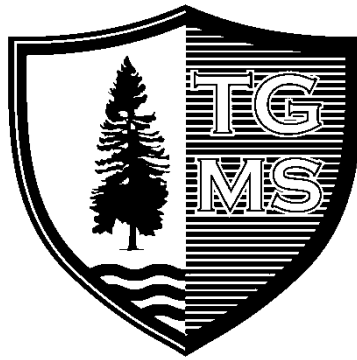




BUCKINGHAMSHIRE COUNCIL

Safer Recruitment Policy Tylers Green Middle School



This policy was adopted on: Autumn 2023

The policy is to be reviewed by: Autumn 2026

Introduction

Tylers Green Middle School (TGMS) is committed to providing the best possible care and education to its pupils and to safeguarding and promoting the welfare of children and young people. The School is also committed to providing a supportive and flexible working environment to all its members of staff. TGMS recognises that, in order to achieve these aims, it is of fundamental importance to attract, recruit and retain staff of the highest calibre who share this commitment to pupil welfare and delivering the school vision.

The aims of the TGMS safer recruitment policy are:

- To ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position.
- To ensure that all job applicants are considered equitably and consistently.
- To ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital status, disability or age.
- To ensure compliance with all relevant recommendations and guidance.
- To ensure that the School meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.
- Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy and each recruitment panel will contain one person who is Safer Recruitment trained.

Process and Procedures

Tylers Green Middle School follows the guidance, tools and templates on the Buckinghamshire Council's Schools Web. Guidance is provided on:

- DBS Criminal Record Checks
- Applicants who have lived abroad
- Additional vetting checks
- Volunteers
- Single Central Record

If school are unsure of how to proceed with a safeguarding in recruitment matter, further guidance will be sought from Buckinghamshire Council's Safeguarding in Employment team.

Minimum Safer Recruitment Standards

The minimum standards for the safer recruitment of employees (and volunteers) working with children, young people and vulnerable adults in BC have been agreed by the Corporate Management Team (CMT) and are continually updated to comply with statutory requirements and HR recruitment policies. Recruitment agencies and other external third party providers delivering services to children, young people and adults in vulnerable situations on behalf of BC (including voluntary organisations) must meet the same standards as set out in this section.

Alongside these minimum standards some services may have additional requirements. Managers in those services should make sure that any additional requirements are understood and complied with alongside the minimum standards.

1. Safer Recruitment Pre-Employment Vetting Checks

(a) Disclosure and Barring Service (DBS) Checks

- Recruiting Managers should contact the Safeguarding in Employment Team (SiE) within HR where necessary to determine eligibility for Basic Checks, DBS Checks (Standard and Enhanced) and Barred List Checks for employees, volunteers, contractors and any other relevant persons.
- Information about the eligibility requirements for the different levels of DBS Checks are summarised on the Intranet and Schoolsworld and the SiE Team is always willing to provide advice.
- Managers should also always review whether a new and / or different level of DBS Check is required as a result of:
 - Internal recruitment e.g. appointing an existing staff member to an internal vacancy;
 - An internal transfer;
 - Transfer from working at the Council via an agency to direct employment at the Council;
 - A secondment;
 - Changes to a staff member's existing job role e.g. where there is a significantly different degree of contact and / or access to children or adults with needs;
 - Work on a project e.g. which involves working with children and / or adults with needs.
 - Staff member takes on an additional role where the degree of contact and / or access to children or adults with needs is at a different level to an existing DBS Check
- Enhanced DBS Checks should be obtained for all eligible employees (including volunteers) working directly with vulnerable groups (children, young people and vulnerable adults).

- Barred List Checks should only be obtained for those applicants, employees, volunteers, contractors (and any other relevant persons) who are working in “regulated activity.”
- Sight of an individual’s copy of a DBS Disclosure Certificate must not be accepted by itself as DBS Check “clearance.” There are two ways to confirm clearance:

(A) DBS Check clearance must be given by a Registered Body providing a DBS service. For BC DBS Check clearance is recorded by the Resourcing & Safeguarding team in Human Resources.

(B) An individual confirms s/he is a member of the DBS Update Service and provides his/her original DBS Certificate, together with any relevant DBS Update Service details. A Recruiting Manager should verify that an original DBS Certificate is at the appropriate level and includes the appropriate vetting checks and workforce relevant for a job role. A Recruiting Manager with applicant’s permission should check a DBS certificate status online [DBS update service](#) to confirm that an individual’s DBS Certificate is current and that there is not any new information on an individual’s record or whether a new DBS Certificate is required. (The SiE Team in HR can provide further information and advice.)

- A Recruiting Manager must obtain permission from an individual where a copy of a DBS Certificate is required (any copies of DBS Certificates obtained must be destroyed after no later than six months).
- Any 'positive' DBS Disclosures must be handled in accordance with agreed BC processes (see 4 (b) below).
- For applicants who have lived abroad for 6+ months in the last 5 years Certificate of Good Conduct will be also required.
- An applicant should not commence work prior to DBS Check clearance without the appropriate authorisation and completion of a Risk Assessment.
- An applicant should not commence work in children’s residential or fostering and adoption settings under any circumstances prior to DBS Check clearance.
- For “high risk” roles (e.g. social workers working with children frequently or intensively) then DBS Rechecks should be obtained every 3 years. DBS Rechecks should be obtained where there has been a break in service of 3 months or more unless an individual has joined and maintained membership of the DBS Update Service.
- A DBS Recheck should be considered after 3 years where an applicant had originally had to obtain an overseas certificate of good conduct.
- A fresh DBS check (where relevant) must be obtained for all staff who are being ‘TUPE transferred’ into BC.

- A record of DBS Check clearance should be recorded or be available on HR files (recognising that those files may be held electronically and / or “locally” depending upon the nature of a school’s or Service HR arrangements).
- BC staff working at a police station (e.g. staff in the “children’s” and “adults” MASH Team working at a Thames Valley Police Station) must obtain a DBS Check (at the relevant level) and any additional Police Check that may be required (e.g. “Non-Police Personnel Vetting - Level 2 - Thames Valley Police”).

(b) Childcare Disqualification Regulations

- Relevant staff members (and volunteers) are required to confirm that they are not “disqualified” under the terms of these Regulations. Further information is available from the SiE Team in HR.

(c) Teaching Regulation Agency (TRA) Checks

- TRA Checks must be obtained for all teaching staff prior to the start of employment; TRA Checks can be obtained via the TRA website.
- Schools / Academies should confirm that any applicants for teaching positions are not subject to a Prohibition Order (including Interim Orders), a GTCE sanction or are listed as teachers who have failed Induction or Probation.
- “Teaching staff” in this instance includes all teachers at a school (qualified and unqualified), HLTAs and some Teaching Assistants (at Academies). (The SiE Team at HR can provide further information if required.)
- **Section 128 (of the Education and Skills Act 2008) Checks**
 - section 128 Checks can be obtained via the Teaching Regulation Agency website;
 - section 128 Checks should be obtained for all members of a school’s Governing Body, all members of an Academy’s / Free School’s Proprietary Body and School Trust and all members of a school’s / Academy’s SLT (down to Head of Department level where appropriate).
 - Further information about the purpose and nature of section 128 checks are available from the SiE Team at HR.

(d) Overseas checks

- Overseas Certificates of Good Conduct (in effect police checks from other countries) – to the same standards as for DBS Checks - are required where reasonably practicable for all applicants who have lived abroad in one country for six or more months within the last 5 years.

- For teaching positions: “obtaining a letter (via the applicant) from the professional regulating authority (this is often the Department/Ministry of Education but varies across the world) 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. Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database. Whilst the safeguarding and qualified teacher status (QTS) processes are different it is likely that this information will be obtained from the same place, therefore applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body”. (KCSiE, paragraph 279).

(e) Qualifications

- Where professional or minimum qualifications are required, original certificates must be witnessed, photocopied and signed as evidenced. Registration with professional bodies should be confirmed. Evidence must be forwarded to HR and kept on HR recruitment or local files as relevant.

(f) Identity

- A Recruiting Manager must provide HR with confirmation that appropriate identity checks have been carried out so any verification can be recorded on a HR or local file as appropriate (original documentation should be witnessed, photocopied and signed as evidenced).

(g) Right to work in the UK/Asylum and Immigration Checks

- Evidence of “proof of right to work in the UK” must be confirmed for each employee and then photocopied and signed as evidenced and forwarded to HR (or any HR provider used by a school) for retention on a HR or local recruitment file. Confirmation of “proof of right to work in the UK” is a legal requirement for all employees.

(h) References

- A minimum of two written references including one from an existing employer, covering a minimum period of 5 continuous years is required (where reasonably practicable) for all roles. References should be obtained directly from a referee and received prior to interview wherever possible. This requirement is particularly important for job roles in Children’s Services.
- All references should be obtained unless permission is expressly refused. An explanation must be obtained and fully considered where references cannot be obtained prior to an interview.

- References for people working in children’s residential settings including fostering and adoption should be verified directly with a referee.
- Referees must be asked to state any known reason why an applicant would not be suitable to work with children / vulnerable adults (as appropriate) and include details of any concerns or allegations made against an applicant including any disciplinary records currently held on file. These points are contained within the agreed template for safeguarding reference requests.

(i) Application forms/CVs

- Wherever possible, BC practice is for a BC application form to be completed for all applicants to employed and/or volunteer posts. If a CV is submitted, then the declaration sections of the BC application must be completed and signed to ensure that all required information is completed and confirmed.

(j) Undertaking online searches for shortlisted candidates

- KCSiE 2023 para 221 says. *“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. See Part two - Legislation and the Law for information on data protection and UK GDPR”*
- ‘Should’ in statutory guidance means that this should be done unless there is good reason not to; if there is a good reason not to undertake online searches, the school or college should have a written rationale for this.
- Schools should include a paragraph in adverts or other recruitment materials informing candidates that as part of recruitment process the online searches will be carried out on shortlisted candidates
- It is important to note that the DfE is not encouraging potential employers to search candidates’ social media presence; schools should not be looking at Facebook, Instagram, etc., as this could introduce bias into the recruitment process and result in recruiters discriminating against candidates.
- As an example of an online search, consider that you have shortlisted Monica Brown previously known as Monica Jefferson – putting the terms ‘Monica Brown crown court / Monica Brown magistrates court / Monica Brown convicted’ may provide relevant information and follow the same searching also for Monica Jefferson.

- Schools and colleges should decide whether online searches will be completed in-house or whether an external provider will be used.
- Any information found which may make the applicant unsuitable to work with children should be given to the interview panel so that it can be discussed with the applicant at interview (taking into account the criminal record filtering rules).

(k) Selection Interviews

- A separate Personal Safeguarding Interview (PSI) or alternatively the inclusion of appropriate safeguarding interview questions (e.g. checking an applicant's motivation to work with children or vulnerable adults) should be considered for inclusion in the selection process for any agreed roles (including volunteer roles) in Children's Services (CSC&L) and Adults and Health (A&H). Consideration of including those kinds of questions and / or interviews should in particular include roles for:
 - residential settings including residential special schools;
 - social workers in Children's Services and Adults and Health;
 - youth workers and senior practitioners in Youth Services and Youth Offending Services.
 - Structured safeguarding interview questions should be incorporated into selection interviews for relevant job roles within other Services, as appropriate.
 - Full records of all interview notes should be kept on HR (or other HR providers') recruitment files – using BCC corporate retention guidelines.

2. Contract of employment

- Where required for a job role (and using statutory eligibility requirements) a contractual requirement for a DBS Check will be clarified as part of any job specification at the outset of a recruitment process as well as at any subsequent selection stage as deemed necessary.
- There is a contractual requirement (whether explicitly stated or not - e.g. including a relevant volunteer) for any employee or other person employed or working in a job role where a DBS Check is required to notify his / her line manager immediately of any criminal matter or police investigation involving that employee or person arising whilst in employment or work. A line manager must then notify the relevant Head of Service/Service Director, as appropriate.

3. HR records and personnel files

- Relevant HR Recruitment Files (held centrally, locally or electronically) must include confirmation that all relevant pre-employment documentation and vetting checks detailed above have been undertaken and completed and that all the information obtained has been thoroughly assessed prior to formal clearance.

4. Starting work prior to receipt of a DBS Disclosure and “Positive” DBS Disclosures

(A “positive” DBS Check is one which contains criminal information as notified by the DBS.)

(a) Commencing employment prior to receipt of a DBS Certificate Disclosure

- Where a DBS Disclosure has not been returned from the DBS and a reasoned business case has been made for an applicant to commence work prior to receipt of a DBS Disclosure, a Risk Assessment Form must be completed and authorised by a Service Director or Headteacher as appropriate.
- A DBS Check application form must have been completed by an applicant and a Recruiting Manager must have ensured an application has been submitted to the DBS in those circumstances.
- A “clear” Barred List Check must always be obtained prior to the commencement of employment or work in those circumstances.
- A copy of any Risk Assessment Form completed must be submitted to the relevant HR recruitment operations team and recorded on the relevant HR recruitment file.
- Please note: there is no exception in any circumstances for employment to commence in a children’s residential setting - including fostering and adoption settings - prior to receipt of an Enhanced DBS Disclosure.

(b) Positive DBS Disclosures (Certificates which contain criminal information)

- An email is sent by the Safeguarding in Employment Team (SiE Team) to advise a Recruiting Manager / Service / School that an applicant’s DBS Disclosure contains “positive” information. (Please note that the SiE Team does not know at this stage the nature of any criminal information on a DBS Disclosure.)
- A Recruiting Manager / Service / School must contact an applicant and request sight of an applicant’s original DBS Disclosure Certificate - ideally at a face to face meeting. A copy of an applicant’s DBS Certificate may be taken providing an applicant has provided written consent (please note that a DBS Disclosure Certificate must be destroyed within six months of receipt).

- At a meeting with an applicant, a Recruiting Manager / Service / School should obtain clarification, additional information (where appropriate) and an explanation about any information disclosed on a DBS Disclosure Certificate.
- A Recruiting Manager / Service / School should consider contacting the HR Safeguarding in Employment Team for advice about the information on a DBS Disclosure Certificate prior to a decision being made about whether to recommend employment of an applicant.
- A Recruiting Manager / Service / School must complete a Risk Assessment Form which should be sent to the relevant Service Director / Headteacher using an agreed secure method.
- All positive DBS Disclosure Certificates for staff members / job applicants / volunteers must be referred to and be “signed off” by a relevant Service Director / Headteacher in order for a staff member / job applicant to be cleared for working in a relevant job role.
- Once a Service Director / Headteacher has made a decision about whether a staff member / job applicant / volunteer should be employed, a completed Risk Assessment Form including a Service Director’s / Headteacher’s decision should be sent securely and confidentially by a Manager / Service Director / School to the HR Safeguarding in Employment Team. (Please note that BC’s Corporate Management Team (CMT) require HR Safeguarding in Employment to escalate any process failures to the relevant Executive Director.)
- The Safeguarding in Employment Team will keep a copy of any Risk Assessment Form in accordance with statutory guidelines. (Any copies of DBS Disclosure Certificates held in HR or a Service area must be destroyed within six months of receipt.)

(c) Complex Positive DBS Disclosures

- Where the content of a DBS Disclosure Certificate presents particular difficulties because of the information disclosed then that case should be discussed with the relevant Service Director or Headteacher, as appropriate, and a decision should be made about whether the case needs to be forwarded to the Special Panel for dealing with “complex” positive DBS Disclosures. (Further information about the “Special Panel” is available from the HR Safeguarding in Employment Team.)

5. Complex Safer Employment issues arising amongst existing staff

Any “complex” safer employment issues arising amongst existing staff (e.g. because of new information on a DBS Recheck or because an employee discloses involvement with current

police investigation) must be referred to a relevant Service Director or Head Teacher. A Service Director or Headteacher can then discuss the case with a senior officer in the Safeguarding in Employment team before agreeing an appropriate course of action. In very difficult circumstances, a case should be referred to the Special Panel for dealing with complex positive disclosures/recruitment decisions (see paragraph 4 (c) in the previous section).