

North Herts



Education Support Centre

North Herts Education Support Centre

Safer Recruitment Policy

New Policy by:	Ronel Pieterse
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Ratified by:	Management Committee
Signed:	
Review:	Annual
Next Review:	Autumn Term 2023

Summary of changes
New non statutory policy

INTRODUCTION

The North Herts Education Support Centre (NHESC) is committed to providing the best possible care and education to its students and recognises the importance of recruiting and retaining staff of the highest quality.

The purpose of this policy is to set out the requirements for the recruitment of staff to the NHESC.

The aims of the NHESC's Safeguarding in 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 safeguarding and promoting the welfare of children and young people is an integral factor at each stage of the recruitment and selection process.
- To adopt a safer recruitment process, which helps to promote a safe culture and compliments other 'safety' elements such as health and safety and security.
- To attract and recruit suitable skilled and motivated staff to help raise standards and reduce the risk to children and young people.
- To ensure that those that are responsible for each stage of the recruitment process demonstrate a professional approach by dealing honestly, efficiently, and fairly with all applicants.
- To ensure that no job applicant is treated unfairly on any grounds including sex, sexual orientation, marital or civil partnership, pregnancy or maternity, gender reassignment, race, religion or belief, disability, or age.
- To ensure compliance with all relevant recommendations and guidance including the recommendations of the DfE in the "Keeping Children Safe in Education" guidance and the Code of Practice published by the Disclosure and Barring Service.
- To ensure that the NHESC meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

This policy takes into account the provisions of 'Keeping Children Safe in Education' (DfE September 2022).

The NHESC will abide by the existing legislation and in particular will not discriminate on the grounds of any of the protected characteristics listed in the Equality Act (2010), these being:

Age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.

The NHESC will promote equality in all aspects of academy life, including the recruitment of staff.

RECRUITMENT PANEL

The interview panel must have a minimum of two interviewers, one of which must be safer recruitment trained. The composition of the panel will be dependent on the role being recruited. For consistency, the Business Manager will, where possible, form part of an interview panel.

The Management Committee will manage and oversee the recruitment of staff to in the following positions:

- Executive Head
- Head of Centre

A Management Committee representative must be on the interview panel for each of these appointments and the panel decision must be ratified by Full Governing Board.

Manage and oversee the recruitment of other staff as follows:

- The Appointment of Executive Head or Head of Centre (the Chair of the Management Committee must be on the panel)

- Assistant Heads (EH, HOC and BM must be on the panel)
- Other members of staff (Head of Centre/ Assistant Head and Business Manager must be on the panel).

The recruitment and selection procedure

In accordance with the recommendations of the DfE, the NHESV carries out a number of pre-employment checks in respect of all its prospective employees to ensure effective safeguarding.

All applicants who are invited to an interview will be required to bring the following evidence of identity, address, and qualifications in order for the NHESC to verify their name, date of birth and current address:

- current driving licence (including photograph) or passport or full birth certificate and:
- two utility bills or statements (from different sources) less than three months old showing their name and their home address
- documents confirming their National Insurance number: P45, P60 or national insurance card and
- documents confirming any educational and professional qualifications referred to in their application form

These identification documents will also be sufficient to enable a Disclosure and Barring Service (DBS) check to be carried out (see below).

Where an applicant claims to have changed his/her name by deed poll or any other mechanism (e.g., marriage, adoption, statutory declaration) he/she will be required to provide documentary evidence of the change. In all cases original (not photocopies) documents must be provided.

Original documentation in respect of any specific qualifications relevant to the post (e.g., academic qualifications, vocational qualification such as the QTS or in relation to a specific subject field, First Aid or Food Hygiene) that has been entered on the application will also be required.

In the case of teaching staff and many support staff roles, references will have been sought prior to interview and in other cases shortly thereafter. This applies to all internal applicants as well as external applicants.

NHESC appointments are always subject to receipt of satisfactory references and satisfactory screening and vetting.

Advertising

Adverts for vacancies will demonstrate the NHESC's commitment to safeguarding in recruitment and vetting procedures, protecting every potential applicant from unfair practice, and ultimately safeguarding children as much as possible. Promoting commitment to safeguarding and child protection can act as a deterrent to would-be abusers. Thought will be given to wording, pictures and images used to ensure that they could not be considered discriminatory.

The following information will usually be included within the text of the advert:

- name of school
- post title
- hours of work
- grade or scale
- salary (actual salary for part time)
- permanent or fixed term stating duration if fixed term
- brief details about what the job entails, and the type of skills and experience required including responsibility for safeguarding children.
- confirmation that an Enhanced DBS Disclosure will be required.
- contact details
- closing date

Recruitment information for candidates

The following documents will be on the vacancy area of the website:

- Job Advertisement
- Job description and person specification
- Safer Recruitment Policy
- NHESC Application form

Job descriptions will define the purpose, duties, and responsibilities of the post, as well as the qualifications and experience needed to perform the job, with particular attention to working with vulnerable groups. The job description and person specification will make reference to the NHESC's commitment to the safeguarding of students.

APPLICATIONS

All applicants for externally advertised posts will be required to complete all sections of the North Herts ESC's application form, which should be returned to the nominated person by the specified closing time / date. **C.V.s will not be accepted in place of a completed application form.** Incomplete applications will also not be routinely considered.

Applications received after the closing date will not normally be considered unless there is proof of a postal delay. Applicants are advised to submit their application via email/ online to avoid late arrival.

The importance of safeguarding and protecting children at the NHESC will be promoted throughout the recruitment process in order to defer unsuitable candidates. The NHESC's application pack will normally include the following: application form, job description, person specification, information sheet about the school, the school's Equal Opportunities Policy, the school's Child Protection Policy Statement and information on an Enhanced DBS check.

SHORTLISTING AND REFERENCES

Applications will be shortlisted against the criteria in the job description and person specification. Where possible, references will be taken up on shortlisted candidates prior to interview. References will be sought and obtained directly from the referee. References or testimonials provided by the candidate will **not** be accepted.

If short listed candidates will be subject to an online search, candidates will be contacted once they have been shortlisted for information on what platforms they use and the handles. The candidate will not be asked for login details. An independent review by the HR Administrator will check the last 5 years' information, creating a pack of any information which needs to be checked with the candidate at interview.

If a candidate for a teaching post is not currently employed as a teacher, checks will be made with their most recent school to confirm details of employment and reasons for leaving. All referees will be asked specific questions about:

- Their relationship with the candidate, how long has the referee known the candidate and in what capacity.
- The candidate's suitability for working with children and young people.
- Any disciplinary warnings, including time expired warnings that relate to the safeguarding of children.
- The candidate's suitability for the post.

Employees are entitled if requested to view their employment references.

SELECTION PROCESS

Selection techniques will be determined by the nature and duties of the post. All applicants for teaching posts will be required to undertake a lesson observation. Candidates that are successful in the initial stages of the selection process will be invited to attend for an interview, unsuccessful candidates will not be interviewed.

Interviews will always be face to face. In rare circumstances e.g. if the candidate is abroad this may be conducted via a visual electronic link. Candidates will always be required to:

Explain satisfactorily any gaps in employment.

- Explain satisfactorily any anomalies or discrepancies in the information available to the panel.
- Declare any information that is likely to appear on a DBS disclosure.
- Demonstrate their capacity to safeguard and protect the welfare of children and young people.
- Explain satisfactorily any issues raised through the online search process.

EMPLOYMENT CHECKS

All successful applicants are required to undergo the following checks:

DBS Check

Due to the nature of the work of the NHESC, all employees and volunteers must undertake an Enhanced Disclosure and Barring Service check. Posts within schools are exempt from the Rehabilitation of Offenders Act 1974 (updated guidance March 2014), therefore as a prospective employer, we encourage candidates to disclose any unspent and spent convictions during the application stage.

Applicants with recent periods of overseas residence and those with little or no previous UK residence may also be asked to apply for the equivalent of a disclosure, if one is available in the relevant jurisdiction(s).

As soon as the applicant receives their DBS certificate the original certificate must be shown to the Central team / school office staff.

The NHESC expects volunteers/contractors that are used by the schools to register with the DBS on their own account and to follow their policy or their own comparable policy. Proof of registration will be required before the NHESC will commission services from any such organisation.

Policies on Employment of Ex-Offenders and Retention of Security and Storage of Disclosure information are available on request.

Criminal record check

Due to the nature of the work the NHESC applies for criminal record certificates from the Disclosure and Barring Service (DBS) in respect of all prospective staff members and volunteers.

The type of check that may be requested from the DBS will depend on the nature of the position. If the individual is applying for a position that may provide them with an opportunity to engage in regulated activity with children, then an Enhanced Check with Barred List will be required. This check will contain details of all convictions, adult cautions, reprimands, or warnings (except those which are “protected” as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment (England and Wales) Order 2013 and amended in 2020 held on the Police National Computer. The Enhanced Check with Barred List will also reveal whether the individual is barred from working with children by virtue of their inclusion on the lists of those considered unsuitable to work with children.

An Enhanced Check may also contain non-conviction information from local police records which a Chief Police Officer thinks may be relevant in connection with the matter in question. Applicants with recent periods of overseas residence and those with little or previous UK residence may also be asked to apply for the equivalent of a disclosure if one is available in the relevant jurisdiction(s).

Should DBS clearance be delayed, and employment commence before it is received the NHESC may agree to the individual commencing work but before doing so shall obtain a barred list check (where required) undertake a Risk Assessment on the prospective member of staff concerned and make arrangements as appropriate for the member of staff to be paired with or supervised by another member of staff who has received DBS clearance.

Volunteers and Contractors

The NHESC expects volunteers/contractors that are used by the NHESC to register with the Enhanced DBS Disclosure on their own account and to follow this policy or their own comparable policy. Proof of registration will be required before the NHESC will commission services from any such organisation.

The agency must provide evidence of the checks carried out on their central record.

The agency must also ensure that the supply staff member is aware that they have to bring in their DBS Certificate, proof of qualifications (e.g., QTS Certificate) and identification documents (proving their name, date of birth and address) on the first day they start working for/ with the NHESC.

The NHESC reserves the right to terminate the contract with the volunteer/ contractor and send home a member without notice should these terms of safe recruitment practice be breached by the volunteer/ contractor. In this instance the NHESC will not be liable for any charges connected to the booking.

All Volunteers who have direct contact with children on a regular basis will be required to have a DBS Check. The Head of Centre will apply a risk assessment to assess the need for an Enhanced DBS Check on an individual basis.

Rehabilitation of Offenders Disclosure

The NHESC will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. The NHESC makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically debar him/her from employment within the NHESC. Instead, each case will be decided on its merits in accordance with the objective assessment criteria.

In view of the fact that all positions within the NHESC will amount to "regulated positions", all applicants for employment must declare all previous convictions and adult cautions (except those which are "protected" as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 and amended in 2020). A failure to disclose a previous conviction or adult caution may lead to an application being rejected or, if the failure is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

Under the relevant legislation, it is unlawful for the NHESC to employ anyone who is included on the lists, maintained by the DfE and the Department of Health, of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for the NHESC to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm, or other serious acts of violence.

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within the NHESC, if:

the NHESC receives an application from a disqualified person

- is provided with false information in, or in support of an applicant's application; or
- the NHESC has serious concerns about an applicant's suitability to work with children, it will report the matter to the police, DBS and/or the DfE.

Assessment Criteria

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the NHESC will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question
- the seriousness of any offence or other matter revealed
- the length of time since the offence or other matter revealed
- whether the applicant has a pattern of offending behaviour or other relevant matters; and
- whether the applicant's circumstances surrounding the offence and the explanation(s) offered by the convicted person.
- If the post involves regular contact with children, it is the NHESC's normal policy to consider it high risk to employ anyone who has been convicted at any time of any the following offences:
 - against adults, murder, manslaughter, rape, other serious sexual offences, grievous bodily harm, or other serious acts of violence
 - against children or adults, serious class A drug related offences, robbery, burglary, theft, deception, or fraud.

If the post involves access to money or budget responsibility, it is the NHESC's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception, or fraud.

If the post involves some driving responsibilities, it is the NHESC's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last 10 years.

Assessment Procedure

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the school will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Head of Centre before a position is offered.

If an applicant wishes to dispute any information contained in a Disclosure, he/she can do so by contacting the DBS directly. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the Centre will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the Disclosure information.

Retention and security of disclosure information

The NHESC's policy is to observe the guidance issued or supported by the DBS on the use of the disclosure information. In particular, the NHESC will:

- store disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the NHESC's senior leadership team and the HR Administrator.
- not retain disclosure information or any associated correspondence for longer than is necessary. In most cases, the NHESC will not retain such information for longer than six months, although the NHESC will keep a record of the date of a disclosure, the name of the subject, the type of disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken
- ensure that any disclosure information is destroyed by suitably secure means such as shredding and
- prohibit the photocopying or scanning of any disclosure information

Verification of Identity and Address

All applicants will be required to provide evidence of identity, address and qualifications (examples of which are set out below):-

Current driving license (including photograph) or passport or full birth certificate; and

- Two utility bills or statements (from different sources) less than three months old showing their name and home address; and
- Documentation confirming their National Insurance number (P45, P60 or National Insurance card); and

Where an applicant claims to have changed his/her name by deed poll or any other mechanism (e.g. marriage, adoption, statutory declaration) he/she will be required to provide documentary evidence of the change.

In all cases original (**not photocopy**) documents must be provided.

Verification of Qualifications

All candidates will be required to provide actual certificates that evidence they have obtained any qualifications required legally or otherwise for the role. Qualifications legally required including QTS for teachers.

Prohibition Order Check

A Prohibition Order Check will be carried out on all candidates to be employed as teachers.

Section 128 Direction

A check against the 128 Barring List will be carried out for applicants for management positions.

Asylum and Immigration

Before anyone starts work with the NHESC we have a legal obligation to confirm that they are eligible to work in the United Kingdom. This check must be carried out on every potential new employee, regardless of their nationality. Failure to confirm someone's asylum and immigration status due of their nationality would be contrary to the Asylum and Nationality Act 2006.

Medical Fitness

It is a statutory requirement under the Education (Health Standards) (England) Regulations 2003 that anyone appointed to work with children or young people must be medically fit. It is the NHESC's responsibility to be satisfied that the applicant has the appropriate level of physical and mental fitness before the appointment is confirmed.

All prospective employees will be required to complete a pre-employment health questionnaire. Information provided will remain confidential to the Occupational Health provider and will be used to match the applicant's fitness to the proposed duties. Management will only receive an opinion of the applicant's fitness for the duties outlined. In some cases, applicants will be asked to attend for a health assessment. Failure to disclose or giving false information could lead to termination of employment.

CONFIRMATION OF APPOINTMENT

The final offer of employment will be subject to:

- A satisfactory Enhanced DBS check and barred list check.
- Confirmation that the candidate does not live with a disqualified person (if the member of staff works with or has management responsibility for children under the age of 8).
- A check that the candidate is not subject to a prohibition order, where applicable.
- Section 128 Direction check where applicable.
- EEA check where applicable.
- Receipt of medical clearance.
- Receipt of two satisfactory references.
- Evidence of qualifications.
- Evidence of right to work in the UK.

INDUCTION

All new staff will be required as a minimum to:

Read the Staff Code of Conduct and Safeguarding and Child Protection Policy.

- Read and confirm that they have read Part 1 of ‘Keeping Children Safe in Education.’
- Complete Level 1 Safeguarding in Education training, which will include training on the PREVENT duty.
- Complete the 20-week Induction Programme run by the Centre.

Retention of records

If an applicant is appointed, the NHESC will retain any relevant information provided on their application form (together with any attachments) on their personnel file. This file will be stored by the school for up to six years following termination of employment.

If the application is unsuccessful all documentation relating to the application will normally be confidentially destroyed after six months unless the applicant specifically requests the NHESC to keep their details on file.

Review

This policy will be reviewed annually, or more regularly in the light of any significant new developments or in response to changes in guidance.