



Washwood Heath
Multi Academy Trust

Safer Recruitment Policy & Procedure

“For those agencies whose job it is to protect children and vulnerable people, the harsh reality is that if a sufficiently devious person is determined to seek out opportunities to work their evil, no one can guarantee that they will be stopped. Our task is to make it as difficult as possible for them to succeed....”

Bichard Report, 2004, p12, para 20

Prepared by:	People Matters team
Applies to:	WHMAT employees/volunteers/contractors/visitors
Approved by:	Board of Trustees on 26.06.2020
Issued to MAT Academies for use:	03.07.2020
Review date:	12 months from ratification by Board of Trustees
Links to:	WHMAT Safeguarding & Child Protection Policy/KCSIE Statutory Guidance/Fluency Code of Practice/Safer Recruitment Toolkit
Version:	V4 – 29.06.20

Legal Disclaimer – Copyright © 2020 Washwood Heath Multi Academy Trust. All rights reserved. Washwood Heath Multi-Academy Trust will allow use of this Policy by WHMAT staff, members, trustees or members of academy advisory boards for non-commercial and/or educational reasons only. Any use or re-use of this Policy & Procedure by third parties is expressly prohibited unless authorised by prior written agreement with Washwood Heath Multi Academy Trust, the copyright owner. Any permitted reproduction of the document should include the statement “Copyright © 2020 Washwood Heath Multi Academy Trust”. If any unauthorised acts are carried out in relation to this copyright work, a civil claim for damages may be made and/or criminal prosecution may result.

Contents

1. Commitment & Purpose	3
2. Scope	3
3. Roles & responsibilities	3
4. Delegation of appointments	4
5. Selection panels	4
6. Safer Recruitment Training	4
7. A Safer Recruitment Process	5
Step 1 – Reviewing Staffing Structure	5
Step 2 - Preparing recruitment Timeline (including assessment methods & selection panel)	5
Step 3 – Defining role: Job Description & Person Specification	6
Step 4 – Prepare Advert	7
Step 5 – Prepare Application Pack	8
Step 6 – Shortlisting & Reviewing Application Forms	8
Step 7 – Inviting Candidates to Interview	9
Step 8 - Interview Preparation	10
Step 9 – Holding Interviews	10
Step 10 – Pre-employment checks & conditional offers of employment	11
Step 11 – Employee Induction	13
8. Disclosure of Criminal Records	13
9. Disclosure & Barring Service Checks – new employees and volunteers	13
10. Disclosure & Barring Service Checks – existing employees and volunteers	15
11. Disqualification under the Childcare Act 2006 & Childcare (Disqualification) Regulations 2009	16
12. Single Central Record & SIMS	16
13. Agency Staff & Contractors	17
14. Volunteers	17
15. Visitors	18
16. Complaints	18
17. Policy Breach	18
18. Record keeping & Data Protection	19
19. Review of Policy & Procedure	19
20. Appendix A – Definition of Regulated Activity & Flowchart (Keeping Children Safe in Education 2019)	20

1. Commitment & Purpose

1.1 The Board of Trustees recognises that:

- 1.1.1 The legal requirements for recruiting employees to work at Washwood Heath Multi Academy Trust (“WHMAT”) include provisions specifically to protect pupils from harm, and that following these provisions is an essential part of its duty of care;
- 1.1.2 Recruiting the best people to WHMAT is vital for its continued success in providing the highest standards of education to its pupils; and
- 1.1.3 Not appointing the right people to our roles can have a negative impact on WHMAT’s performance and reputation.

1.2 The Board of Trustees is committed to:

- 1.2.1 Creating a safe environment for its pupils by operating safer recruitment practices in line with statutory requirements and guidance (including but not limited to *Keeping Children Safe in Education* (“KCSIE”)).
- 1.2.2 Ensuring that throughout our 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. In the very exceptional cases where we are required to discriminate due to a genuine occupational requirement, this will be approved by the Board of Trustees before any offer of employment is made.
- 1.2.3 Attracting the best possible applicants to WHMAT; and
- 1.2.4 Identifying, deterring and rejecting applicants who are unsuitable to work with its pupils.
- 1.2.5 Ensuring that all posts offered at WHMAT are made on the basis of merit and abilities (see further at 4 below).

1.3 The purpose of this document is to ensure that we identify, deter and/or minimise people who pose a risk of harm by working at WHMAT and with our pupils. This means that all employees involved in the recruitment and selection of employees and volunteers know the processes, expectations and requirements for safer recruitment, and follow this Policy & Procedure so as to minimise the risk of harm to its pupils.

2. Scope

- 2.1 This document applies to all people who carry out work at any of the academies in WHMAT, whether paid, voluntary, supplied by an agency or under a contract of service.
- 2.2 Any references to the CEO in this Policy also include the Deputy CEO.

3. Roles & Responsibilities

- 3.1 The **Board of Trustees** is responsible for ensuring that this document is reviewed and ratified on an annual basis and for sitting on occasional selection panels (when senior leaders such as the CEO or Deputy CEO are being appointed or senior support staff posts Graded 6 and above).

- 3.2 **CEO, Heads of Academy and Core Team Directors** are responsible for:
- 3.2.1 Leading and managing on all recruitment and selection and on making final decisions on appointments, except for Head of Academy roles and/or Support Staff posts (Grade 6 upwards).
 - 3.2.2 Promoting the welfare of children and young people at every stage of the recruitment process (see 4.0).
- 3.3 **The People Team** is responsible for ensuring that:
- 3.3.1 all staff have access to the latest version of this Policy & Procedure; and
 - 3.3.2 all staff involved in recruitment and selection processes (including those maintaining the SCR) are given opportunities for training;
 - 3.3.3 induction processes are carried out promptly and thoroughly for all new staff.
 - 3.3.4 an updated log of Safer Recruitment Trained staff and trustees is maintained centrally by the People Manager, with staff being prompted at regular intervals to complete the Safer Recruitment statutory in-house or online. Once staff have completed their training, this should be recorded on the SCR by the People Team).

4.0 Delegation of appointments

- 4.1 The Board of Trustees delegates the power to offer employment for all WHMAT posts to the CEO, Heads of Academy and functional Directors.
- 4.2 The colleagues referred to at 4.1 may not delegate the power to offer employment to any other member of staff.

5.0 Selection panels

- 5.1 Selection panels for all WHMAT posts will comprise a minimum of three people and should reflect the nature of the post.
- 5.2 In accordance with the statutory requirement in *Keeping Children Safe in Education* (“KCSIE”), every selection panel will have at least one member who has undertaken accredited Safer Recruitment Training. However, it is good practice for any other panel members who are supporting with recruitment to also be safer recruitment trained. Colleagues should contact lespley@whmat.academy if their training has expired or is due to expire.
- 5.3 Individuals should avoid conflicts of interest during the recruitment and selection process by not sitting on a selection panel if they know and/or have a personal connection or relationship with a candidate. Similarly, internal and external applicants may request that the members of a selection panel be changed if they become aware of a potential conflict of interest.

6.0 Safer Recruitment Training

- 6.1 All members of the senior leadership teams across WHMAT (including Core Team Directors) are required to be safer recruitment trained. In addition, other staff involved in recruiting and selecting staff are encouraged to attend this training internally. Training should be refreshed every 5 years, or sooner, if there are significant changes in statutory guidance or associated legislation.

- 6.2 Although there are no specific requirements as to the number of Trustees that should be safer recruitment trained, internal accredited WHMAT Safer Recruitment Training will be made available to them on an ongoing basis, or colleagues will be signposted to the Hays Online Training modules.
- 6.3 The People Team will maintain an updated list of employees, and Trustees who have completed accredited safer recruitment training, including date of course and course provider, and promptly notify the People Manager (Lucy Espley) lespley@whmat.academy when training needs be refreshed.
- 6.4 The People Team will ensure that copies of Safer Recruitment Training Certificates are stored, electronically or kept on individual HR files as soon as training has been completed.

7.0 A Safer Recruitment Process

- 7.1 The importance of safeguarding and protecting pupils attending our academies will be promoted as much as possible throughout the recruitment process in order to deter would-be abusers. All involved in the recruitment process have a key role to play. This means carefully planning all recruitment to ensure that there is enough time to recruit safely.
- 7.2 Whilst it is recognised that appointments often need to take place speedily to ensure continuity of provision for the pupils of WHMAT and to attract candidates, a timeline should be mapped out and planned by the appropriate manager (CEO/Head of Academy/Functional Director) or recruitment panel at the outset, working backwards from the anticipated start date. Advice should be taken from the People Team as appropriate. A model recruitment time line appears in the manager's toolkit.
- 7.3 Although timelines for the appointment of staff may vary depending on the time it takes to receive all of the appropriate pre-employment checks and for the candidate to serve a notice period, **no appointment process should cut corners by avoiding the measures described in this document, unless there are exceptional circumstances such as Covid-19.**

Step 1 – Reviewing staffing structure & obtain financial approval

- 7.4 Before advertising any post, the appropriate manager should review their existing staffing structure, identify the cost to the base academy or team of the post (with on-costs) bearing in mind any budgetary constraints, and ensure that they have financial approval from WHMAT Finance before advertising.

Step 2 – Prepare Timeline (including assessment methods & selection panel)

- 7.5 Identifying an appropriate selection panel and selection methods should take place at this stage. For selection panels see paragraph 5 above.
- 7.6 In addition to a face-to-face or remote interview, a variety of other selection methods may be used, such as:
 - 7.6.1 observation of current teaching practice within WHMAT or in the applicant's current school;
 - 7.6.2 student council (comprising a panel made up of students from our academies);
 - 7.6.3 a presentation;
 - 7.6.4 in-tray exercises (such as written exercises or case studies); and/or

7.6.5 psychometric testing.

- 7.7 Those responsible for recruiting to a particular post shall determine the appropriate selection methods. They should be relevant and appropriate to the role and be based on the requirements for the particular post as set out in the job description and person specification. Applicants should be informed via the person specification and/or job advert what specific selection methods will be used and at what stage they will be used e.g. shortlisting, interview, and/or additional assessment during interview.

Step 3 – Define role: Preparing Job Description and Person Specification

- 7.8 An up-to-date and tailored job description and person specification is required for all posts. At the start of the recruitment process it is important to define what the duties and responsibilities of the post-holder will be (job description), as well as the qualifications, experience and knowledge needed to perform the role (person specification). Without these documents being in place, writing an effective advert and/or shortlisting will not be possible. Both documents should be reviewed and updated on an annual basis by the People Operations Team in consultation with relevant managers.

- 7.9 All job descriptions will, as a minimum include:

- 7.9.1 Job Title
- 7.9.2 Grade/Scale of Post
- 7.9.3 Job Purpose
- 7.9.4 Line Management details – who will line manage them and will they have line management responsibilities?
- 7.9.5 Specific responsibilities & duties
- 7.9.6 The post-holder’s specific responsibility for safeguarding and promoting the welfare of children that they come into contact with through their job. This is because we all have responsibility for safeguarding in some way.

(An example of a WHMAT Job Description appears in the manager’s toolkit)

- 7.10 All Person Specifications will, as a minimum, include:

- 7.10.1 Qualifications required
- 7.10.2 Professional Registrations e.g. QTS or CIPD (if required)
- 7.10.3 The skills, competencies, knowledge and previous experience required (where the Fluency Code of Practice applies (see further at 7.1.4 below), this should set out a candidate’s need to be able to “speak English with confidence and accuracy, using accurate sentence structures and vocabulary, all without hesitation and appropriate to the situation at hand”).
- 7.10.4 The requirement to be cleared by the DBS for work with children, and where appropriate disqualification by association

- 7.11 Each requirement in the person specification will be graded as either ‘Essential’ or ‘Desirable’. These grades will be used for shortlisting purposes after the closing date. How these issues will be tested – e.g. application form, interview and/or assessment, will be stated and will vary from post to post.

(An example of a WHMAT person specification appears in the manager's toolkit)

Step 4 – Prepare Advert

- 7.12 All vacancies will be advertised via appropriate channels to ensure equality of opportunity and to encourage as wide a field of applicants as possible. This will normally mean placing an advert externally. However, where there is a reasonable expectation that there are sufficient suitably qualified internal candidates, or employees are at risk of redundancy, vacancies may be advertised internally across WHMAT before an external advert is placed. Any internal recruitment process will follow the steps in this document.
- 7.13 The advert for a vacancy will demonstrate WHMAT's commitment to safer recruitment and vetting procedures in order to act as a deterrent to would-be abusers. All adverts will display the following:
- 7.13.1 WHMAT name and logo and the name and logo of the base Academy.
 - 7.13.2 Post Title
 - 7.13.3 Clarification that employee will be employed by Washwood Heath Multi Academy Trust with confirmation of the base academy
 - 7.13.4 Hours (this should indicate if full or part time)
 - 7.13.5 Grade (support) or scale (teachers)
 - 7.13.6 Salary range including any allowances offered e.g. TLR
 - 7.13.7 Permanent or Fixed Term (if fixed term the duration of the contract should be stated)
 - 7.13.8 Summary of ethos of base academy
 - 7.13.9 Main responsibilities of the post
 - 7.13.10 How to apply – with link to application pack on base school and WHMAT website
 - 7.13.11 Who to direct informal queries to/arrange a visit
 - 7.13.12 Closing date and interview date (if known)
 - 7.13.13 Assessment methods and dates (if known)
 - 7.13.14 Reference to the Fluency Code of Practice, where appropriate (see 7.14 below)
 - 7.13.15 Safeguarding Children/DBS Statement:

“Washwood Heath Multi Academy Trust is committed to safeguarding and promoting the welfare of children and young people and requires all staff and volunteers to share and demonstrate this commitment. The successful applicant will be expected to meet the essential requirements of the person specification and will be subject to pre-employment checks including a health check, an enhanced Disclosure and Barring Service check and satisfactory references.”

(A model advert appears in the manager's toolkit)

- 7.14 On 21 November 2016 the government introduced a new code of Practice under immigration law which applies to all public bodies (including academies). This means that it is now a statutory requirement for all new and existing public sector workers who are in a 'customer facing' role to be able to speak English fluently.
- 7.15 The government has advised that Teachers are unaffected by the new code as they are already subject to a language standard (through annual appraisal against the Teacher

Standards). However, given the nature of work in academies, a lot of other roles will be covered, such as reception staff, teaching assistants, lunchtime supervisors, learning mentors, and other roles depending on their duties and interactions with parents and the public.

- 7.16 The Code states that fluency relates to an employee's *"ability to speak with confidence and accuracy, using accurate sentence structures and vocabulary, all without hesitation and appropriate to the situation at hand"*.
- 7.17 All staff involved in recruitment must ensure that adverts for new customer facing roles state that: *"this post is subject to the new statutory fluency code of practice. As such, candidates will be required at interview to show that they can speak fluent English"*.

Step 5 – Prepare Application Pack

- 7.18 All adverts should include a link to a "WHMAT Candidate Application Pack" on the WHMAT and/or base academy website, which will include the following:
- 7.18.1 Covering letter from CEO with information on WHMAT, base academies & link to WHMAT's Safeguarding & Child Protection Policy
 - 7.18.2 WHMAT Application Form and Guidance Notes for Applicants
 - 7.18.3 Job Description
 - 7.18.4 Person Specification
- 7.19 Prospective applicants must complete, in full, and return a signed application form. Incomplete application forms will be returned to applicants where the deadline for completed forms has not passed.
- 7.20 All covering letters sent with application packs will include the following paragraph:
- "Washwood Heath Multi Academy Trust is committed to safeguarding and protecting the welfare of children as its number one priority. This commitment extends to robust recruitment, selection and induction processes"*

Step 6 - Shortlisting & Reviewing Application Forms

- 7.21 Prior to the closing date, the People Operations Team shall prepare a shortlisting matrix ready for shortlisting by using the essential criteria from the relevant person specification (see manager's toolkit).
- 7.22 Recruitment Monitoring Declaration forms and/or details of positive disclosures shall be removed from the application documents before shortlisting takes place to minimise discrimination.
- 7.23 On or around the closing date, a minimum of 2 members of the selection panel will meet or be provided with copies of all application forms so that shortlisting can take place. This will help prevent bias/subjective decisions and mean that the paperwork can be scrutinised more clearly. The selection panel will shortlist applicants against the essential criteria of the person specification for the post as set out in the shortlisting matrix. Those panel members who complete the shortlisting shall score each candidate, ensuring that the criteria are applied consistently. Those who meet all of the relevant essential criteria will form a "long list".

- 7.24 Once the long list has been agreed, the selection panel should take time to scrutinise/re-read these application forms to identify gaps in employment or other areas that may affect an applicant's suitability to work with children and young people. These issues should then be raised at interview to ensure that a satisfactory explanation is received.
- 7.25 Unless there are exceptional circumstances, the shortlisting matrixes should be collated and handed into People Operations Team on the day of shortlisting so that they can be kept with all of the recruitment paperwork.
- 7.26 All candidates will be checked against the "Prohibited from Teaching list" through the Teaching Regulation Agency prior to interview. If the outcome of the check is clear, then the application will proceed to shortlisting. If the check is not satisfactory, i.e. the candidate is prohibited from teaching, then no further contact with the applicant will be made.

Step 7 – Inviting Candidates to Interview

- 7.27 All shortlisted candidates will receive an invitation to interview letter using the model WHMAT template (see manager's toolkit). This re-iterates our commitment to safeguarding and states that each candidate must bring evidence (original documents only) verifying their professional qualifications, identity, right to work in the UK and childcare disqualification paperwork for those in contact with pupils under the age of 8 (see Pre-Employment Checks below). This letter also clarifies that references will be sought on all short-listed candidates, including internal ones, prior to interview in line with KCSIE. References will be requested using the WHMAT covering letter and reference request form in the manager's toolkit once a shortlisted employee has confirmed that they wish to proceed with an interview.
- 7.28 In line with KCSIE, short-listed candidates' references must be taken up by the People Operations Team. Candidates are informed in the WHMAT application form, and again in the invite to interview letter that referees will be contacted **prior to interview**. Candidates will be reassured that references will not be taken up until they have confirmed that they will be attending the interview.
- 7.29 All offers of employment will be conditional upon receipt of at least two satisfactory written references. References will:
 - 7.29.1 Be requested for all shortlisted applicants, **including internal applicants**;
 - 7.29.2 Include the applicant's current or most recent employer, and where an applicant for a teaching post is not currently employed as a teacher, will include the applicant's most recent employer as a teacher; (the referee must be in a more senior role than the applicant)
 - 7.29.3 Ask the current employer for details of any capability history in the previous 2 years, and the reasons for this;
 - 7.29.4 Be directly from the referee;
 - 7.29.5 Not be accepted if they are "to whom it may concern" letters;
 - 7.29.6 Request information on the applicant's suitability to work with children and young people.
- 7.30 On receipt of references, the selection panel should review them carefully by checking against the information provided in the candidate's application form. Any discrepancies or areas of

concern must be taken up by the selection panel at interview. A note should be kept of any additional questions asked and the responses.

- 7.31 WHMAT will not generally accept references from those writing solely in the capacity of friend or personal/character references, unless there are exceptional circumstances. However, this should be discussed with the People Team **before any offer of employment is made.** Telephone references will not be accepted unless followed up in writing by the referee using the WHMAT reference template. WHMAT reserves the right to seek references from the current employer even if the applicant has not listed them as referees on the application form. However, the applicant's permission will be sought in advance in line with good practice.
- 7.32 Where it has not been possible to obtain references before the interview, any concerns or discrepancies must be investigated and resolved before the appointment is confirmed. If written references are not available before an interview, selection of a candidate will be deferred, with the panel adjourning and reconvening when the written references are available.

Step 8 – Interview Preparation

- 7.34 Prior to the interview, the selection panel should have:
- 7.34.1 Prepared appropriate competency-based questions for the role
 - 7.34.2 Prepared appropriate questions to test the applicant's suitability to work with children and young people (safeguarding)
 - 7.34.3 Identified any areas for further probing, e.g. if a criminal record has been declared or if there are gaps in employment and/or discrepancies between references & the application form
 - 7.34.4 Agreed assessment criteria which reflect the person specification
 - 7.34.5 Agreed a structure for the interview (including who is asking what)

A model interview plan can be found in the manager's toolkit.

Step 9 – Holding Interview(s)

- 7.35 A face-to-face or remote interview must take place for all shortlisted applicants to all posts. The use of video conferencing, Skype, Facetime or other similar technologies may be acceptable for this purpose depending on the circumstances e.g. for a candidate based overseas or during a pandemic where there are restrictions on face-to-face contact.
- 7.36 All those involved in interviewing must be properly trained. At least one person on the selection panel must have successfully completed accredited safer recruitment training in the last 5 years. See further at paragraph 6 above.
- 7.37 The purpose of the interview is to assess the merits of each applicant against the job description and person specification, and to establish their suitability for a) the post; and b) to work with children and young people.
- 7.38 All members of the Selection Panel who were responsible for shortlisting should carry out the interview unless there are exceptional circumstances.
- 7.39 On arrival for interview the original documents requested in the invitation to interview letter will be obtained from each candidate and copied (proof of identity, right to work in the UK

and qualifications). Only original documents will be accepted. Essential qualifications required for the post, including those set by statute and/or detailed on the application forms will be sought. Any concerns about missing documents or incomplete paperwork will be notified to the panel immediately. The copies will be verified, initialled and dated and held with the Pre-Employment Checklist pending the outcome of the interviews. If the candidate is successful, they will be placed on their HR file on the day of the interview or as soon as reasonably possible afterwards. If the candidate is unsuccessful, then these, along with evidence of identity documents will be securely destroyed in line with the Data Protection Act 2018 and WHMAT's Data Retention Policy (see www.whmat.academy policies tab).

- 7.40 The selection panel shall conduct the interview in accordance with the previously agreed interview plan. Each member of the panel shall take a detailed note of the responses. The WHMAT application form allows candidates to inform us of any gaps in their employment history. The Selection Panel must ensure that they investigate any gaps and explore patterns of repeated change in career or employers at interview. A model WHMAT response sheet appears in the manager's toolkit.
- 7.41 The amount and level of questions should be relevant to the nature of the role. Although a set of common questions relating to the requirements of the post shall be asked of each candidate, their responses may lead to additional questions or clarification from the panel. Applicants should also be given an opportunity for questions.
- 7.42 The interview process should also allow time for any discrepancy in a candidate's application or references to be scrutinised and clarified. Interviewers will question candidates regarding any employment gaps, criminal record disclosures or cautions, fitness for the role, previous experience, suitability for the post and their motivation to work with children.
- 7.43 The selection panel will be certain they have explored all relevant areas before they make a conditional offer of employment. All interview paperwork (application forms, interview notes, references etc.) should be promptly passed to the People Operations Team for safe-keeping/filing on the successful candidate's HR file.
- 7.44 The successful applicant will be contacted by an appropriate member of staff (usually the Chair of the selection panel) by phone to advise them of the conditional offer of employment. The Selection Panel shall also promptly inform the People Operations team of the unsuccessful candidates so that they can be notified by email. Any unsuccessful candidates should be notified by a panel member by phone asap after their interview. Any unsuccessful applicant who requests feedback shall be given prompt feedback in line with the relevant interview notes by a panel member.

Step 10 – Pre-employment checks & conditional offers of employment

- 7.45 Shortly after the interview has been completed and successful candidate(s) chosen, a conditional offer of employment will be made in writing to him or her. A template conditional offer letter appears in the manager's toolkit. The offer will be subject to:
 - 7.45.1 ***References & Employment history*** - Receipt of at least two satisfactory written references if they have not already been received (one of which must be their current or most recent employer). This will be the case for internal and external applicants. If a candidate for a teaching post is not currently employed as a teacher, we will (subject to their consent) check with the school, college or local authority at which

- they were most recently employed, to confirm details of their employment and reasons for leaving;
- 7.45.2 **Right to Work in UK** - Production of proof of eligibility to work in the UK, if not already received. This will be checked against the requirements of the Border Agency. Where Right to Work in the UK cannot be verified, the offer of employment will be immediately withdrawn and the Border Agency notified of the details of the applicant;
- 7.45.3 **Verification of applicant's identity** – It is vital that we know who our employees are and have evidence to prove this (preferably from current photographic identification and proof of address dated no older than 3 months ago);
- 7.45.4 **Verification of qualifications** - if not already completed on day of interview, successful applicants will be asked to provide evidence of the professional and/or essential qualifications that they have detailed on their application form;
- 7.45.5 **Verification of professional status/registration where applicable** - For teachers, this will include checking that the individual has the required teaching qualification and has successfully completed any statutory induction through the Teaching Regulation Agency. Other posts may require evidence of professional registrations as an essential criterion in the person specification;
- 7.45.6 **Satisfactory enhanced DBS Check** – see further below at 9;
- 7.45.7 **A clear children's barred list check** (except supervised volunteers);
- 7.45.8 **Prohibition Order** - For all staff commencing employment from 1st April 2014 and those with a teaching qualification, even if they are not applying for the post of teacher; verification that they are not subject to a prohibition order issued by the secretary of state, which prevents them from teaching. This is done by checking the Teaching Regulation Agency
- 7.45.9 **Overseas Checks** - Any further checks where the applicant has lived or worked outside of the UK for 3 months or more in the last 5 years (including certificate of good conduct or confirmation that the process for obtaining is underway and/or that an appropriate risk assessment has been completed);
- 7.45.10 **Childcare Disqualification** - If the academy in which the applicant will be based provides education and/or before and after school clubs or activities for pupils up to the age of 8, completion of a declaration confirming that they are not personally disqualified;
- 7.45.11 **A satisfactory s.128 Prohibition check** - (for those applying to be a governor/trustee; head teacher; member of SLT (including Core Team) or departmental head) which ensures that an applicant has not been prohibited from the management of schools. This is carried out by checking the Teaching Regulation Agency;
- 7.45.12 **Medical Clearance** – Successful candidates will be provided with a medical questionnaire when their conditional offer of employment is made. This is to verify their mental and physical fitness to carry out their role. Depending on the answers given by the candidate, a referral to Occupational Health (“OH”) may be required to assess fitness for work. Provided that the People Operations Team have chased and processed the candidate’s pre-employment medical questionnaire, they will receive a response from OH before an employee starts employment at WHMAT. OH, will not provide pre-employment medical clearance once an employee has already started in post so the employer should leave sufficient time to get this process completed.
- 7.46 All of the checks at 7.45 are set out in a checklist on the candidate’s HR file and must be verified by dated signature as each is completed (see template checklist in manager’s toolkit). The results of these checks must be promptly recorded on the Single Central Record (SCR) in line with KCSIE.

- 7.47 Once all of the pre-employment checks have been satisfactorily completed, the People Operations Team will advise the relevant manager so that start dates can be finalised. This should be confirmed in writing in good time before the start date.

Step 11 – Employee Induction

- 7.48 The pre-employment checks above **must be completed before the employee starts work.** Exceptions will only be made if they have been agreed by the People Operations Team and/or an appropriate risk assessment has taken place (see templates in manager’s toolkit).
- 7.49 All new employees will be provided with a comprehensive induction programme within 4 weeks of starting employment. The induction programme should include, but is not limited to, the school’s behaviour policy; school procedures for managing children who are missing in education; the staff code of conduct and the child protection policy. Training on Safeguarding and/or Child Protection Policies (including identity of Designated Safeguarding Leads) should take priority and be provided in the first week of employment unless there are exceptional circumstances.
- 7.50 This is in addition to statutory induction for newly qualified teachers and probation for new support staff. The People Team is responsible for ensuring that all new starters receive a HR induction, either electronically or face-to-face depending on the circumstances.

8.0 Disclosure of Criminal Records

- 8.1 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 by including space for this on our application form. Disclosing a criminal background will not be used as a reason not to shortlist a candidate.
- 8.2 Having a criminal conviction will not necessarily bar a person from working with children. Successful candidates will be required to complete a DBS application form (and Disqualification by Association where appropriate). Once Enhanced DBS with barred list clearance is verified, any discrepancy in convictions declared on the application form and the DBS clearance will be discussed with the candidate and may lead to the offer of employment being withdrawn with immediate effect, even if the person has commenced work.
- 8.3 Appropriate Managers shall take advice on how to deal with any positive disclosures that are received from the People Team. If it is determined that the disclosure in question should not be a bar to them working for WHMAT, an appropriate risk assessment should be completed by the appropriate manager, with support from the People Team as appropriate (see template in manager’s toolkit).

9.0 Disclosure & Barring Service (DBS) Checks – new employees & volunteers

- 9.1 An enhanced DBS check is needed for all staff in WHMAT in line with KCSIE (see appendix A for flow chart).
- 9.2 WHMAT will carry out DBS checks as follows for new appointments, before the employee or volunteer starts work:

Who?	Definition	Type of check
All WHMAT employees and unsupervised volunteers	As an educational institution which is exclusively or mainly for the provision of full-time education to children, WHMAT is an establishment specified in the relevant legislation.	An enhanced DBS check with children's barred list check will always be obtained
Supervised volunteers	As above	We are unable by law to obtain a barred list check on a supervised volunteer. However, we will complete a risk assessment when deciding whether or not to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. (See Section 3, paragraph 150 in KCSIE 2018)

- 9.3 DBS certificates will only be issued to the applicant. All applicants must produce the disclosure when requested to do so. The disclosure will be scrutinised to ensure it is authentic and to detect any fraud.
- 9.4 The DBS disclosure number and date of the check must be recorded in the Single Central Record (SCR).
- 9.5 Any applicant who refuses to produce their DBS disclosure will not be able to start work at WHMAT 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 WHMAT or any of our academies.
- 9.6 Applicants (free for volunteers) can have their DBS certificate kept up to date and take it with them from role to role where the same type and level of check is required. Applicants or volunteers should be asked if they have subscribed to this service (known as "portability") and they have a current certificate which has been issued within the last 3 months. The expectation is that individuals personally fund this if required. Where the applicant or volunteer has subscribed they should provide WHMAT with the original disclosure document to be verified and we will check the online update for any changes.
- 9.7 Information relating to an individual's criminal record will only be shared with the relevant people to enable WHMAT to make a decision about their suitability to work with children and young people. It will be held for no longer than is necessary and will be processed in line with

the Data Protection Act 2018 and WHMAT's Data Retention Policy (see www.whmat.academy/policies tab).

Risk assessment – enhanced disclosure and barring certificate

- 9.8 Whilst it is recognised that DBS certificates should ideally be obtained before an employee starts employment with WHMAT, WHMAT may allow an employee to start before an enhanced criminal record certificate has been obtained provided that: a) the appropriate manager has taken advice from the People Team; b) the appropriate manager has completed the necessary risk assessment; and c) provided that an application for such a certificate has been submitted. In each case, the appropriate manager is required to record the risk assessment and the decision, monitor the situation every fourteen days until the enhanced certificate from the Disclosure and Barring Service is received and to be accountable for the decision to allow the employee to start work. Alternatively, a portability form can be completed by People Operations Team if they have a current enhanced DBS certificate which has been issued within the last 3 months.

10. Disclosure and Barring Service (DBS) checks - existing employees and volunteers

- 10.1 An enhanced DBS check and a children's barred list check will be carried out for all existing staff and unsupervised volunteers where their contact with children or young people increases and/or or they secure a promotion or change of role within WHMAT (e.g. because they would now be classed as carrying out ("regulated activity").
- 10.2 A risk assessment (using the template in the Manger's toolkit) should be completed to decide if an enhanced DBS (no barred list check) will be carried out on any supervised volunteer.
- 10.3 DBS certificates will only be issued to the applicant. WHMAT expects all applicants to produce the disclosure when requested to do so. Any existing employee who does not produce their DBS disclosure may need to be managed through WHMAT's disciplinary procedure.
- 10.4 All existing employees are required to inform the Head of Academy (CEO or functional Director in the case of Core Team) of any change in their criminal record. This includes convictions, cautions, arrests and police investigations. WHMAT may require all employees to sign a declaration on an annual basis confirming that that there has been no change in their criminal record. Action may be taken under WHMAT's disciplinary procedure if employees fail to notify the Head of Academy/CEO or functional Director, without reasonable excuse, of any change in their criminal records.

11.0 Disqualification under the Childcare Act 2006 & Childcare (Disqualification) Regulations 2009

- 11.1 Under this legislation an employee will be committing an offence if they fail to disclose to WHMAT that they have:
- a) been convicted of a relevant offence; or
 - b) on or after 6 April 2007, been given a caution, reprimand or warning for a "relevant offence"; or

A list of the "relevant offences" is included in the Department for Education's statutory guidance "*Disqualification under the Childcare Act 2006*".

- 11.2 Employees are covered by this legislation if they are employed and/or provide early years childcare (this covers the age range from birth until 1st September following a child's fifth birthday i.e. up to and including reception age, or later years childcare (this covers children above reception age but who have not reached the age of 8) in nursery, primary or secondary school settings, or if they are directly concerned with the management of early years or later years' childcare.
- 11.3 Staff who are directly concerned in the management of early or later years' provision are covered by this legislation. Heads of Academy in each WHMAT academy will need to use their judgment to determine who is covered, but this will include heads of academy, all members of the leadership team and any manager, supervisor, leader or volunteer (including TLR holders) responsible for the day-to-day management of early or later years' provision.
- 11.4 Staff such as caretakers, cleaners, drivers, catering and office staff, who are not employed to directly provide childcare, are not covered by this legislation. Similarly, school nurses, speech and language therapists and education psychologists are specifically excluded from the statutory definition of childcare, and are therefore not covered by the legislation.
- 11.5 Where schools use staff from any agency, or third-party organisation, to work in relevant childcare in schools, or contract out such childcare, they must obtain confirmation that the agency or organisation providing the staff has informed them that they will be committing an offence if they are deployed to work in relevant childcare, or are directly concerned in the management of such provision, if they are disqualified under this legislation. This should include the agency or other third-party provider requesting that their staff inform them if they consider that they could be disqualified under the legislation.
- 11.6 Trustees of WHMAT are not covered by the legislation, unless they volunteer to work in early or later years' childcare on a regular basis, or they are "directly concerned with the day-to-day management of such provision".
- 11.7 Volunteers and casual workers who either a) work on a regular basis, whether supervised or not, in early or later years' childcare (see 11.1 for definition); or who are "directly concerned with the management of early or later years' childcare" are covered by this legislation.
- 11.8 WHMAT will ensure that staff falling within the relevant categories at 11.2 are notified of their obligations and will be asked to complete a confidential declaration form (see manager's toolkit). For new employees, this will be set out in the conditional offer of employment letter. Existing employees covered by the legislation will also be asked to complete a declaration form in line with the DofE's guidance. WHMAT staff falling within this legislation will be reminded of their obligations to keep their Heads of Academy aware of any change to their own circumstances, which may mean that a declaration is necessary. All relevant staff must notify their Head of Academy (or CEO/functional Directors for Core Team) if there has been any change in circumstances relating to these regulations.
- 11.9 WHMAT will keep a log of when childcare disqualification checks were completed for relevant staff in line with the DfES's guidance, as part of the Single Central Record.
- 12.0 Single Central Record ("SCR") & SIMS**
- 12.1 Each base academy within WHMAT will keep and maintain a single central record (SCR) of recruitment and vetting checks. The SCR will record all staff who are employed at the base

academy, including supply agency staff, volunteers, all members of the governing body and those who provide additional teaching or instruction for pupils but who are not staff members, e.g. specialist sports coaches. There should also be a tab on each Academy's SCR for Core Team colleagues. The SCR shall also indicate who undertook the checks and the dates on which the checks were completed or the relevant certificates obtained, (plus names of qualifications and documents produced as evidence where relevant).

12.2 Relevant checks include:

- 12.2.1 Verification of identity (name/date of birth/current address)
- 12.2.2 Qualifications (those required to do the job and any professional registrations (degree level upwards) required e.g. QTS, CIPD)
- 12.2.3 Prohibition checks (for all teachers commencing employment from 1st April 2014 via Teaching Regulation Agency or teaching assistants who were previously teachers)
- 12.2.4 EEA sanctions (for all teachers commencing employment since 18th January 2016)
- 12.2.5 Children's Barred List Check
- 12.2.6 Disclosure & Barring Service Check
- 12.2.7 Overseas criminal records check (anybody who has lived abroad for 3 months or more in the last 5 years)
- 12.2.8 Evidence of right to work in the UK
- 12.2.9 Confirmation re no positive disclosures under the Childcare Disqualification Act
- 12.2.10 Date satisfactory pre-employment references received & filed on HR file (must be before start date)
- 12.2.11 Evidence that s.128 check via secure access completed (for all staff employed in roles listed in 7.45.11)

Management Information Systems

- 12.3 Office Managers shall ensure that a record is created on Arbor or other relevant MIS for all new starters prior to them commencing employment and that a staff code is allocated to each employee.

13. Agency Staff & Contractors

- 13.1 Where we use employment agencies, the employee overseeing the recruitment process shall obtain written confirmation from them that they have carried out all the appropriate checks on staff supplied (including DBS and barred list checks) and that those are satisfactory before offering a position. A template letter appears in the manager's toolkit. This must be promptly recorded in the SCR.
- 13.2 Pupils should not be left unsupervised where contractors such as builders are working.
- 13.3 Any contractors entering WHMAT premises to undertake activities which are not classed as "regulated" will still be required to verify their identity by photographic ID, e.g. passport or driving licence. This is to ensure that the named individual is who they say they are.

14. Volunteers

- 14.1 As volunteers will be seen by our pupils to be safe and trustworthy, WHMAT will ensure that the necessary checks are carried out before they start a placement at WHMAT. Volunteers

providing one-off support to a WHMAT academy will not be required to undertake a formal recruitment and selection process or a DBS or barred list check.

- 14.2 If, however, the volunteer is going to have an on-going role that involves regular contact with our pupils, a similar recruitment process, albeit less formal, should be followed as for a paid member of staff fulfilling a similar role. A volunteer should complete an application form and provide two references. The volunteer should also be provided with a role profile (see manager's toolkit).
- 14.3 Whilst interviews should be more informal than for paid staff and should very much be a two-way process about selling the volunteer role to them, the interviewer should still probe into their attitudes, and their suitability for the role and to work with WHMAT pupils.
- 14.4 All volunteers will be checked on the Teachers Services website to ensure that they are not prohibited from teaching.
- 14.5 Volunteers who either a) work on a regular basis, whether supervised or not, in early or later years' childcare (see 11.1 for definition); or who are "directly concerned with the management of early or later years' childcare" are covered by the childcare disqualification legislation and will be asked to complete a declaration prior to commencing a role at WHMAT.
- 14.6 KCSIE requires schools to undertake a risk assessment for any new volunteers to decide whether an enhanced DBS check is required for volunteers who are not in "regulated activity" i.e. A supervised volunteer. A risk assessment (using the template in the manager's toolkit) should be completed. However, if a volunteer is not in regulated activity, then a barred list check cannot be legally be requested. WHMAT takes the view of the Safer Recruitment Consortium, that an enhanced DBS check should be undertaken if a volunteer will be coming into a school regularly and be having contact with pupils.
- 14.7 A basic induction process should be carried out for volunteers, ensuring that they have been trained on the WHMAT Safeguarding Policy and have access to other People policies via the website at www.whmat.academy policies tab.

15. Visitors

- 15.1 All visitors will be will be asked by reception staff to complete a Volunteers/Work Experience/Coaches/3rd Party sheet on arrival (see manager's toolkit).

16.0 Complaints

- 16.1 Any complaints about the way in which recruitment or selection of WHMAT colleagues has been conducted, should be addressed in writing to the People Matters team at peoplematters@whmat.academy. These will then be investigated in line with good HR practice and a written response provided as soon as reasonably possible to the person who lodged the complaint.

17.0 Policy Breach

- 17.1 Any person who becomes aware that this Policy is not being followed by another employee during the recruitment and selection process is encouraged to inform the People Matters

team at peoplematters@whmat.academy as soon as reasonably possible so that the matter can be investigated.

- 17.2 Any instances of this Policy not being followed will be taken very seriously and will be investigated in line with due process. Depending on the circumstances, this may or may not lead to disciplinary action for the employees who have breached the policy.

18. Record Keeping & Data Protection

- 18.1 For unsuccessful candidates, all written records relating to the recruitment and selection process will be kept for six months unless a longer period can be justified by the Head of Academy, CEO and/or Deputy CEO in consultation with People Team.

- 18.2 For current employees, all written records will be kept for six years from leaving, unless a longer period can be justified by the Head of Academy in consultation with the People Operations team e.g. anticipated court and/or employment tribunal case work.

- 18.3 All records will be treated as confidential and kept for no longer than is necessary in accordance with the Data Protection Act 2018 and in line with WHMAT's Data Retention Policy (see www.whmat.academy policies tab).

19. Review of Policy & Procedure

- 19.1 This Policy will be reviewed annually by WHMAT, subject to consultation, to ensure that it is working effectively and is legally compliant.

APPENDIX A – DEFINITION OF REGULATED ACTIVITY FROM KEEPING CHILDREN SAFE IN EDUCATION 2019

Regulated activity

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government has produced a Factual note on regulated activity in relation to children:

Scope

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;

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

32 Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

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 or drinking, or in connection with toileting, washing, bathing and dressing;
- health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

“Regularly” is defined as once a week or more often, or on 4 or more days in a 30-day period, or overnight in the same establishment.

