



Cross Keys Learning

Safer Recruitment Policy

This is a core policy that forms part of the induction for all staff. It is a requirement that all members of staff have access to this policy and sign to say they have read and understood its contents.

Date written:	Sept. 2023
Date of last update:	Sept. 2023
Date agreed and ratified by management committee:	Sept. 2023
Date of next full review	Sept. 2024

This policy will be reviewed at least annually and/or following any updates to national and local guidance and procedures

Key Contacts

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This policy is written in accordance with Kent County Council's Safeguarding Procedures for Managing Allegations Against Staff Within Schools and Education Services dated September 2022.

Link: https://www.kscmp.org.uk/_data/assets/pdf_file/0020/118091/Managing-Allegations-Against-Staff-Practice-Guidance.pdf

This policy will be reviewed **at least** annually. It will also be revised following any concerns and/or updates to national and local guidance or procedures.

This document follows statutory guidance from the Department for Education when carrying out duties relating to handling allegations of abuse against teachers and other staff.

Introduction & Purpose

This policy provides the approach to recruitment and selection of staff and volunteers at Cross Keys Learning.

This policy is also designed to ensure that people who are unsuitable to work with children, young people and their families are deterred and prevented from working within the school environment.

This policy directly endorses and supports the mandatory guidance in the latest nationally published Keeping Children Safe in Education Document. Recruitment and selection in the Trust will focus on safeguarding children by reducing the risk of harm through the employment of suitable, appropriately screened, vetted, and checked individuals.

Cross Keys Learning actively promotes equality, diversity, and inclusion, aims to eliminate discrimination, promotes positive attitudes to disabled people and takes account of disabilities in any staffing dealings, including recruitment.

Policy Statement

The school aims to ensure that recruitment effectively and efficiently supports the provision of high-quality education. The school's/settings objective in carrying out recruitment is to fill vacancies with people of the highest quality, drawn from the widest possible 'pool', cost effectively and without undue delay, whilst adhering to principles of fairness and equality.

No employee, potential employee or applicant will be unlawfully disadvantaged on the grounds of age, race or ethnicity, disability, gender and marital status, gender identity, sexual orientation, religion or belief or pregnancy and maternity. In adopting this policy, the school is committed to:

- Developing and promoting our schools and other learning provisions.
- Appointing on merit.
- Being open and transparent.
- Valuing all individuals involved in the recruitment process.
- Valuing existing staff and helping them realise their potential.
- Working towards developing a workforce that embodies the Trust core values of compassion, aspiration, integrity, and collaboration.
- Giving appropriate and proper consideration to all applicants.
- Working towards developing a workforce that in its diversity can provide an appropriate and professional education to the children.
- Actively engaging with under-represented sectors of the community where possible.
- Using flexible working arrangements, where appropriate, to encourage a diversity of applicants.
- Ensuring that assessment techniques and tests are free from any bias that might unlawfully discriminate.

- Giving consideration to making reasonable adjustments at all stages of the recruitment process for applicants with a disability.

Key Legislation, Policy, and Guidance

This Policy is underpinned by:

- Legislation specifying employment rights
- Equality Legislation
- Legislation and guidance for the protection of children
- Legislation, policy and guidance giving rights of access to information at all stages of the recruitment process. A full list of this legislation can be found in Appendix 2.

The Equality legislation applies to everyone, including:

- employees including apprentices;
- workers who are not employees but who work under a contract for services;
- applicants for jobs;
- volunteers;
- agency workers;
- contract workers;
- trainees undertaking or seeking vocational training;
- students.

In addition to the other forms of discrimination set out in the Equality Act, people with a disability, as defined in the Equality Act 2010, are protected from:

- Unfavourable treatment due to something connected with their disability – this differs from direct/indirect discrimination because there does not have to be anyone to compare the treatment of the disabled person with;
- Failure to make “reasonable adjustments” – these must be made if a disabled candidate is placed at a substantial disadvantage, i.e., anything that is not minor or trivial, by any aspect of the recruitment process. What is reasonable will depend on the effectiveness of the adjustment in overcoming the disadvantage and the ability of the employer to make the required changes. Changes may have to be made to the recruitment process, duties, working practices and terms and conditions of employment, even when that involves treating disabled people more favourably.

Selection Panel

The school has overall responsibility for all staff appointments in our schools and settings. The school may delegate these responsibilities to the Headteacher, an individual governor or Director, or a group of governors or Directors in accordance with its Scheme of Delegation:

Constitution:

- The Board holds delegated responsibility for determining the appointment of the Headteacher. The School HR Committee must be consulted and will retain involvement via membership of the selection panel. The Chair of Board and Directors will be full panel members. *
- The Board and Directors hold delegated responsibility for determining appointments at Headteacher level. The panel will comprise of the Chair of Governors, and Directors*.
- The Headteacher holds delegated responsibility for determining leadership appointments below the level of Headteacher. The Governing Board and Directors must be consulted and will retain involvement via membership of the selection panel.
- The Headteacher holds delegated responsibility for determining staff appointments outside their own school leadership group and should establish an appropriate panel in accordance with the requirements below. *For senior level appointments the panel may wish to consider the merits of engaging an external panel member with specialist knowledge, expertise or experience that would bring an additional dimension and increased level of robustness to the interview process. Requirements for all Panels:
- The Chair of the appointment panel has the overall responsibility for ensuring that the selection process is compliant with the Recruitment and Selection Policy and Safer Recruitment principles. Therefore, before advertising, the Chair should approve the JD/person specification, selection criteria, panel membership, process to be followed/timetable and the advertising strategy, including how best to attract a strong and diverse field of applicants.
- Membership of the panel should be diverse and inclusive to help ensure an equal and fair recruitment process.

In particular:

- Panels should consist of a minimum of 3 members.
- Will, where possible, consist of a balance of genders.
- At least one member of the panel (and preferably more) will be current "Safer Recruitment" trained.
- All members will, where possible, conduct the whole recruitment and selection process i.e., shortlisting and interview.
- All panel members will familiarise themselves with the School Equal Opportunities and Diversity Policy and Avoiding Decision Making Biases Guidance prior to taking part in shortlisting or interviewing.
- Panel members must declare any conflict of interest including prior knowledge of any applicant and, where it appears an actual or perceived conflict may exist, the Chair must ensure a record is kept of how any such conflicts were dealt with.
- At the end of the process the Chair should ensure that there is a record briefly describing the outcome, on what evidence the assessment of appointment was made, whether each candidate was appointable (and the order of merit) and the strengths and areas of development for each candidate to be used for feedback.

Analysis of Post Requirement & seeking Relevant Approvals

When a post becomes vacant the Headteacher/Senior Leader will undertake a thorough review to assess whether a replacement is necessary (like for like or changed/re-focussed) and in the interests of the school as a whole and in light of its financial health and specific needs/objectives. Careful consideration should be given to the financial implications of creating a new post or increasing the working hours of an existing post. Any review should include the working pattern/hours of the post and suitability for flexible working.

Recruitment and selection process

The recruitment steps outlined below are based on part 3 of Keeping Children Safe in Education 2023.

To make sure we recruit suitable people, we will ensure that those involved in the recruitment and employment of staff to work with children have received appropriate safer recruitment training.

We have put the following steps in place during our recruitment and selection process to ensure we are committed to safeguarding and promoting the welfare of children.

Advertising

When advertising roles, we will make clear:

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

Application forms

Our application forms will:

- Include a statement saying that it is an offence to apply for the role if an applicant is barred from engaging in regulated activity relevant to children (where the role involves this type of regulated activity)
- Include a copy of, or link to, our child protection and safeguarding policy and our policy on the employment of ex-offenders

Shortlisting

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

- Consider any inconsistencies and look for gaps in employment and reasons given for them
- Explore all potential concerns

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

- Complete a self-declaration of their criminal record or any information that would make them unsuitable to work with children, so that they have the opportunity to share relevant information and discuss it at interview stage. The information we will ask for includes:
 - If they have a criminal history
 - Whether they are included on the barred list
 - Whether they are prohibited from teaching
 - Information about any criminal offences committed in any country in line with the law as applicable in England and Wales
 - Any relevant overseas information

- Sign a declaration confirming the information they have provided is true

We will also consider carrying out an online search on shortlisted candidates to help identify any incidents or issues that are publicly available online. Shortlisted candidates will be informed that we may carry out these checks as part of our due diligence process.

Seeking references and checking employment history

We will obtain references before interview. Any concerns raised will be explored further with referees and taken up with the candidate at interview.

When seeking references, we will:

- Not accept open references
- Liaise directly with referees and verify any information contained within references with the referees
- Ensure any references are from the candidate's current employer and completed by a senior person. Where the referee is school based, we will ask for the reference to be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations
- Obtain verification of the candidate's most recent relevant period of employment if they are not currently employed
- Secure a reference from the relevant employer from the last time the candidate worked with children if they are not currently working with children
- Compare the information on the application form with that in the reference and take up any inconsistencies with the candidate
- Resolve any concerns before any appointment is confirmed

Interview and selection

When interviewing candidates, we will:

- Probe any gaps in employment, or where the candidate has changed employment or location frequently, and ask candidates to explain this
- Explore any potential areas of concern to determine the candidate's suitability to work with children
- Record all information considered and decisions made

Pre-appointment vetting 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.

New staff

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

- Verify their identity
- Obtain (via the applicant) an enhanced DBS certificate, including barred list information for those who will be engaging in regulated activity (see definition below). We will obtain the certificate before, or as soon as practicable after, appointment, including when using

the DBS update service. We will not keep a copy of the certificate for longer than 6 months, but when the copy is destroyed, we may still keep a record of the fact that vetting took place, the result of the check and recruitment decision taken

- . Obtain a separate barred list check if they will start work in regulated activity before the 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. These could include, where available:
 - o For all staff, including teaching positions: [criminal records checks for overseas applicants](#)
 - o For teaching positions: obtaining a letter from the professional regulating authority in the country where the applicant has worked, confirming that they have not imposed any sanctions or restrictions on that person, and/or are aware of any reason why that person may be unsuitable to teach
- . 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

* Management positions are most likely to include, but are not limited to, headteachers, principals and deputy/assistant headteachers.

Regulated activity means a person who will be:

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

Existing staff

In certain circumstances we will carry out all the relevant checks on existing staff as if the individual was a new member of staff. These circumstances are when:

- . There are concerns about an existing member of staff's suitability to work with children; or
- . An individual moves from a post that is not regulated activity to one that is; or
- . There has been a break in service of 12 weeks or more

We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- . We believe the individual has engaged in [relevant conduct](#); or
- . We believe the individual has received a caution or conviction for a relevant (automatic barring either with or without the right to make representations) offence, under the

[Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria and Miscellaneous Provisions\) Regulations 2009](#); or

- We believe the 'harm test' is satisfied in respect of the individual (i.e., they may harm a child or vulnerable adult or put them at risk of harm); and
- 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.

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 includes contractors who are provided through a PFI or similar contract). This will be:

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

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.

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
- Carry out a risk assessment when deciding whether to seek an enhanced DBS check without barred list information for any volunteers not engaging in regulated activity. We will retain a record of this risk assessment

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.

All governors will also have a section 128 check (as a section 128 direction disqualifies an individual from being a maintained school governor).

All proprietors will also have the following checks:

A section 128 check (to check prohibition on participation in management under [section 128 of the Education and Skills Act 2008](#)). Section 128 checks will be only required if local governors are retained or been delegated any management responsibilities.

- . Identity
- . Right to work in the UK
- . Other checks deemed necessary if they have lived or worked outside the UK

The chair of the board will have their DBS check countersigned by the secretary of state.

All governors will also have the following checks:

- . Identity
- . Right to work in the UK
- . Other checks deemed necessary if they have lived or worked outside the UK

Staff working in alternative provision settings

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

Adults who supervise students 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.

Students staying with host families

Where the school makes arrangements for students to be provided with care and accommodation by a host family to which they are not related (for example, during a foreign exchange visit), we will request enhanced DBS checks with barred list information on those people.

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

Decision making, feedback and offers (including salary information) of employment.

When assessing candidates with disabilities, it is a requirement to consider their suitability on the basis that any reasonable adjustments that may be required have been made. Similarly, if special equipment is required the candidate's suitability will be evaluated on the basis that the equipment is in place.

Cross Keys Learning requires that as a minimum, all members of the selection panel familiarise themselves with the – Avoiding Decisions-Making Biases Guidance Document before selection begins.

Each member of the selection panel will score each candidate at the end of each interview privately before the overall scores are agreed collectively and the best candidate chosen. If additional selection methods are used, these will be fed into the decision-making process at the end, and the candidate who best meets the selection criteria chosen.

The selection panel will agree feedback for each candidate and record whether each candidate is suitable for appointment, even if not the first-choice candidate.

Offers of employment will not be made at interview. All candidates will be advised of the likely timescales for a decision and notified of the outcome of the interview as soon as possible. However, the selection panel will wait until the successful candidate has accepted the offer before informing unsuccessful candidates, unless they are clearly unsuitable for the post.

All candidates will be offered feedback on their performance during the selection process and an explanation of the decision, if requested.

The initial job offer to the successful candidate will normally be made verbally and followed up in writing within seven working days stipulating that appointment is subject to satisfactory employment checks of:

- References
- Medical fitness for successful candidate only
- Qualifications
- An enhanced DBS check
- Proof of identity and eligibility to work in the UK
- Membership of any appropriate professional body
- Disqualification under the Childcare Act 2006 for eligible staff
- Original documents should be produced and a copy of these will be taken and kept on the successful candidate's personal file with the exception of the DBS check.

Remuneration

It is normal policy for support staff to be appointed to the minimum of the grade. However, it is recognised that starting salaries may need to be offered above the minimum in certain circumstances, e.g., to take account of current salary levels, experience, or qualifications. Teachers' remuneration will be in line with the school's pay policy. Teacher salaries may be offered based on the teacher's current salary.

Records of interviews

- The Trust has a responsibility to maintain a central record for the complete recruitment process for a minimum of 6 months.

The following will be recorded:

- assessment and selection criteria used (person specification).
- application of assessment and selection criteria (e.g., application form).
- interview and other selection method notes (e.g., question proformas, test results).
- reasons for decisions made;

- any additional information such as copies of qualifications, etc. All recruitment paperwork relating to the successful candidate will be retained and placed in their personnel file.

Individuals can access all the paperwork relating to their recruitment process in accordance with the Freedom of Information Act and the Data Protection Act.

Eligibility to work in the UK

Under the Immigration, Asylum and Nationality Act 2006 it is a criminal offence to employ someone without entitlement or permission to work in the UK. Section 15 of the Act requires all employers in the UK to make basic document checks on every person before they start work to help ensure that they do not employ illegal workers. Employers are also required to recheck documents at least every 12 months if the employee has time-limited leave to enter or remain in the UK. Employers incur a significant fine if they employ an illegal worker. A new offence of knowingly employing an illegal worker can incur an unlimited fine and/or up to five years' imprisonment.

To ensure that recruitment practices are not discriminatory, all short-listed applicants, regardless of their colour, race, nationality, or ethnic or national origin, will be asked to produce original documents as evidence of their right to work in the UK.

Where a preferred candidate requires a Skilled Worker Visa (previously Tier 2 General) status to work for the Trust the appointing officer will contact their HR Business Partner for advice before an offer of employment is confirmed.

Overseas Trained Teachers (OTTs)

OTTs are allowed to work as unqualified teachers for a maximum of four years without the need to gain qualified teacher status (QTS). Details can be found in the Guidance from the DfE on Overseas Trained Teachers <https://www.gov.uk/government/publications/teach-in-england-if-you-qualified-outside-the-uk/teach-inengland-if-you-qualified-outside-the-uk>

Appointments

Pre-employment checks

An offer of appointment to the successful candidate will be conditional upon: • verification of the right to work in the UK (original documents will be seen and a copy retained

- the receipt of at least two satisfactory references (if those have not already been received – see section 12).
- verification of the candidate's identity (original documentation will be seen and a copy taken at the interview stage).
- where appropriate, a satisfactory Enhanced DBS Check (before working unsupervised with children) including barred list checks.
- pre-employment health screening that is targeted, necessary and relevant to the job which has been offered.
- verification of qualifications (original documents will be seen and a copy retained at interview stage)
- verification of professional status where required e.g., TRA registration, QTS status (unless properly exempted),
- For teaching posts - verification of successful completion of statutory induction period (applies to those who obtained QTS after 7th May 1999) for newly qualified teachers (before 1st September 2021) or early career teachers (from 1st September 2021).
- For non-teaching posts - satisfactory completion of the probationary period.

- If appropriate, declaration by the employee that they are not disqualified under the Childcare Act 2006 (see below).
- For qualified teachers applying for support staff posts - a check against the TRA registration list to establish whether the applicant has been deregistered from the teaching profession.
- a check that a person taking up a management position is not subject to a section 128 direction made by the Secretary of State.

Disqualification under the Childcare Act 2006

Staff are covered by this legislation if they are employed and/or provide early years childcare (this covers the age range from birth until 1 September following a child's fifth birthday i.e. up to and including reception age) or later years childcare (this covers children above reception age but who have not attained the age of 8) in nursery, primary or secondary school settings, or if they are directly concerned with the management of such childcare.

This includes:

- Early years provision - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range; and
- Later years provision (for children under 8) - staff who are employed to work in childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision. Further information can be found in the DfE Statutory Guidance on Disqualification under the Childcare Act 2006 issued in February 2015
<https://www.gov.uk/government/publications/disqualification-under-thechildcare-act-2006>

Contracts of employment

All employees will be provided with written details of the main terms and conditions of employment on or before their start date in post as per the statutory stipulation. This is known as the Statement Of. The type of contract and the terms and conditions of employment will be clear and appropriate for the category of job and the needs of the service. If the contract is temporary the reason for this will be written in the contract. Administration All employment checks, including qualifications, DBS, identity and right to work in the UK will be placed on a single central record at the school which will be subject to Ofsted inspection.

Induction

The Appointing Officer will make appropriate induction arrangements for all newly appointed staff. An Induction Booklet template is available in the Recruitment Toolkit.

In accordance with the Keeping Children Safe in Education statutory guidance, new staff will, as part of induction, be given a copy of 'Part one' of that guidance. Where these policies are used, the school will also provide a copy of (or provide access to) the Child Protection Policy, the Code of Conduct and the Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings, with the expectation being that these are read fully and thoroughly. New staff will also receive training in the systems within the school which support safeguarding, including the role of the designated safeguarding

lead. A record will be made and kept on the personal file, of these documents having been provided and/or signposted as part of the induction.

Where applicable, Headteachers will follow the statutory induction programme for Newly Qualified Teachers (before 1st September 2021) or Early Career Framework Teachers (from 1st September 2021).

Probationary Period

The performance of new support staff will be rigorously monitored during a probationary period of six months with close attention being paid to learning needs and performance issues. The line manager will read and follow the School Probationary Policy in managing the probationary period of a new member of support staff.

New support staff will have a probationary review meeting with their line manager 3 months and 5 months after they commence employment with the school. A record of this will be provided to the new member of support staff with a copy held on their personnel file.

Advice will be sought at an early stage from the school HR Business Partner if there are performance concerns about a new member of support staff.

Volunteers

Recruitment of volunteers will be in line with this policy and all appropriate recruitment checks should be made on volunteers as would be done for substantive, fixed-term, and temporary staff.

Casual Workers

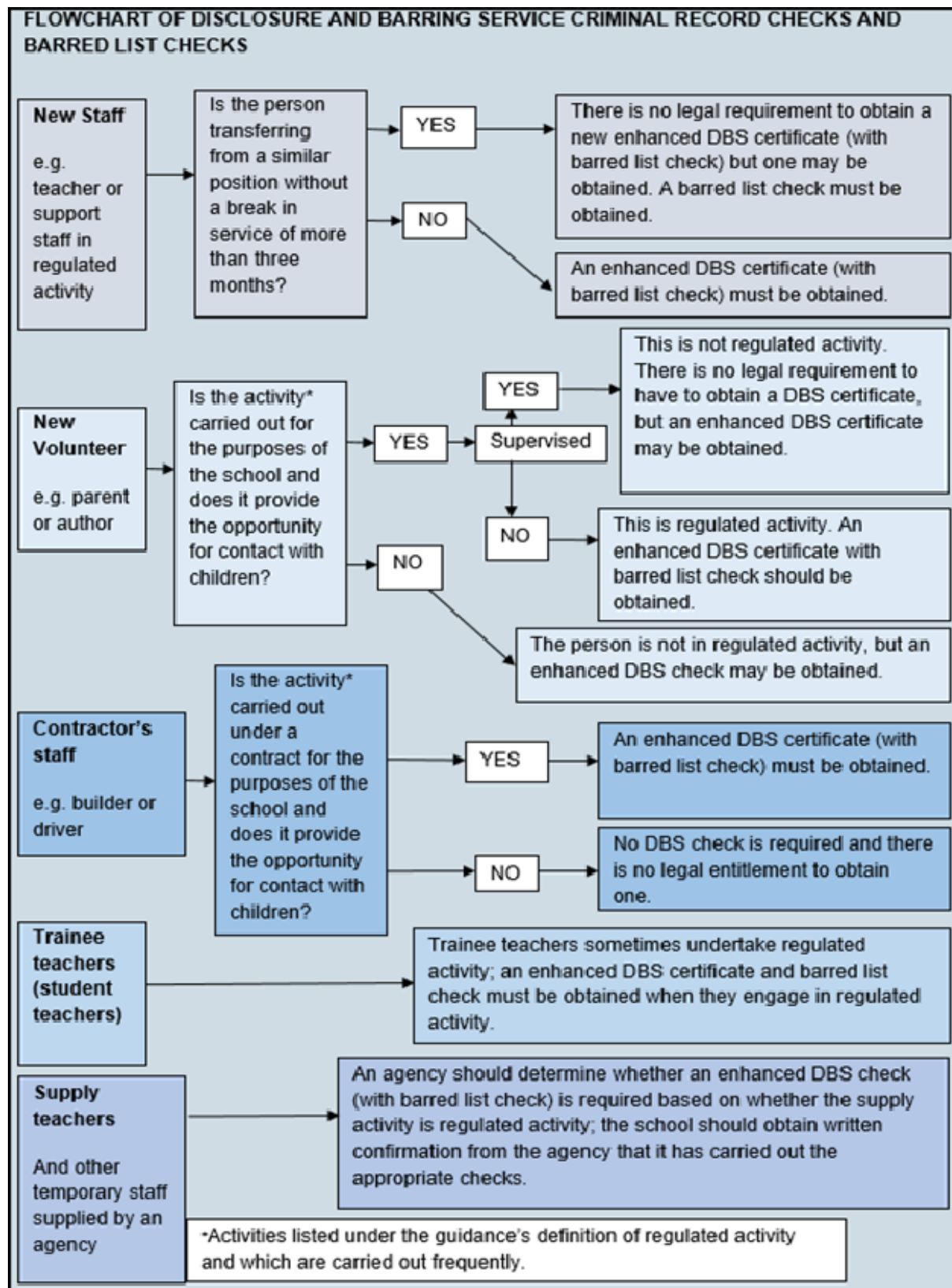
Recruitment of casual workers will be in line with this policy and all appropriate checks will be made on casual workers as would be done for substantive, fixed-term, and temporary staff.

Further Advice

For further advice and guidance on managing a recruitment and selection process please contact your HR Business Partner or email steve.fuller@kms.kent.sch.uk

Appendix

1.A



1.B

APPENDIX 1B – ADMINISTRATOR FLOWCHART FOR SUCCESSFUL CANDIDATES

