



# Education Learning Trust Multi Academy Trust

## ELT Safer Recruitment, Single Central Record (SCR) and Staff File Policy

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## Revision History

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September 2023	3.0	Complete review to bring policy up to date and also include KCSIE 2023 changes,  Circulated to staff 18/10/2023	J Jones – HR & Compliance Manager	Trust Board 11/10/2023
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## Introduction

Recruiting the best people to Education Learning Trust is vital for the continued success in providing the highest standards of education to pupils.

Not appointing the right people to roles can have a negative impact on the performance of the Trust.

In carrying out the Safer Recruitment process, the Trust:

- is committed to the creation of a safe environment for pupils by operating Safer Recruitment practices in line with the statutory requirements and guidance
- will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time
- has a Data Protection Policy setting out how the Trust will comply with Data Protection Legislation
- will comply with the requirements of the Equality Act (2010) and is committed to ensuring that throughout the recruitment and selection processes, no applicant is disadvantaged or discriminated against because of the protected characteristics of age, disability, gender, gender re-assignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief and sexual orientation
- will, in the very exceptional cases where the Trust is required to discriminate due to an occupational requirement, ensure this is approved by the Trust Board who will provide reasons for this requirement
- will recruit solely on the basis of the applicant's abilities and individual merit as measured against the criteria for the job. Qualifications, knowledge, experience and skills will be assessed at the level that is relevant to the job.

The Trust Board is accountable for all new appointments. The CEO is responsible for the approval of all recruitment requests from Headteachers and the Director of Learning and Innovation has delegated responsibility to do the same. The exception to this is recruiting for the roles of CEO and Data Protection Officer, for which the Trust Board is responsible.

Headteachers are responsible for raising recruitment requests to the HR Department who will liaise with the Finance department before communicating the resulting decision to the Headteacher. Recruitment cannot commence before each proposed role has been through this procedure and been approved.

The CEO is responsible for the recruitment of Headteachers and cross-Trust staff. Headteachers are responsible for recruitment of all other school staff including members of the school's Senior Leadership Team.

If an applicant makes the Trust aware, at any stage of the recruitment process, that they have a disability then reasonable adjustments must be considered to ensure the applicant is not disadvantaged by the process.

This policy also covers guidance on the Trust schools' Single Central Records and staff records so that the Trust meets its legal and safeguarding duties and records the data accordingly.

## Scope and Purpose

The purpose of this policy is to set out the Trust's processes for recruiting, selecting and appointing any employee to work within the Trust and how staff data is recorded on the Single Central Record and staff records.

## Safer Recruitment

All recruitment must be in line with this policy to ensure that the Trust identifies, deters and prevents people who pose a risk of harm from working with its pupils.

The recruitment of all applicants and volunteers to the Trust must, without exception, follow the processes of Safer Recruitment. All offers of employment will be subject to the Trust being satisfied that the applicant or volunteer is a suitable person to work with children and young people.

Any person involved in recruiting to the Trust must read the current "Keeping children safe in education" guidance (or updated statutory guidance) produced by the DfE and the Trust Safeguarding and Child Protection Policy.

All recruitment must be planned to ensure that there is adequate time available to recruit safely.

Any person who becomes aware that this policy is not being followed during recruitment must inform the Headteacher or Designated Safeguarding Lead immediately.

## Job Description and Person Specification

A Job Description will be required for all posts which describes the duties and responsibilities of the post. It must be up to date, accurate and specific to the role.

The Person Specification should outline all of the necessary skills, abilities, experience, attitude, behaviours, qualifications and knowledge requirements for the post.

All Job Descriptions and Person Specifications must make reference to the responsibility for safeguarding and promoting the welfare of children.

## Advertising

Vacant positions will normally be advertised via the appropriate channels to ensure the most appropriate field of applicants is obtained.

All advertisements will have the following information about safeguarding children and young people:  
*We are committed to safeguarding and promoting the welfare of children and young people and we expect all staff and volunteers to share this commitment.*

*All offers of employment are subject to a safer recruitment process, including the disclosure of criminal records, online checks and vetting checks. It is an offence to apply for a role if you are barred from engaging in regulated activity relevant to children.*

All adverts should include the following information on equality and diversity:

*We are committed to fulfilling our Equality Duty obligations, including valuing equality and diversity and expect all staff and volunteers to share this commitment.*

*We are committed to employment practices that promote diversity and inclusion in employment regardless of age, disability, gender reassignment, sex, marriage and civil partnership status, pregnancy and maternity status, race, religion or belief.*

Under Part 7 of the Immigration Act 2016, the Public Sector fluency duty requires state funded schools to ensure candidates for their customer facing roles have the necessary standard of spoken English (or English or Welsh in Wales). For example, a teaching assistant required to communicate with pupils to support their learning, would be viewed as operating in a public-facing role. Adverts and person specifications should make clear the necessary standard of spoken English or Welsh required for the role by including the following:

*We expect the successful candidate to have the necessary standard of spoken English, as described under Part 7 of the Immigration Act 2016, the Public Sector fluency duty that requires state funded schools to ensure candidates for their customer facing roles have the necessary standard of spoken English (or English or Welsh in Wales).*

Adverts will include the salary scale that the candidates can expect to be paid for the position.

In addition to the information contained in the advert, prospective applicants are supplied with:

- Education Learning Trust application form
- Job Description and Job Specification
- Recruitment Privacy Notice
- Equal Opportunities Monitoring Form (voluntary completion)

All applicants for employment are required to complete an ELT application form before their application can be considered. This contains questions about their academic achievements and full employment history. All applicants are required to account for any gaps or discrepancies in employment history and provide reasons for moving between posts.

CVs without an application form will **not** be accepted and this includes any permanent staff who have been sourced from employment agencies.

The application form does not include a requirement for candidates to disclose information about criminal records. The Data Protection Act 2018 and the GDPR expect you to only obtain (process) information that you need, when you need it. Conviction information should be obtained at or after interview. The application form does include a statement informing the applicant about disclosing convictions and where to find further advice from the Ministry of Justice website:

<https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>.

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 possible referral to the police and other professional regulatory bodies.

The application form should be accompanied by a covering letter, when requested, outlining the applicant's suitability for the role.

### **Handling Applications**

Applications submitted online will receive an acknowledgement email from the person coordinating the recruitment process. Any applicant who has not completed the application form in full may be asked to do so if they wish to have their application considered further. It is not usual policy to allow individual visits from prospective applicants prior to shortlisting or interview. In some instances, all candidates may be offered the opportunity to visit as part of the shortlisting process. The employee coordinating the recruitment process will be responsible for collating a list of all applications as they arrive.

### **Shortlisting**

All those involved in the shortlisting process have a responsibility to scrutinise the application forms and letters of application carefully. Applicants will be shortlisted against the requirements of the Person Specification. In addition to judging the application against the criteria for the post, anyone noticing an anomaly should make a written note to that effect. This should include a month-by-month record of employment since leaving school to the present date. Any gaps should be noted and followed up either immediately before or at interview.

The **same people** should carry out the shortlisting and the interviews and should be at least two people with the outcome documented, signed and dated by each panel member and retained.

Unsuccessful applicant documentation should be kept for six months before being securely disposed of.

The Equal Opportunities Monitoring Form must be removed from the application and not provided to the shortlisting panel.

A satisfactory explanation for any concerns, including those as a result of online searches must be obtained from the applicant during the interview process.

Shortlisted candidates will be required to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. Applicants will only be asked to disclose and discuss criminal convictions and/or cautions which are not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) that may deem them unsuitable. Where this is provided electronically, the shortlisted candidate will be asked to physically sign a hard copy at the point of the interview.

## **References**

All offers of employment will be conditional upon receipt of at least two satisfactory written references.

### **References must:**

- be requested for all shortlisted applicants, including internal applicants
- be requested before interview
- be compared with the information set out in the application form and any discrepancies explored further with the referee and with the applicant during the interview if necessary
- be from different employers, not from two people at the same organisation
- be directly from the referee, who must be a Headteacher or Headteacher equivalent role for education sector references or a suitable senior person for non-education sector references. All referees must have appropriate authority to confirm the accuracy of any disciplinary investigations
- be verified with the person who provided the reference and, where the reference is provided electronically, verify that it is from a legitimate source
- be clarified with the referee where the information is vague or insufficient
- include the applicant's current or most recent employer
- include the applicant's most recent education sector employer, where they have previously worked in a school or any other educational establishment, regardless of role and how long ago this employment was
- include asking the current employer for details of any capability history in the previous two years, and the reasons for this
- include a request for information on the applicant's suitability to work with children and young people from the last employer where the applicant worked with children (if not currently working with children)
- include the reason for the candidate leaving their current or most recent post

If the candidate has not previously been employed, referees may include Headteachers, college lecturers, or other persons who are able to comment authoritatively on the candidate's educational background and/or personal qualities.

References addressed to 'to whom it may concern' must not be accepted.

Referees must not be friends or relatives of the candidate.

Where it has not been possible to obtain references before the interview, any concerns that are subsequently raised will need to be resolved before the appointment is confirmed.

Note that any current employees applying for jobs outside of the Trust must only provide their Headteacher as a referee from the Trust, any other staff members will not be able to provide an employment reference. This is to ensure that only appropriate and accurate information is provided to the prospective employer.

Members of the Trust Strategic Support Team must provide the CEO or one of the Directors as a referee, for the same reasons given above.

Referees are sent the following:

- a standard letter via email noting that signed consent has been received from the applicant to request a reference
- a copy of the Job Description and Person Specification
- an ELT standard reference request form, which should be completed in addition to any written reference provided

In order to comply with the Equality Act 2010, information relating to sickness absence will only be requested after a conditional offer of employment has been made and only include a request for the number of days and occasions over the past two years.

### **Online and Social Media Searches**

As part of the shortlisting process, online and social media searches are carried out as part of the Trust's due diligence on shortlisted candidates. This helps identify any comment, image or other content that could cause reputational damage to the Trust and/or give rise to safeguarding concerns. In all cases, searches must be carried out and concerns discussed and resolved at interview, before any offers of employment are made.

Individuals carrying out online searches should be fully versed in the purpose of the search and its parameters and use the Trust's online search log to record the results of the search for each candidate.

Online searches are carried out by someone who is independent of the recruitment process so that the risk of bias or discrimination is minimised and information can be filtered appropriately, with only relevant information passed on to the interview panel.

The form of the search should be consistent for all candidates to ensure that practice is fair and is not open to challenge on discrimination grounds.

A social media check should be carried out on a candidate before a conditional offer of employment is made. Schools may carry out this check on all shortlisted candidates if they wish to do so.

### **Interview Process**

Education Learning Trust does not generally offer telephone interviews, although video call interviewing such as Zoom may be appropriate in exceptional circumstances (for example if the applicant is abroad).

The interview programme normally includes:

- a tour of the department or area that the individual is going to work within
- a lesson observation (for teaching posts, usually observed by a Head of Department or Team Leader)
- an activity or task relevant to post (for support staff)
- refreshments with staff members of the department/associated departments

Before the interview commences, the interview panel should have:

- prepared appropriate questions for the role
- prepared appropriate questions to test the applicant's suitability to work with children and young people
- identified any areas for further probing, e.g. if a criminal record has been declared, any concerns arising from online and social media searches, any information about capability history or past disciplinary action/allegations, or if there are gaps in employment etc.
- agreed assessment criteria which reflects the Person Specification
- decided a structure to the interview and established which member of the panel will ask which questions

A set of common questions relating to the requirements of the post will be asked of each applicant. Their response will determine whether that these are followed up through further questioning. Areas that may be concerning and lead to further questions include:



- 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

The interview process will explore the applicant's ability to carry out the job description and meet the Person Specification. A lesson observation is an essential aspect of the process for making a teaching appointment. Information will be supplied to the teaching candidate ahead of the interview day providing the context and content of the lesson to be taught. Candidates are given the opportunity to ask any questions they may have about this aspect of the interview process.

Interviews must include at least one person who has successfully undergone Safer Recruitment training.

During the interview, candidates will always be required to:

- explain satisfactorily any gaps in employment or significant periods of time working or living abroad
- explain satisfactorily any concerns identified as part of the online and social media checking process
- explain satisfactorily any anomalies or discrepancies in the information available to the interviewers
- declare any information that is likely to appear on an enhanced disclosure
- demonstrate their capacity to safeguard and protect the welfare of children and young people

Individual panel members must make notes of responses to all questions asked and this record should be signed and dated by each interviewer, retained for the successful candidate's records or securely destroyed after six months for unsuccessful candidates.

Candidates do not need to bring proof of qualifications or right to work in the UK when attending an interview. This information will be vetted when an offer of employment has been made. However, they are required to bring their photo identification documentation with them at the time of the interview.

Any information regarding past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstances of the individual case during the interview process.

All offers of appointment should be conditional until satisfactory completion of the mandatory pre-employment checks.

If, during interview, a candidate discloses in error a conviction or caution which you are not entitled to know, this information must be disregarded so that it does not influence any appointment decision.

If the candidate is successful, but the DBS information contradicts what the candidate disclosed, then this must be discussed with the candidate, normally with the Headteacher or senior manager in the Strategic Support Trust Team. As part of that discussion, it should be considered whether this was a genuine mistake/misunderstanding of the Ministry of Justice guidance or whether the contradiction brings into question the honesty and integrity of the candidate.

Any employee who is convicted of, or cautioned for, any offence during their employment with the school must immediately notify in writing the Headteacher or CEO for the Strategic Support Team, the offence and penalty.

### **Level of Language Proficiency**

Under the "fluency duty" (Part 7 of the Immigration Act 2016), public authorities are required to ensure that workers in public facing roles are fluent in English (or Welsh in Wales). Public facing roles are those members of teaching and support staff who, as a regular and intrinsic part of their role, are required to speak to members of the public (including students in schools).

The Education Learning Trust will accept a range of evidence of spoken English or Welsh language ability as follows:

- competently answering interview questions in English or Welsh

- possessing a relevant qualification for the role attained as part of education in the UK or fully taught in English or Welsh by a recognised institution abroad
- passing an English or Welsh spoken language competency test or possessing a relevant spoken English or Welsh qualification at CEFR Level B1 or above, taught in English or Welsh by a recognised institution abroad (and from September 2017 this includes Welsh second language GCSE)

### **Interview Expenses**

Where relevant reasonable travel expenses for travel by car or by second class train are paid to applicants, candidates will be provided with expense claim forms to complete should return them (with receipts) to the finance team for payment. All candidates are asked to detail the position for which they applied for accounting purposes.

### **Candidate Selection**

#### **Final Selection Meeting**

This is held as soon as possible after the interview candidates have departed. This meeting involves all those involved in the selection/interview process. A record of decision making to appoint an individual ahead of others must be noted, to ensure that there is a record to provide clear, honest feedback to the unsuccessful candidate/s if required.

Interviewers should bring any notes they have made with them (including lesson observations if applicable); these are collected and put with the application file at the end of the process. All notes are stored for a minimum of six months. Notes regarding the successful candidate are transferred to their staff record.

#### **Contacting Referees by Telephone**

Referees must always be contacted by school staff to confirm their legitimacy. This check should be recorded on the Single Central Record.

If there are any queries around information provided on a reference, verbal contact must be gained from the referee, ensuring that the referee is being spoken directly to in order to question the areas on the reference that require further clarification and evaluate the response.

Accurate notes of the telephone call should be made (the written references should be annotated, dated and initialled).

#### **Communicating the Outcome**

The Headteacher or Line Manager will telephone the successful candidate as soon as possible.

If verbal acceptance is received, this must be followed up with an email confirmation of the offer in which a reply is requested. The verbal and written email offer must state that it is a conditional offer, subject to the receipt of two satisfactory references (if both references are not received prior to interview), and all pre-employment and safeguarding checks.

The contract details are passed to payroll, where the contract of employment is created and sent to the new employee.

When the written acceptance is received, regrets to unsuccessful applicants should be communicated.

If the successful candidate declines the offer of the post, the interview panel will reconvene.

Unsuccessful shortlisted candidates are generally not contacted, and this is stated at the time of application.

Copies of all adverts, shortlisting tools and recruitment procedures used during the process should be kept to evidence that the school adopts Safer Recruitment practices.

#### **New Employee Administration and Induction**

A Recruitment and Staff Record Checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment guidelines. This checklist must be retained in staff records.

Copies of documentation used to verify the new staff member's identity, proof of right to work in the UK and copies of any qualifications must be kept on staff records.

### **The Single Central Record**

The legislative requirement for maintaining a SCR is detailed in the original publication "Safeguarding Children and Safer Recruitment in Education (2007)" and expectations set in Keeping Children Safe in Education 2024(KCSIE).

All schools must use the ELT format for the SCR and not delete headings. Schools may add columns at the end of the template to record any additional information they deem necessary. They must also comply with the arrangements detailed in this policy.

The SCR must be maintained electronically and accessed only by a secure password.

There must be a member of staff on site that can access the SCR. It must be accessible to the Headteacher, DSL and person responsible for the maintenance of the SCR, usually an administrative or office-based member of staff.

### **Who Should Appear in the SCR?**

The SCR must cover the following people:

All employees, including teacher trainees on salaried routes, agency and third-party supply staff who work at the school, members of the AGBs, Members and Trustees of the Trust and volunteers.

The SCR must therefore include:

- All staff who are employed directly by your school
- All long-term supply/agency staff and daily supply
- Any volunteer who works regularly with children
- All who are engaged in "Regulated Activity"
- Trustees and volunteers
- People brought into the school to provide regular additional teaching or instruction but who are not staff members, such as sports coaches, peripatetic music teachers, artists etc.
- Regular contract staff such as contract cleaners or caterers
- Visitors who are in the school on a 'regular' basis must be on the SCR

In this context, 'regular' means carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period.

Regulated activity includes:

- a. teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children
- b. work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers
- c. relevant personal care or health care provided by or provided under the supervision of a health care professional. [Personal care includes helping a child for reasons of age, illness or disability, with eating drinking, or in connection with toileting, washing, bathing and dressing. 'Health care' means care for children provided by, or under the direction of supervision of a regulated health care professional.]

Work under (a) or (b) is regulated activity only if done regularly.

Work under (c) is always regulated activities, regardless of their frequency or whether they are supervised or not.

Volunteers who carry out unsupervised teaching or look after children regularly, or who provide personal care on a one-off basis in schools and college will be in regulated activity. They must be added to the SCR.

Agency staff must be included in your SCR.

Schools must obtain a written Letter of Assurance from any agency or third party to confirm that all relevant checks have been completed on their staff before they can start work in any Trust establishment. This includes confirming that they have carried out all appropriate safeguarding and employment vetting checks the Trust would expect to have carried out for one of their own employees. On their first arrival, the school must also check that the person presenting themselves for work is the same person on whom the check has been made.

The details from the agency must be recorded on the SCR and the date the information was received. The agency must be contacted if they have not provided the information required.

All cross-Trust staff are recorded on a separate SCR which is shared with all schools to add to their own SCR. This enables cross-Trust staff to show their ELT identification in order to access the school site.

Any visitors, work experience students or occasional volunteers (unless they are in regulated activity) do not need to be included on the SCR.

Trainee/student teachers that receive a salary must have the necessary checks carried out by the school. Where trainee teachers are fee funded it is the responsibility of the Initial Teacher Training provider to carry out the necessary checks. Schools should obtain written confirmation from the training provider that these checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

There is no requirement for the school to record details of fee-funded trainees on the SCR. However, these will be recorded as volunteers on the SCR if they regularly attend the school.

The SCR should reflect your current workforce. When someone leaves the school, you must remove the record from the SCR. New starters should only be added once they have commenced employment.

### **What Information Should be Recorded on the SCR?**

The SCR is an integral part of the Recruitment and Selection Policy, recording and referencing the pre-employment checks within a single comprehensive document. The statutory guidance states: "The information that must be recorded in respect of staff members (including Teacher trainees on salaried routes) is whether or not the following checks have been carried out or certificates obtained, and the date on which the checks were completed":

- an identity check
- a barred list check
- an enhanced DBS check/certificate
- a prohibition from teaching check
- further checks on people living or working outside the UK
- further checks on teachers who trained or worked overseas (letter or professional standing)
- a check of professional qualifications
- a check to establish the person's right to work in the UK
- a Section 128 direction check
- results of online searches, initial medical questionnaire, childcare disqualification check and references are also recorded by ELT

Under each of these headings the guidance states you should record:

- what has been seen
- when it was seen
- by whom it was seen

The ELT excel format for the SCR complies with the statutory regulations and best practice to support schools in delivering the principles of Safer Recruitment.

You must **never** leave an empty field. If not applicable, insert N/A in the cell.

It is often useful to include notes on the SCR if there has been additional information required. For example, if a DBS certificate has not arrived then you would need to do a separate Barred List Check and a Risk Assessment. You must add a note on the SCR that indicates that a Risk Assessment is on file.

Disqualification: Schools must ensure that they are not knowingly employing a person who is disqualified in connection with relevant childcare provision. This is achieved primarily through applications to the Disclosure and Barring Service (DBS).

The 2018 update to the [Childcare \(Disqualification\) Regulation 2009](#) requires schools that provide care for pupils under the age of eight to ensure that all staff and volunteers working in these settings are not disqualified from doing so under the [Childcare Act \(2006\)](#) and the Childcare (Disqualification) Regulations 2009.

### **Identity Checks**

The documents to check must confirm name, date of birth, address and should be in a photographic form of identity such as a passport or driving licence. Schools must be in physical possession of the documents in all cases to check the validity of the documents face to face. All documents must be valid, current and original, not photocopies or printed from the internet. E.g. internet bank statements.

It is important to be sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. Best practice is checking the name on their birth certificate, where this is available.

Schools should record on the SCR the evidence they have seen, e.g. passport, driving licence etc., plus the date it was checked and the name of the person who checked it.

Schools should take a copy of the documents, sign and date that the original has been seen and keep the copy in the staff record.

### **Right to Work**

For those they seek to employ, employers must confirm the right to work in the UK, the evidence that was provided and date when these checks were carried out. In addition, the name of the individual who carried out the check should be recorded on the SCR. The Home Office Right to Work Checklist is used for guidance and completed and retained on the staff record with copies of the documents provided as evidence. Further guidance can be found using the following link

<https://www.gov.uk/government/publications/right-to-work-checklist>

For individuals who have lived or worked outside the UK, schools must carry out the same checks as for everyone else but in addition, must make any further checks considered appropriate. This includes obtaining an enhanced DBS certificate (including barred list information, for those who will be engaging in regulated activity) even if the individual **has never been** to the UK.

### **Overseas Checks**

Since 01 January 2021, the TRA Teacher Services system no longer maintains a list of those teachers who have been sanctioned in EEA member states. Schools must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

These checks could include, where available:

- criminal records checks for overseas applicants (applicable for all staff who have lived or worked overseas)

- obtaining a letter of professional standing from the professional regulating authority in the country in which the applicant has worked. (Teachers who qualified or have worked overseas)

Advice about which regulatory or professional body applicants should contact is available from the National Recognition Information Centre for the United Kingdom, UK NARIC.

### **Barred List**

A separate Barred List Check must be undertaken where the DBS update service is used. It is illegal for schools to employ anyone who is on the Barred List.

A Children's Barred List Check (formerly List 99) must be undertaken on all staff working in schools in Regulated Activity. If an Enhanced DBS check application has been made, this can include a check against the Children's Barred List if requested. The check can also be carried out on the 'Check a Teacher's Record' section of the DfE Secure Access website.

In exceptional circumstances, if a member of staff is to be allowed to start work before their DBS disclosure has been returned, an ELT Risk Assessment for Employment Prior to DBS Check Form must be completed **after** a separate Barred List check has been carried out. This form can be requested from the Strategic Support HR Team and must be approved and signed by the CEO and signed by the Headteacher.

No new starter can commence employment without a Children's Barred list check.

It is unlawful to conduct a Barred List Check for a person who is **NOT** engaged in Regulated Activity. This has particular implications when checking some volunteers. Where this applies, a Volunteer Risk Assessment must be completed to mitigate against the risk of contact with children when on site.

A volunteer is not in regulated activity where they are working in a school under regular, day-to-day supervision by someone who is in regulated activity (like a Teacher or Teaching Assistant).

Where this is the position, the school:

- does not need to carry out an Enhanced DBS check on the volunteer (although has the discretion to choose to do so)
- must not carry out a Barred List Check
- must complete a Volunteer Risk Assessment.

The ELT will carry out an Enhanced DBS Check with Children's Barred List for all Governors, Trustees and Members given the potential for their roles to include working in regulated activity.

### **Enhanced DBS Check**

ELT uses an external DBS service to process DBS applications initiated by the school. The results are communicated by email to a designated staff member, usually the Headteacher. The Enhanced DBS check is renewed on a three year cycle for all staff in addition to the Annual Staff Safeguarding Declaration for added safeguarding security.

Government guidance: [DBS ID Checking Guidelines from July 1st 2021.](#)

It is important to note here that if a school chooses to carry out an Enhanced DBS check on a volunteer who does not qualify for a Barred List Check, they must ensure that when they complete the DBS application form they do not tick the box that requests the Barred List Check.

ELT requires a new, clear DBS check for those employees who are joining a Trust school for the first time regardless of any break in service. The certificate will be obtained before, or as soon as practicable after, appointment, including when using the DBS update service.

New appointments are summarised in the table below:

Person	Circumstances	Mandatory	ELT requirement
New staff	>3-month break of service	DBS + Barred List	Enhanced DBS + Barred List
	Similar position <3-month break	Optional above	Enhanced DBS + Barred List
New volunteer/ Governor/Trustee/ Member	Contact with children + not supervised	DBS + Barred List	Enhanced DBS + Barred List
	Contact with children + supervised	DBS optional <b>no</b> Barred List	Enhanced DBS <b>no</b> Barred List
Agency and Contractors	If regulated Activity	DBS + Barred List by organisation (or just DBS if not in regulated activity)	Name, enhanced DBS confirmation (including barred list as appropriate), either contractor or supply agency and third party letter of assurance from named person. (confirmation of checks) ID check on arrival.

Those applying for the role of Chair of Trustees must also have their identity verified for a stipulated professional as part of their DBS check as per the below link:

<https://www.gov.uk/government/publications/identity-verification-for-new-chairs-of-trustees>

Schools must record on the SCR:

- the DBS issue date, DBS number, date of Children's Barred List Check and the date the certificate was seen, the date the DBS update service was checked, or date the confirmation was received from the relevant organisation
- the name of the person in the school who was responsible for processing the DBS form and confirming its clearance

Once clearance has been obtained, schools should securely dispose of DBS application supporting documentation unless it also evidences proof of identification which remains on the staff member's record.

When schools have undertaken DBS rechecks, they should update their SCR with the current details.

The Disclosure and Barring Service introduced a portability scheme in July 2013. This allows individuals to subscribe to the scheme by paying an annual fee (free for volunteers) that enables their next DBS disclosure to be considered portable.

This means that a school proposing to engage an employee or volunteer who holds a portable DBS can accept their current DBS and check on-line to see if there have been any changes. This is a free service. If there has been an update to the information contained on the disclosure, the school must request a new one. If there are no amendments, the school can accept the current DBS certificate for the purposes of the pre-employment check and update the SCR as live.

For new starters who utilise the DBS update service, schools must still check the original DBS certificate as part of pre-employment checks and complete the relevant sections of the SCR. They should also record that they have completed the on-line portability check and record the date/who completed the check on a print out of the check from the website.

Employer access to the Update Service can be accessed here:

[Disclosure and Barring Update Service](#)

Or by this link:

<https://secure.crbonline.gov.uk/crsc/check?execution=e1s1>

DBS certificates will only be issued to the applicant. All applicants must produce the disclosure when requested to do so. New starters will be asked to bring in their original DBS certificate for the Headteacher or HR Manager to verify on or before their first day at work.

The DBS certificate will be cross-referenced with the applicant's signed self-declaration and the interview notes to ensure the information disclosed has been assessed correctly. The disclosure will be scrutinised to ensure it is authentic and to detect any fraud. The DBS disclosure number and date of the check must be recorded in the Single Central Record (SCR). The Trust is not required to take a copy of a DBS certificate, however, it may be copied for decision making purposes. Any copy will be held for no longer than necessary, and up to a period of six months and be processed in line with Data Protection Legislation.

Any applicant who refuses to produce their DBS disclosure will not be able to start work at the Trust and the conditional offer will be withdrawn as satisfactory checks are not in place. Any volunteer who refuses to produce their disclosure will not be able to volunteer in the Trust.

Information relating to an individual's criminal record will only be shared with the relevant people to enable the Trust to make a decision about their suitability to work with children and young people.

### **Existing Staff (DBS and Relevant Checks)**

It is an ELT requirement that all DBS checks must be renewed every **three years** at an enhanced level. This requirement is for staff, volunteers, Governors, Trustees and Members, Wherever possible, this requirement extends to agency/contractors who are involved in regulated activity on site, and any contractual/service level agreement with new agency/contractors should include this expectation prior to proceeding.

In certain circumstances the Trust 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
- an individual moves from a post that is not regulated activity to one that is
- there has been a break in service of 12 weeks or more

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

- believes the individual has engaged in [relevant conduct](#)
- believes 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](#)
- believes 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)
- the individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

All existing employees are required to inform us immediately if they are the subject of a police investigation or receive any conviction or caution which is not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) or any occurrence that may disqualify them from providing childcare under the Childcare (Disqualification) Regulations 2009. Failure to report such information



immediately will result in disciplinary action, up to and including dismissal. The Trust requires all employees to sign a safeguarding declaration on an annual basis.

### **Section 128**

For those in management, Trustee or Governor roles, a Section 128 check will be carried out and recorded on the SCR. A Section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools.

A person who is prohibited, is unable to:

- participate in any management position in the school as an employee
- be a Trustee
- be part of the governance
- be delegated any management responsibilities

Section 128 checks must be carried out for:

- Trust Members and Trustees
- Governors who sit on committees or academy governing bodies with delegated responsibilities
- Staff engaged in management positions (see below)

The following are 'management positions':

- Headteacher (including Executive and Associate)
- Deputy and Assistant Headteachers
- teaching positions on the Senior Leadership Team
- teaching positions that carry a department headship

Section 128 checks should be conducted using the Teacher Services option via the DfE secure access website, [DfE sign-in portal](#).

### **DBS Update Service**

This can be used [DBS update service](#) to conduct the check if:

- The person is subscribed to the service
- They have already had a DBS with a barred list

You must record on your SCR if a Section 128 direction check is required, the date of the check and the name of the person who checked it.

### **Medical Fitness**

There are certain questions the school may ask at an interview stage to determine whether applicants can undertake a function which is intrinsic to the job.

Anyone appointed to a post involving regular contact with children must possess the appropriate level of physical and mental fitness before any appointment offer is confirmed. All successful applicants are requested to complete a confidential medical questionnaire and where appropriate, a doctor's medical report may be required

### **Qualifications and Teacher Registration**

Professional qualifications that are a requirement of the job must be recorded on the SCR. For example, Qualified Teacher Status (QTS) or if the person needs to be registered with any other professional body to do their job, such as an Accountant or Medical Officer. The SCR must contain the qualifications evidenced, the date seen and who checked them.

For all staff, the Trust requires evidence of academic qualifications as specified essential in the Person Specification. This will normally include maths and English at GCSE or equivalent. These do not have to be recorded on the SCR.

A copy of the documents, signed and dated that the original has been seen should be kept in the staff member's records.

If the person has an overseas qualification and you are unsure of its comparability to a UK qualification, check this with Human Resources or direct with various websites such as [NARIC](#).

### **Prohibition Check**

Since the 03 April 2014, it has been a statutory requirement that a Prohibition Order Check must be made for all teachers.

For teachers and other employees who hold QTS who are working in non-teaching roles and Higher Level Teaching Assistants, verification that they are not subject to a prohibition order by checking the 'Check a Teacher's Record' must be confirmed via the DfE portal.

This is **not** the same as a Barred List Check (obtained via the DBS). Teacher Prohibition Orders are made by the Secretary of State following consideration by a professional conduct panel convened by the Teaching Regulation Agency (TRA).

Through the Teaching Regulation Agency, you can check:

- teacher's personal details
- Initial Teacher Training qualifications
- Qualified Teacher Status (QTS)
- induction status
- supplementary qualifications
- a suspension or conditional order imposed by the General Teaching Council for England (prior to abolition) that is still current
- prohibition from teaching
- Section 128 direction check
- Barred List check

This service will also identify any existing prohibitions and sanctions made by the General Teaching Council (GTCE) before its abolition in March 2012.

Schools must record on their SCR if a Prohibition Order Check is required, the date of the check and the name of the person who checked it.

### **Induction**

All new staff will be required to undertake an induction, including:

- an induction meeting and briefing with their line manager and/or Headteacher;
- a safeguarding briefing to ensure that they know how to report and record concerns and information about the Designated Safeguarding Lead and Deputy DSLs and training including Online Safety Training
- provision of key safeguarding policies: the Safeguarding and Child Protection Policy; the Staff Code of Conduct; Equal Opportunities Policy; and the Whistleblowing Policy
- Health and Safety training
- completion of a written induction checklist(s) for each role they undertake at school

### **SCR Responsibilities**

The Headteacher has overall responsibility for the school's Single Central Record and the content of the staff records, but will delegate maintaining them to an appropriate member of the administration team, usually the school Admin Manager or HR Manager.

The Strategic Support SCR is maintained by the HR and Compliance Manager.

The SCR must be checked for compliance and completeness:

- Termly by the Headteacher and or DSL at each school
- Bi-annually (autumn term and summer term) by the HR and Compliance Manager. The results of which are reported to the Board of Trustees FARR sub-committee
- Annually by the AGB Governor with safeguarding responsibility

### **Annual Declarations**

The Annual Declaration Form requires staff to declare:

- criminal convictions
- their understanding of, and agreement to adhere to, key policies
- changes to personal data (as applicable)
- medical changes
- their clear understanding of their safeguarding responsibilities as defined in the latest KCSIE guidance

ELT and Governing bodies are now held ultimately responsible for ensuring that staff understand and discharge their role and responsibilities. Therefore, all ELT staff including those with roles that do not involve direct work with children are required to **read Part 1 and Annex B of KCSIE**. Support is available to improve understanding of safeguarding, for example where staff have literacy issues or English as a second language and may struggle to assimilate the entirety of Part 1 and Annex B.

Business or Personal Interest Declarations must also be completed annually for Governors, Trustees, Members and senior staff with financial/budget responsibilities. The Trust Board/AGB governance professional is responsible for coordinating Governor/Trustee/Member declarations and schools are responsible for collecting and keeping staff declarations in a register.

Schools must be able to evidence that all staff have completed the Annual Declaration, specifically the section regarding acceptance of safeguarding information.

### **Safer Recruitment Training**

Safer Recruitment training teaches safeguarding skills that help schools to better protect children while recruiting staff and volunteers. Schools must ensure that at least one member of any recruitment panel has received appropriate training in line with safeguarding guidance.

School leaders will use their professional judgment to determine appropriate training for the needs of their staff and their school. All staff must attend safeguarding refresher training every year and a register must be taken to evidence their attendance.

### **Record Retention**

All interview notes for unsuccessful candidates should be retained for a period of six months after which time the notes will be securely destroyed (i.e. shredded). The six month retention period is in accordance with the Data Protection Act 1998 and will also allow the school to deal with any data access requests, recruitment complaints or to respond to any complaints made to an employment tribunal.

All written records of interviews, application forms and reasons for appointment or non-appointment will be kept by the Trust in line with the ELT Recruitment Privacy Notice and Workforce Privacy Notice (for appointed candidates), the ELT Records Management Policy and in line with the requirements of Data Protection Legislation.

Once an individual is recruited, information about their criminal record gathered during the vetting process will not be transferred to their staff record.

Education Learning Trust is also committed to going through the proper DBS channels to establish whether an individual has a criminal record. The Trust will not require job applicants or existing employees to use their subject access rights under data protection provisions to provide criminal record details.

## **Leaving Employment**

All staff leaving employment will be invited to attend an exit interview at which time an exit questionnaire will be completed by the employee. This will be forwarded to the Headteacher for retention monitoring purposes and be included in the individual's staff record.

## **Use of Contractors**

The ELT Contractors at Work Safeguarding Policy details the safeguarding checks all contractors are required to have before being allowed to work on site, details of which should be recorded on the SCR.

Using photo ID, the identity of contractors will be checked on arrival.

## **Agency and Third Party Staff (Supply Staff)**

In the case of agency staff, schools must ensure that the arrangement with the agency imposes an obligation on them to carry out all recruitment checks, including DBS and Children's Barred List Checks that the school would otherwise complete for its own staff.

Written notification is required from any agency or third party organisation that it has satisfactorily completed all relevant checks for the individual who will be working in school.

The ELT Letter of Assurance should be issued to supply agencies and other third parties. A template letter can be requested from the Strategic Support HR team by email to [HR@educationlearningtrust.com](mailto:HR@educationlearningtrust.com).

Upon the engagement of an agency worker, the agency must be supplied with a copy of the Trust's

- ELT Safeguarding and Child Protection Policy
- ELT Allegations and Concerns Raised in relation to Staff, Supply Staff, Contractors & Volunteers Policy

Using photographic evidence, the school must check that the person presenting themselves for work is the same person on whom the checks have been made.

## **Volunteers**

Volunteers who are working within the school must gain the authorisation of the Headteacher. Volunteers are risk assessed to see whether they will be working in regulated activity. If they are, they will be asked to complete identity checks, a reduced application form, and an enhanced disclosure from the DBS will be applied for. They will also be asked for references and will require an informal interview. All checks should be recorded on the SCR.

One-off volunteers for day outings, school concerts etc. do not require vetting checks but must never be left unsupervised or undertake personal care and must be risk assessed.

Regular volunteers receive a Letter of Agreement confirming that they will not be asked to take sole responsibility for any individual pupils or groups and that they should always expect to have the support of a member of staff and work under their supervision, support and guidance. This member of staff is identified in the letter.

All volunteers are asked to read the Safeguarding Policy and acknowledge in writing that they have understood it and have no further questions.

## **Visiting Speakers**

As visiting speakers are not left alone with pupils they are not subject to Safer Recruitment vetting checks. However, it is the school's responsibility to ensure that visiting speakers are suitable and that they are appropriately supervised. Invitations to guest speakers must be agreed with a member of SLT before the invitation is confirmed.

## **Visiting Professionals**

The identity of visiting professionals should be checked on arrival. These include healthcare professionals, sports instructors, referees, consultants, trainee teachers etc. Appropriate checks should have been carried out by their employing organisation and confirmed to the school in writing.

## **Members, Trustees and Governors**

Members, Trustees and Governors will be subject to the following checks:

- an enhanced DBS check
- barred list (there is a possibility of some regulated activity within their roles)
- Section 128 check
- ID checks
- overseas checks (if applicable)
- right to work in the UK

Disqualification checks would also be undertaken if they volunteer to work in relevant childcare on a regular basis or if they were to be directly involved in the day-to-day management of such provision.

## **Staff Records**

Having completed the pre-employment checks in line with this policy, staff documents must be kept in accordance with the Recruitment and Staff File Check and filed in chronological order.

Staff records must not contain their DBS certificate. The DBS number is recorded on the SCR.

It is very important that confidential staff records are kept in a secure place with restricted access.

## **Breaches of the Policy**

Any instances of this policy not being adhered to will be taken very seriously and appropriate disciplinary action will be taken.

Any complaint in relation to this policy, including its application will be managed through the Trust Complaints Policy or Grievance Policy (for existing employees).

## **Monitoring**

The Headteacher is responsible for ensuring that this policy is monitored and evaluated throughout the school.

**This policy will be reviewed annually.**

