



ACET

SAFER RECRUITMENT POLICY
(INCLUDING RECRUITMENT OF EX-OFFENDERS)

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Introduction and Policy Aims

ACET is committed to safeguarding and promoting the welfare of children and young people.

We recognise the value of, and seek to achieve, a diverse workforce which includes people from different backgrounds with different skills and abilities. The trust is committed to ensuring that the recruitment and selection of all who work within our academies is conducted in a manner that is systematic, effective and promotes equality of opportunity.

This policy has been developed to provide a framework for the safe recruitment of staff, which is the first step in promoting the safety and welfare of the children in education. This is achieved through sound procedures, good interagency co-operation and the recruitment and retention of competent employees who are suited to the roles they undertake.

This policy is written in accordance with part 3 of Keeping Children Safe in Education (2022) guidance.

Recruitment and selection process

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; this will be undertaken at least bi-annually by the CEO, Executive Team, Principals and HR staff. Every appointment panel will include at least one member who has received safer recruitment training. At least one member of the shortlisting panel will also be on the interview panel for consistency.

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:

- The skills, abilities, experience, attitude and behaviours required for the post, and;
- Our commitment to safeguarding and promoting the welfare of children, and;
- That safeguarding checks will be undertaken, and;
- The safeguarding requirements and responsibilities of the role, such as the extent to which the role will involve contact with children, and;
- 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 form

All applicants (including internal applicants) must complete an ACET application form. CVs will not be accepted.

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), and;
- Direct applicants to our Safeguarding Policy and this Safer Recruitment Policy (which includes our policy on the recruitment of ex-offenders).

Shortlisting

Our shortlisting process will involve at least two people.

- The shortlisting panel will consider any inconsistencies and look for gaps in employment and reasons given for them. This will be recorded on the 'shortlisting checklist' and;
- The HR team will review the completed 'shortlisting checklist', then undertake a detailed check (including an online check) on shortlisted candidates and explore all potential concerns.

Once we have shortlisted candidates, we will ask them 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, and;
 - Whether they are included on the children's barred list, and;
 - Whether they are prohibited from teaching, and;
 - Whether they are prohibited from taking part in the management of an independent school (section 128 direction), and;
 - Information about any criminal offences committed in any country in line with the law as applicable in England and Wales, and;
 - Any relevant overseas information.
- Sign a declaration (in hard copy) confirming the information they have provided is true.

Seeking references and checking employment history

We will obtain references before interview where possible. 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 to verify any information contained within references as needed, including to clarify content where information is vague or insufficient in detail.
- 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.
- Ensure electronic references originate from a legitimate source (e.g. employer email address).
- 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.
- Establish the reason for the candidate leaving their current or most recent post.
- Resolve any concerns before any appointment is confirmed.

When asked to provide references for our employees or ex-employees, we will ensure that the information provided confirms whether or not we are satisfied with their suitability to work with children. We will provide facts (not opinions) of any **substantiated** safeguarding concerns that met the harm threshold. We will not disclose information about concerns/allegations which were unsubstantiated, unfounded, false or malicious.

Interview and selection

We will use a range of selection techniques to identify the most suitable person for the post, including interviews, lesson observations, work-based tasks etc. Students/pupils will be involved in the recruitment process as applicable, with appropriate supervision.

When interviewing candidates, we will:

- Use structured interview questions, to include:
 - Exploring what attracted the candidate to the post and what their motivation is for working with children;
 - Exploring candidate's skills and asking for examples of experience of working with children as relevant to the role;
 - Probing any gaps in employment, or where the candidate has changed employment or location frequently, asking candidates to explain this.
- Explore any potential areas of concern to determine the candidate's suitability to work with children, such as;
 - Implication that adults and children are equal
 - Lack of recognition and/or understanding of the vulnerability of children
 - Inappropriate idealisation of children
 - Inadequate understanding of appropriate boundaries between adults and children
 - Indicators of negative safeguarding behaviours

Any information about past disciplinary action or substantiated allegations should be considered in the circumstances of the individual case.

All information considered in decision making will be clearly recorded.

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, and;
- Obtain (via the applicant) an enhanced DBS certificate, including children's 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. The original paper certificate must be seen (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, and;
- Obtain a separate children's barred list check if they will start work in regulated activity before the DBS certificate is available, and;
- Verify their mental and physical fitness to carry out their work responsibilities, and;
- 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, and;
- Verify their professional qualifications, as appropriate, including using the Teaching Regulation Agency's Employer Access Service, and;
- Ensure they are not subject to a prohibition order if they are employed to be a teacher, and;
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. Where available, these will include:
 - For all staff, including teaching positions: criminal records checks for overseas applicants
 - For teaching positions: obtaining a letter of professional standing from the professional regulating authority in the country where the applicant has worked

- 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

For teaching posts, management positions are classed as leadership team and TLR post-holders and above. For support staff, management positions are Principal Officer (PO) grades or above.

- In academies with pupils under eight, will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

Whilst it is not a requirement, new staff are encouraged to join the DBS update service.

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), or;
- The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left.

Where we make an internal appointment which results in a significant change of role for an existing employee, we may choose to undertake a new DBS and any other checks as deemed appropriate.

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.

Examples of agency and third party staff includes: supply staff, local authority staff, social care, NHS staff etc.

Contractors

Contractors can include any external individuals working in our academies, whether or not they are working with students/pupils. Examples include: external sports coaches (i.e. Rotherham United Football Club), self-employed music teachers/tutors etc., grounds/site maintenance etc.

We will ensure that any contractor, or any employee of the contractor, who is to work in our academies has had the appropriate level of DBS check if they are to undertake regulated activity. This will be:

- An enhanced DBS check with barred list information for contractors engaging in regulated activity. In academies with pupils under eight, this includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.
- 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 who are unable to obtain their own. We will not keep copies of such checks for longer than 6 months.

Contractors who are not undertaking regulated activity and who does not work in an ACET academy on a frequent basis (for example, an individual deployed to undertake a one-off specific building repair), who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances. The Principal will ensure such individuals are supervised at all times, if working in the academy whilst students/pupils are present.

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

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.

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 academies with pupils under eight, in both cases, this includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

Volunteers

We will:

- Require potential volunteers to complete a volunteer application form, which will be reviewed for any inconsistencies, gaps in employment and reasons given for them, exploring all potential concerns;
- Obtain references where available;
- Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity;
- Undertake a risk assessment to decide which checks are required. The risk assessment will include:
 - The nature of the work with children, especially if it will constitute regulated activity, including the level of supervision
 - What we know about the volunteer, including formal or informal information offered by staff, parents/carers and other volunteers
 - Whether the volunteer has other employment or undertakes activities where referees can advise on their suitability
 - Whether the role is eligible for a DBS check, and if it is, the level of the check, for volunteer roles that are not in regulated activity
 - Whether it is appropriate to undertake an online check
- In academies with pupils under eight, ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations 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, Trustees and Members

All governors, trustees and members will have an enhanced DBS check without barred list information. If working in regulated activity, they will also have a barred list check.

The chair of the trust will have their DBS check countersigned by the Secretary of State.

All governors, trustees and members 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](#));
- Identity;
- Right to work in the UK;
- Other checks deemed necessary if they have lived or worked outside the UK.

Alternative provision settings

Where we place a student/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.

Examples of alternative provision providers includes: JADE Youth and Community (Rotherham), Willow Tree Farm (Derbyshire), or any other providers obtained through Rotherham Local Authority, or through the Derbyshire or Sheffield Local Authority alternative provision directory.

Adults who supervise students/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 student/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/pupils staying with host families

Where we make arrangements for students/pupils 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 we organise 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.

Recruitment of ex-offenders

During our recruitment process, it is a requirement that we treat DBS applicants who have a criminal record fairly and do not discriminate because of a conviction or other information revealed. We select candidates for interview based on their skills, qualifications and experience. Having a criminal record will not necessarily be an automatic bar from employment with us; this will depend on the nature of the position and the circumstances of the offence(s).

The vast majority, if not all, posts in ACET are exempt from the Rehabilitation of Offenders Act 1974 – this will be specified on the job advert and application form. Applicants are therefore not entitled to withhold information about convictions, cautions or bind-over orders which for any other purposes are “spent” under the provisions of the Act. The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered ‘protected’. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Shortlisted candidates will be required to complete a self-declaration of their suitability to work with children and their criminal history, details of which convictions are protected are available from the [DBS website](#).

If any convictions, cautions, reprimands or outstanding criminal proceedings are declared, we will have an open and measured discussion with the applicant at interview stage. This will be conducted by HR with due regard for the confidential and sensitive nature of the required discussion. We will conduct an objective assessment of the impact that this should have on employment, and the outcome will be discussed with the applicant. Failure to reveal information that is directly relevant to the position could lead to withdrawal of an offer of employment (or dismissal, if employment has commenced).

Recording Information

We will record all information on the checks carried out in the Single Central Record (SCR).

A SCR will be maintained in each individual academy. The SCR includes all staff, salaried trainee teachers, agency and third-party supply staff, volunteers, contractors and governors/trustees/members. It is the responsibility of the Principal to ensure an effective SCR is in place and maintained. Monitoring arrangements will include at least a half-termly sign-off by the Principal, termly sign-off by either the safeguarding governor or chair of governors, and at least annual quality assurance by ACET HR. The Executive Team have authority to spot-check individual SCRs as part of their role.

A central SCR will be maintained for central ACET staff, trustees and members by the Governance Professional. Monitoring arrangements will include at least a half-termly sign-off by the CEO, termly sign-off by either the safeguarding trustee or chair of trustees, and at least annual quality assurance by ACET Senior HR Manager.