St. Michael's Nursery and Infants School

SAFE RECRUITMENT, SELECTION AND PRE-EMPLOYMENT VETTING POLICY AND PROCEDURES

Approved by[1]	
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Proposed review date[2]**:**	

[1] The Governing Body/Proprietor/Management Committee to approve.
[2] The Governing Body/Proprietor/Management Committee are free to determine review period.

REVIEW SHEET

The information in the table below details earlier versions of this document with a brief description of each review and how to distinguish amendments made since the previous version date (if any).

Version Number	Version Description	Date of Revision
1	Original	February 2016
2	Updated to include changes to mandatory requirement for Governors to have appropriate DBS Disclosures	March 2016
3	Updated to remove reference to attendance records in references requested prior to interview.	June 2016
4	Updated to reflect changes in 'Keeping Children Safe in Education' – September 2016	August 2016
5	Revision to Appendix C to remove reference to contractors and reformatted. Addition of Appendix D – Contractor Risk Assessment	September 2017
6	Revised to take account of Keeping Children Safe in Education 2018 and the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendments) Regulations 2018	August 2018

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POLICY STATEMENT

St. Michael's Nursery and Infants School has created a culture of safe recruitment and adopted recruitment procedures that help deter, reject or identify people who might pose a risk of harm to children. This Policy is supported by procedures which describe in detail those checks that are, or may be, required for any individual working in any capacity (paid or unpaid), or visiting, this School. The Governing Body will act reasonably in making decisions about the suitability of the prospective employee or other individual based on checks and evidence including: criminal background (via the Disclosure and Barring Service), barred list, prohibition status (in the case of teachers), Disqualification Declaration (where required) and other necessary checks together with references and interview information. Some or all the above checks will apply to those recruited to a volunteer role.

All recruitment will be in line with this Policy and procedures and will, without exception follow the process of safer recruitment. All offers of employment (whether paid or unpaid) will be subject to school staff and Governors being satisfied that the applicant or volunteer is a suitable person to work with children, young people.

Statutory guidance 'Working Together to Safeguard Children' (DfE July 2018) states that schools should have in place a number of arrangements as part of their duty to safeguard and promote the welfare of children. In relation to safer recruitment, these arrangements include having safer recruitment practices for individuals whom the organisation will permit to work regularly with children. This Policy and supporting procedures fulfil that statutory requirement.

All those involved with recruiting individuals to the school will be familiar with and fully understand the statutory guidance 'Keeping Children Safe in Education' (DfE, September 2018) and the School Child Protection Policy and procedures.

All recruitment will be planned to ensure that there is adequate time and resources available to ensure that an individual is recruited safely.

Once an individual has been appointed, contracted or accepted as a volunteer, we will ensure that a full Induction takes place which will include our Child Protection Policy and procedures and provision of other related safeguarding documents both statutory and non-statutory (see Induction procedures).

We are committed to ensuring that throughout our recruitment and selection process, no applicant is disadvantaged or discriminated against because of their age, sex, race, religion or belief, sexual orientation, gender reassignment pregnancy or maternity status.

Any person who becomes or is made aware that the recruitment process set out in this Policy and accompanying procedures are not being followed must inform the Head teacher or Chair of Governors immediately.

The procedures supporting this Policy do not constitute a legal representation of **all** HR issues relating to Recruitment and Selection and as such will be used in conjunction with any other Recruitment and Selection guidance issued by the school's HR provider.

PROCEDURES

1. Planning and Advertising

Sufficient time and resources will be allowed to enable appropriate and full planning to take place prior to a post being advertised. This includes ensuring that a job description and person specification is current and in place. Volunteer posts may require a generic job description which would cover several voluntary roles in school.

Those involved in the recruitment process will be identified at this stage including those who will be responsible for shortlisting and those involved in the formal interview process.

To convey that our school views safeguarding children as paramount, the following statement will be included in all advertisements:

St. Michael's Nursery and Infants School (hereinafter referred to as the School) is committed to "safeguarding and promoting the welfare and well-being of its pupils, engages with young people and staff in Policy and practice developments, proactively encourages feedback and expects all staff and volunteers to share this commitment".

The above statement will also be included in:

- Publicity materials
- The school website
- Recruitment partner websites
- Applicant information packs
- Job descriptions
- Person Specifications
- Induction programmes

So that individuals can make an informed decision about whether they wish to apply for a post, the advert and information will refer to the requirement to obtain a suitable Enhanced Disclosure for Regulated Activity and, where appropriate to the post, a requirement to complete a Childcare Disqualification declaration.

All advertisements will refer to the school's ethos in relation to equality of opportunity for all.

2. Job Description/Person Specification

The job description will include and clearly state:

- the main duties and responsibilities of the post;
- the extent of contact/responsibility for pupils;
- the school's expectations and the post-holder's individual responsibility for promoting and safeguarding the welfare of the children the individual will be responsible for or come into contact with;
- line management accountability for supervision and performance.

The person specification will:

- clearly convey the selection criteria against which the applicant's ability to do the job will be assessed;
- contain selection criteria which specifies the experience, skills, qualifications and personal qualities required;
- explain how these requirements will be tested and assessed during the selection process e.g. by interview, tests, presentations, observation of group exercises etc.

It is vital that applicants are aware that, in addition to their ability to perform duties of the post, selection will consider their personal suitability for the role. This includes their:

- motivation and suitability to work with children;
- attitude towards the use of authority and control;

- integrity and ability to form and maintain appropriate professional relationships with children;
- emotional resilience when working with challenging behaviours and situations.

3. Information Pack to Applicants

All information provided to interested applicants will highlight the importance of the rigorous selection processes and the duty to safeguard and promote the welfare of children and young people. Information in the pack makes clear to applicants that proof of identity will be required as well as a DBS Disclosure of the appropriate level (where applicable).

Our Information Pack also includes a copy of:

- the application form and explanatory notes about completing the form;
- the job description and person specification;
- relevant information about the organisation and the recruitment process
- the school's Child Protection Policy Statement
- a statement of the terms and conditions relating to the post
- the employee privacy notice

4. Application Form

We do not accept CV's at this school in place of an application form since this will generally contain only the information the applicant wishes to present. The Application form allows for a common set of core data that can then be used as a part of the full vetting and verification of short-listed applicants.

The Application form refers to changes brought about as a result of legislation which came into force on 29 May 2013. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) allows certain old and minor cautions and convictions to no longer be subject to disclosure. In addition, employers are no longer able to take an individual's old and minor cautions into account when making decisions.

[1]In relation to requests for details about previous convictions, our application form states:

"Do you have any convictions, cautions, reprimands or final warnings that are not "protected" as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)?"

As recommended by the Ministry of Justice, the Application Form also includes the following statement:

"The 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 taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring Service website."

Our Application form also includes requests for the following essential information:

- Full identifying details including current and former names, date of birth, current address and National Insurance Number.
- Academic and vocational qualifications, including awarding body, name of institution and date achieved.
- Full employment chronology including any voluntary or part-time work with start dates, explanations for periods not in employment or education/training and reasons for leaving employment
- Details of all post education training including dates and awarding bodies
- A statement of the skills and abilities, and the competencies/experience that the applicant believes are relevant to his/her suitability for the post and how s/he meets the person specification
- Declaration of any family or close relationships to existing employees or employers including governors, trustees etc.
- Details of at least two referees. One from current or from most recent employer. In addition, where

[1] Where the application form already contains the information, the statements (bold) may be removed from the Policy document. Once application forms have been appropriately updated, the statements (bold) may be removed.

an applicant is not currently working with children, but has done so in the past, a reference will be requested from the employer by whom the person was most recently employed in work with children. References will not be accepted from relatives or friends.

- Signed statement indicating that the person is not on the DBS Barred List[2] or is not disqualified from work with children or subject to any sanctions imposed by a regulatory body or professional association.

5. Scrutinising and Short Listing

Individuals will be shortlisted equally against the requirements of the person specification. In all cases of those who are applying for paid employment, the same selection panel will both short-list and interview the applicant. In the case of volunteers applying to work in the school, a more informal approach will be taken which will generally involve only a Senior Member of staff.

At least one member of the 'panel' will have undertaken accredited safe recruitment and selection training.

The outcome of the short-listing process will be recorded and information retained for a period not exceeding 6 months from the date of appointment of the successful candidate.

The equal opportunities/diversity monitoring form will be removed from the application pack prior to the short-listing process beginning.

The shortlisting panel is responsible for scrutinising the application forms and identifying any gaps in employment or other areas that may affect an applicant's suitability to work with children and young people. All application forms will be scrutinised to ensure:

- they are fully and properly completed - incomplete application forms will not be accepted;
- the information is consistent and does not contain any discrepancies;
- any anomalies, discrepancies or gaps in employment/training and the reasons for this, or a history of repeated changes of employment are identified.

A satisfactory explanation for any concerns will be obtained from the applicant during the interview process.

6. References

The School will always ask for written references. Each request will be accompanied by the job description and person specification. One of the references will be requested from the most recent employer. If an applicant for a teaching post is not currently employed as a teacher, we will check with the school, college or local authority at which they were most recently employed to confirm details of their employment and their reasons for leaving. The purpose of seeking references is to obtain subjective and factual information to support appointment decisions.

All offers of employment will be conditional upon receipt of at least two satisfactory written references. References received will be scrutinised and any concerns resolved satisfactorily before the appointment is confirmed. References will always be requested directly from the referee. Any provided by the applicant or open references i.e. those prefixed by 'To whom it may concern' will not be accepted under any circumstances.

References will be sought on all shortlisted applicants including internal ones. Wherever possible, these will be obtained prior to the interview so that any issues of concern they raise can be explored further with the referee and taken up with the individual at interview.

Reference requests will specifically ask:

- about the referee's relationship with the applicant;
- whether the referee is completely satisfied that the individual is suitable to work with children and, if not, for specific details of the concerns and the reasons why the referee believes that the person might

[2] Special Schools/Units with pupils up to and including the age of 19 should ensure that application forms make reference to both the Children's and Adults Barred Lists.

be unsuitable

Referees will also be asked, where relevant, to confirm details of:

- how the person meets the requirements of the specification and his or her capacity to carry out the duties set out in the job description;
- the applicant's current post and salary;
- effectiveness of the applicant's interactions with children and other adults;
- performance history and conduct;
- any disciplinary procedures in which the sanction is current;
- any disciplinary procedures involving issues related to the safety and welfare of children, including any in which the sanction has expired and the outcome of those;
- whether, in the case of an applicant for a teaching post, that teacher has been in capability procedures during the previous two years;
- any outstanding complaints or investigations against the applicant that could bring the school into disrepute at a later stage;
- details of any allegations or concerns that have been raised that relate to the safety and welfare of children or behaviour towards children and the outcome of these concerns whether founded or unfounded;
- whether they would re-employ the applicant and if not, why not.

Where a reference has not been received on the preferred applicant before the interview, once received it will be scrutinised and any concerns resolved satisfactorily before the individual's appointment is confirmed.

On receipt of references, they will be checked to ensure all questions have been answered satisfactorily and prior to confirmation of an appointment, referees will be telephoned to confirm their views on the applicant and to ensure any information provided by the applicant is accurate.

A character reference will be sought for volunteers as if they were to be employed.

7. Qualifications and Employment History

Qualifications will be validated only on receipt and sight of original certificates. Qualifications required will be those which are listed as being a pre-requisite of the post advertised.

The School will always ask for written information about previous employment history and check that information is not contradictory or incomplete. Full employment history is required. Where there are gaps of unemployment, this must be explained on the application form.

8. Health

DfE statutory guidance 'Keeping Children Safe in Education' emphasises the importance of anyone appointed to a post involving regular contact with children or young people must be medically fit. There is a statutory duty on employers to satisfy themselves that individuals have the appropriate level of physical and mental fitness before the appointment is confirmed. Assessment of physical fitness will, however, be considered within the context of the Equality Act 2010 which allows for reasonable adjustments to be made.

9. Interviews

A face to face interview will take place for all applicants to all posts including volunteering roles. Wherever possible, the interviewing panel will consist of at least 2 people. At least one member of the panel will have successfully completed an accredited safer recruitment training course. Volunteers will be interviewed by either the Head teacher.

Members of the panel will:

- have the necessary authority to make decisions about the appointment;
- meet before the interview to agree their assessment criteria in accordance with the person specification and to prepare a list of questions they will ask all interviewees relating to the

requirements of the post;
- identify any issues they wish to explore with each applicant based on the information provided in their application form and in the references;
- allocate specific question sets to each member of the panel which will ensure that someone asks the questions and another member of the panel can at the same time record the applicant's answers. A copy of the notes and any scoring sheets will be collated by the Chair of the Panel and retained.

Those whose application forms provide information that best meets the criteria of the job description, person specification, experience and qualifications are invited for interview.

All applicants will be asked to bring with them documentary evidence of their 'right to work in the UK' and their identity. Evidence can include a current driving licence or passport including a photograph, or a full birth certificate and a document such as a utility bill or financial statement that shows the applicant's current name and address (no more than 3 months old) and, where appropriate change of name documentation. Rarely, where some form of photographic ID is not available, a copy of the applicant's birth certificate and national insurance card will be required.

Applicants must also bring:

- documents confirming any educational and professional qualification(s). If this is not possible, written confirmation must be obtained from the awarding body; and,
- documentation of registration with any appropriate professional body.

A copy of the documents used to verify the successful applicant's identity and qualifications will be retained on their personnel file.

Where an individual has submitted an electronic application form, they will be asked to sign the form prior to the interview.

10. Other Selection Methods

In addition to a face to face interview with an Interview Panel, a variety of other selection methods may be used, such as:

- observation of teaching practice either in the proposed school or in the applicant's current setting;
- one or more additional panel interviews e.g. a panel made up of pupils from the school;
- a presentation;
- in-tray exercises;
- psychometric testing

Those involved in the recruitment process for a specific post will determine the selection method(s) to be used. The methods will be relevant and appropriate to the role and will be based on the requirements for the post as set out in the job description and person specification.

Applicants will be informed in advance if any selection methods are to be used in addition to a face to face interview and the format these will take.

11. Involving of Children and Young People

We have developed a culture of listening to children. Children and young people can make a valuable contribution to the recruitment process and their participation may be considered for key strategic and managerial posts as well as posts where staff will have a high level of responsibility for children's day to day care.

12. Conditional Offer of Employment – pre-employment checks

An offer of appointment to the successful applicant will be conditional upon:

- the receipt of at least two satisfactory references. Where possible, these will also be confirmed by telephone;
- verification of the individual's identity (if that could not be verified at interview) preferably from current photographic ID and proof of address except where, for exceptional reasons, none is available;

- verification and/or evidence of the individual's right to work in the UK (if that could not be verified at interview);
- receipt of a satisfactory enhanced DBS Disclosure Certificate for Regulated Activity. Where the individual is registered, this may be via a check with the DBS Update Service;
- a separate children's Barred List check[3] for those with a 'portable' DBS Enhanced Certificate for Regulated Activity or who start work in regulated activity before the DBS Certificate is available. Such individuals will be subject to reasonable supervision until a new Enhanced Disclosure for Regulated Activity is received, but in any event a separate barred list check will **always** be sought;
- further checks on the individual if they have lived or worked outside of the UK for a block period of 3 months or more in the last 5 years. These further checks must include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed, using the NCTL Teacher Services' system. This applies to all teachers who have lived or worked in an EEA country since January 2016;
- verification of the individual's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health to establish whether they have the physical and mental capacity for the specific role (S60 Equality Act 2010 refers);
- verification of qualifications (if not verified at interview). For teachers, this will include checking that the individual has the required teaching qualification;
- verification of professional status where required e.g. QTS (unless properly exempted);
- verification of previous employment history and experience, including exploration of any gaps and anomalies;
- (for teaching posts) verification of successful completion of statutory induction/probationary period;
- (for teaching posts) verification that the individual is not subject to either a Prohibition Order or an Interim Prohibition Order (using the NCTL Teacher Services System also known as Secure Access on-line);
- where required, verification that the individual is not disqualified from caring for children under the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendments) Regulations 2018– Childcare Disqualification declaration.

All checks will be:

- confirmed in writing;
- documented and retained on the personnel file (subject to data protection and DBS requirements);
- followed up where they are unsatisfactory or there are discrepancies.

13. Recruitment Checks

13.1 Disclosure and Barring Service (DBS) Checks

The DBS is responsible for administering three types of check insofar as they relate to the education sector:

- **Standard Disclosure:** a check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings. This type of check is not normally requested in educational settings;
- **Enhanced Disclosure:** a check of the PNC records as above, plus other information held by the Police that is considered relevant by the Police; and
- **Enhanced Disclosure with barred list information (aka Enhanced Disclosure for Regulated Activity):** for people working in 'regulated activity' with children. This adds a check of the DBS Children's Barred List[3] to the enhanced disclosure.

More information is available on the DBS website, and in Annexe G of DfE statutory guidance 'Keeping Children Safe in Education' (September 2018).

A DBS Disclosure Certificate for Regulated Activity will be obtained from the successful applicant before or

[3] Special Schools/Units with pupils up to and including the age of 19 should ensure that application forms make reference to both the Children's and Adults Barred Lists for those staff likely to be working with over 18's

as soon as practicable after appointment. There is **no requirement** to obtain an enhanced DBS Disclosure for Regulated Activity if, in the three months prior to beginning work in their new appointment, the applicant has worked:

- in a school in England in a post which brought them into regular contact with children or in any post in a school since 12 May 2006; or
- in an institution within the FE sector in England or in a 16-19 Academy in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

All other pre-appointment checks must still be completed, including where the individual is engaging in regulated activity, a barred list check[4]. A check on the barred list status of an individual **must** always be undertaken prior to the individual commencing work at the school. This will be either through sight of a new Disclosure Certificate for Regulated Activity initiated by the school or by checking the children's barred list independently. The date of the barred list check **must** always precede the date the individual commences work.

The School **may** request an enhanced DBS Disclosure for Regulated Activity should there be concerns and bearing in mind the duty the School is under not to allow a barred person to work in regulated activity.

The School **may not** request an enhanced Disclosure with barred list check for anyone working in the school or college who is not in regulated activity, but may request an enhanced DBS check **without** a barred list check where the individual is working (paid or unpaid) on a regular or frequent basis in school.

A flow chart of Disclosure and Barring Service Checks and Barred List Checks can be found at Appendix A.

The level of DBS check required will depend on the role and duties of an applicant to work in a school as outlined in this Policy.

A person will be in 'regulated activity' if because of their work they:

- will be responsible, on a regular basis, in any setting for the care or supervision of children; or
- will regularly work in a school at times when children are on school premises (where the person's work requires interaction with children, whether or not the work is paid (unless they are a supervised volunteer), or whether the person is directly employed or employed by a contractor); or

A supervised volunteer who regularly teaches or looks after children is not in regulated activity. The Department for Education (DfE) has published separate statutory guidance on supervision and regulated activity to which we have regard to when considering which checks should be undertaken on volunteers. This is replicated at Appendix B.

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 have 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[5]. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

[4] Currently, the only way to access the Children's Barred List separately from an Enhanced Disclosure is via TP On-line. https://www.teacherspensions.co.uk/employers/training-and-resources/references/tp-online.aspx . There is an annual subscription to this service.

[5] Regular is generally defined as working (paid or unpaid) once per week but every week for a period of time; 4 times or more in any 30 day period or overnight between the hours of 2.00 a.m. and 6.00 a.m.

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.

When the DBS has completed its check(s) of an applicant, the relevant information is recorded on a certificate (the DBS Disclosure Certificate) that is sent to the applicant. The applicant must show the DBS Certificate to the School (their potential employer) before they take up post or as soon as practicable afterwards. Where we allow an individual to start work in regulated activity before the DBS Certificate is available we will ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed.

If we know or have reason to believe that an individual is barred, we commit an offence if we allow the individual to carry out any form of regulated activity. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.

13.2 Prohibition Orders/Interim Prohibition Orders

Prohibition Orders (which may be conferred on teachers only) prevent a person from carrying out teaching work in schools, sixth form colleges or 16 to 19 academies. A person who is prohibited from teaching will not be appointed to a role that involves teaching work in our setting. A check of any prohibition can be carried out using the DfE sign-in page (formerly Secure Access). Prohibition orders are described in the Teaching Regulation Agency (TRA) publication Teacher misconduct: the prohibition of teachers.

Prohibition Orders are made by the Secretary of State following consideration by a professional conduct panel convened by TRA. Pending such consideration, the Secretary of State may issue an Interim Prohibition Order if he considers that it is in the public interest to do so. There remain a number of individuals who are still subject to disciplinary sanctions which were imposed by the GTCE therefore both prohibition lists available through the DfE Sign-in page (formerly Secure Access) will be checked ('GTCE sanctions' **and** 'Teachers and others prohibited from the profession').

We will check the prohibition status of any teacher prior to appointment either permanently or on a temporary supply basis (where the supply teacher is not appointed via a Supply Agency). No teacher who is prohibited or has an interim prohibition order made against them will be employed to teach in this school. It is the responsibility of Supply Agencies to ensure that supply teachers used in this school are similarly checked to ensure that they are not prohibited from teaching.

No similar scheme is available for non-teaching staff.

13.3 EEA Teacher Sanctions

EEA regulators of the teaching profession will share details of any sanction or restriction that they impose on a teacher on or after 18 January 2016, with all other EEA teacher regulators. The Teaching Regulation Agency system sets out how to obtain additional information about any EEA sanction/restrictions identified.

We will use the DfE sign-in page (formerly Secure Access) to identify any restrictions imposed by **all authorities** in the European Economic Area (EEA) for those applying for teaching posts and who are new to or returning to the UK.

This service is in addition to the teacher prohibition pre-appointment checks. Restrictions imposed by another EEA authority do not prevent an individual from taking up teaching positions in England. However, where a restriction on an individual exists, we will consider the circumstances leading to the restriction when assessing an individual's suitability. The EA online service explains how to get further information about EEA restrictions.

No similar scheme is available for non-teaching staff.

13.4 Section 128 direction

Maintained Schools

A section 128 direction prohibits a person from taking up a position as a governor or continuing to hold office as a governor of a maintained school. We will ensure that prior to appointing a new Governor, a check is undertaken for the existence of a section 128 direction made by the Secretary of State. The date the section 128 check was carried out will be recorded on the Single Central Record.

13.5 DBS Update Service

If the applicant has subscribed to it and gives permission, the School will undertake an online update check through the DBS Update Service. Individuals can join the DBS Update Service when applying for a new DBS check or within 19 days of the Disclosure Certificate being issued; this will allow portability of a Certificate across employers when applying for similar jobs or where it is anticipated that they will have a break from working in regulated activity for 3 months or more. With the individual's consent, the School can go online and carry out a free, instant check to see if there has been any change to the information recorded since the initial Certificate was issued and advise whether the individual should apply for a new Certificate. DBS Update Service.

Before using the Update Service, schools must:

(a) obtain consent from the applicant to do so;

(b) confirm the Certificate matches the individual's identity; and

(c) examine the original Certificate to ensure that it is for the appropriate workforce and level of check e.g. Enhanced Certificate/Enhanced Certificate for Regulated Activity

13.6 DBS Checks for those living or who have lived abroad

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in school. In addition, the School will make any further checks we think appropriate so that any relevant events that occurred outside the UK can be considered.

Overseas checks will generally be sought in the following circumstances:

- The applicant has been resident in the UK for most of his or her adult life and has spent a period of three months or longer in an overseas country within the last 5 years. This only applies where the applicant has lived continuously in at least one country for three months or longer.
- The applicant has moved to the UK within the last 10 years having previously lived abroad for most of his or her adult life.

It is the responsibility of the applicant to ensure that the appropriate checks in the Country where they lived are sought. Checks for sanctions and restrictions made against an EEA teacher are described in paragraph 13.3 above.

Advice on the criminal record information which may be obtained from overseas police forces, published by the Home Office, is on GOV.UK. The Department for Education has also issued guidance on the employment of overseas-trained teachers. This gives information on the requirements for overseas-trained teachers from the European Economic Area to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the United States of America.

13.7 Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendments) Regulations 2018

The above legislation places separate and additional requirements on schools. At the point that an individual is convicted of, or cautioned for, a criminal offence of a specified type or category, or where they meet other disqualification criteria set out in the Regulations, the Act and Regulations disqualify staff from:

- providing early years childcare or later years childcare to children who have not attained the age of eight; or

- being directly concerned in the management of that childcare.

To ensure that those working in our School are not disqualified from working with the relevant pupils, the Governing Body require that, prior to appointment, an individual completes a self-declaration form.

NOTE: From 31 August, schools should **not** ask their staff or others questions about cautions or convictions of someone living or working in their household. Any disqualification declarations must limit questions to the individual member of staff only.

14. Single Central Record

The School will keep and maintain a Single Central Record (SCR). The SCR is a record of **all pre-appointment checks** which have been carried out to verify, as far as is reasonably practicable, that the individual is an appropriate person to work within the setting. The SCR will include details of pre-employment checks carried out for the following people:

- all staff (including supply staff, apprentices and teacher trainees on salaried routes) who work at the school: in colleges, this means those providing education to children under the age of 18;
- all others who work (paid or unpaid) in regular contact with children in the school, including volunteers;
- all Governors in maintained schools (unless they are already identified as an employee/governor dual role);
- contractors (where relevant); and

For students, written confirmation will be sought confirming that the host school, college or University of the individual has carried out the relevant checks and obtained the appropriate certificates, whether any enhanced DBS check certificate has been provided in respect of the individual, and the date that confirmation was received.

The information that must be recorded in respect of staff members (including teacher trainees on salaried routes) is whether the following checks have been carried out or certificates obtained **prior to appointment**, and the date on which each check was completed/certificate obtained:

- an identity check;
- a barred list check;
- an enhanced DBS check/certificate;
- a prohibition from teaching check (where applicable);
- a section 128 check (for management positions);
- further checks on people living or working outside the UK. This would include recording checks for those EEA teacher sanctions and restrictions described in paragraph 13.3 above;
- a check of professional qualifications; and
- a check to establish the person's right to work in the United Kingdom.

The School does not keep copies of DBS certificates to fulfil the duty of maintaining the SCR. To comply with the requirements of the Data Protection Act, where the School chooses to retain a copy of the DBS Certificate, they will not be retained for longer than six months. A copy of the other documents used to verify the successful applicant's identity, right to work in the UK and required qualifications will be held on the personnel file.

15. Agency and Third Party Staff

The School will obtain written notification from any agency, or third-party organisation, we use that the organisation has carried out the necessary checks on an individual who will be working at the School that the school would otherwise perform. This will include, as necessary, confirmation that the following checks have been carried out prior to appointment:

- DBS Enhanced Disclosure for Regulated Activity;
- Prohibition check (teachers only);
- Disqualification under the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendments) Regulations 2018 declaration. This should include confirmation that the agency or organisation providing the staff has informed them that they will be

committing and offence if they are deployed to work in relevant childcare settings if they are disqualified under legislation.

The School will ensure that the person presenting themselves for work is the same person on whom the checks have been made and will record the date this ID check was carried out (usually the first day the individual presents in school).

16. Trainee / Student Teachers – Not applicable to our school

Where applicants for initial teacher training are salaried by the school, the School will ensure that all necessary checks are carried out as if the trainee were an employee including, where necessary, a Childcare Disqualification Declaration. As trainee teachers can undertake regulated activity, sometimes unsupervised, an enhanced DBS Disclosure for Regulated Activity check will be obtained. Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks, with written confirmation that the appropriate checks have been carried out, being given to the school in advance of the placement. We will not request copies of the Certificates, but will ensure that the person presenting themselves for work is the same person on whom the checks have been made.

17. Volunteers

Under no circumstances will a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity. Such volunteers will be subject to reasonable supervision by a person who themselves are in regulated activity.

For new volunteers in regulated activity who will regularly teach or look after children on an unsupervised basis or provide personal care on a one-off basis the School will obtain an enhanced DBS Disclosure with a barred list check. In addition, the Head teacher will determine whether a Childcare Disqualification declaration is required to be completed.

For new volunteers not in regulated activity we will undertake a risk assessment and use our professional judgement and experience when deciding whether to seek an enhanced DBS check.

In undertaking the risk assessment, we will take the following into consideration:

- the nature of the work with children;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and
- whether the role is eligible for an enhanced DBS check.

Details of the risk assessment will be recorded.

The Protection of Freedoms Act 2012 amended the Safeguarding Vulnerable Groups Act 2006, removing supervised volunteers from regulated activity and applying a duty on the Secretary of State to issue guidance to assist regulated activity providers such as schools and colleges, to decide what level of supervision is required so that this exclusion would apply. If the volunteer is to be supervised while undertaking an activity which would be regulated activity if it was unsupervised, the statutory DfE guidance will be followed. This is replicated at Appendix B. The guidance issued following this change requires that:

- there must be supervision by a person who themselves are in regulated activity;
- the supervision must be regular and day to day; and
- the supervision must be “reasonable in all the circumstances to ensure the protection of children”.

There are certain circumstances where schools may obtain an enhanced DBS certificate (not including barred list information), for volunteers who are not engaging in regulated activity. This is set out in DBS workforce guides, which can be found on GOV.UK

Employers are not legally permitted to request a barred list check on a supervised volunteer as they are not considered to be engaged in regulated activity.

18. School and VI Form College Governors (maintained schools)

School and college Governors of maintained schools who are volunteers are required to have an Enhanced Disclosure as a minimum. Where a Governor has unsupervised access to children on a regular basis, they will be required to hold an Enhanced Disclosure for Regulated Activity i.e. with a Children's Barred List check. Refer also to section 13.4 (checks for section 128 directions).

19. Others with the potential for contact with children

19.1 Contractors

The School will ensure that any contactor, or any employee of the contractor, who is to work at the school has been subject to the appropriate level of DBS check. Contractors who are engaging in regulated activity will require an Enhanced DBS check for Regulated Activity. For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check will be required. In considering whether the contact is regular, it is irrelevant whether the contactor works on a single site or across a number of sites.

Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity. Schools are responsible for determining the appropriate level of supervision depending on the circumstances and risks to children involved. See Appendix D for Model Risk Assessment.

If a contractor working in school is self-employed, the school will consider obtaining a DBS check as self-employed people are not able to make an application directly to the DBS on their own account.

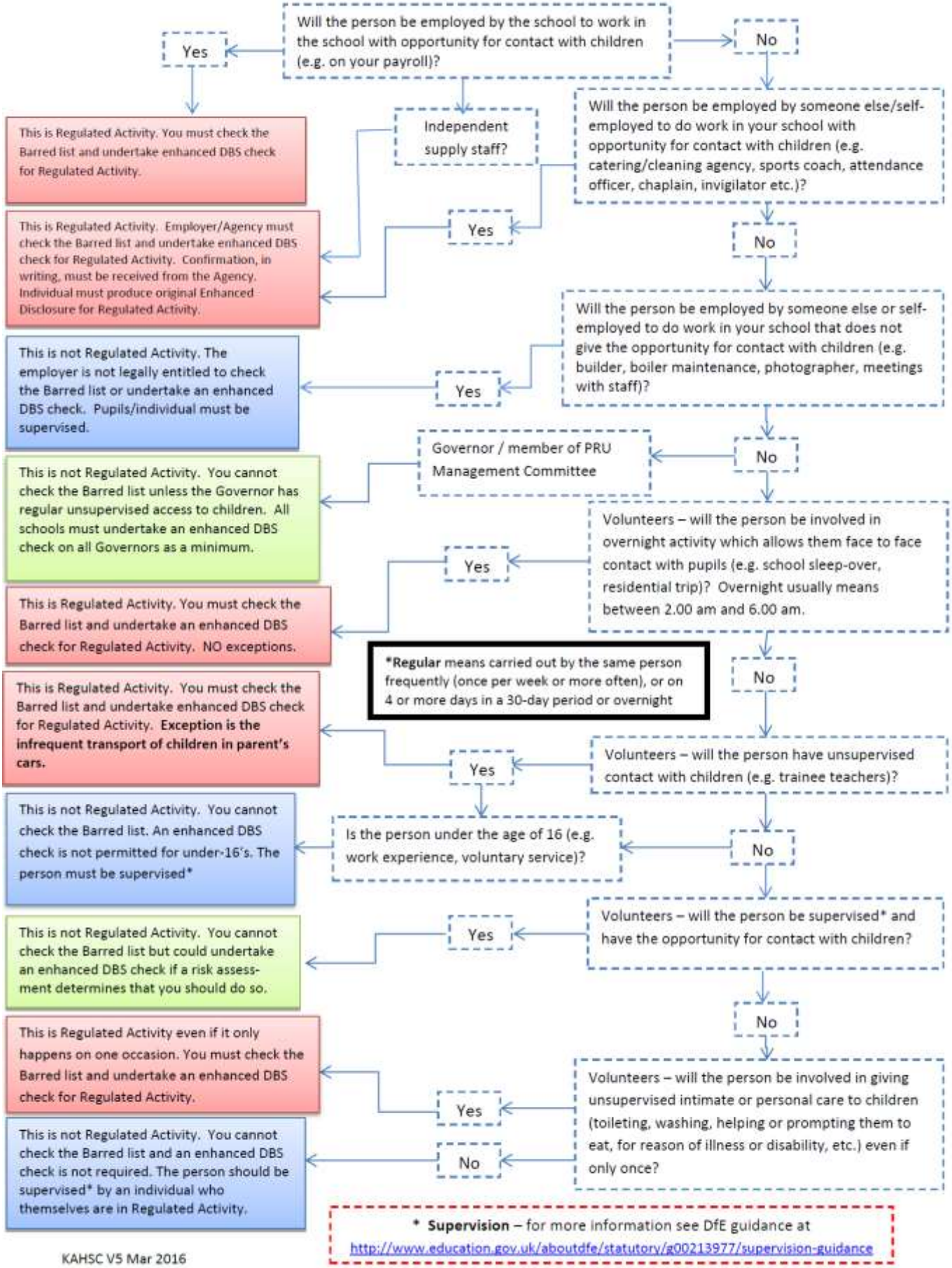
We will, however, always check the identity of contractors and their staff on arrival at the school.

For additional information on the safe appointment of contractors we will refer to our 'procedures for protecting children when contractors are working in educational settings'.

19.2 Visitors

The School does not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors to the school who are not working directly with children. Staff in this School will use their professional judgement about the need to escort or supervise visitors.

SCHOOLS/ACADEMIES PRUs - Children's Barred List check, enhanced DBS check, both or none?



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Statutory Guidance – Regulated Activity (Children) – Supervision of activity with children which is regulated activity when unsupervised

This statutory guidance on the supervision of activity with children which is regulated activity when unsupervised is also published separately on GOV.UK.

This document fulfils the duty in legislation that the Secretary of State must publish statutory guidance on supervision of activity by workers with children, which when unsupervised is regulated activity. This guidance applies in England, Wales and Northern Ireland. It covers settings including but not limited to schools, childcare establishments, colleges, youth groups and sports clubs.

For too long child protection policy has been developed in haste and in response to individual tragedies, with the well-intentioned though misguided belief that every risk could be mitigated and every loophole closed. The pressure has been to prescribe and legislate more. This has led to public confusion, a fearful workforce and a dysfunctional culture of mistrust between children and adults. This Government is taking a different approach.

We start with a presumption of trust and confidence in those who work with children, and the good sense and judgment of their managers. This guidance applies when an organisation decides to supervise with the aim that the supervised work will not be regulated activity (when it would be, if not so supervised). In such a case, the law makes three main points:

- there must be supervision by a person who is in regulated activity;
- the supervision must be regular and day to day; and
- the supervision must be "reasonable in all the circumstances to ensure the protection of children".

The organisation must have regard to this guidance. That gives local managers the flexibility to determine what is reasonable for their circumstances. While the precise nature and level of supervision will vary from case to case, guidance on the main legal points above is as follows.

1. Supervision by a person in regulated activity/regular and day to day: supervisors must be in regulated activity themselves. The duty that supervision must take place "on a regular basis" means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the worker has just started or has been doing the activity for some time.
2. Reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Organisations should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:
    - ages of the children, including whether their ages differ widely;
    - number of children that the individual is working with;
    - whether or not other workers are helping to look after the children;
    - the nature of the individual's work (or, in a specified place such as a school, the individual's opportunity for Contact with children);
    - how vulnerable the children are (the more they are, the more an organisation might opt for workers to be in regulated activity);
    - how many workers would be supervised by each supervising worker.
3. In law, an organisation will have no entitlement to do a barred list check on a worker who, because they are supervised, is not in regulated activity.

Some example scenarios are provided overleaf

EXAMPLES

Volunteer, in a specified place

Mr Jones, a new volunteer, helps children with reading at a local school for two mornings a week. Mr Jones is generally based in the classroom, in sight of the teacher. Sometimes Mr Jones takes some of the children to a separate room to listen to them reading, where Mr Jones is supervised by a paid classroom assistant, who is in that room most of the time. The teacher and classroom assistant are in regulated activity. The head teacher decides whether their supervision is such that Mr Jones is not in regulated activity.

Volunteer, not in a specified place

Mr Wood, a new entrant volunteer, assists with the coaching of children at his local cricket club. The children are divided into small groups, with assistant coaches such as Mr Wood assigned to each group. The head coach oversees the coaching, spends time with each of the groups, and has sight of all the groups (and the assistant coaches) for most of the time. The head coach is in regulated activity. The club managers decide whether the coach's supervision is such that Mr Wood is not in regulated activity.

Employee, not in a specified place

Mrs Shah starts as a paid activity assistant at a youth club. She helps to instruct a group of children, and is supervised by the youth club leader who is in regulated activity. The youth club managers decide whether the leader's supervision is such that Mrs Shah is not in regulated activity.

In each example, the organisation uses the following steps when deciding whether a new worker will be supervised to such a level that the new worker is not in regulated activity:

- consider whether the worker is doing work that, if unsupervised, would be regulated activity. (Note: If the worker is not engaging in regulated activity, the remaining steps are unnecessary. If the worker is engaging in regulated activity the remaining steps should be followed);
- consider whether the worker will be supervised by a person in regulated activity, and whether the supervision will be regular and day to day, bearing in mind paragraph 4 of this guidance;
- consider whether the supervision will be reasonable in all the circumstances to ensure the protection of children, bearing in mind the factors set out in paragraph 4 of this guidance above; and if it is a specified place such as a school;
- consider whether the supervised worker is a volunteer.

RISK ASSESSMENT

Activity:	**Volunteer work**		**Location(s):**		
Role:		**Name of Volunteer**		**Date of Birth:**	
✓ or ✗	The volunteer will		✓ or ✗	The volunteer will transport children to events that we organise.	
✓ or ✗	The volunteer will		✓ or ✗	Other:	
Assessor:		**Ref No.**	**Distribution:**		
Date:		**Proposed Review**		**Signed:**	
Individuals at risk:	Children, especially those with SEND, and vulnerable adults. Volunteers.				
The risks:	Inappropriate contact with children including exposure to material not suitable to their age, culture etc. (conversation, images, reading materials, music etc.), the building of unhealthy				

Safeguarding &	Control Measures What are we doing now to safeguard	Notes/Additional Control Measures	Residual Risk
All work, occasional and regular, on or off-site with children whether supporting groups or individuals, but always **supervised** in a reasonable and on-going way by someone who holds a suitable Enhanced Disclosure and Barring Service (DBS) Certificate for Regulated Activity.	☐ The volunteer will be either a person who has some prior connection to the setting (an ex-student, a parent etc. already known to staff), or will be someone with good reason to offer voluntary services (work experience, personal/community development, a special skill-set to offer, purposeful retirement etc.) willing to undergo a formal interview (or informal chat to assess their general suitability and scope of the role), provide suitable references (verbal or written) and undergo any necessary background checks. ☐ Both formal and informal knowledge of the volunteer will be taken into account, including a cursory name check on the internet. ☐ Two references may be required from volunteers, whether already known or not i.e. if the volunteer is well known to at least 2 other staff who can agree their suitability, other references may not be required. ☐ A senior member of staff will conduct a face-to-face interview with any prospective volunteer to clarify the role and assess their suitability for it. ☐ Where possible, volunteers should attend an induction session before they start. ☐ The role of the volunteer will be explained clearly during interview and on induction. ☐ Appropriate contact (incl. verbal) with children will be explained with reference to the role and will cover any non-work-related conversations they may have around or with children. ☐ Volunteers are not permitted to provide assistance, teaching, training, instruction, care or supervision (ATTICS) to children when they are not themselves being supervised by someone who holds a suitable Enhanced Disclosure for Regulated Activity. ☐ Volunteers are not permitted to provide any personal care (feeding, changing etc.) to children, even once, if they do not themselves hold a suitable Enhanced Disclosure for Regulated Activity. ☐ The importance of safeguarding and the most likely issues will be explained (mobile phone use, confidentiality, images use, appropriate responses e.g. on witnessing bullying etc.)		

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	☐ Head teacher to determine whether Childcare Disqualification declaration is required for work with relevant pupil groups.		
All work on-site or off-site with children on a frequent basis, **unsupervised** for significant periods of time incl. providing personal care (feeding, changing etc.) regardless of supervision, even if just the once.	☐ A suitable Enhanced Disclosure for Regulated Activity with a children's barred list check will be carried out before any unsupervised volunteering can take place[6]. ☐ Suitable safeguarding/child protection training in addition to general induction will be provided as appropriate to the nature, frequency and duration of volunteering i.e. the level of knowledge they will need, ranging from the most basic in-house briefing about reporting concerns, to the full LSCB required basic course which all people working with children in Regulated Activity must undergo (sometimes known as Level 1) and anything in between. ☐ The level of training and induction that a volunteer requires will be determined or agreed to by the Designated Safeguarding Lead (DSL). ☐ Head teacher to determine whether Childcare Disqualification declaration is required for work with relevant pupil groups.		
Isolated work **on-site** with children on a frequent basis, unsupervised for significant periods of time (1:1 work in another room/area with only remote supervision).	☐ Where possible the room or area selected will not be completely isolated from anyone else working near or passing by. ☐ A suitable Enhanced Disclosure for Regulated Activity with a children's barred list check will be carried out before any isolated volunteering can take place. ☐ Rooms selected will always have an unobstructed viewing panel in the door. ☐ Where possible, room doors will not have the means to lock them from the inside. ☐ Furniture will be conducive to activities and allow children to maintain personal space if they want to (enough suitable seating etc.) ☐ Head teacher to determine whether Childcare Disqualification declaration is required for work with relevant pupil groups.		
All work, occasional and regular, **off-site** with children whether supporting groups or individuals, but always **supervised** in a reasonable and on-going way by someone who holds a suitable Enhanced DBS Certificate for Regulated Activity.	☐ Overall supervision will always rest with the visit leader of the trip off-site. ☐ Activities will be arranged to ensure volunteers are not left to supervise children alone, especially when breaking to use toilet facilities (staff only will take groups; or staff will accompany a volunteer with groups; or children will be permitted to access the toilets independently in pairs at least; or supervision from outside toilet areas will be sufficient). ☐ It will be for the DSL to decide whether a volunteer can work directly with children while being supervised themselves by someone working in Regulated Activity who is not an employee or known to the setting e.g. a canoeing instructor at a children's outdoor centre. ☐ Head teacher to determine whether Childcare Disqualification declaration is required for work with relevant pupil groups.		

[6] Settings such as special schools who enrol young people up to the age of 19 may also wish to carry out an 'Adults Barred List check' at the same time as the 'Children's Barred List check' on those who are working with, what are really, vulnerable adults i.e. students or service users aged 18 or over.

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Transporting children to or from an event we have organised attendance at.	☐ Driver declaration form signed with appropriate insurance confirmed. ☐ Parental consent will be held specifically to transport children in private vehicles with drivers who are not employees. ☐ Appropriate child restraints will be used where required e.g. seats or booster cushions in accordance with current legislation. ☐ If possible, drivers should transport their own child or grandchild etc. along with other children. ☐ Wherever possible, children should sit in the rear of the vehicle to avoid distracting the driver, as well as to prevent inappropriate contact or driver vulnerability to allegations. ☐ A card will be displayed in the windscreen of the vehicle stating that children are being transported on behalf of XXXX School along with details of who to contact in the event of an emergency – usually the school telephone number.		
Staying **overnight** in the same accommodation as children or work off-site **unsupervised** for significant periods of time incl. providing personal care (feeding, changing etc.) regardless of supervision, even if just the once.	☐ Unless it can be *guaranteed* that a volunteer will not have significant unsupervised contact with children during daytime hours or even momentary unsupervised face-to-face contact with children between the hours of 2am and 6am for the purposes of ATTICS they will have a suitable Enhanced Disclosure for Regulated Activity. ☐ There will be a clear rota in place for the adults who can fulfil sleeping night duties i.e. who will sleep, but remain on-call. ☐ It will be made clear to children that they must only disturb the adult who is on sleeping night duty during the night if they need support. ☐ All other safeguarding aspects of the visits-related Accommodation RA will be followed e.g. the door of the person on sleeping night duty will be clearly marked etc. ☐ In the event of an evacuation incident, a volunteer without a suitable Enhanced Disclosure for Regulated Activity will not be left in sole charge of any evacuees.		

Further Action Required	**Date Action Completed**			
This risk assessment must be read and followed in conjunction with any other applicable risk assessments.				

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Risk Assessment

Activity:	**Contractors on site – Child**		**Location(s):**		
Work being			**Contractor/Company/Volunteer**		
✓ or ✗	The contractor will be working with children on the premises.		✓ or ✗	The contractor will be working on the site but not with children	
✓ or ✗	The contractor will be working on the site wholly outside normal school		✓ or ✗	Other:	
Assessor:		**Ref**	**Distribution:**		
Date:		**Proposed**		**Signed:**	
Individuals at	Children, especially those with SEND, and vulnerable adults.				
The risks:	Inappropriate contact with children including exposure to material not suitable to their age, culture etc. (conversation, images, reading materials, music etc.), the building of unhealthy relationships,				

Child Protection Risks/Situations	Control Measures What are we doing now to safeguard children?	Notes/Additional Control Measures	Residual
A contractor being on site while children are present irregularly or as a one-off event, especially when it is unlikely they will have access to the children.	☐ All contractors and their staff will be required to report to the school main reception on arrival. In the case of a large project where the work is segregated from the school site, arrangements will be made for the contractor's staff to be made aware of the boundaries for the work area and arrangements made for them to report to the site office. ☐ All contractors and their staff will be issued with the 'Child Protection Code of Conduct for adults visiting or working on a school site'. ☐ Wherever possible, maintenance work will be undertaken outside normal school hours when there are no children present. ☐ Where the above cannot be achieved, work areas will be segregated so that contractors do not have the opportunity for unsupervised contact with children. ☐ Contractors who do not hold a DBS Enhanced Disclosure will be supervised by another contractor or a setting employee who does. ☐ If an appropriate supervisor is not available for the contractor, they will never be given unsupervised access to children i.e. the children will be appropriately supervised instead.		
A contractor being on site regularly* with the opportunity for contact with children. * Work is defined as 'regular' if the person carrying out the work does so at any time on 4 or more days in any period of 30 days.	☐ Contractor will be issued with the 'Child Protection Code of Conduct for adults visiting or working on a school site'. ☐ The contractor will hold a suitable Enhanced Disclosure (without a barred list check). ☐ The contractor will undergo sufficient site induction to include child protection procedures and expected behaviour (security procedures, which toilets to use, not to leave anything attractive to children unattended and within their reach etc.).		
Contractor on site where they are likely to have unsupervised access to children.	☐ Contractor will be issued with the 'Child Protection Code of Conduct for adults visiting or working on a school site'. ☐ Contractor will hold an Enhanced Disclosure for		

Child Protection Risks/Situations	Control Measures What are we doing now to safeguard children?	Notes/Additional Control Measures	Residual Risk
	Regulated Activity (with a barred list check). This will be confirmed either by letter from the employing organisation or by having sight of the Certificate when the individual first presents at school.		
	☐		

Further Action Required	Date Action Completed			
This risk assessment must be read and followed in conjunction with any other applicable risk assessments. Contractors details along with the date of the letter from the employer will be recorded on the Single Central Record either under the 'contractors				