

Safer recruitment policy

Date: reviewed regularly; see date in document label for most recent update

The vision of Sphere Federation schools is to be happy and healthy and safe places to learn. This policy closely follows Part 3 of Keeping Children Safe in Education. We have put the following steps in place to safeguard and promote the welfare of children.

Training

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

Advertising

When advertising roles, we make clear:

- our school's commitment to safeguarding and promoting the welfare of children
- that safeguarding checks will be undertaken
- the safeguarding requirements and responsibilities of the role, such as the extent to which the role will involve contact with children
- whether or not the role is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. If the role is exempt, certain spent convictions and cautions are 'protected', so they do not need to be disclosed, and if they are disclosed, we cannot take them into account
- that it is an offence to apply for the role if an applicant is barred from engaging in regulated activity relevant to children (where the role involves this type of regulated activity)

All adverts include links to

- our Safeguarding and Child Protection Policy
- this Safer Recruitment Policy (including information about recruitment of ex-offenders)

See Appendix: Typical content for a recruitment advertisement.

Application forms

The application forms we use are either standard, approved forms used by Leeds City Council or online Department for Education forms.

We never accept CVs or other application formats.

Shortlisting

Our shortlisting process involves at least two people, at least one of whom is trained in safer recruitment. The people involved are part of the recruitment process from this point on.

In terms of safeguarding, we:

- consider any inconsistencies and gaps in employment and reasons given for them, if any
- explore all potential concerns
- consider reasons why an applicant wants to work in a school
- consider any disclosures

Other considerations include:

- standards of written English
- experience and qualifications
- work history, including reasons for leaving employment

Shortlisted candidates

Once we have shortlisted candidates, we ask them to:

- Complete a self-declaration of their criminal record or any information that would make them unsuitable to work with children, so that they have the opportunity to share relevant information and discuss it at interview stage. The information we may ask for includes:
 - if they have a criminal history
 - whether they are included on the barred list

- whether they are prohibited from teaching
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales
- any relevant overseas information
- if they are known to the police and children's local authority social care and
- if they have been disqualified from providing childcare

Shortlisted candidates are asked to sign a declaration confirming the information they have provided is true.

We carry out an online search on shortlisted candidates to help identify any incidents or issues that are publicly available online. Shortlisted candidates are informed that we carry out these checks as part of our due diligence process.

Seeking references and checking employment history

Where possible, we obtain references before interview. Any concerns raised will be explored further with referees and taken up with the candidate at interview. When seeking references, we:

- don't accept open references
- liaise directly with referees and verify any information contained within references with the referees
- ensure we seek a reference from the candidate's current or most recent employer and that it is completed by a senior person
- if the applicant has worked with children (paid or voluntary), ensure we seek a reference from the relevant employer from the last time they worked with children
- where the referee is school-based, ask for the reference to be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations
- if they are not currently employed, obtain verification of the candidate's most recent relevant period of employment
- compare the information on the application form with that in the reference and take up any inconsistencies with the candidate
- resolve any concerns before any appointment is confirmed

Interview and other recruitment tasks

In terms of safeguarding, we:

- probe any gaps in employment, or where the candidate has changed employment or location frequently, and ask candidates to explain this
- explore any potential areas of concern to determine the candidate's suitability to work with children
- record all information considered and decisions made
- explore the candidate's reasons for wanting to work with children
- explore the candidate's understanding of safeguarding

Other areas we explore may include the candidate's:

- standards of written English
- skills and knowledge
- work history, including reasons for leaving employment
- interactions with children and other stakeholders

Pre-appointment vetting checks

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

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

- 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 six 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 a copy of this verification for the duration of the member of staff's employment and for two 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
- 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

We ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. If we make the decision that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment on the individual's personnel file. This will include our evaluation of any risks and control measures put in place, and any advice sought.

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
- working on a regular basis in a specified establishment, such as a school, or in connection with the purposes of the establishment, where the work gives 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

Safeguarding checks for other adults in school

a) Existing staff

In certain circumstances, we 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 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 (ie 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

b) Agency and third-party staff

We 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 also check that the person presenting themselves for work is the same person on whom the checks have been made.

c) Contractors

We 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 is:

- 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 obtain the DBS check for self-employed contractors. We do not keep copies of such checks for longer than six months. Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances. We check the identity of all contractors and their staff on arrival at the school.

For self-employed contractors such as music teachers or sports coaches, we ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought.

d) Trainee/student teachers (fee-funded)

We 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. This includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

e) Volunteers

We:

- 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 retain a record of this risk assessment
- ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought

See Sphere Federation Visitor and volunteer policy and good practice guide.

f) Governors

All governors have an enhanced DBS check without barred list information. They have an enhanced DBS check with barred list information if working in regulated activity. All governors will also have a section 128 check (as a section 128 direction disqualifies an individual from being a maintained school governor).

g) 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.

h) Adults who supervise pupils on work experience

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

Appendix: Recruitment of ex-offenders

1. Introduction

Sphere Federation schools meet the requirements for exemption from the Rehabilitation of Offenders Act 1974. This means that, where a role involves regulated activity, applicants are required to disclose **relevant** convictions and cautions (excluding exemptions – see section 2) if **shortlisted** for employment in our schools. Roles involving regulated activity will also be subject to an enhanced Disclosure and Barring Service (DBS) check with barred list check.

Having a criminal record will not necessarily bar you from working in Sphere Federation. The success of your application will depend on your suitability for the job, the nature of the role, and the circumstances and background of any offences.

We are committed to:

- our duty to safeguard children under: [Keeping Children Safe in Education](#) and [The DBS code of practice](#)
- the fair treatment of all applicants and equality of opportunity

2. Protections and exemptions

Specified offences will always be disclosed on a DBS certificate, and should always be included in self-declarations – see the [government's list](#) for further details.

It is a criminal offence for any person who is barred from working with children to apply for a position in a school. Sphere Federation will make a report to the DBS and/or the police as appropriate if it receives an application from a barred person.

Protected offences are certain old or minor offences that may not be disclosed on a DBS check. Guidance as to whether a caution or conviction is protected can be found in:

- The Ministry of Justice's [Guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975](#)
- The government's tool to [check whether to disclose cautions or convictions](#)

Applicants **should not** list any protected offences on their self-declaration form. We will not take them into account if we are made aware of them.

3. Responsibilities

3.1 The Head of Federation and/or Head of School

- uphold Sphere Federation's commitment to the fair treatment of all job applicants
- ensure all job application forms contain clear and relevant information about what cautions or convictions applicants are expected to disclose, and what safeguarding checks Sphere Federation will carry out, and at what stage in the application process
- ensure staff involved in the recruitment process have received appropriate guidance and training about their legal duties in employing ex-offenders, and assessing the relevance and circumstances of offences

3.2 Staff involved in the recruitment process

- treat applicants fairly, including in relation to any history of offending
- maintain privacy for applicants, making sure that information about applicants' criminal records won't be seen by anyone outside of the recruitment process
- ensure that all shortlisted applicants complete a self-declaration form before the interview stage, and that all job offers are conditional, subject to appropriate safeguarding checks
- hold discussions with applicants about their disclosures, where relevant, and make decisions about suitability based on the circumstances and background of offences
- seek specialist legal/HR advice where relevant

3.3 All job applicants

- familiarise themselves with the requirements for self-disclosure, and whether they have any previous convictions or cautions that must be disclosed
- complete self-declaration forms honestly and completely, disclosing all required spent and unspent convictions and cautions (excluding protected offences)
- participate in disclosure discussions following either or both of their self-declaration and DBS check

4. The process for disclosing and assessing previous convictions

4.1 Self-declaration

All shortlisted applicants will be asked to complete a self-declaration form before the interview stage. Applicants must complete these forms accurately, and reveal all relevant convictions, as well as any other information that would make

them unsuitable to work with children. Failure to reveal any relevant information could lead to the withdrawal of an offer of employment.

All recruitments will communicate information about this requirement.

Applicants will not be asked for information about previous convictions or cautions before this stage, and any such information that is disclosed before shortlisting stage won't be taken into account in the shortlisting process.

We will store all sensitive personal data securely, only share it with relevant staff members, and destroy it securely when we no longer need it.

Self-declaration forms will be reviewed by a staff member who is not involved in making recruitment decisions, and any irrelevant information on completed self-declaration forms will be deleted; for example, protected convictions that legally can't be taken into account.

Further disclosure discussions (see sub-section 4.3) may be needed following safeguarding checks. A conditional offer may only be confirmed once staff are happy that any previous convictions don't make applicants unsuitable for the role.

4.2 DBS checks

Successful candidates are subject to DBS and other safeguarding checks, as set out in statutory guidance, Keeping Children Safe in Education. Staff will consider whether:

- the checks reveal any new information that might prohibit or otherwise make a candidate unsuitable for the role
- the checks match any information disclosed in an applicant's self-declaration

Further disclosure discussions (see sub-section 4.3) may be needed following safeguarding checks. A conditional offer may only be confirmed once staff are happy that any previous convictions don't make applicants unsuitable for the role.

4.3 Disclosure discussions

Where a disclosure or the results of a DBS check reveal that an applicant is barred from the role or ineligible to be employed in that role, their recruitment process will not proceed any further and they will be informed that they legally cannot be considered for the job.

In all other cases, previous convictions will not necessarily prevent applicants from being employed in Sphere Federation. Staff will determine, with support from HR specialists, whether disclosures warrant a discussion between school leaders and the candidate.

Where relevant, appropriate and possible, disclosure discussions will happen as part of the interview process and take the applicant's explanation into consideration. For example, we will consider:

- the seriousness of any offence and relevance to the post applied for
- how long ago the offence occurred
- whether it was a one-off incident or a history of incidents
- the circumstances around the incident
- whether the applicant accepted responsibility for their actions

Staff will then assess whether the applicant's previous convictions or cautions make them unsuitable for the role. We will not ask an applicant about protected convictions and cautions.