



Safer Recruitment and DBS Policy

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CHAIR OF TRUSTEES:	
CEO:	

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Introduction

This policy has been adopted by the Directing Board of the Eynsham Partnership Academy (EPA) for use in its schools and the central team.

This policy applies to all staff working in schools and the central team.

The aim of this policy is to embed safer recruitment practices and procedures throughout the Eynsham Partnership Academy (EPA) and to support the creation of a safer culture by reinforcing the safeguarding and well-being of children and young people in our care. This policy complies with guidance outlined in *Keeping Children Safe in Education* (DfE September 2021).

This policy is an essential element in creating and maintaining a safe and supportive environment for all pupils, staff and others within the EPA and aims to ensure both safe and fair recruitment and selection of all staff and volunteers by:

- attracting the best possible candidates/volunteers to vacancies
- deterring prospective candidates/volunteers who are unsuitable from applying for vacancies
- identifying and rejecting those candidates/volunteers who are unsuitable to work with children and young people

The EPA is committed to using procedures that deal effectively with those adults who fail to comply with safeguarding and child protection procedures and practices.

Advice and support on the application of this policy is available from the EPA HR Team.

Consistency of treatment and fairness

The EPA is committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation, i.e. Employment Rights Act 1996, Employment Relations Act 1999, Employment Act 2002, Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000, Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 and Equalities Act 2010.

Particular care should be taken to ensure consistency of treatment and fairness across all of the schools in the trust.

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Safer recruitment and DBS policy

Roles and responsibilities

1. The Directing Board of the EPA will:
 - ensure that effective policies and procedures are in place for the safe and fair recruitment and selection of staff and volunteers in accordance with Department for Education guidance and legal requirements and monitor the schools' compliance with them
 - ensure that appropriate staff, directors and governors have completed Safer Recruitment training (this must be renewed every 5 years)
2. The Chief Executive Officer will:
 - ensure that the EPA operates safe and fair recruitment and selection procedures which are regularly reviewed and updated to reflect any changes to legislation and statutory guidance
3. Head teachers will:
 - ensure that all appropriate checks have been carried out on staff and volunteers in their school
 - monitor contractors and agencies' compliance with this document
 - promote the safety and well-being of children and young people at every stage of the recruitment process

Appointment of new staff

Inviting applications

4. All advertisements for posts of regulated activity, paid or unpaid, will include the following statement:

The Eynsham Partnership Academy is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share in this commitment. All post holders in regulated activity are subject to appropriate vetting procedures and a satisfactory Enhanced Disclosure and Barring Service (DBS) check.

5. All applicants will receive recruitment information, including the following:

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- a statement of the school’s commitment to ensuring the safety and well-being of pupils
- job description and person specification
- information about the selection procedure for the post
- an application form

and details about where to find the:

- Child Protection and Safeguarding Policy
- Safer Recruitment Policy
- Whistleblowing policy
- Code of Conduct
- GDPR Privacy policies

The application process

6. Prospective applicants must complete, in full, and return a signed application form. Incomplete application forms will be returned to the applicant where the deadline for completed forms has not passed.
7. We will always ask for written information about previous employment history and check that information is not contradictory or incomplete.
8. Candidates submitting an application form completed online will be asked to sign the form if called for interview.
9. A curriculum vitae will not be accepted in place of a completed application form.

The recruitment and selection panel

10. At least one member of the recruitment panel will have successfully completed training in safer recruitment within the last 5 years.

Shortlisting and references

11. Candidates will be short listed against the person specification for the post.
12. We will seek references on all short-listed candidates, including internal candidates, before interview. We will scrutinise these and resolve any concerns before confirming appointments. The references requested will ask specific questions about the suitability of the applicant to work with children.

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13. A minimum of two references, one of which must be from the applicant's current or most recent employer, will be required. References will be sought directly from the referee, and where necessary, referees will be contacted to clarify any anomalies or discrepancies. Detailed written records will be kept of such exchanges.

Note: references should always come from a senior person with appropriate authority in the whole organisation, not a colleague.

14. Where necessary, previous employers who have not been named as referees may be contacted in order to clarify any anomalies or discrepancies. Detailed written records will be kept of such exchanges.

15. Referees will be asked specific questions about the following:

- the candidate's suitability to work with children and young people
- any substantiated allegations
- any disciplinary warnings, including time-expired warnings, relating to the safeguarding of children and young people
- the candidate's suitability for the post

16. Reference requests will also ask for information about the applicant's:

- current post and salary
- disciplinary record
- and, for teaching posts, capability procedures in the preceding two years

17. All appointments are subject to satisfactory references, vetting procedures and DBS clearance.

Invitation to interview

18. Candidates invited to interview will receive:

- A letter confirming the date and time of the interview
- Details of the interview day including information about any other selection activities and details of the panel members

19. Candidates invited to interview will be asked to provide proof of identity and evidence of relevant qualifications.

The selection process

20. Selection activities will be determined by the nature and duties of the post but all vacancies will require an interview of short-listed candidates.

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21. Interviews will always be face-to-face. In exceptional circumstances, this may be by video call. Interviews may include additional interview activities such as observation or exercises.
22. Candidates will be required to:
- explain any gaps in their employment history
 - explain satisfactorily any anomalies or discrepancies in the information available to the panel
 - declare any information that is likely to appear on the DBS disclosure
 - demonstrate their ability to safeguard and protect the welfare of children and young people

Employment checks

23. We will record all information on the checks carried out in the school's single central record (SCR). Copies of these checks, where appropriate, will be held in individuals' personnel files. We follow requirements and best practice in retaining copies of these checks, as set out below.
24. An offer of appointment will be conditional, and all successful candidates will be required to:
- verify their identity
 - obtain (via the applicant) an enhanced Disclosure and Barring Service (DBS) certificate, including barred list information for those who will be engaging in regulated activity (see definition below). We will not keep a copy of this for longer than 6 months
 - obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available
 - verify their mental and physical fitness to carry out their work responsibilities
 - verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards
 - verify their professional qualifications, as appropriate
 - ensure they are not subject to a prohibition order if they are employed to be a teacher
25. Further additional checks will be carried out, as appropriate, on candidates who have lived or worked outside of the UK, including (where relevant):

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- any teacher sanctions or restrictions imposed by the relevant professional regulating authority
- criminal records checks or their equivalent overseas police check for any individual who within the last five years* has lived or worked outside the United Kingdom, whether they are a British citizen or not

*Note: five years is a guide and we may carry out any further checks that we think appropriate so that any relevant events that occurred outside the UK can be considered.

26. We will check that candidates taking up a management position are not subject to a prohibition from management direction (section 128) made by the Secretary of State. This check applies to appointments to the following positions made on or after 12 August 2015:

- Head teacher
- teaching posts on the senior leadership team
- teaching posts which carry a departmental head role
- support staff posts on the senior leadership team
- the school will assess on a case by case basis whether the check should be carried out when appointments are made to teaching and support roles which carry additional responsibilities
- Directors (trustees) and members
- local governors, if they have any delegated management responsibilities

27. Prohibition from management direction information is contained in the enhanced DBS disclosure certificate (which the School obtains for all posts at the School that amount to regulated activity). It can also be obtained through the Teaching Regulation Agency Teacher Services system. The School will use either, or both, methods to obtain this information.

28. We will ensure that appropriate checks are carried out to ensure that relevant individuals, normally those employed in a primary school, are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

We follow the Oxfordshire County Council/OSCB approach to the employment of ex-offenders.

29. Where we take a decision that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment on the individual's personnel file. This will include our evaluation of any risks and control measures put in place, and any advice sought.

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30. All checks will be followed up if they are unsatisfactory or if there are any discrepancies in the information received.
31. Employment will commence subject to all checks and procedures being satisfactorily completed.

Regulated activity

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

Induction

33. All staff and volunteers who are new to the school will receive information on the school's safeguarding and child protection policies and procedures and guidance on safe working practices which includes guidance on acceptable conduct/behaviour. These expectations will form part of new staff members' induction training.
34. All successful candidates will undergo a period of induction and will:
 - meet regularly with their induction tutor or their line manager
 - attend appropriate training including generalist child protection training

Existing staff

35. If we have concerns about an existing member of staff's suitability to work with children, we will carry out all the relevant checks as if the individual was a new member of staff. We will also do this if an individual moves from a post that is not regulated activity to one that is.
36. We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:
 - we believe the individual has engaged in relevant conduct in relation to children as described in DBS guidance on making barring referrals; or
<https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs>

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- the individual has received a caution or conviction for a relevant offence, or there is reason to believe the individual has committed a listed relevant offence, under the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions) Regulations 2009; or
 - the 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and
 - the individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left
37. As an employer, we are under a duty to refer any allegation of abuse made against a member of staff to the Designated Officer for the local authority (LADO) within one working day of the allegation being made. A referral will be made if a member of staff or a volunteer has:
- behaved in a way that has harmed a child, or may have harmed a child
 - possibly committed a criminal offence against or related to a child
 - behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children
38. As an employer, we are also under a duty to refer to the Disclosure and Barring Service (DBS) any member of staff who, following a disciplinary investigation, is dismissed or resigns because of misconduct towards a pupil and may refer any concerns we have before the completion of this process.

Volunteers

39. We will:

- never leave an unchecked volunteer unsupervised or allow them to work in regulated activity
- carry out a risk assessment when deciding whether to seek an enhanced DBS check without barred list information and references for any volunteers not engaging in regulated activity. We will retain a record of this risk assessment
- obtain an enhanced DBS check with barred list information and references for all volunteers who are new to working in "regulated" activity
- ensure that appropriate checks are carried out to ensure that relevant individuals, normally those employed in a primary school, are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

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40. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought.

Contractors

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

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

42. We will obtain a DBS check for self-employed contractors. We will not keep copies of such checks for longer than 6 months.

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

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

45. For self-employed contractors such as music teachers or sports coaches, employed in a primary school we will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

46. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought.

Trainee / student teachers

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

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

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49. In both cases, this includes checks to ensure that relevant individuals, normally those employed in a primary school, are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

Supply staff agency and third-party staff

50. The EPA will only use those agencies which operate a Safer Recruitment Policy and supply written confirmation that all relevant checks have been satisfactorily completed. Any information disclosed as part of the DBS check will be treated confidentially. These agencies should be able to demonstrate that their staff have received appropriate safeguarding training.

51. An identity check will always be carried out when the individual arrives at the school.

Directors, local governors and members

52. All directors (trustees), local governors and members will have an enhanced DBS check without barred list information.

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

54. The chair of the Directing Board will have their DBS check countersigned by the secretary of state.

55. All directors, local governors and members will also have the following checks:

- A section 128 check (to check prohibition on participation in management under section 128 of the Education and Skills Act 2008).

Note: Section 128 checks are only required for local governors if they have retained or been delegated any management responsibilities.

- Identity
- Right to work in the UK
- Other checks deemed necessary if they have lived or worked outside the UK

56. References will also be required for all new directors, local governors and members.

Staff working in alternative provision settings

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

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Adults who supervise pupils on work experience

58. When organising work experience, we will ensure that policies and procedures are in place to protect children from harm.
59. We will also consider whether it is necessary for barred list checks to be carried out on the individuals who supervise a pupil under 16 on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity.

Pupils staying with host families

60. Where the school makes arrangements for pupils to be provided with care and accommodation by a host family to which they are not related (for example, during a foreign exchange visit), we will request enhanced DBS checks with barred list information on those people.
61. Where the school is organising such hosting arrangements overseas and host families cannot be checked in the same way, we will work with our partner schools abroad to ensure that similar assurances are undertaken prior to the visit.

Other relevant policies and procedures

- Child Protection and Safeguarding Policy
- Whistleblowing policy
- Code of Conduct
- GDPR Privacy policies

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