors) who do not have a TRN, it is necessary to look for the name of the teacher in the General Teaching Council for England (GTCE) sanctions and the Teachers and others prohibited from the profession hyperlinks on the right hand side of the search screen (see below).

Find a teacher

TRN Date of birth [Clear fields](#)

- › [Teachers who have failed induction or probation](#)
- › [General Teaching Council for England \(GTCE\) sanctions](#)
- › [Teachers and others prohibited from the profession](#)
- › [Teachers sanctioned in other EEA member states](#)
- › [Section 128 barring directions](#)

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- ☑ It should be noted that GTCE prohibitions also now apply to schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England, whereas in the days the GTCE was in existence, their prohibition only applied to teaching carried out in maintained schools.

EEA List check

- ☑ This applies to those teachers who have lived or worked outside the UK but in an EEA country. This is a check for information about any teacher sanctions or restrictions that an EEA professional regulating authority has imposed. These checks can be made by logging onto the DfE Sign In Portal here <https://services.signin.education.gov.uk/> and clicking the link Teachers sanctioned in other EEA member states (see image above). This can also be undertaken by HR.

S128 Prohibited from Management

- ☑ The column for s128 'prohibition from management' should only be populated for individuals in management of an independent / free school or academy (SLT, departmental heads, trustees, members of the proprietor body) OR members of the governing body of a maintained school
- ☑ This check will usually be done as part of their enhanced DBS with barred list check (state that the person is in 'management of an independent school' on the DBS application) or – if the person is not in regulated activity – DfE Sign In Portal here <https://services.signin.education.gov.uk/>
- ☑ There is a separate Guidance note on these checks.

Barred List Check

- ☑ You can obtain a separate barred list check (for those working in regulated activity) if you are wishing to start their employment prior to receiving a new DBS and are wishing to undertake a pre DBS risk assessment. (See Safer Recruitment Guidance Note 4 for more information on this process). This wouldn't be something you would obtain separately in all cases as they would usually be part of the enhanced DBS (with barred list check). This check can be undertaken by the Telford & Wrekin HR Team. They can be contacted on 01952 383601 or via email at hrhelpdesk@telford.gov.uk.

DBS Certificate

- ☑ There is no requirement to have a column for DBS certificate number but many schools do this.

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- ☑ Three types of DBS certificate:
 - Standard - provides information about convictions, cautions, reprimands and warnings held on the Police National Computer, regardless of whether they are spent under the Rehabilitation of Offenders 1974. The law allows for certain old and minor offences to be filtered out;
 - Enhanced – same as standard check, plus any approved information held by the police which they feel is relevant and should be disclosed;
 - Enhanced with barred list check – where people are working or seeking to work in regulated activity with children, this allows an additional check to be made as to whether the person appears on the children’s barred list. This is likely to be required for most appointments in school.
- ☑ **You are only legally entitled to undertake a barred list check if regulated activity will be undertaken** (see definition in Part 3 of Keeping Children Safe in Education)
- ☑ Schools do not have to keep copies of the DBS certificate in order to fulfil the duty of maintaining the SCR. Should you choose to do so then to comply with the Data Protection Act this must only be kept for 6 months.
- ☑ Although this may be completed via an online DBS system you should still see the original DBS certificate and record the date this was seen on the SCR.

Right to Work in the UK

- ☑ Original documents should be seen and copied and held on the personal file
- ☑ Further information on the acceptable documents to verify Right to Work in the UK can be found here: <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide> and there is also a helpful right to work checklist www.gov.uk/government/publications/right-to-work-checklist

Overseas Check

- ☑ Individuals who have lived or worked overseas must have the same check as other staff.
- ☑ There is no requirement for a school to carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the persons appointment, the applicant has worked:
 - In a school in England in a post:
 - Which brought them regularly into contact with children or young persons; or
 - To which the person was appointed on or after the 12 May 2006 and which did not bring the person regular into contact with children or young persons; or

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- In an institution within the further education sector in England in a post which involved the provision of education which brought the person into contact with children or young persons.

☑ However, should the above not apply then an overseas criminal records check/certificate of good conduct will be required. Guidance can be found here: www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants

Volunteer Risk Assessment

- ☑ Volunteers who, on an unsupervised basis teach or look after children regularly, or provide personal care on a one off basis, will be in regulated activity and therefore will require an enhanced DBS with barred list check.
- ☑ Schools will need to risk assess whether an enhanced DBS check (without barred list check) is required for any other volunteer roles that do not meet the regulated activity definition. (See Keeping Children Safe in Education for more information) and there is a useful Model Volunteer Risk Assessment available on the HR Advisory SharePoint site. Schools can choose how / where to record that the volunteer risk assessment has been completed.



Childcare Disqualification

- ☑ For staff who work in childcare provision, or who are directly concerned with the management of such provision, the school needs to take appropriate checks to ensure they are not disqualified under the Childcare (Disqualification) Regulations 2009.
- ☑ Schools must keep a record of those staff who are employed to work in, or manage relevant childcare provision. They should record the date on which the information about disqualification was provided.
- ☑ This will apply to the following staff within a school:
 - The Headteacher and possibly other members of the Senior Leadership Team, who are involved in the management of schools that have an early years provision and/or wraparound care for children under 8.
 - Staff who provide care for a child up to and including reception age. This includes education in nursery and reception classes or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during the normal school day and outside of school hours for children in the early years age range.
 - Later years provision (for children under 8) - Staff who are employed to work in childcare provided by the school outside of the normal school day for children who are above reception age but who have not attained the age of 8.

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- ☑ More detailed information and a declaration for the relevant staff to complete as part of their pre-employment checks is available in the Guidance Note 3.

Agency and third party staff (supply staff)

- ☑ Schools must obtain written notification from any agency they use to confirm that they have undertaken the checks that the school would otherwise perform.
- ☑ In respect of the DBS certificate, written confirmation that the certificate has been obtained.
- ☑ Where the position requires a barred list check this must be obtained by the agency prior to appointing the individual.
- ☑ The school should undertake an ID check on arrival at the school.

Trainee/student teachers

- ☑ Where those on Initial Teacher Training are paid by the school then the school should ensure all necessary checks are carried out.
- ☑ Where trainee teachers are fee funded, it is the responsibility of the initial teacher training provider to carry out the necessary checks. The school should obtain written confirmation from the provider that these have been undertaken.

Appendix 3

T&W Schools HR Advisory Service

**Safer Recruitment Guidance Note 2
November 2018**

Section 128 checks

Section 128 provisions

A Section 128 direction prohibits or restricts a person from taking part in the management of an Independent school, Academy or Free school. This includes Governors, Directors and Trustees.

There has been a requirement since 2015 to undertake an additional check for those in management roles at Independent schools, Academies and Free schools, to ensure they are not prohibited under Section 128 provisions.

The barring decision under section 128 also has the effect of disqualifying the person from being a governor/trustee at a maintained school. Therefore, Keeping Children Safe in Education 2018 extends the requirement for a check under section 128 provisions to include governors in Maintained Schools.

Who am I required to check?

Independent Schools, Academies or Free Schools

Required to check members of proprietary bodies, including Governors, Trustees and Directors, as well as the Headteacher.

As the term 'management' is not defined in the legislation, it is a decision for the school to determine whether a post requires this check. A school may be asked to justify a decision not to carry out a check, if an issue arises.

The following positions may be considered as involved in the Management of the school:

- Any teaching positions on the senior leadership team

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- Any teaching positions that carry a department headship
- Any non-teaching staff who are part of the senior leadership team

Maintained Schools (all non-academy schools)

All Governors/Trustees will require a check against the section 128 list but this does not include the Headteacher or other managers.

How do I check for a Section 128 direction?

Independent Schools, Academies and Free Schools

Those working in regulated activity should have an enhanced DBS with barred list check, this allows for a s128 check to also be made as part of this DBS check. When the DBS application is submitted if a s128 check (see above) is required then the box should be ticked to indicate they will be in a management position at an independent school – this can also be used for Academies and Free Schools.

For those governors/trustees/managers that do not have an enhanced DBS with a barred list check this check can be undertaken separately via the Teacher Services website as per Maintained Schools. (See below).

For current staff that move into a management role or who have not previously been checked against the S128 list then you can run a check through the Teacher Services website as below.

Maintained Schools (all non-academy schools)

This can be undertaken separately using Teacher Regulation Agency (previously NCTL) Teacher Services secure access (see below). You would click on the Section128 barring decisions section as indicated to search the list provided.

Find a teacher

TRN Date of birth [Clear fields](#)

- ▶ Teachers who have failed induction or probation
- ▶ General Teaching Council for England (GTCE) sanctions
- ▶ Teachers and others prohibited from the profession
- ▶ Teachers sanctioned in other EEA member states
- ▶ Section 128 barring directions

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If you don't have access to secure access you can request this via the TRA webpage:

<https://sa.education.gov.uk/idp/Authn/UserPassword>

Does the Section 128 check need to be recorded on the Single Central Record?

Yes, the date that the check was completed should be recorded on your Single Central Record. If you haven't already done so, please add a new column to your SCR to indicate that this check has been carried out (see Safer Recruitment Guidance Note 1 for a template SCR)

Appendix 4

T&W Schools HR Advisory Service

Safer Recruitment Guidance Note 3

Childcare Disqualification Regulations 2006

The Childcare Act 2006 and Childcare (Disqualification) Regulations 2009 requires childcare disqualification checks to be carried out by all schools that provide education or childcare for children up to the age of 8.

1. Who do these apply to?

The requirements apply to your staff if:-

- they work with or provide early years childcare/education to children up to the age of 5, including reception age, (to 1st September, following a child's 5th birthday),
- they deliver later years childcare/education to children who have not yet attained the age of 8, outside of school hours (breakfast/after school club), this does not include activities undertaken in extended school hours for co-curricular learning activities, eg:school choir, sports teams etc..
- they are directly concerned with the management of the above education/childcare. This will include the Headteacher and possibly members of the Leadership Team, manager, supervisor, leader or volunteer responsible for the day-to-day management of the provision. It will be for the school to determine based on the responsibilities in each role.
- Non employees
 - For any self-employed individual deployed to work in relevant provision, the school must ensure that you are compliant with the requirements of the legislation.
 - For trainees who are not salaried, the training supplier is responsible for carrying out the relevant checks but if you are a salaried trainee then it is the school's responsibility to undertake these.
 - Volunteers and casual workers (eg on work experience) working on a regular basis in relevant childcare are covered by the regulations, as are volunteers directly involved in management of same.

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- For Agency Staff, the school must ensure that any external agency providing staff in relevant settings carry out these checks prior to placing them in school.

2. Which staff may also be covered?

Schools have to consider the level and type of access other staff such as administrators, cleaners, caretakers and other teaching/childcare staff have to children under 8, in order to make a decision on the inclusion of staff in the check.

They need to evaluate and record any risks and control measures put in place. A record of the assessment should be retained on the employee's personnel file and a copy supplied to the individual concerned.

Clearly, lunchtime supervisors will be covered by the requirements.

3. What are the disqualification criteria?

In addition to inclusion on the Children's Barred List, the other disqualification criteria for employees and volunteers in schools contained in this legislation are:-

- being found to have committed, certain violent and sexual criminal offences against children and adults,
- certain orders relating to the care of children (including where an order is made in respect of a child under the individual's care),
- having registration refused or cancelled in relation to childcare or children's homes, or being prohibited from private fostering,
- being found to have committed an offence overseas, which would constitute an offence resulting in Disqualification under the 2018 regulations, if committed in the UK.

4. When do I need to check my staff?

Schools need to ask those relevant staff to provide the relevant information, as part of their pre-employment checks or when they move into a role which comes within the scope of the legislation.

Schools need to regularly remind relevant staff to declare the relevant information, should their circumstances change after their initial declaration. There is no requirement for an annual check. However, it is important that staff are reminded, at least on an annual basis,

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that, should their personal circumstances in relation to the Disqualification criteria change at any time, the Headteacher must be informed immediately.

5. How do I check my staff?

The disqualification criteria pertaining to criminal offences and being on the children's barred list will come through on an enhanced DBS with children's barred list check, however some of the others will not. Therefore, a declaration form for this purpose is provided at the end of this document and should be completed for all new staff that meet the requirement for this type of check.

6. What do we do if there is a positive declaration?

Where a member of staff states "Yes" to any of the questions on the declaration they should provide full information on Part B of the form. This should then be submitted to the Headteacher (or Chair of Governors for the Headteacher) in confidence.

The Headteacher should then make contact with HR who will look at this information against the disqualification requirements referring to full details of the disqualification criteria, which can be found here: [Disqualification under the Childcare Act 2006](#) and with reference to the appendices that list the relevant offences [APPENDICES Disqualification under the childcare act 2006 pdf](#).

Should the HR advice be that **potentially** they meet this criteria a Vetting Panel will be arranged. This will involve HR, the Local Authority Designated Officer and the Headteacher.

Whilst this process is ongoing the member of staff should not commence their employment. For existing staff consideration should be made to looking at redeployment to a role not covered by these regulations or placing them on special leave/suspension with full pay pending the outcome of this Vetting Panel. HR advice should be provided in these circumstances.

The Headteacher should record the action on part D of the declaration form.

7. What should we do if it is determined that the disqualification criteria are met?

Should the Vetting Panel determine that this information meets the disqualification criteria then this should be referred to Ofsted by the Headteacher immediately.

Schools must inform the individual of this and explain the implications of this disqualification and whether they can apply to Ofsted for a waiver of this disqualification (for example, Ofsted cannot grant a waiver for someone on the children's barred list). Information on the waiver process and the application can be found here and should be shared with the individual [Ofsted fact sheet: Applying to waive](#)

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[disqualification: early years and childcare providers](#). Ofsted will need the individual to complete the waiver application accurately and fully and will need information about the individual.

Should the member of staff wish to apply for a waiver then consideration then they should not work within a role covered by these regulations, consideration should be given to redeployment (if appropriate) or special leave/suspension with full pay whilst this decision is awaited.

Should Ofsted not grant the waiver/or the individual confirm they will not be applying for a waiver then the offer of employment should be withdrawn. For existing staff advice should be sought from HR on the option of permanent redeployment to another role or the need to progress the termination of employment of the member of staff.

The Headteacher should record the updated action on part D of the declaration form.

Appendix 5

T&W Schools HR Advisory Service

November 2018

Safer Recruitment Guidance Note 4

Pre- DBS Risk Assessment Form

This should be used whilst awaiting a new DBS certificate.

If the employee or volunteer will be engaged in regulated activity they cannot start until:

- a check has been made on the children's barred list. (HR can undertake this check)
- they have had a previous enhanced DBS (including children's barred list check) undertaken by their present employer and this is from their current address
- they have produced an original copy of the disclosure certificate and it is clear.
- all other pre-employment checks have been undertaken and are satisfactory (see Safer Recruitment Guidance Note 1)
- there are no unexplained 'gaps' in employment.
- original identification documents have been checked
- Suitable measures such as supervision can be introduced whilst the disclosure is awaited.
- a pre DBS risk assessment form has been completed and signed by the Headteacher and Telford & Wrekin as the Local Authority (Mandatory for Telford & Wrekin LA maintained (non-academy) Schools).

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Pre-DBS Risk Assessment

This form must be fully completed by the school, signed by the Headteacher and sent to Telford & Wrekin HR to authorise before the employee commences in post. **This is a mandatory requirement for all Telford & Wrekin maintained (Non-Academy) Schools**

Name of applicant:	
School:	
Post applied for:	
1. What evidence has been seen of identity?	
2. What evidence of required qualifications has been seen? (Include QTS where appropriate).	
3. Has the person lived or worked overseas? If yes please state dates of overseas employment: What evidence of good conduct has been collected from overseas? (Please provide a copy with this form)	
4. What evidence of the right of the applicant to work in the UK been checked?	

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5. At least 2 written satisfactory references have been obtained, one of which is from the last/current employer who carried out the last DBS check and confirmation has been gained that there are no concerns about their conduct or suitability to work with children. Give names and contact details of referees below:	
Ref 1	
Ref 2	
6. Are there any gaps in employment? Yes/No	
If yes then please provide explanation given by the applicant for these gaps, are you satisfied with this explanation: Yes/No.	
7. Do the Disqualification from Childcare Regulations apply to this post? (See Safer Recruitment Guidance Note 3) Yes/No.	
If Yes, have they completed the relevant declaration? Yes/No	
Did they answer Yes to any of the questions? Yes*/No.	
* Please contact your HR Advisor to discuss next steps.	
8. DBS check details:	
DBS Disclosure Ref:	

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Date of DBS:	
Does this include a check on the children's barred list?	Yes/No
Was this an enhanced DBS?	Yes/No
Was this undertaken at their current address?	Yes/No
Was this undertaken by their current employer?	Yes/No – Please confirm name of the employer who requested this check:
Have you seen a copy of the original disclosure certificate?	Yes/No
What date was the new application for a DBS made?	
<p>9. Ask the applicant to confirm that they do not have any convictions, cautions, allegations or other relevant information which may affect their suitability on safeguarding grounds? This will include whether they are/have been suspended/investigated/disciplined for safeguarding issues. What response was given by the candidate?</p>	
<p>10. What safeguards will be put in place whilst a new DBS is awaited? (Written confirmation of supervision arrangements, access to children etc.) These arrangements must be discussed and given in writing to the candidate and anyone supervising them and supervision arrangements must be reviewed every 2 weeks pending new DBS disclosure.</p>	

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Headteacher declaration:

I can confirm that there is an urgent need for the above applicant to commence employment before the new DBS certificate is received, that all pre-employments have been undertaken and are satisfactory and that safeguards will be put in place and monitored every 2 weeks.

Signed _____ Date _____

To be completed by T&W HR Department

Date new disclosure application sent to the DBS?

Date a children's barred list check was undertaken & prohibition order register checked?

Signature of HR Officer

Date

Signature of HR Advisor

Date

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Appendix 6

DBS Disclosure risk assessment process and safer recruitment checklist for volunteer

This pro-forma should be completed in all cases when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity.

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.

Section 1: Applicant details	
Name:	
Post applied for/Volunteer role:	
Start date	
Day and time	
Section 2: Initial assessment	
2.1 Is the activity carried out for the purpose of the school and does it provide opportunity for contact with children?	<p>Please Choose</p> <p>If no – an enhanced DBS is NOT required.</p> <p>If yes – please complete section 2.2.</p>
2.2 Will the person be supervised by an adult on a day to day basis and has the identified “supervisor/s” had an enhanced DBS and barred list check. <i>“Supervised”:</i> This means that supervision must be ongoing and must not, for example be concentrated during the first few weeks	<p>Please Choose</p> <p>If you cannot confidently say yes to the person being supervised continually by another who is in regulated activity, please indicate why.</p> <p>An enhanced DBS with a Barred List Check must be carried out in this circumstance.</p>

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<i>of an activity and then tail of thereafter becoming the exception not the rule.</i>	Please complete point 2.3 If the answer to this question is yes. Please move onto point 2.4
2.3 In order to clarify why the DBS is being undertaken, please outline below the activity the person will be doing.	
2.4 Please indicate the adult/s responsible for supervising the person	Name/s: