

Pathways School

Safer Recruitment Policy

Policy Monitoring

Date of last review: December 2022

Reviewed by: Saima Ali Majid, Chair of Trustees
Neil Jones, Headteacher

Date of next review: December 2023

This policy will be reviewed at least annually, and following any concerns and/or updates to national/local guidance or procedures.

1. Introduction

Pathways School is committed to ensuring the best possible environment for the students in our care. Safeguarding and promoting the welfare of children, young people and adults at risk is our highest priority. The school aims to recruit high calibre staff that share and understand our commitment and to ensure that all applicants are treated fairly by promoting equality and diversity in line with good practice and legislation. An entry is made on the Single Central Register for all current members of staff at the school, the proprietor and advisory body and all individuals who work in regular contact with students including volunteers, supply staff and those employed by third parties or engaged as self-employed consultants. All checks are made in advance of appointment or as soon as practicable after appointment.

To make sure we recruit suitable people, we will ensure that those involved in the recruitment and employment of staff to work with children have received appropriate safer recruitment training.

2. Legislation and guidance

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Keeping Children Safe in Education (September 2021)
- The Education (Independent School Standards) Regulations 2014
- The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975
- Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014
- Disqualification under the Childcare Act 2006 (July 2018)
- Equality Act 2010

3. Links to other school policies and practices

- Equality and Diversity Policy
- Safeguarding and Child Protection Policy
- Teachers Pay Policy
- Early Career Teachers Policy
- Volunteers Policy

4. Scope

The Recruitment Policy and Procedure herewith refers and applies to staff recruited and engaged by the school. In the Education (Independent Schools Standards) (England) Regulations 2014, staff are defined as: *“Any person working at the school whether under a contract of employment, under a contract for services or otherwise than under a contract but does not include supply staff or a volunteer.”*

5. The Recruitment and Selection Process

5.1 Advert

All vacancies are advertised on the school website. Existing employees are encouraged to apply if they have the appropriate qualifications, skills, and

experience. Where appropriate, adverts will also be placed via other sources, e.g., professional networks, recruitment websites. Whenever we advertise, we always include the school's commitment to safeguarding and promoting the welfare of children and make clear that safeguarding checks will be undertaken. All adverts specify the safeguarding responsibilities of the post as per the job description and personal specification; and whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. If the role is exempt, certain spent convictions and cautions are 'protected', so they do not need to be disclosed, and if they are disclosed, we cannot take them into account.

All applicants receive an Information pack relating to the vacancy containing:

- Application form
- Safeguarding Policy and Procedure
- Safer Recruitment policy
- Job description
- Person specification
- Selection procedure for the post

5. 2 Application Form

Pathways School only accepts applications from candidates completing the relevant Application Form in full. CVs or other methods of application are not accepted in substitution for completed Application Forms. Checks are made of previous employment history to ascertain satisfactory reasons for any gaps in employment. These checks will then be checked against references and any discrepancies discussed with the candidate. As the position for which candidates are applying involves substantial opportunity for access to children, it is important that applicants provide the school with legally accurate answers.

Our application form will include a statement that it is an offence to apply for a role if the applicant is barred from engaging in regulated activity relevant to children. Upfront disclosure of a criminal record may not debar a candidate from appointment as the school shall consider the nature of the offence, how long ago and at what age it was committed and any other relevant factors. Information should be submitted in confidence enclosing details in a separate sealed envelope which will be seen and then destroyed by the Headteacher. If candidates would like to discuss this beforehand, they are asked to please telephone the Headteacher in confidence for advice.

Any unspent convictions, cautions, reprimands, or warnings must be disclosed to the school. However, amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers and cannot be considered. Guidance and criteria on the filtering of these cautions and convictions can be found at the Disclosure and Barring Service website.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected, offer of employment being withdrawn or summary dismissal by the school if they have been appointed, and a referral to the police and/or DBS.

We require applicants to provide:

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

5.3 Shortlisting

Our shortlisting process will involve at least two people.

Shortlisted candidates must complete a self-declaration of their criminal record or information that would make them unsuitable to work with children. For example:

- if they have a criminal history.
- whether they are included on the barred list.
- whether they are prohibited from teaching.
- whether they are prohibited from taking part in the management of an independent school.
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted.
- if they are known to the police and children's social care.
- have they been disqualified from providing childcare and,
- any relevant overseas information.

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

- At least two people carry out the shortlisting exercise.
- consider any inconsistencies and look for gaps in employment and reasons given for them; and,
- explore all potential concerns.

Applicants are shortlisted based on the relevance and applicability of their professional attributes and personal qualities specified by the role. Essential and desirable qualities are published in the Person Specification for each role. The school will not discriminate against any protected characteristics and will always promote difference and inclusion throughout the school.

5. 4 Employment history and references

Pathways School will obtain references before the interview. At least two professional references will be taken up for every appointment, whether internal, permanent, temporary, part-time or fixed-term and previous employers may be approached for information to verify experience or qualifications, before the interview.

- Pathways School does not accept open references e.g., to whom it may concern.
- We will not rely on applicants to obtain their reference.

- We ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority (if the referee is school or college based, the reference should be confirmed by the Headteacher/Principal as accurate in respect to disciplinary investigations).
- We obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed.
- We secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has never worked with children, then ensure a reference from their current employer.
- We always verify any information with the person who provided the reference.
- We ensure electronic references originate from a legitimate source.
- Pathways School contacts referees to clarify content where information is vague or insufficient information is provided.
- We compare the information on the application form with that in the reference and take up any discrepancies with the candidate.
- We establish the reason for the candidate leaving their current or most recent post
- We ensure that any concerns are resolved satisfactorily before appointment is confirmed.

5.5 Selection

Pathways School uses a range of selection techniques to identify the most suitable person for the post. Selection methods are objective, promote equality of opportunity and guard against bias in line with the Equality and Diversity policy. All candidates are vetted throughout the process for their suitability to work with children, young people, and adults at risk. The school is committed to ensuring that safeguarding is a top priority; therefore, where appropriate, the school may check candidates' social media or other online activity prior to the interview.

5.6 Interview

Short-listed applicants are invited to attend a formal interview at which their relevant skills and experience are discussed in more detail and their suitability to work with children and young people is explored.

All formal interviews have a panel of at least two people, one of whom will be safer recruitment trained. The interviewers involved must declare any prior personal relationship or knowledge of any of the candidates and a judgement will be made by the Trustees as to whether an interviewer should withdraw from the panel should a potential conflict of interest arise.

All candidates will be asked a mandatory question: "Have you at any time been subject to an interview, inquiry, children's services or social services investigation, suspension from work, disciplinary, police investigation, caution or conviction as a result of concerns about student abuse or neglect or the abuse or neglect of an adult?"

The panel will also ask questions to assess the candidate's personal competencies in relation to their:

- Motivation for working with children or adults at risk
- Emotional resilience
- Physical resilience

- Values and ethics

Questions on the above should have direct links to the Person Specification for the role and be structured in such a way that examples of what would constitute a positive indicator in a response is set alongside what a negative indicator would be, to assist the panel in measuring the responses. Questions include, finding out what attracted the candidate to the post being applied for and their motivation for working with children; exploring the candidates' skills and asking for examples of experience of working with children which are relevant to the role; and probing any gaps in employment.

Interviews are used to explore potential areas of concern to determine the applicant's suitability to work with children. Areas that may be concerning and lead to further probing 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; and indicators of negative safeguarding behaviours.

Candidates are asked to explain any gaps in employment or where the candidate has changed employment or location frequently, asking about the reasons for this. All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g., the original or certified copy of certificates, diplomas etc.) Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.

The school request that all candidates invited to interview also bring with them:

- A current driving licence photocard or a current passport or a full birth certificate.
- A utility bill or financial statement issued within the last three months showing the candidate's current name and address.
- Any documentation evidencing a change of name, where appropriate.
- Additional proof of entitlement to work and reside in the UK where appropriate.

Originals of the above are necessary. Photocopies or certified copies are not accepted.

Candidates with a disability who are invited to interview should inform the school of any necessary, reasonable adjustments or arrangements to assist them in attending the interview.

Temporary staff who are appointed on a fixed-term basis will only be appointed to a permanent position if the full recruitment, selection, and vetting processes have been followed.

All information considered in decision is recorded along with decisions made.

6. Remote recruitment

The school will follow all the requirements set out in this policy when recruiting remotely, changing only the in-person nature of the interview, and implementing the necessary additional steps to support this. Online interviews will take place on Zoom or Microsoft Teams in line with the school's ICT Acceptable Use policy. Staff members will ensure they understand how to operate the functionalities of the platform and check it is operating correctly before the interview commences.

The school will communicate its expectations to candidates regarding the use of the online platform and remote completion of written tasks in good time prior to the interview. These expectations will include, but will not be limited to, the following:

- The candidate will participate in the interview with both the video camera and microphone features enabled at all required times.
- The candidate will participate in the interview in a suitable setting.
- The candidate will keep personal information which is not relevant to the recruitment process private, e.g., their email password, and will not ask the staff members conducting the interview to share any such private information
- Where necessary, the candidate will be aware that the school may record the online interview, and that they will be required to consent to this for the interview process to continue

7. Conditional offer of appointment: pre-appointment checks

We will record all information on the checks carried out in the school's single central record (SCR). Copies of these checks, where appropriate, will be held in individuals' personnel files. We follow requirements and best practice in retaining copies of these checks, as set out below.

New staff

All offers of appointment will be conditional until satisfactory completion of the necessary pre-employment checks. When appointing new staff, we will:

- Verify their identity.
- Obtain (via the applicant) an enhanced DBS certificate, including barred list information for those who will be engaging in regulated activity (see definition below). We will obtain the certificate before, or as soon as practicable after, appointment, including when using the DBS update service. We will not keep a copy of the certificate for longer than 6 months, but when the copy is destroyed we may still keep a record of the fact that vetting took place, the result of the check and recruitment decision taken.
- Obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available.
- Verify their mental and physical fitness to carry out their work responsibilities.
- Verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards.
- Verify their professional qualifications, as appropriate.
- Ensure they are not subject to a prohibition order if they are employed to be a teacher.
- Check that candidates taking up a management position* are not subject to a prohibition from management (section 128) direction made by the secretary of state. Management positions are most likely to include, but are not
- Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. These could include, where available:
 - › For all staff, including teaching positions: [criminal records checks for overseas applicants](#).

- › For teaching positions: obtaining a letter from the professional regulating authority in the country where the applicant has worked, confirming that they have not imposed any sanctions or restrictions on that person, and/or are aware of any reason why that person may be unsuitable to teach.

Regulated activity means a person who will be:

- Responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children; or
- Carrying out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- Engaging in intimate or personal care or overnight activity, even if this happens only once and regardless of whether they are supervised or not

Existing staff

In certain circumstances we will carry out all the relevant checks on existing staff as if the individual was a new member of staff. These circumstances are when:

- There are concerns about an existing member of staff's suitability to work with children; or
- An individual moves from a post that is not regulated activity to one that is; or
- There has been a break in service of 12 weeks or more

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

- We believe the individual has engaged in [relevant conduct](#); or
- We believe the individual has received a caution or conviction for a relevant (automatic barring either with or without the right to make representations) offence, under the [Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria and Miscellaneous Provisions\) Regulations 2009](#); or
- We believe the 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and
- The individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left

Agency and third-party staff

We will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

Contractors

We will ensure that any contractor, or any employee of the contractor, who is to work at the school has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract). This will be:

- An enhanced DBS check with barred list information for contractors engaging in regulated activity

- An enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children

We will obtain the DBS check for self-employed contractors.

We will not keep copies of such checks for longer than 6 months.

Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.

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

Trainee/student teachers

Where applicants for initial teacher training are salaried by us, we will ensure that all necessary checks are carried out.

Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

Volunteers

We will:

- Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity
- Obtain an enhanced DBS check with barred list information for all volunteers who are new to working in regulated activity
- Carry out a risk assessment when deciding whether to seek an enhanced DBS check without barred list information for any volunteers not engaging in regulated activity. We will retain a record of this risk assessment

Governors

All governors will have an enhanced DBS check without barred list information.

They will have an enhanced DBS check with barred list information if working in regulated activity.

The chair of the board will have their DBS check countersigned by the secretary of state.

All proprietors, trustees, local governors and members will also have the following checks:

- A section 128 check (to check prohibition on participation in management under [section 128 of the Education and Skills Act 2008](#)).
- Identity
- Right to work in the UK
- Other checks deemed necessary if they have lived or worked outside the UK

Staff working in alternative provision settings

Where we place a pupil with an alternative provision provider, we obtain written confirmation from the provider that they have carried out the appropriate safeguarding checks on individuals working there that we would otherwise perform.

Adults who supervise pupils on work experience

When organising work experience, we will ensure that policies and procedures are in place to protect children from harm.

We will also consider whether it is necessary for barred list checks to be carried out on the individuals who supervise a pupil under 16 on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity.

Pupils staying with host families

Where the school makes arrangements for pupils to be provided with care and accommodation by a host family to which they are not related (for example, during a foreign exchange visit), we will request enhanced DBS checks with barred list information on those people.

Where the school is organising such hosting arrangements overseas and host families cannot be checked in the same way, we will work with our partner schools abroad to ensure that similar assurances are undertaken prior to the visit.

8. Offer of employment

Pathways School are regulated activity providers in a student and adult workforce. This means that all employees will be subject to an Enhanced DBS application with a check on the children and adult barred lists. Barred list checks must be completed before the person may commence employment and if employment commences prior to receipt of an enhanced DBS certificate or overseas criminal record check, the individual's employment will not be confirmed, they will be closely always supervised and wear an identifying lanyard to indicate that checks are not complete. Pathways School also requires all roles to subscribe to and maintain annual membership of the DBS Update Service from the commencement of employment and for the duration of employment service.

9. Candidate reserve list

Candidates who are deemed to be suitable for appointment by the selection panel, but for whom there are not enough vacancies, can, if they wish, be placed on to a reserve list. If another vacancy for the same role with the same specification becomes vacant then the vacancy may be filled directly from the reserve list without the need to re-advertise or reinterview subject to pre-employment checks including updated references.

Candidates will be placed in order on the reserve list in selection result order. Appointments will be subject to the candidate being able to fulfil any specific requirements of the vacancy at the time. The reserve list will be valid for 6 months from the interview date.

10. Fraudulent applications

Providing false information could result in the application being rejected, an offer being withdrawn or summary dismissal if the applicant has been selected. If an application turns out to be fraudulent this may need to be referred to the police and/or DBS as a criminal act may have been committed.

11. Candidate feedback

As part of our commitment to good practice, we offer feedback to all interviewed candidates, where possible, within three weeks from the date of interview. We can offer feedback on unsuccessful applications for those not shortlisted for interview to internal applicants only.

12. Retention, security of records and data protection obligations

The school will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy (in compliance with GDPR). Copies of DBS certificates will not be retained for longer than 6 months. The school will comply with its data protection obligations in respect of the processing of criminal records information.

16. Monitoring and review

This policy is reviewed annually by the Headteacher and the Trustees. Any changes made to this policy will be communicated to all members of staff and relevant stakeholders.

Appendix 1: Policy on the recruitment of ex-offenders

The school will not unfairly discriminate against any candidate for employment on the basis of conviction or other details revealed. The school makes appointment decisions based on merit and ability. If an individual has a criminal record this will not automatically bar them from employment within the school. Instead, each case will be decided on its merits in accordance with the objective assessment criteria set out below.

All positions within the school are exempt from the provisions of the Rehabilitation of Offenders Act 1974. All applicants must therefore declare all previous convictions and cautions, including those which would normally be considered “spent” except those received for an offence committed in the United Kingdom if it has been filtered in accordance with the DBS filtering rules.

All candidates should be aware that provision of false information is an offence and could result in the application being rejected, an offer being withdrawn or summary dismissal if they have been appointed, and a referral to the police and/or DBS. Under the relevant legislation, it is unlawful for the school to employ anyone who is included on the lists maintained by the DBS of individuals who are considered unsuitable to work with children or adults at risk. In addition, it will also be unlawful for the school to employ anyone who is the subject of a disqualifying order made on being convicted or charged with certain violent and sexual criminal offences against children or adults at risk, at home or abroad. It is also unlawful for the school to knowingly employ someone who works in the relevant settings and is disqualified from providing childcare under the statutory guidance “Disqualification under the childcare Act 2006 (July 2018)”.

It is a criminal offence for any person who is disqualified from working with children or adults to attempt to apply for a position within the school. The school will report the matter to the Police and/or the DBS if:

- the school receives an application from a disqualified person.
- is provided with false information in, or in support of an applicant's application; or
- the school has serious concerns about an applicant's suitability to work with children.
- if 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 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 occurred.
- whether the applicant has a pattern of offending behaviour or other relevant matters.
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters.

- in the case of disqualification from providing childcare, whether the applicant has or can obtain a waiver from disqualification; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

Appendix 2: Recruitment of Volunteers

Volunteers fall outside of the definition of staff contained in the Education (Independent Schools Standards) (England) Regulations 2014. Volunteers are individuals who undertake unpaid activity in the school of their own free choice.

Pathways School is committed to ensuring that:

- students benefit from working with volunteers
- volunteers benefit from working at Pathways School
- volunteers support the aims and objectives of the school
- employed staff understand the role of volunteers

A range of opportunities will be offered to encourage volunteers to work with us. Pathways School expects volunteers to:

- be reliable and honest
- uphold the school's values
- comply with the school's policies and procedures
- contribute positively to the aims of the school
- carry out tasks within agreed guidelines
- Volunteers can expect:
 - to have clear information about what is and is not expected of them
 - to receive adequate training, support, and supervision
 - to be insured and volunteer in a safe environment

Anyone wishing to volunteer at Pathways School should approach the Headteacher with their contact details and details of how and when they would like to volunteer. Volunteers must complete a Volunteer Application Form with details of two referees who can confirm their suitability to work with children. If an applicant is accepted to volunteer at the school, a volunteer agreement will be drawn up setting out the conditions of the volunteering, code of conduct and checks required before volunteering can commence.

In line with guidance from Keeping Children Safe in Education volunteers will be:

- risk assessed for the type of DBS check required according to the nature of the work with children, whether the role is eligible and the information known about the volunteer
- Always supervised by an employed member of staff in regulated activity

The school will undertake an Enhanced DBS check with barred list for children and adults on all individuals undertaking regulated activity. In addition, volunteers will undergo the following checks before volunteering may commence:

- ID check, confirming their identity and current address
- Health disclosure to confirm their physical and mental fitness for the role
- DBS check
- At least two references from individuals who can confirm their suitability to work with children and do not know the applicant solely as a friend or relative
- Overseas check, where the volunteer has lived or worked abroad for more than three months in the past five years

Appendix 3: Flowchart of DBS criminal record and barred list checks

