



NAZENE DANIELLE

SCHOOL OF PERFORMING ARTS

## Safer Recruitment Policy

**This policy applies to the whole school**

### INTRODUCTION

The safe recruitment of staff in schools is the first step to safeguarding and promoting the welfare of children in education. NDSOPA is committed to safeguarding and promoting the welfare of all pupils in its care. As an employer, the school expects all staff and volunteers to share this commitment.

### AIMS AND OBJECTIVES

The aims of the Safer Recruitment policy is to help deter, reject or identify people who might abuse pupils or are otherwise unsuited to working with them by having appropriate procedures for appointing staff.

The aims of the School's recruitment policy are as follows:

- to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- to ensure that all job applicants are considered equally and consistently;
- to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age;
- to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education - September 2022 (KCSIE), and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- to ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

The School has a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the job. The recruitment and selection process will ensure the identification of the person best suited to the job at the school is based on the applicant's abilities, qualification, experience and merit as measured against the job description and person specification.

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, and relevant safeguarding legislation and statutory guidance (including KCSIE 2022)

If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant, they must declare it as soon as they are aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process.

The school aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job vacancies at NDSOPA

## **ROLES AND RESPONSIBILITIES**

It is the responsibility of the Head teacher /Proprietor to:

- Ensure the school has effective policies and procedures in place for recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements.
- Monitor the School's compliance with them.

It is the responsibility of the Head teacher and proprietor involved in recruitment to:

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

The Head Teacher and proprietor are to lead in all appointments. The final decision will rest with the Head Teacher & proprietor.

Roles which are carried out on an unpaid/voluntary basis will only amount to regulated activity if, in addition to the above, they are carried out on an unsupervised basis.

The School is not permitted to check the Children's Barred List unless an individual will be engaging in "regulated activity". The School is required to carry out an enhanced DBS check for all staff and supply staff who will be engaging in regulated activity. However, the School can also carry out an enhanced DBS check on a person who would be carrying out regulated activity but for the fact that they do not carry out their duties frequently enough i.e. roles which would amount to regulated activity if carried out more frequently.

## **RECRUITMENT AND SELECTION PROCEDURE**

### **Advertising**

To ensure equality of opportunity, the school will advertise all vacant posts to encourage as wide a field of applicant as possible, normally this entails an external advertisement.

We will consider the skills, abilities, experience, attitude, and behaviours required for the post; and the safeguarding requirements,

Any advertisement will make clear the school's commitment to safeguarding and promoting the welfare of children and that safeguarding checks will be undertaken.

whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020.

All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act (DPA18).

### **Job Descriptions and Person Specifications**

A job description is a key document in the recruitment process and must be finalised prior to taking any other steps in the process. It will clearly and accurately set out the duties and responsibilities of the job role.

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.

## **Application Forms**

NDSOPA uses its own application form which requires applicants to provide:

- personal details.
- current and former names, current address and national insurance number.
- details of their present (or last) employment and reason for leaving.
- full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment.
- qualifications, the awarding body and date of award.
- details of referees/references (see below).
- a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification

Applicants submitting an incomplete application form will not be shortlisted. The information provided by the candidate will be checked against references subsequently received, and any discrepancies taken up with the candidate. This includes any gaps in employment. A CV will only be accepted if it is accompanied by an application form.

The application form will include the applicant's declaration regarding convictions and working with children and will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974. CVs will not be accepted.

It is unlawful for the School to employ anyone who is barred from working with children and a statement to this effect will be contained in the application form. It is a criminal offence for any person who is barred from working with children to apply for a position at the School. All applicants will be made aware that providing false information is an offence and could result in the application being rejected, or summary dismissal if the applicant has been selected, and referral to the police and/or the DBS.

The School will provide a copy of our child protection policy and practices and policy on employment of ex-offenders in this application pack or refer to a link on our website.

## **Shortlisting**

Shortlisted candidates (not those who do not make the short list) will be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. (For full details, see KCSIE)

Self-declaration is subject to Ministry of Justice guidance on the disclosure of criminal records: see the Ministry of Justice's Pre-employment screening for applicants. The purpose of the self-declaration is to enable candidates to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.

Applicants will also be asked to sign a declaration confirming the information they have provided is true. Where there is an electronic signature, the shortlisted candidate will physically sign a hard copy of the application at point of interview.

## References

Referees will be asked whether they are aware of any reason or have any concern that the applicant may be not suitable to work with children as well as seeking further information relevant and proportionate to the prominence of the role applied for.

References will be obtained before interview so as to allow any concerns raised to be explored further with the referee and taken up with the candidate at interview. For suitability purposes there will be a minimum of two references

Suitability references will also be sought for internal candidates and internal references will be used where appropriate.

If a reference is taken over the telephone, for evidential purposes detailed notes will be taken, dated and signed, and made clear who was spoken to.

References will be reviewed on receipt to check that all specific questions have been answered satisfactorily, with appropriate follow-up where required. Any references not received in good time before appointment will be chased by telephone and alternative referees approached if needed. We will not rely on applicants to obtain their reference.

Any reference from the candidate's current employer must be completed by a senior person with appropriate authority and if the referee is school or college based, the reference must be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations.

References will always be sought from the candidate's current employer. Where there is no current employer, verification of the most recent period of employment and reasons for leaving will be obtained as we recognise that employers will not always provide a substantive reference. Therefore, if a reference only confirms that a person worked for a certain company between certain dates, we will supplement this by one or more others to address the suitability question.

If the candidate is not currently working with children, we will secure a reference from the relevant employer from the last time the applicant worked with children. If the applicant has never worked with children, then a reference from their current employer will be requested.

Any information will always be verified with the person who provided the reference and electronic references will be checked to see that they originate from a legitimate source.

In addition, we will:

- contact referees to clarify content where information is vague or insufficient information is provided.
- compare the information on the application form with that in the reference and take up any discrepancies with candidates.
- establish the reason for the candidate left their current or most recent post.

Any concerns will be resolved satisfactorily before appointment is confirmed.

Similarly, when asked to provide references for our own staff leavers, we will ensure the information confirms whether they we are satisfied with the applicant's suitability to work with children and provide the facts (not opinions) of any substantiated safeguarding allegations but will not include information about allegations which are unsubstantiated, unfounded, false, or malicious. These references will be provided in a timely manner and not hold up proceedings.

Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made. However, once an appointment has been offered, the employee will be required to declare that they are mentally and physically fit to carry out their duties.

Any discrepancies or anomalies will be followed up. Direct contact by phone will be undertaken with each referee to verify the reference.

The School does not accept open references, testimonials or references from relatives.

### **Online Searches**

As part of the shortlisting process, the school will carry out an online search on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school might want to explore with the applicant at interview. These are not required to be recorded on the SCR.

### **Interviews**

There will be a face-to-face interview wherever possible, and a minimum of two interviewers will see the applicants for the vacant position. The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will enable the panel to explore any anomalies or gaps which have been identified in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training).

Any information in regard to past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process, if it has been disclosed on the application form.

At least one member of any interviewing panel will have undertaken safer recruitment training or refresher training as applicable.

All applicants who are invited to an interview will be required to bring evidence of their identity, address and qualifications. Original documents will only be accepted, and photocopies will be taken. This typically includes official documents such as passport, a driving licence, or a birth certificate, photographic identity, together with evidence of address (for example, a utility bill, bank statement or similar. Where available, we will always request a birth certificate to check the name. Unsuccessful applicant documents will be destroyed 6 months after the recruitment programme.

A personal file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personal files.

### **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 at NDSOPA.

### **DBS (Disclosure and Barring Service) Check**

The School applies for an enhanced disclosure from the DBS and a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions at the School which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended). The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from

working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information.

Members of staff at NDSOPA are aware of their obligation to inform the Proprietor of any cautions or convictions that arise between these checks taking place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence.

### **Portability of DBS Certificates Checks**

Staff may wish to join the DBS Update Service if they are likely to require another check in the future. Applicants may sign up to the Service for a fee of £13 per annum, which is payable by the applicant.

This allows for portability of a Certificate across employers. The School will:

- Obtain consent from the applicant to carry out an update search.
- Confirm the Certificate matches the individual's identity.
- Examine the original certificate to ensure that it is for the appropriate workforce and level of check, ie enhanced certificate/enhanced including barred list information.

The Update check would identify and advise whether there has been any change to the information recorded, since the initial Certificate was issued. Applicants will be able to see a full list of those organisations that have carried out a status check on their account. For newly appointed staff, a barred list check would also be completed along with all other checks required.

### **DBS Certificate**

The DBS no longer issue Disclosure Certificates to employers, therefore employees/applicants will bring their original Certificate to the office (for employees within 7 days of issue or applicants before they commence work or any project involving regulated activity).

### **Secretary of State Prohibition Orders (Teaching & Management roles)**

In all cases where an applicant is to undertake a teaching role of any kind, a Prohibition Order check will be made using the Employer Access Online Service. It is anticipated that this will be performed at offer stage. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.

Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the Teaching Regulation Agency. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so. A section 128 direction 39 prohibits or restricts a person from taking part in the management of an independent school.

A person who is prohibited is unable to participate in any management of an independent school, a governor on any governing body in an independent school, or a management position that retains or has been delegated any management responsibilities. This check will also be completed for any internal promotions. A check for a section 128 direction will be carried out using the Teacher Services' system. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

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

All applicants invited to attend an interview at the school will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in UK in accordance with the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines. Where available, we will always request a birth certificate to check the name. The School does not discriminate on the grounds of age.

Where an applicant claims to have changed their name by deed poll or any other means (eg marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change.

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.

The Teaching Regulation Agency's (TRA) Employer Access Service will be used to verify any award of Qualified Teacher Status (QTS), and the completion of teacher induction or probation.

### **Medical Fitness**

The School is legally required to verify the medical fitness of anyone to be appointed to a post at the School, after an offer of employment has been made but before the appointment can be confirmed.

All applicants are requested to complete a medical questionnaire and where appropriate a doctor's medical report may be required. This information will be reviewed against the Job Description and the Person Specification for the particular role, together with details of any other physical or mental requirements of the role.

The School is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, obtaining medical evidence and considering reasonable adjustments.

### **Overseas checks**

Applicants who have lived/travelled abroad for more than 3 months in the last 10 years will need to obtain a criminal records check from the relevant country. The applicant will not be permitted to commence work until the overseas information has been received and is considered satisfactory by the School. Guidance for the relevant checks can be found on the Home Office website: Criminal Records Checks and the revised guidance: Recruiting teachers from overseas (August 2022)

### **Disqualification under the Childcare Act- where applicable**

Those staff working in the EYFS or before/after school childcare (with children under 8 years) will have to make a self-declaration that they are not disqualified from working with children. The grounds for disqualification include:

- being on the DBS Children's Barred List;
- being cautioned for, convicted of or charged with certain violent and sexual criminal offences against children and adults, at home or abroad;
- any offence involving death or injury to a child (even if not specifically listed in guidance);
- being the subject of certain other orders relating to the care of children;
- refusal or cancellation of registration relating to childcare or children's homes or being prohibited from private fostering.

**All of these checks must be completed before the employer starts. The only exception to this is where a DBS is delayed, and a risk assessment will be put into place.**

### **Induction Programme**

All new employees will be given an induction programme which will clearly identify the school policies and procedures, including the Child Protection Policy, the Code of Conduct, and KCSIE, and make clear the expectations which will govern how staff carry out their roles and responsibilities.

### **Single Centralised Register of Members of Staff**

In addition to the various staff records kept in school and on individual personnel files, a single centralised record of recruitment and vetting checks is kept in accordance with the Education (Independent School

Standards) Regulations 2014 requirements. This is kept up-to-date and retained in the school office. The Single Centralised Register will contain details of the following:-

- All employees who are employed to work at the school;
- all employees who are employed as supply staff to the school whether employed directly or through an agency;
- all others who have been chosen by the school to work in regular contact with children. This will cover volunteers and people brought into the school to provide additional teaching or instruction for pupils but who are not staff members, eg sports coaches etc.

The SCR will contain:

- identity;
- barred list/List 99 (date of receipt of DBS check unless a separate earlier barred list check was undertaken);
- professional qualifications;
- enhanced disclosure (or DBS Status Check);
- overseas checks (including EEA), where applicable;
- right to work in the UK;
- prohibition from teaching check;
- prohibition from management check.

Checks of:

- employment history (eg, application form/CV);
- references;
- medical fitness; and
- disqualification from childcare (where applicable)

The Proprietor will be responsible for auditing the Single Centralised Register.

### **Record Retention/Data Protection**

The School is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the School will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, medical fitness and qualifications. Medical information may be used to help the School to discharge its obligations as an employer, eg so that the School may consider reasonable adjustments if an employee suffers from a disability or to assist with any other workplace issue.

This documentation will be retained by the School for the duration of the successful applicant's employment with the School. All information retained on employees is kept centrally in the Office in a locked and secure cabinet.

The same policy applies to any suitability information obtained about volunteers involved with School activities.

NDSOPA will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed (ie shredded). The 6-month retention period is in accordance with the General Data Protection Regulations (GDPR) [DPA18].

### **Ongoing Employment**



NDSOPA recognises that safer recruitment and selection is not just about the start of employment, but will be part of a larger policy framework for all staff. The school will therefore provide ongoing training and support for all staff, as identified through the Annual Review/appraisal procedure.

### Leaving Employment at NDSOPA

Despite the best efforts to recruit safely, there will be occasions when allegations of serious misconduct or abuse against children and young people are raised. This policy is primarily concerned with the promotion of safer recruitment and details the pre employment checks that will be undertaken prior to employment being confirmed. Whilst these are pre-employment checks the School also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position at the School despite being barred from working with children; or
- has been removed by the School from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

If the individual referred to the DBS is a teacher, the School may also decide to make a referral to the Teaching Regulation Agency.

### Contractors and agency staff

Contractors engaged by the School must complete the same checks for their employees that the School is required to complete for its staff. The School requires confirmation that these checks have been completed before employees of the Contractor can commence work at the School.

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

The School will independently verify the identity of staff supplied by contractors or an agency in and will require the provision of the original DBS certificate before contractors or agency staff can commence work at the School.

### Visiting Speakers (and Prevent Duty)

The Prevent Duty Guidance requires the School to have clear protocols for ensuring that any visiting speakers, whether invited by staff or by pupils, are suitable and appropriately supervised.

The School is not permitted to obtain a DBS disclosure or Children's Barred List information on any visiting speaker who does not engage in regulated activity at the School or perform any other regular duties for or on behalf of the School.

All visiting speakers will be subject to the School's usual visitors signing in protocol. This will include signing in and out at Reception, the wearing of a visitor's badge at all times and being escorted by a fully vetted member of staff between appointments. Any visiting speaker's content will be assessed for its educational value and the age appropriateness of what is going to be delivered.

The School will also obtain such formal or informal background information about a visiting speaker as is reasonable in the circumstances to decide whether to invite and/or permit a speaker to attend the School. In doing so, the School will always have regard to the Prevent Duty Guidance and the definition of "extremism" set out in KCSIE which states:

"'Extremism' is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Terrorist groups very often draw on extremist ideas developed by extremist organisations."

In fulfilling its Prevent Duty obligations the School does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

### **Volunteers**

The School will request an enhanced DBS disclosure and Children's Barred List information on all volunteers undertaking regulated activity with pupils at or on behalf of the school.

Under no circumstances will the School permit an unchecked volunteer to have unsupervised contact with pupils.

It is the School's policy that a new DBS certificate is required for volunteers who will engage in regulated activity but who have not been involved in any activities with the School for three consecutive months or more. Those volunteers who are likely to be involved in activities with the School on a regular basis may be required to sign up to the DBS update service as this permits the School to obtain up to date criminal records information without delay prior to each new activity in which a volunteer participates.

In addition the School will seek to obtain such further suitability information about a volunteer as it considers appropriate in the circumstances. This may include (but is not limited to the following):

- formal or informal information provided by staff, parents and other volunteers;
- character references from the volunteer's place of work or any other relevant source; and
- an informal safer recruitment interview.

### **Monitoring and Evaluation**

The proprietor will be responsible for ensuring that this policy is monitored and evaluated throughout the school and reviewed annually.

Policy reviewed September 2022