

SAFER RECRUITMENT AND SELECTION POLICY

DATE PALM STATEMENT of INTENT

At Date Palm our vision is for the School to ensure our pupils grow like a Date Palm tree – with **strong foundations, lofty branches and produce fresh fruit**:

- ✓ To build **Strong Foundations for Character Development** that:
Instil values; inspire each pupil; display best manners.
- ✓ To have **Lofty Branches of Educational Excellence** that will:
Provide a broad and varied range of experiences and learning opportunities;
help each pupil progress and develop in all aspects; support their skills and talents.
- ✓ To produce **Fresh Fruit that provides services to their Communities** in order to:
Become responsible and confident citizens; make a positive difference;
commit to charitable endeavours; become effective contributors towards Britain’s future.

Reviewed by	Position	Signature
Sharifa Khatun	Head Teacher	<i>S.Khatun</i>
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Safer recruitment and Selection Policy

Introduction

The purpose of this policy is to set out the minimum requirements of a recruitment process that aims to:

- Attract the best possible applicants to vacancies;
- Deter prospective applicants who are unsuitable for work with children or young people;
- Identify and reject applicants who are unsuitable for work with children and young people.

This policy complies with the requirements set out in *Keeping children safe in education* (KCSIE) September 2023 and Part 4 of the Independent School Standards 2014.

Suitability of Recruiters

The school will ensure that at least one person on the recruitment panel has received training in safer recruitment procedures.

Inviting Applicants

- Advertisements for posts, whether in newspapers, journals or on-line, will include the statement:

The school is committed to safeguarding children and young people. All post holders are subject to a satisfactory Disclosure and Barring Service (DBS) check.

- Prospective applicants will be supplied, as a minimum, with the following:
 - job description and person specification;
 - the school's safeguarding/child protection policy;
 - the school's recruitment policy (this document);
 - An application form.
- All prospective applicants must complete, in full, an application form.

Short listing and References

- Short-listing of candidates will be against the person specification for the post

- Where possible, at least two references will be taken up before the selection stage, so that any discrepancies can be probed during the selection stage. One of the references will be from the last employer.
- References will be sought directly from the referee. References or testimonials provided by the candidate will never be accepted.
- Where necessary, referees will be contacted by telephone or email in order to clarify any anomalies or discrepancies. Notes will be kept of such exchanges.
- Where necessary, previous employers who have not been named as referees will be contacted in order to clarify any anomalies or discrepancies. Notes will be kept of such exchanges.
- Referees will always be asked specific questions about:
 - the candidate's suitability for working with children and young people;
 - any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children (these should not include any allegations proven to be false, unsubstantiated or malicious);
 - the candidate's suitability for this post.
- School employees are entitled to see and receive, if requested, copies of their employment references.
- An online search will be carried out of shortlisted candidates and any issues will be discussed during the selection stage.

Secretary of State Prohibition Orders (teaching roles)

- In all cases where an applicant is to undertake a teaching role of any kind a Prohibition Order check will be made using the Employer Access Online Service. It is anticipated that this will be performed at the shortlisting stage but will in any case be made before any offer of employment is made.
- This check also applies to teaching staff whose appointments have been made since 1 April 2012.
- Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.
- Prohibition orders are made by the Secretary of State issued by the Teaching Regulation Agency.

Secretary of State Prohibition Orders (management roles; S.128 checks)

- The Independent School Standards also require that checks be made for the existence of directions made by the Secretary of State under s.128 of the Education and Skills Act 2008 barring

individuals from taking part in the management of an independent school. The power to make such directions came into force on 8 September 2014, but a mechanism for carrying out checks was not available until 6 July 2015.

- Definition of management roles: membership of proprietor bodies (including governors if the governing body is the proprietor body for the school), and all staff positions as follows: head teacher, any teaching positions on the senior leadership team, and any teaching positions which carry a department headship. Other teaching posts with additional responsibilities do not count as 'taking part in management'. For non-teaching staff, only posts which are part of the senior leadership team should be regarded as 'management' for the purposes of checking for the existence of a barring direction. All employed school staff are regarded as being in 'regulated activity' for the purposes of these checks.
- The DfE has agreed procedures with the DBS so that any s.128 directions made by the Secretary of State will show up on checks made with those bodies. For DBS, the existence of a s.128 direction will show only if a barred list check is made.

How checks should be made depends on the nature of the post:

- If a person is occupying a teaching post, including head teacher, both the DBS and prohibition checks should be used. Although the s.128 bar would show on the DBS barred list check, the prohibition check also has to be carried out anyway, because of the possibility that a teaching prohibition order exists;
- If a person is occupying a non-teaching staff post, or is a member of the proprietor body but is in regulated activity, the DBS route including a barred list check should be used;
- If a person is a member of the proprietor body and is not in regulated activity, the DBS route minus a barred list check will be carried out.

The DfE states (in a letter addressed to independent schools dated August 2015) that it is not necessary for schools to check existing staff or members of proprietor bodies for the existence of a s.128 direction, even if they are in future promoted internally to a post for which a check is needed. If an individual already at a school is the subject of a direction made from now onwards, because that would be taken up by the department with the school concerned.

6.6 If an individual barred under s.128 occupies a management position at an independent school, then that may be grounds for removal of the school from the register of independent schools (s.119 of the Act), leading to closure.

6.7 DBS: the school will be vigilant, when submitting application for a DBS check for such a role, about clearly indicating that this is the case. The school must see that the DBS checking provider includes on the DBS application form, within box 61, Position Applied for, 'Child Workforce Independent School'. This allows DBS to confirm if an s.128 direction has been made.

TRA:

TRA mandatory pre-employment checks can be undertaken directly by the school. TRA will upload details of any section 128 barring directions and these will be visible immediately. The following lists will be accessible:

- teachers who have failed to successfully complete their induction or probation period
- teachers who may be the subject of a suspension or conditional order imposed by the General Teaching Council for England (prior to abolition) that is still current
- teachers or others who have been prohibited from teaching
- teachers sanctioned (since 18 January 2016) in other EEA member states by an EEA member state regulator of the teaching profession.

For the purposes of checks for section 128 barring directions – schools will only need to access the ‘prohibited’ list – the last of the three. Although this list is primarily designed to be of those prohibited from teaching, it will also show s.128 directions including those for non-teachers.

The Selection Process

- Selection techniques will be determined by the nature and duties of the vacant post, but all vacancies will require an interview of short-listed candidates.
- Interviews will always be face-to-face. Telephone interviews may be used at the short-listing stage but will not be a substitute for a face-to-face interview (which may be via visual electronic link).
- Candidates will always be required:
 - to explain satisfactorily any gaps in employment;
 - to explain satisfactorily any anomalies or discrepancies in the information available to recruiters;
 - to declare any information that is likely to appear on a DBS check;
 - to demonstrate their capacity to safeguard and protect the welfare of children and young people.

Online Search

When considering short-listed candidates, schools should carry out online searches on them and check their social media presence.

KCSIE 2022 states:

“In addition, as part of the shortlisting process schools and colleges should consider carrying out an online search as part of their due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the school or college might want to explore with the applicant at interview. Schools and colleges should inform shortlisted candidates that online searches may be done as part of due diligence checks.” (para 221, KCSIE 2023)

Employment Checks

All successful applicants are required to:

- provide proof of identity
- complete a DBS application and receive satisfactory clearance
- have a satisfactory overseas criminal record check;
- have a satisfactory overseas criminal record check relating to time spent living outside of the UK, where required; obtain a letter from the professional regulating authority in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach; obtain a certificate/reference of good conduct
- pass a prohibition from teaching check
- pass a prohibition from management check if required for the role
- provide actual certificates of professional qualifications, as deemed appropriate by the school
- complete a confidential medical declaration and be deemed mentally and physically fit to perform the role
- provide proof of their right to work in the United Kingdom, including the Right to Work share code
- sign the staff criminal self-disclosure and disqualification declaration form

DBS checks

The school must refer to KCSIE 2023 for the definition of regulated activity, types of DBS checks, requirements for different staff and volunteers (including supply teachers, trainee teachers, proprietors of independent schools and contractors).

In cases where a DBS certificate cannot be obtained before the member of staff is due to start working at the school, **a barred list check will be made before they start and a risk assessment carried out.** The DBS check must be obtained as soon as possible after the start of their employment.

Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status.

All applicants invited to attend an interview at the school will be required to bring their identification documentation such as birth certificate, passport or driving licence with a photocard with them. Where applicants have a work permit, the relevant documentation must be examined. Identification checking guidelines can be found on the Gov.uk website. Applicants must provide the school with a Right to Work share code for verification of their status.

In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualification required for the position and claimed in their application form. Original documents must be seen by the school.

Successful Candidates: all documents will be stored securely on the employee file for audit and inspection purposes.

Unsuccessful Candidates: all documents will be kept securely for no later than 6 months after the recruitment process has been concluded, after which they will be destroyed securely.

Fitness to undertake the role

A confidential pre-employment medical declaration must be completed to verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role; and whether the school needs to make arrangements to meet their needs.

In conformity with the Equality Act 2010, these checks should only be undertaken once the school has made an offer of employment but before confirming employment.

Individuals who have lived or worked outside the UK

When appointing a UK citizen who has lived overseas or is a non-UK citizen, a Certificate of Good Conduct/overseas police check must be obtained (where possible) from the embassy of the country the applicant has specified they have spent a significant period of time in. This must happen where the applicant has lived or worked (including studying) in a foreign country for a period exceeding 3 months.

There are a number of exemptions to this:

- If the applicant is currently employed by the school and has already provided the certificate, which can be used for future appointments providing that there is no break in service.
- Applicants that have spent time overseas as part of Her Majesty Service i.e. Army, Navy, Airforce.
- Applicants that are seeking asylum will be unable to provide such documentation, as contacting the embassy may jeopardise their safety.

If an applicant is unable to provide a Certificate of Good Conduct, evidence must be presented to show that an attempt to obtain a copy has been made. If the school is unable to obtain a Certificate of Good Conduct/overseas police check on an applicant, then at least one additional reference must be obtained from a person of good standing residing in the country previously visited by the applicant. All other pre-employment checks must be completed.

Any costs incurred for obtaining a Certificate of Good Conduct/overseas police check must be met by the individual and will not be reimbursed.

There is no mandatory period of time spent overseas which requires additional checks to be complete with guidance stating that “such further checks are made as the School considers appropriate having regard to any guidance issued by the Secretary of State”. We will assess each applicant individually, although the School will usually undertake an overseas criminal record check if the candidate has resided overseas for a period of 3 months or longer in the ten years prior to applying to a position at the School.

Further guidance on checks for overseas workers (including with effect from 1 January 2021 those from the EEA) can be found in KCSIE 2023.

Time frame: KCSIE 2023 states

There is no requirement for a school to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the person’s appointment, the applicant has worked:

- In a school in England, in a post:
 - which brought the person regularly into contact with children, or
 - to which the person was appointed on or after 12th May 2006 and which did not
 - bring the person regularly into contact with children or young persons, or
- in another institution within the further education 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**. Schools or colleges may also choose to request an enhanced DBS certificate should they wish to do so.

The DBS cannot provide barred list information on any individual, including volunteers, who are not engaging in regulated activity.

Refer to Home Office guidance on the application process:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

The DfE 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.

Childcare Disqualification Declaration

Where relevant (as detailed below), applicants must complete a Childcare Disqualification form provided by the school in relation to the Childcare Disqualification Regulations 2018. This is to cover circumstances where the individual has a conviction that may result in them being barred from working with children. Where a positive declaration is made a waiver can be applied for from Ofsted and must be satisfactorily granted before the candidate may commence work.

This only applies to staff working in the following settings:

- Early Years Provision - staff who provide any care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as:
 - breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range; and
 - Later years provision (for children under 8) - staff who are employed to work in childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.

Since all staff are required to take part in clubs outside of school hours and cover early years classes from time to time, all applicants must complete a staff disqualification declaration form.

Offer of appointment

The appointment of all new employees is subject to the receipt of a satisfactory DBS Certificate, references, medical checks, prohibition checks, disqualification checks, copies of qualifications and proof of identity.

Single Central Record (SCR)

The school must keep a single central record, referred to in Part 4 of the Independent School Standards as the register. The maintenance of the SCR must comply with part 4 of the Independent School Standards.

The single central record must cover all staff (all staff who are employed to work in the school; all staff who are employed on a supply or casual basis, whether employed directly by the school or through an agency; all volunteers who have regular contact with children. This will include proprietors, governors who work as volunteers; people brought into the school to provide additional teaching or instruction for pupils but who are not staff members, for example specialist sports coaches or music teachers; and teacher trainees on salaried routes) who work at the school.

Confirmation that these checks have been carried out along with the date the check was undertaken/obtained, and the initials of the checker must be logged on this record for all employees of the school.

Induction

- The school recognises that safer recruitment and selection is not just about the start of employment, but should be part of a larger policy framework for all staff. The school will therefore provide ongoing training and support for all staff.
- All staff who are new to the school will receive induction training that will include the school's safeguarding policies and guidance on safe working practices.
- Regular meetings will be held during the first 3 months of employment between the new employee(s) and the appropriate manager(s).

Existing staff/referrals

- If a school or college has concerns about an existing staff member's suitability to work with children, the school or college should carry out all relevant checks as if the person were a new member of staff. Similarly, if a person working at the school or college moves from a post that was not regulated activity, into work which is regulated activity, the relevant checks for the regulated activity must be carried out. Apart from these circumstances, the school or college is not required to request a DBS check or barred list check.
- Schools and colleges have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult; where the harm test is satisfied in respect of that individual; where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that individual has committed a listed relevant offence; and that individual has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. The DBS will consider whether to bar the person. Referrals should be made as soon as possible after the resignation or removal of the individual. Guidance on referrals can be found on GOV.UK.
- Where a teacher's employer, including an agency, dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002. The Secretary of State may investigate the case, and if s/he finds there is a case to answer, must then decide whether to make a prohibition order in respect of the person.

Volunteers

Under no circumstances should a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

Volunteers who, on an unsupervised basis, teach or look after children regularly, or provide personal care on a one-off basis in the school, will be in regulated activity. The school will obtain an enhanced DBS certificate (which should include barred list information) for all volunteers who are new to working in regulated activity. Existing volunteers in regulated activity do not have to be re-checked if they have already had a DBS check (which includes barred list information). However, the school may conduct a repeat DBS check (which should include barred list information) on any such volunteer should they have concerns.

There are certain circumstances where the school 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 barred list information on a supervised volunteer as they are not considered to be engaged in regulated activity.

It is for the school to determine whether a volunteer is supervised. In making this decision, and where an individual is supervised, to help determine the appropriate level of supervision the school must have regard to the statutory guidance issued by the Secretary of State. This guidance requires that, for a person to be considered supervised, the supervision must be:

- by a person who is in regulated activity;
- regular and day to day; and
- “reasonable in all the circumstances to ensure the protection of children.”

At Date Palm, we cannot guarantee full supervision of volunteers so we conduct an enhanced DBS including a barred list check for all volunteers over the age of 16.

Visitors

Schools and colleges do not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children’s relatives or other visitors attending a sports day). The Headteacher and staff should use their professional judgment about the need to escort or supervise visitors.

Visiting Speakers

The school must be vigilant about checking visiting speakers. These specialists are sourced from appropriate organisations or have been invited following recommendations from staff contacts at other schools or organisations. The Headteacher keeps a log of all visiting speakers and, in addition to the knowledge of the staff who have sourced them, will research the visiting speaker on the internet to gain further comfort to their suitability. Any concerns must be discussed with the Headteacher. All staff are regularly reminded of the protocols associated with the signing in and supervision of visiting speakers.

Refer to KCSIE 2023 for further details.

Checks on the Proprietor

Before an individual becomes either the proprietor of an independent school or the chair of a body of people which is the proprietor of an independent school, the Secretary of State will:

- carry out an enhanced DBS check; where relevant, and where such a check is made, obtain an enhanced DBS check certificate (either including or not including barred list information as appropriate)
- confirm the individual's identity; and
- if the individual lives or has lived outside of the UK, making an enhanced check insufficient, such other checks as the Secretary of State considers appropriate.

Checks on members of the proprietor body and governing body must follow KCSIE 2023 guidance and meet the relevant standards in Part 4 of the Independent School Standards.

Monitoring and Evaluation

The Proprietor/Governing body is responsible for ensuring that this policy is monitored and evaluated throughout the school.

The Proprietor is responsible for ensuring that all staff, volunteers and visitors are properly vetted. He should check the SCR and relevant staff files every time an appointment is made. The Proprietor /Governing body reviews this policy, staff files and other procedures annually. Any deficiency identified is remedied promptly.



DATE PALM
PRIMARY

Building foundations for life

Relevant legislation

- Independent School Standards 2014
- Keeping children safe in education (KCSIE) 2023
- Safeguarding Vulnerable Groups Act 2006
- Protection of Freedoms Act 2012
- Equality Act 2010
- The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended