



# **HR POLICY FOR SCHOOLS SAFER RECRUITMENT**

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## 1. INTRODUCTION

- 1.1 Merthyr Tydfil County Borough Council is committed to safeguarding the welfare of all children including those educated within its schools. This Policy will set out robust recruitment protocols for schools to minimise the risk of employing individuals who do not share this commitment.
- 1.2 Headteachers and Governing Bodies have a responsibility to ensure that this Policy is adhered to when planning and carrying out a recruitment process in their school. If the school has a service level agreement for recruitment and vetting services then the relevant service provider (normally either the LA's HR Administration team or the Council's HR team) should also have regard and ensure adherence to this document. In the absence of the appropriate service level agreements, any reference to the LA's HR Administration team and the Council's HR team within this document will become the schools' direct responsibility. Schools should also provide this document to any agency labour supplier that they may use and ask them to ensure that they adhere to the contents where relevant. This Policy is in line with current guidance and the recommendations arising from the Richard Inquiry and may be revised through consultation with relevant stakeholders or upon any statutory or national developments.

## 2. JOB DESCRIPTIONS AND PERSON SPECIFICATIONS

- 2.1 At the start of the recruitment process it is important to define what the postholder's responsibilities towards children will be, as well as the qualifications and experience needed to perform the job. This is the first opportunity to reinforce child welfare values to potential new employees. As a minimum requirement, the following statement should always feature on all person specifications to confirm the Council's and School's commitment to safer recruitment.

***“Merthyr Tydfil County Borough Council (and/or school's name) is committed to safeguarding and promoting the welfare of Children and Young People. All employees and volunteers working with these groups are expected to share a commitment to this. You will be expected to report any concerns relating to the safeguarding of children and young people in accordance with agreed procedures”.***

- 2.2 The requirement to be DBS checked must also be reflected in the person specification. It is envisaged that due to the nature of work in schools and contact with children that all posts will require an enhanced DBS disclosure.

- 2.3 Job Descriptions must detail:

- The main duties and responsibilities of the post;
- The postholder's specific responsibility towards the promotion and the practice of safeguarding the welfare of children that they come in to contact with through their job.

- 2.4 Person Specifications must detail:

- The qualifications required to do the job;
- The skills and competencies required;
- Professional Registrations (if required);
- A requirement for an enhanced DBS disclosure;

- The employer 'Safeguarding' statement; (as per example 2.1)
- Requirements relating to the safeguarding of children, such as:
  - Motivation to work with children;
  - Ability to form and maintain appropriate relationships and personal boundaries with children;
  - Emotional resilience in working with challenging behaviours;
  - Attitudes to use of authority and maintaining discipline.

2.4.1 All of the 'essential' points on the person specification should be evidenced either in a candidate's application form or through the interview and selection process.

### 3. JOB ADVERTS AND APPLICATION PACKS

3.1 Upon the finalisation of the Job Description and Person Specification the School is then likely to progress to advertising the vacancy. This is another opportunity to reconfirm the Council's and School's commitment to safer recruitment and safeguarding children. The promotion of an employer's commitment to safeguarding and child protection can act as a deterrent to potentially unsuitable individuals and therefore is paramount throughout all parts of the recruitment process.

3.2 When placing an advert, please make sure the following details are featured:

- Post Title
- Hours (this should indicate if full or part-time)
- Grade & Salary
- Permanent or Fixed Term (if Fixed Term the duration of the contract should be stated)
- Advert Text (which should include some reference to the post holder's responsibilities towards safeguarding children)
- Closing Date:
- Merthyr Tydfil County Borough Council (and/or school's name) is committed to safeguarding and promoting the welfare of Children and Young People. The successful applicant will be required to undergo a thorough vetting process including an enhanced DBS check.

3.3 The following documents should be included in all application packs unless specified:

Application Form (**CV's should not be accepted unless accompanied by an application form**)

- Job Description
- Person Specification
- School's Prospectus / Development Plan (**Teaching roles**)
- School's Child Protection or Welfare Policy
- Recruitment of Ex-offenders Policy

## 4. SHORTLISTING AND INTERVIEWING CANDIDATES

4.1 The shortlisting and interviewing process provides an initial opportunity to undertake some of the pre-employment checks referred to in Section 5. The process should allow sufficient time for any discrepancies or issues in a candidate's application to be scrutinised and clarified. With this in mind all candidates should have their qualifications, employment gaps, criminal record, references and their attitude towards children discussed at interview.

This means that when a candidate is successful, issues surrounding their application and references can be fully explored on a face to face basis before they are offered the post.

4.2 In accordance with Bichard recommendations and where candidates have given permission on their application form to seek references prior to an offer of appointment, references should be requested at an appropriate time prior to the interview in order that they can be returned and considered during the interview process. One of the referees must be the candidate's current or most recent employer. The Council's reference pro-forma should be used to obtain references. Open references are not acceptable.

4.3 At interview, any gaps in employment history must be discussed with the candidate. Valid reasons for gaps in employment may be: the candidate did not need to work, travelling, bringing up a family, caring responsibilities, family bereavement or a period of sickness. As well as reasons for obvious gaps in employment, the reasons for a history of repeated changes of employment without any clear career or salary progression, or a mid-career move from a permanent post to agency or temporary work, also need to be explored and confirmed.

4.4 As posts within schools are exempt from the Rehabilitation of Offenders Act 1974, candidates should be encouraged to disclose any *unspent* convictions, warnings, reprimands or cautions during the application stage. This is facilitated within the application form but even where a candidate has not made a disclosure this should be reconfirmed at interview. Having a criminal conviction will not necessarily bar a person from working with children and should not be used to automatically discount applications.

4.5 In accordance with the Person Specification, the recruiting panel should seek to identify the candidate's experience or views on the following points:

- Motivation to work with children;
- Ability to form and maintain appropriate relationships and personal boundaries with children;
- Emotional resilience in working with challenging behaviours;
- Attitudes to use of authority and maintaining discipline.

Asking candidates to draw on their experience of situations with children will give a good impression of the candidate's understanding of the points above. It will enable the panel to probe issues that the candidate may not discuss, allowing the panel to be aware of issues or a lack of knowledge that a candidate may have.

## 5. PRE-EMPLOYMENT CHECKS

5.1 Schools are required to perform some of the following pre-employment checks during the candidate's interview as indicated. Other checks will be undertaken by the LA's HR

Administration team following the interview. All of these checks must be undertaken before confirming an appointment to a school role.

**5.1.1 References (prior to interview where possible)** - The LA's administration and staffing team will acquire two references for every potential employee either before the interview or after for the successful candidate if necessary. One of these references must be from the current or most recent employer. As the post requires working in an environment with children, it is important to have a reference, if available, from an employer or voluntary agency demonstrating the candidate's previous work experience, paid or unpaid, of working with children. As obtaining references prior to interview is not always possible, the panel or Headteacher on behalf of the panel, should be satisfied that references returned following the candidate's interview are acceptable.

**5.1.2 Employment History (prior to and during interview)**  
When checking an application form it is important to note any gaps in employment or noticeable patterns when the candidate changed their employment. These gaps or unusual variations of employment will need to be discussed and satisfactory explanations given and recorded by the panel at the interview.

**5.1.3 Right to Work in the UK (during and following interview)**  
It is a legal obligation that every employer in the UK verifies whether a potential employee has the right to work in the UK. This can be easily achieved by enquiring at interview and confirmed during the verification of identity (see 5.1.5). Photocopied evidence (i.e. UK passport, UK Birth Certificate or NI card) to support their right to work in the UK can then go on their personnel file and logged on the central record.

**5.1.4 Criminal Background / Enhanced DBS Disclosure (during and following interview)**  
This will provide relevant detail on a candidate's criminal history including any supplementary police intelligence. Candidates will need to be given the opportunity at the application and interview stages to declare any *unspent* convictions they may have and any declaration they make will be compared with the returned DBS disclosure. A criminal history will not necessarily bar someone from working in a job with children. The severity, nature, circumstances and timing of the conviction, reprimand, warning or caution will need to be taken into consideration. The DBS process is undertaken by the Council's HR team upon notification of a potential new employee. They will contact the successful candidate by e mail and request that they complete an on-line DBS application form and attend an appointment at Civic Centre to produce any relevant documentation to verify their identity in order for the DBS application to be processed. Where a returned DBS disclosure confirms a criminal history, a professional HR Officer will advise the Headteacher of the relevant details and undertake a joint risk assessment to identify an appropriate course of action. The DBS has introduced a new 'update' service allowing individuals to register their certificates to enable portability. However, if the DBS disclosure has not been registered then a new check will need to be undertaken.

Schools who **do** not purchase the HR SLA will need to ensure that provision is made for ensuring that DBS and vetting checks are undertaken.

**5.1.5 Verification of Identity (following interview)**  
It is vital that schools know who their employees are and have evidence to prove this. This must be carried out in a face-to-face interview i.e. not via the post, and is facilitated by the HR administration team during the DBS checking process. Copies of photographic ID (i.e. UK passport or driving licence) as well as a birth certificate and proof of address (utility bill or bank statement) should be taken for the successful candidate and sent to

the LA's HR Administration team to go onto their personnel file and be logged on the central record.

#### **5.1.6 Verification of Qualifications (following interview)**

Any essential qualifications legally required to perform a particular job, such as QTS, as stated in the person specification, need to be evidenced by the potential employee. A copy of the successful candidates' certificates will be requested by the LA's HR Administration team following the interviews for placement on their personnel file and the central record.

#### **5.1.7 List 99 Check (following interview)**

This is a list of people barred from working with children compiled by the Government. This check forms part of an enhanced DBS application process and can also be accessed separately on the teacher's pension's website by the LA's HR Administration team. A List 99 check can be undertaken within 24 hours if necessary.

#### **5.1.8 Medical Clearance (following interview)**

A potential employee must complete a medical questionnaire, which is then assessed by the Council's Occupational Health Adviser. Depending on the answers given by the candidate, Occupational Health within the Council's HR team may request an appointment to assess fitness for work. If no appointment is requested then the individual can be assured of their fitness for duty and this will be confirmed to the LA's Administration team. However, if an appointment is necessary, the individual will be advised if they are fit for work by the Occupational Health Adviser at the end of the appointment. The Occupational Health unit will subsequently confirm fitness for duty to the school and the LA's HR Administration team following the appointment.

#### **5.1.9 Verification of Professional Registration (following interview)**

Some posts require a professional registration with a regulatory body, such as the General Teaching Council for Wales etc. This again needs to be evidenced and placed on file, if the person specification states it as an essential requirement. The LA's administration and staffing team will check a teacher's status on the GTCW website when the school advises them of the successful candidate's details.

#### **5.1.10 Overseas Criminal Record disclosure (following interview)**

If the potential employee has lived abroad for a period of time or who comes from another country prior to working in the UK, then a UK DBS disclosure will not give a full picture in respect of any criminal record they may have. In these cases an overseas Criminal Record disclosure will need to be applied for as well as a UK DBS disclosure and details for each country's equivalent Bureau and their process for obtaining a disclosure are available on the DBS website.

5.2 The requirement for these checks should be made clear to candidates within their invitation to interview correspondence and during the interview itself. Any offer of employment should be conditional subject to satisfactory clearances being received and checked. When a decision has been made upon the conclusion of the interviews the school should notify the successful candidate and the LA's HR Administration team who will then arrange to process any outstanding pre-employment checks as soon as possible.

5.2.1 **Only when all of these checks are completed and returned should an unconditional offer of employment be confirmed. It is strongly advised that candidates do not physically commence employment prior to that point. If the candidate commences employment before then the school risks having a potentially unsuitable individual**

on the premises. The Local Authority considers that the potential dangers associated with this, no matter how unlikely, far outweigh the benefits of a slightly earlier employment commencement date. Urgent staffing needs should be met through the use of agency labour in the short term. In exceptional circumstances employees may start employment with a risk assessment as long as they have completed application forms, reference requests and medical clearance have been made and the DBS application has been submitted. The risk assessment is therefore only required when responses from these processes are awaited and on no account should employees commence work until these requirements have been completed, otherwise this could have an impact on their eligibility for payment. Please see Appendix 1.

## **6. RENEWAL OF DBS CHECKS**

- 6.1 DBS disclosures only present a candidate's criminal history up to the date of issue. Since a disclosure was issued a member of staff may have new or further convictions or warnings that they may not have made the school aware of. Every school employee should therefore have their DBS disclosure renewed at least every three years unless there is cause to undertake an earlier renewal (i.e. where the school is advised that an employee may have been detained by the Police).
- 6.2 The process of renewing a person's DBS disclosure is automatically undertaken by the HR Administration team every three years.

## **7. VETTING SPECIFIC GROUPS/INDIVIDUALS**

- 7.1 The following arrangements should be in place for groups/individuals that do not fall into the category of directly employed paid staff.

### **7.2 AGENCY LABOUR**

- 7.2.1 The Council strongly recommends the use of New Directions Education Limited as its preferred second tier supplier of agency labour for schools. The Council has a contractual relationship with this provider which ensures that all individuals they supply to schools have the required pre-employment checks in place before they commence.
- 7.2.3 It is essential to have evidence of the same standard of checks in place for all agency staff working in schools that are not sourced via New Directions Education Limited, in accordance with the Staffing of Maintained Schools Regulations 2007 paragraph 15a. It is the Headteachers and Governors responsibility to ensure that these checks are being carried out. With this in mind, all outside providers other than New Directions Education Limited, should be requested to provide evidence of the same pre-employment checks that the school would complete if they were directly employing the staff themselves. This should be given in writing and in advance of the provider starting work at the school and should be agreed as part of any contract between the school and provider.
- 7.2.4 As should be the case with any external provider coming on to a school's premises, the school should first verify their identity by requesting photographic proof of identity. The school should be given the names of expected guests or outside providers in advance of their arrival on site. The school should be very clear that the named individual is who they say they are.

### **7.3 CONTRACTORS**

7.3.1 Contractors may have unsupervised contact with children. A DBS enhanced disclosure may be required under certain conditions. Ideally contractors should try and work outside of opening hours for such establishments, if this is not practicable then the following information should be referred to.

### 7.3.2 **Building Contractors**

Children should not be allowed in areas where builders are working for Health and Safety reasons, so there should be little opportunity for workers to be unsupervised with children. It is difficult to say that there will not be times when contact with a child occurs. To accommodate for this all projects with contractors who may come into contact with children on site during opening hours should undergo a DBS enhanced disclosure. This requirement should be stated in any contract between a Merthyr Tydfil County Borough Council School and the agreed contracted company who would need to finance any DBS checks required for its staff. There is an on line eligibility check available on the DBS web site to establish if posts are eligible for a DBS checks.

### 7.3.3 **Emergency Call-Out Contractors**

Contractors that are called out in an emergency may not be a contractor that has been checked and is known to the school prior to the 'call-out'. It is not necessary to obtain a DBS disclosure for such staff, as they will only have contact with children on an ad hoc or irregular basis and are unlikely to be left unsupervised with children. It is best practice to monitor these staff in the building by getting them to sign in or out in a visitor log and wear a visitors badge and to have them escorted by a DBS cleared member of staff at all times.

7.3.4 Any contractor coming on to a school's premises should verify their identity, providing documents such as a passport, photo card driver's licence and or Company or Council ID. The school should be very clear that the named individual is who they say they are.

## 7.4 **VOLUNTEERS**

7.4.1 Volunteers in schools may have the same unsupervised access to children as paid employees albeit usually on an infrequent basis. A child will not consider a distinction between a volunteer and a member of staff, when seeking help or support whether it be during school activities or out in the community. This means that volunteers should have certain checks completed as they are in a position of trust. (example section 5)

7.4.2 As with any new staff member an identity check and a DBS disclosure should be carried out prior to the volunteer starting their duties within the school. Any regular, longstanding volunteers should have their DBS disclosures renewed every three years.

7.4.3 If a Volunteer becomes a paid employee, then their right to work in the UK should be assessed. It is advised to apply for a new enhanced DBS disclosure as well to reflect their change to an employee.

7.4.4 If assisting on a one-off school trip which does not involve an overnight stay, a volunteer does not require a DBS disclosure, but should be supervised at all times.

7.4.5 DBS checks for volunteers are free of charge. DBS clearance must be in place before any volunteer is utilised during a school trip which involves an overnight stay.

## 7.5 GOVERNORS

7.5.1 Estyn guidance states that the position relating to governors changed under the **Protection of Freedoms Act 2012**. As school governors are no longer undertaking regulated activity, there is no requirement for them to be subject to vetting and barring checks. However, Governors who volunteer with pupils learning may be DBS checked in that capacity in accordance with the guidance.

7.5.2 As with Volunteers, DBS checks for Governors are free of charge.

## 7.6 GROUPS/INDIVIDUALS NOT REQUIRING A CRB CHECK

7.6.1 The **following** are examples of other persons that would not necessarily require a DBS check although they would all still be required to produce photographic ID so that the school can be very clear that the named individual is who they say they are.

- Visitors who have business with the Headteacher, Staff or Governors, or who have brief contact with children with a member of staff present;
- Volunteers or parents who only accompany staff and children on one off outings or trips that do not involve overnight stays, or who only help at specific one off events e.g. a sports day, school fête;
- Secondary pupils on Key Stage 4 work experience in other schools or undertaking work in another school as part of voluntary service, citizenship or vocational studies; or Key Stage 5 or sixth form pupils in connection with a short careers or subject placement. In these cases the school placing the pupil should ensure that they is suitable for the placement in question;
- People who are on site before or after school hours and when children are not present, e.g. local groups who hire premises for community or leisure activities.

## 8. MAINTAINING A CENTRAL RECORD

8.1 The LA's administration and staffing team will maintain a central record of school staff which provides confirmation that relevant checks have been taken such as:

- Verification of Identity (Name / D.O.B / Address)
- References
- Qualifications (Qualifications required to do the job and any professional registrations required)
- List 99
- DBS disclosure
- Right to work in the UK (Asylum & Immigration Check)
- Overseas Criminal Record Checks (Applicable for any employee who has spent a period of time living abroad)

8.2 Each School will be provided with the relevant extract from the central record on an annual basis in order that they may be assured that all the relevant checks are in place for their staff. This will satisfy the requirements of any internal Council audits and/or Estyn inspections that may take place. This will also ensure that appropriate housekeeping exercises can be undertaken so that the central record can be updated where required, i.e. leavers removed.

## **9. INDUCTION AND CONTINUED AWARENESS**

- 9.1 It is imperative that child safeguarding and welfare values are reinforced during the induction period and throughout the period of employment. Schools should ensure that staff receive appropriate documentation and training in relevant areas, i.e. child protection, anti-bullying, anti-racism, physical intervention or restraint, intimate care, health and safety, internet safety, counter terrorism and any local safeguarding and reporting procedures.
- 9.2 Schools should ensure awareness is maintained through performance management appraisals, day to day supervision and generally by sustaining a positive culture and outlook that is inherent across all school functions.

Risk Management Plan

Potential Risks	School Action to mitigate risk	Responsible staff	Review Dates*
<i>Unsupervised with small groups of pupils and no DBS in place</i>	<i>Supervised by X in room X on days... and times...</i>	<i>Headteacher, Deputy Headteacher, SENCo</i>	
<i>Unknown medical condition and working with children</i>	<i>Supervised by X in room X on days....and times...</i>		

\*to be reviewed weekly

Date of plan

Name and signature of designated senior staff:

Name and signature of employee:

Any areas of disagreement/comments:

Copy to- Headteacher and Employee