



## Safer Recruitment Policy

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Linked Policies: Equality Policy	

*Adopted Model Policy from West Berkshire Local Authority*

### **Our Christian Vision:**

*Built on the rock of Christian faith, we work as a community to create an environment which enables all to flourish. Jesus welcomed everyone and we embrace diversity, celebrating our different gifts and successes. Like St Peter, we are motivated by our values, learn from our mistakes and strive for the best outcome for all.*

### Document Control

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### Change History

Version	Date	Description	Change ID
1	Oct 2012	New document	
2	March 2013	Amended to change references to CRB to DBS	
3	February 2014	Amended to reflect DBS change – disclosures sent to candidate rather than recruiting manager	
4	July 2014	Updated to reflect Keeping Children Safe in Education April 2014	
5	June 2015	Updated to reflect KCSE March 2015	
6	September 2015	Updated to reflect change to OH provider	
7	March 2016	Updated to reflect change in law requiring enhanced DBS without barred list checks for Governors.	
8	March 2017	Updated in line with KCSIE Sept 2016 and the English language requirement for public sector workers	
9	January 2018	Amended section on single central record to advise schools to also record references, medical clearance and childcare disqualification disclosures.	
10	July 2018	Amended section 24 to reflect the requirement to do a section 128 check on maintained school governors set out in s113 of KCSIE September 2018.	

Woolhampton Church of England Primary School

*Enabling All To Flourish*

11	September 2019	Updated in line with the statutory guidance Keeping Children Safe in Education September 2019 and includes other amendments including <ul style="list-style-type: none"><li>• Guidance on the removal of 'by association' in relation to the Childcare Disqualification Regulations</li><li>• References –emphasis on scrutiny, suitable referees and to require an additional reference where the applicant is not currently working with children but has done in the past</li><li>• Good practice advice added re people who have worked with children overseas</li><li>• Advice on seeking certified translations of documentation not in English and a link to Government advice on certified translations</li></ul>	
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Version	Date	Description	Change ID
12	April 2021	Updated to reflect change to EEA teacher checks following leaving the EU and reflect change in timing of criminal record self-disclosures	
13	February 2022	Updated to reflect revised statutory guidance Keeping Children Safe in Education September 2021 and reordered to improve flow.	
14	October 2022	Updated to include advice on carrying out online checks, following amendment to keeping children safe in education September 2022, paragraph 221	

## Related Documents

Reference	Title	Tier
	Safer Recruitment – model policy for schools	
	Other – see hyperlinks in document	
	<a href="#">Keeping children safe in education - Publications - GOV.UK</a>	
	<a href="#">Disqualification under the Childcare Act 2006 - Publications - GOV.UK</a>	
	<a href="#">HR advice for schools - The Childcare Disqualification Regulations</a>	

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## 1. Purpose

- 1.1. This guidance will help to ensure that schools follow a robust, rigorous and fair process when recruiting staff to work in schools, minimising the risk of appointing people who pose a risk of harm to children.
- 1.2. All schools must take account of the statutory guidance published by the Department for Education, [Keeping Children Safe in Education \(KCSIE\)](#), when appointing staff.

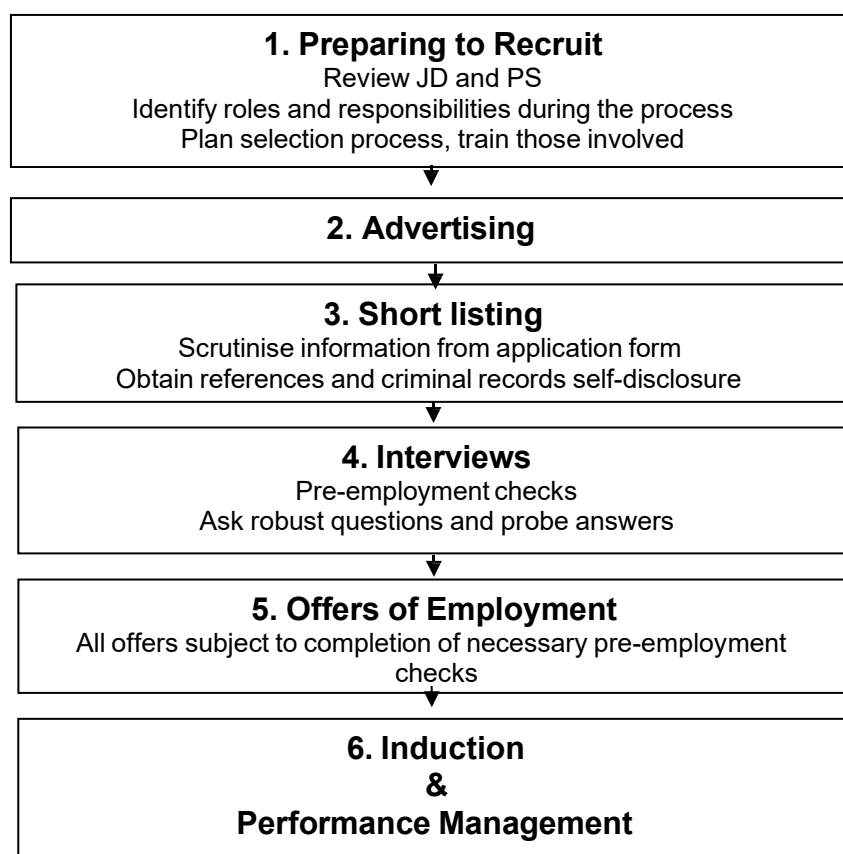
## 2. Applicability

- 2.1. This guidance applies to all who work in schools, including staff, governors, volunteers, and others engaged by the school to work with pupils.

## 3. Roles and Responsibilities

- 3.1. The governing body is responsible for ensuring the health, safety and welfare of pupils in the school. It also has responsibility for determining who should work at the school.
- 3.2. The head teacher is responsible for the day-to-day organisation, management and control of the school. In most cases, the head has a significant role in the appointment of staff to work in the school.
- 3.3. All staff and volunteers have a responsibility to ensure that the school environment is safe and secure for children and that appropriate procedures are followed.

## 4. Stages of the recruitment process



## 5. Preparing to recruit

5.1. It is vital for successful recruitment to plan the whole process from the outset. This will ensure that sufficient time is allowed for each stage and that applicants are given essential and focussed information about the school and the post that they are applying for. This is to ensure the right people apply for the role.

5.2. Schools should;

- Review the person specification and the job description. Template job descriptions for non-teaching roles and guidance on writing them is available on SLA Online
- Consider whether the job description needs re-evaluating (non-teaching roles)
- Consider how and where the post will be advertised and the content of the advertisement
- Plan the interview and selection process
- Determine roles and responsibilities during the recruitment process
- Ensure those involved in the process are appropriately trained

5.3. Schools should agree an explicit statement about the organisation's commitment to safeguarding and promoting the welfare of children which should be included in the job advert and all candidate information packs (all adverts advertised on Teach West Berkshire will have a standard safeguarding statement included automatically). An example is given below;

“This School is committed to safeguarding children and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. We will ensure that all our recruitment and selection practices reflect this commitment. All shortlisted candidates will be asked to complete a criminal records self-disclosure form and successful candidates will be subject to Disclosure and Barring Service (DBS) checks along with other relevant employment checks.”

Where the role is in regulated activity it should also state ‘this role is exempt from the Rehabilitation of Offenders Act 1974’

5.4. Candidate application packs (either on paper or on-line) should include;

- Application form
- Detailed job description and person specification
- Details about salary and type of post
- Statement about the employer's commitment to safeguarding children and welfare of children (see above)
- A copy of the school's child protection and safeguarding policy and practices, or a link to where this can be found on the school's website.
- A copy of the school's policy on the employment of ex-offenders [a model policy is currently under development and will be made available on SLA Online, the DBS website contains a model policy that can be used in the meantime] or a link to it on the school's website.
- Where the role involves engaging in regulated activity with children the application form or information provided to applicants should include a

statement that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

- A link to any other key information or policies on the school's website.
- Equal opportunities statement
- Information about the recruitment and selection process, interview dates, other recruitment activities etc.
- Details of the pre-employment checks that will be required (see section 17 below).

There are three different application forms (administration/support staff, teacher and head teacher) automatically embedded in Teach West Berkshire which will be automatically emailed to candidates applying for a role through the site.

## **6. Advertising**

6.1. When advertising a post it is important to consider the following;

- Is the advertisement clear about the nature, the salary and location of the job?
- Does it provide the right key messages?
- Does it state the skills, abilities, experience, attitudes and qualifications are essential (as set out as essential criteria in the person specification)?
- Does it specify the requirement for spoken English for public facing roles (also included in the person specification)?
- Is there consistency between the advert, job description and person specification and application pack?
- Does it contain the school's safeguarding (see 5.3 above) and equal opportunities statements?
- Does it include the safeguarding responsibilities of the post as set out in the job description and person specification?
- Does it make it clear that the post will be subject to relevant pre-employment checks (usually part of the safeguarding statement see 5.3 above)?
- Does it specify if the job is exempt from the Rehabilitation of Offenders Act 1974 and amendments to the Exceptions Order 1975, 2013 and 2020 – meaning that certain spent cautions and convictions are 'protected' so do not need to be disclosed to employers, and if they are disclosed employers cannot take them into account? See section 30 below.

6.2. Advertisements are the first stage of the filtering process. Candidates should be able to make an initial judgment about their own suitability for the post and self-select accordingly. Further advice on the content of the advertisement can be obtained from the school's HR advisor.

6.3. Careful consideration should also be given to where to place the advert to ensure a pool of applicants apply.

## **7. Application Forms**

7.1. Application forms must be completed by all applicants. It is not acceptable practice to rely on a curriculum vitae produced by a potential employee. Word of mouth recruitment or unsolicited applicants should be avoided as a means of filling a vacancy. Applicants making speculative contact should be asked to apply for a specific post and complete the relevant application form.

- 7.2. Where a school goes against the guidance not to accept CVs and chooses to accept a CV instead of an application form, the candidate must be asked to sign and date the CV adding a statement that it is a true and complete record of their education and employment history since leaving school.
- 7.3. A completed application form ensures a common set of core data is gathered from all applicants and provides schools with the information that they require in order to shortlist a person for interview. It also acts as an applicant's signed and dated declaration of the qualifications, skills and experience that they possess. Where on-line application forms are used, applicants should be asked to sign a printed copy of their form at interview to confirm that the information they have supplied is correct and complete.
- 7.4. Application forms should no longer ask applicants to make a criminal records self-disclosure. This will be required from applicants who are shortlisted for interview. The application form should make this clear. Where the post requires an enhanced DBS check with barred list check as it involves regulated activity with children or young persons, or where the post will not involve regulated activity but the school will require an enhanced DBS check without barred list check the application form should state that the post is exempt under The Rehabilitation of Offenders Act 1974, by virtue of The Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975. It should state that shortlisted candidates will be required to complete a criminal records self-disclosure form prior to interview and a DBS check at the appropriate level will be obtained for successful applicants.
- 7.5. Where the role involves engaging in regulated activity with children the application form or information provided to applicants should include a statement that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children (this is included in the templates on SLA online and the forms on Teach West Berks).
- 7.6. Application forms should require applicants to provide the following information:
- Personal details, current and former names, current address and national insurance number
  - Details of their present (or last) employment and reason for leaving
  - Full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment
  - Qualifications, the awarding body and date of the award
  - Details of referees (see section 43 below)
  - A statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post and how they meet the person specification

## **8. Job descriptions and person specifications**

- 8.1. Time spent at the start of the recruitment process on the production of a full, carefully drawn up and objective person specification will invariably avoid later difficulties in interpreting and applying vague and imprecise requirements. The job description and person specification are the documents against which the competence of the applicants is measured it is therefore vital that these documents are accurate and reflective of the required competencies, skills and experience at

the time they are provided to candidates. If recruitment decisions are challenged it is difficult to defend such a challenge without an accurate and comprehensive person specification.

- 8.2. The job description should set out clearly the main purpose or function of the job and the key tasks within it. A job description template is available on SLA Online for schools to use.
- 8.3. For teaching staff, the job description will need to be built around the duties and responsibilities defined in the [Teachers' Pay and Conditions Document](#). Generic descriptions can be drawn up with specialist areas of responsibility defined as a supplement to the main job description, e.g. curriculum leader, year leader, SENCO etc.
- 8.4. For support staff, schools who purchase the WBC HR service can use formally evaluated model job descriptions (available via SLA Online) for non-teaching roles, adapted as necessary to reflect local needs (if significantly adapted advice should be sought from HR as to whether the changes will affect the grade).
- 8.5. All job descriptions where the post holder is in contact with children should detail the individual's responsibility for promoting and safeguarding the welfare of children and young persons and should include the following statement:  
  
*"The post holder is responsible for ensuring that the school child protection policy is adhered to and concerns are raised in accordance with this policy"*
- 8.6. The job description for the school's designated safeguarding lead and deputy lead(s) should explicitly state that they take lead responsibility for safeguarding and child protection. (See annex C of [Keeping Children Safe in Education](#)).
- 8.7. The person specification is crucial in that it will shape how the recruitment process is conducted. It should detail the qualities and competencies required based upon information within the job description and the conditions applying to the post. It is advisable to separate these features into essential and desirable categories.
- 8.8. The person specification should specifically contain the criterion "suitability to work with children".
- 8.9. Where the role is public facing (there is regular spoken interaction with the public, including pupils) the job description and person specification must state the essential requirement for the job holder to be fluent in spoken English to an appropriate level for the role. (See section 44 Spoken English requirement for public sector workers).

## 9. Scrutinising and short listing

- 9.1. All applications should be carefully scrutinised to ensure they are fully and properly completed. A minimum of two people should carry out the short listing process, one of whom should have completed appropriate safer recruitment and selection training.
- 9.2. All candidates should be assessed equally against the criteria in the person specification without exception or variation. This should be recorded on a short listing matrix.

- 9.3. Any anomalies or discrepancies or gaps in employment should be accounted for and checked. Reasons for frequent changes in employment and any other concerns should be explored.
- 9.4. Where possible all references should be obtained between short listing and interview. This enables interviewers to follow up on any information about past disciplinary action, allegations or discrepancies etc. at interview. If it is not possible to get references back before interview any queries on their content should be discussed with candidates once the information has been received.
- 9.5. Information from references should be compared with information on the application form to ensure that the information provided is consistent. Any discrepancies should be taken up with the applicant at interview or by phone if the reference is received after interview.

## 10. Criminal records self-disclosures

- 10.1. All applicants who are shortlisted for interview should be sent a criminal records self-disclosure form (available on SLA online). This should be completed and returned to a specified person at the school before the interview. Schools must ensure that a robust process for handling self-disclosures is in place that ensures the confidentiality of the sensitive data involved and ensures that only those with a genuine need to know the contents have access to it. Where the self-disclosure has an electronic signature, the candidate should physically sign a hard copy at interview.
- 10.2. The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that applicants do not need to disclose them to employers, and if they are disclosed, employers cannot take them into account. Further information can be found in the [DBS filtering guide - GOV.UK](#).
- 10.3. The filtering rules are complex. Applicants should be sign posted to the Ministry of Justice website and/or seek advice from the [NACRO](#) website and from NACRO's '[What do I need to disclose guidance](#)' for further advice on whether or not conviction or caution needs to be declared. **It is important that schools allow sufficient time for shortlisted applicants to seek advice from NACRO before completing the form and that only things not subject to filtering rules are taken into consideration by the school.**
- 10.4. The self-disclosure form should also ask short-listed applicants to declare anything else that would make them unsuitable to work with children in the role for which they are applying, for example:
- whether they are included on the barred list
  - whether they are prohibited from teaching
  - whether they are prohibited from taking part in the management of an independent school
  - information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted (i.e. applicants only need to declare

offences that are also criminal in England and Wales, something that would not be an offence in England and Wales need not be declared)

- if they are known to the police and children's social care
- if they have been disqualified from providing childcare
- any relevant overseas information

10.5. Obtaining the self-declaration enables candidates to share relevant information so this can be discussed and considered at interview before the DBS certificate is received.

10.6. Criminal records self-disclosure forms should be kept securely (in a locked filing cabinet or password protected if held electronically until – **for unsuccessful applicants** until the interview has been held and a decision not to employ has been made, and **for successful applicants** until information on the form has been compared with any content on the DBS certificate, and where required a positive disclosure decision has been made. After that the form should be confidentially destroyed/deleted. The positive disclosure form should be retained confidentially for the duration of employment as set out in section 46 below.

## 11. Interviews and other selection processes

11.1. It is essential that a face to face interview takes place prior to any appointment. Interviews should assess the merits of each candidate against the requirements in the person specification and the job description. Interviews must also explore each individual's suitability to work with children by assessing attitudes and behaviours.

11.2. A robust selection process should not rely solely on the interview. A range of selection activities should be designed in order to help assess who is the most suitable candidate for the job. For teachers and teaching support roles, it is legitimate to involve pupils in the process – for example observing candidates appropriately supervised interaction with pupils/students. Pupils should not take part in assessing candidate suitability but can contribute to the panel's assessment of the ability to interact with children.

11.3. Invitations to interview should;

- Detail all the arrangements such as date, time, panel members, length of the selection process, selection activities
- Remind candidates that the interview is assessing their suitability to work with children
- Remind them to bring all relevant documents required to complete pre-employment checks, such as proof of qualifications, proof of identity and proof of eligibility to work in the UK

11.4. Only originals of the required documentation can be accepted; copies should not be accepted. The school should take a copy of original documents to be kept on the school file.

## 12. Selection and Interview Panel

12.1. It is a legal requirement that at least one panel member should be appropriately trained to participate in recruitment and selection activities. This can

be completing the on-line [NSPCC safer recruitment in education course](#) or attending a safer recruitment course - contact HR for further details of upcoming training courses. Schools should ensure that sufficient staff and governors are trained in advance of recruitment activities to form interview panels when necessary.

12.2. Panels of at least two people should be involved in interviews. This allows one member to observe and assess the candidate and make notes while the other is talking and asking questions. Alternatively panels may find it helpful to have someone present who can focus on taking notes.

12.3. Panel members should meet beforehand to agree a relevant set of questions that will enable the candidate's suitability against the selection criteria to be assessed. They will also need to identify any issues they want to explore further from the candidate's application form and employment checks.

### **13. Scope of Interview**

13.1. Candidates should be asked questions to assess their skills and experience in the areas listed in the person specification. This will include questions to assess the suitability of the candidate to work with children.

13.2. In examining the candidate's suitability to work with children the interview panel should examine:

- What attracted the applicant to apply for the post and the skills and specific examples of experience of working with children that are relevant to the role
- The candidate's attitude toward children. This may be assessed through their personal statement and through interview questions that probe their values, belief and ethics.
- The candidate's motivation to work with children. Questions on their vision for education and learning and development of the child and young person and what their role is in contributing towards achieving this vision can help you assess their motivation.
- Their ability to form relationships and respect professional boundaries. This should be assessed through focused questions and complementary activities, such as group exercises or occupational personality questionnaires.
- Their emotional resilience in working with challenging behaviours and their attitudes in managing discipline and towards authority. Questions asking them to draw on previously difficult situations and how they managed these will help assess this.
- Their ability to support the school's agenda for safeguarding and promoting the welfare of children. Clarify their understanding of the school's approach towards child protection policies and procedures.
- Gaps in the candidate's employment history and explanation of repeated changes in jobs, career and/or location. These must be discussed and clarified, as should concerns or discrepancies arising from the information provided by the candidate and or referees
- If for any reasons references have not been provided before the interview the candidate should be given the opportunity to declare/discuss anything that may come to light on the collection of references.

## 14. Questioning technique

14.1. The ability to ask questions that probe deeper and get beneath superficial answers is a skill that takes time to develop and practice. Those who wish to deceive are practiced in the art of deception. They may rehearse model answers to questions about safeguarding or areas of their past and it is essential that the questions asked unpick these responses so that there can be confidence in the validity of the answers.

14.2. Example questions and follow up probing questions designed to examine an interviewee's attitudes toward safeguarding children:

- What do you feel are the main drivers that led you to want to work with children?
- How do you motivate young people?
- What has working with children, to date, taught you about yourself?
- Tell me about a time when you have been working with children when your authority was seriously challenged. How did you react? What strategies did you employ to bring things back on course? How did you manage the situation?
- Tell me about a person you have had particular difficulty dealing with. What made it difficult? How did you manage the situation?
- How do you feel when someone holds an opinion which differs from your own? Give me an example. How did you behave in this situation?
- Have you ever had concerns about a colleague? How did you deal with this?
- Tell us about what you have done in the last 12 months to actually improve child protection in the workplace. How did this action arise? Who did you talk to? What were the results?
- What is the safeguarding policy in your workplace? How is it monitored? What steps have you taken to improve things?
- Give me an example of when you have had safeguarding concerns about a child. How did it arise? Who did you speak to? What actions did you take?
- Have you ever had to challenge the views of someone more senior than yourself in relation to safeguarding concerns? What were the circumstances? How did you go about it? What was the outcome?

14.3. Some questions will need following up. By asking a follow up question you start to unpick the initial answer and investigate the validity of the answer and to explore any areas of concern about suitability to work with children. Examples of areas of concern that lead to further probing could include:

- Implications that adults and children are equal
- Lack of recognition and/or understanding of the vulnerability of children
- Inappropriate idealisation of children
- Inadequate understanding of appropriate boundaries between adults and children
- Indicators of negative safeguarding behaviours

In addition to interview questions and probing use of other tests and assessments activities you can increase the level of confidence you have when making the final selection decision.

## 15. Ground rules for interviewing

- Be properly prepared.
- Have all relevant paperwork for all interviews.
- Have an agreed set of questions but ask additional questions to explore a specific and relevant issue relating to individual candidates.
- Avoid telephone interviews.
- Make notes on candidates' responses and record judgements and the basis for them
- Use Interview Questions Matrix to record all interviews
- Probe to find out about any issues around capability and employment history
- Ensure all your questions are relevant to the job and justifiable.
- Avoid any question or statement that discriminates unlawfully
- Ask questions that are based on actual experiences and behaviour
- Conduct the interview in a relaxed and non-threatening way
- Base final selection decision on criteria previously defined and evidence collated through the recruitment process.

## 16. Group exercises and other selection activities

16.1. Here are some examples of the activities that can help provide evidence that will help a panel in assessing an individual's suitability for a particular post.

- Classroom observation
- Group activities – discussions on relevant topics
- Written work
- Presentations
- Occupational Personality Questionnaire
- Ability Tests e.g. numerical or verbal reasoning
- Assembly slots
- Playground duty

16.2. All activities must be aimed at seeking evidence of candidates' suitability for the post as specified in the job description and person specification. The assessment of each candidate should be recorded in a way that captures this.

16.3. The more information you can collect, and in as many different contexts, the sounder your ultimate selection decision will be. Remember, it is not easy to ensure consistency and equality when managing group activities, particularly when classes of children are involved.

16.4. It is important to be mindful of the equality implications when planning and arranging other assessment activities. Ensure that the criteria on which you are assessing each candidate are the same and measures are put in place to make the foundations of the assessment as similar and equal as possible.

16.5. Here are some example topics for group discussion/written work/presentations;

- What does safeguarding mean to you/ group? Present/ discuss/ write your ideas along with suggestions for monitoring and measuring effectiveness
- Where does the responsibility for safeguarding children lie? Discuss the interrelationships and present your conclusions.
- Present a topical article on child protection and ask them to discuss.
- Present them with the 5 key aims of the Children's Act and ask them to present how they can contribute towards ensuring that they are achieved.
- Present them with a case study of a child with 'difficult behaviour'/ or based on cause for concerns - discuss
- What is abuse? How do you recognise it and how do you manage it? Discuss/ present?

## 17. Pre - Employment Checks - general

17.1. Head teachers and governing bodies have a responsibility to undertake specific pre-employment checks on every person that they intend to engage or employ to work in their school. Where a head teacher is being recruited the appointment panel must ensure the checks are completed. The requirements for which checks to complete for volunteers are set out in the model policy and procedure for engaging volunteers in schools which is available on SLA Online.

17.2. When appointing new staff the school must:

- Verify the candidate's identity
- Obtain at least two satisfactory references
- Obtain a completed and signed criminal records self-disclosure form for all candidates shortlisted for interview
- Obtain a certificate for an enhanced DBS check with barred list check where the person is to work in regulated activity or obtain a separate Barred List check if a full DBS check is not required in circumstances described in note<sup>1</sup>
- Obtain an enhanced DBS without barred list check for governors who will not be working in regulated activity.
- Complete a risk assessment to decide whether to obtain an enhanced DBS check without barred list check for supervised volunteers and those undertaking work infrequently, which if done frequently, would be regulated activity with children.
- A medical check that is satisfactory to the head teacher; verifying the candidate's mental and physical fitness to carry out their work responsibilities<sup>2</sup>.
- Verify the person's right to work in the UK
- If the person has lived or worked outside the UK, make further appropriate overseas checks
- Verify professional qualifications as appropriate to the role
- Driving licence check where the employee will be required to drive for work

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<sup>1</sup> If the employee has worked in regulated activity in a school in England within the last 3 months, a new DBS is not required (though the school may choose to do one). However, the school must check that the appointee is not on the Barred List. This may be done via the DBS Update service where the employee is registered, or via Teaching Regulation Agency (TRA) (through HR) if not.

<sup>2</sup> Except in certain very limited circumstances it is unlawful to ask questions about health, disability and/or attendance until a conditional job offer has been made.

- Obtain a Childcare disqualification regulations declaration where appropriate (see section 26 below).
- A s128 check for anyone being engaged in a management role in an Academy and for governors in maintained schools (see section 29 below).
- Ensure the appropriate level of English fluency for customer facing roles
- For anyone being engaged to undertake teaching work, check via [Teacher Services' system](#) whether:
  - The teacher has qualified teacher status
  - The teacher has completed their statutory induction (unless they are a newly qualified teacher (NQT/ECT) in which case any offer of employment should be made subject to satisfactory completion of the statutory induction period).
  - The applicant is subject to a prohibition order issued by the Secretary of State. (See specific details for maintained schools and academies in section 24 below)
  - Any prohibitions, sanctions or restrictions that might prevent an individual from taking part in certain activities or working in specific positions
  - Whether the teacher has a suspension or conditional order imposed by the General Teaching Council for England (before abolition) that is still current
  - Whether the teacher has a mandatory qualification for teachers of hearing impaired or visually impaired pupils

17.3. Information obtained from the Teacher Services' system should be considered carefully when assessing a candidate's suitability.

17.4. Schools should also obtain additional pre-employment checks for those who have lived and/or worked abroad (see section 32 for details)

17.5. Schools should be aware that certain documentation provided as evidence in relation to one pre-employment check may, in some instances, be acceptable in relation to another. This is particularly relevant to checks relating to identity, right to work in the UK and the DBS disclosure.

17.6. Further information on these checks can be found below.

17.7. Before the applicant starts work/volunteering with the school the school is strongly recommended to ensure all efforts are made to obtain all pre-employment checks required. **The following pre-employment checks must be obtained and deemed satisfactory to the head teacher before an applicant is allowed to start work (note see the policy and procedure for engaging volunteers in schools for the checks required for volunteers):**

- identity
- right to work in the UK
- where appropriate to the role, a secretary of state prohibition order check and/or GTCE sanction or restriction that is still applicable
- where appropriate to the role, a childcare disqualification declaration
- medical check

- where appropriate to the role, an enhanced DBS check with barred list. Where this is delayed and **all** other pre-employment checks including a separate barred list check **must** have been completed and are satisfactory to the head teacher prior to the person being allowed to commence work under supervision

**Where it is not possible to obtain checks other than those listed above**, appointment should be delayed until satisfactory checks are received or arrangements should be made for supervision of the employee until such time as they are received.

17.8. It is essential that **every offer of appointment is made subject to satisfactory completion of all the relevant pre-employment checks**, unless the full range of checks has been undertaken by the time an offer is made. Candidates should be made aware of this.

17.9. **In relation to pre-employment checks head teachers are responsible for:**

- Ensuring that an effective selection process is carried out for each vacancy to ascertain that successful candidates are suitable people to work for the school and are appropriately qualified
- Ensuring that every person appointed to the school has been subject to the appropriate pre-employment checks, and that evidence is stored securely on file (electronic or paper based).
- Ensuring that original documentation is correctly checked at interview to verify identity, the right to work in the UK and qualifications
- Undertaking DBS and Barred List checks and criminal records self-disclosures are obtained where appropriate and ensuring that where kept documentation relating to these is retained securely in a locked container/cabinet, retained in accordance with the school's data retention schedule and then securely disposed of.
- Ensuring that consideration is given to reasonable adjustments for disabled employees and that, where appropriate, advice is sought from Occupational Health. Questions about health, attendance and/or disability must NOT be asked before a conditional offer of employment has been made.
- Following up references that have not been received before interview.
- Ensuring that all information gathered during the recruitment and selection process is stored securely in accordance with the school's data retention schedule and used only for its specified purpose.
- Ensuring that appropriate checks are made on agency, supply, trainee teachers, contractors and employees of contractors.

17.10. **Local authority Human Resources are responsible for:**

- Where the local authority will be the employer and the school buys the Council's HR service, and HR produces the school's contracts, HR will check to ensure that the school has obtained the correct evidence to prove right to work in the UK before issuing a contract. All schools who buy back WBC payroll only must confirm they have RTW when submitting new starter information - payroll will not check this documentation. Advice should be sought from the schools HR advisor.

## 18. Identity checks

- 18.1. It is vital that head teachers and governing bodies are certain that the person they intend to employ is the person that they claim to be and they must see sufficient evidence to satisfy themselves of this. Section 213 of [KCSIE](#) links to [identity checking guidelines](#) on the GOV.UK website, these guidelines should be followed when checking applicants' identity. Best practice is that the school should check the birth certificate in line with KCSIE section 213 and the section on name changes in the GOV.UK guidance, so as to identify any changes of name and obtain evidence to explain this.
- 18.2. Documents with photographic identification that includes a date of birth and address (such as a passport, photographic driving licence etc.) should also be checked. Check that the applicant is the same as the person in the photograph, that documents presented do not appear to have been tampered with and that the age of the applicant appears to correspond with the date of birth on the document presented. Where an applicant cannot produce photographic proof of identity schools should follow the GOV.UK guidance mentioned above to ensure acceptable alternative documents are seen.
- 18.3. The school should keep a copy of documents used to verify identity on the successful candidate's personnel file.
- 18.4. A further useful guide to checking whether identity documents may be forged or counterfeit can be found on [the GOV.UK website](#)
- 18.5. Where an individual is provided by a contractor, supply agency, or third party organisation, schools must check and verify the identity of the individual on arrival to ensure they are the person sent by the organisation. Schools should ensure that organisations supplying contractors, supply, agency or other third party staff have provided written confirmation that they have completed all required checks for each individual they send to the school.

## 19. Right to work in the UK

- 19.1. It is a criminal offence to employ a person who does not have the right to work in the UK or who does not have the right to undertake the type of work that they are being offered.
- 19.2. The Immigration, Asylum and Nationality Act 2006 sets out the law on the prevention of illegal working and requires that employers make basic document checks on every person that they intend to employ. Schools will have a statutory defence against a conviction for employing an illegal worker if they check and retain copies of acceptable documentation in accordance with Act.
- 19.3. Following the UK's departure from the EU changes have been made to who has the right to work in the UK and a new points based system introduced for those who want to apply to work in the UK who are not already entitled to. Schools can find information on this on SLA online.
- 19.4. The [GOV.UK website](#) provides guidance for employers which includes lists of documents that can be accepted as evidence of an applicant's right to work in the UK, and information on how these should be checked and copied.

- 19.5. The school should keep a copy of documents used to verify the right to work in the UK on the successful candidate's personnel file and for two years after the end of employment.
- 19.6. It is important that employers do not directly, indirectly or inadvertently discriminate against people on grounds of their race or ethnic origin by refusing to accept any documents from the list, by failing to carry out checks on **every** new employee or by making assumptions about a person's nationality or right to work in the UK.

## 20. Employment History

- 20.1. Schools must gain as much information as possible on the employment history of any person that they intend to employ. Applicants should provide their full employment history since leaving school on the application form. This should include education, employment and voluntary work, reasons for gaps in employment and reasons for leaving jobs.
- 20.2. The application form should be scrutinised to check that information provided about past employment is not contradictory or incomplete.
- 20.3. At interview, concerns or ambiguity around reasons for leaving previous posts, and reasons for any gaps in employment and other anomalies should be thoroughly explored.

## 21. Academic and Professional Qualifications

- 21.1. Schools must verify that a potential employee has achieved the qualifications that they claim in their application by viewing each original qualification certificate or diploma or a properly certified copy of those documents. If a school is in any doubt about the authenticity of a qualification, they can check by contacting the relevant awarding institution.
- 21.2. Copies of documents should be made and kept on the employee's personnel file. Particular care must be taken to ensure that documentary evidence is seen, and copies retained, of professional qualifications that are required to carry out the job role, either by statute or under the Council's or school's policies.

## 22. Qualified Teacher Status

- 22.1. Anybody appointed or engaged to teach in a maintained school or non-maintained special school in England must be a qualified teacher, as defined by The Education (School Teachers' Qualifications) (England) regulations 2009 (as amended), or satisfy the requirements of persons not qualified under schedule 2 of The Education (Specified Work and Registration) (England) Regulations 2009.
- 22.2. Teachers who are qualified in Australia, Canada, New Zealand and the USA may apply for QTS without needing to take further training via the [GOV.UK website](https://www.gov.uk). They also still need to satisfy any Border Agency requirements.
- 22.3. Teachers in FE who have Qualified Teacher Learning and Skills (QTLS) and who are members of the Institute for Learning (IfL) are now recognised as qualified teachers in schools.

22.4. Candidates for head teacher or deputy head teacher posts in maintained schools in England must, without exception, hold QTS.

22.5. Schools should check the teacher's QTS, completion of teacher induction or probation via the Teaching Regulation (TRA) [Employer Access Service](#).

## 23. Induction Standards

23.1. Anybody appointed or engaged to teach in a maintained school or non-maintained special school in England must have satisfactorily completed their statutory induction period and met the induction standards, in accordance with The Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2012, or be subject to the exceptions in Schedule 2 of those regulations.

23.2. Schools should check whether a teacher has completed their statutory induction using the Teaching Regulation Agency's (TRA) [Employer Access Service](#) (see below).

## 24. Secretary of State Prohibition Orders

24.1. Prohibition orders and interim 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.

24.2. Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the Teaching Regulation Agency (TRA). Pending such consideration, the Secretary of State may issue an interim prohibition order if he/she considers that it is in the public interest to do so.

24.3. A person who is prohibited from teaching must not be appointed to work as a teacher or undertake teaching work in such a setting. Schools must check whether anyone that they intend to employ to undertake teaching work has a prohibition order. This is done using the TRA Employer Access service (see section 25 below). The requirement for these checks is different in maintained schools and academies:

- **In maintained schools** only certain specified people can carry out 'specified work' under the Education (Specified Work) (England) Regulations 2012, so only those being engaged to undertake specified work must have a secretary of state prohibition check. Maintained schools may, however, choose to complete such a check for Teaching Assistants who have previously worked as a teacher.
- Where a **maintained** school is seeking to employ a Teaching Assistant and it is apparent from the application form that an applicant has previously worked as a teacher the school may decide to (but does not have to) to do a check via the Teacher Services System to see if they are subject to a prohibition order issued by the Secretary of State. The school should inform the applicant of its intention to carry out this check. Prohibition from teaching would not necessarily preclude someone from being considered for a TA role in a maintained school as the reason for prohibition may not relate to safeguarding issues. Where an applicant for a TA role is found to have been

prohibited from teaching the school should complete a risk assessment in light of the details of the prohibition to assess whether they are suitable for appointment as a TA. Schools should seek advice from HR before making a decision on whether or not to make an offer of employment.

- **Academies** are not covered by the Specified Work Regulations; therefore they must complete a secretary of state prohibition check **for anyone they propose engaging to carry out teaching work, including TAs who will be teaching.**

Where the check shows that the person is subject to a prohibition order they **MUST NOT** be allowed to teach.

24.4. Some people are still subject to disciplinary sanctions imposed by the General Teaching Council for England (GTCE) prior to its abolition in 2012. The TRA Secure Access System should be checked to see if there are any GTCE sanctions or restrictions that apply to applicants for teaching roles

24.5. Where the person is being supplied by a third party organisation the academy should obtain written confirmation from the third party that the third party organisation has carried out a check to see if the person is subject to a prohibition order and that the third party considers that the person being supplied is suitable for the work for which they are being supplied.

24.6. These checks must be recorded on the single central record.

## 25. TRA Employer Access/ Teacher Services

25.1. The [TRA Employer Access/Teacher services](#) is a free service that enables schools to check the record of any teacher they employ or are considering employing. The service enables schools to check:

- Initial teacher training qualifications
- Qualified teacher status (QTS)
- Completion of teacher induction or probation
- Prohibitions, sanctions and restrictions that might prevent someone from undertaking certain activities or working in specific positions e.g Secretary of State prohibition orders
- Whether the teacher has been the subject of a decision by the Secretary of State **not to impose** a prohibition order for unacceptable professional conduct, conduct that may bring the teaching profession into disrepute or conviction of a relevant offence
- Whether the teacher has been prohibited from teaching
- Whether the teacher has a suspension or conditional order imposed by the General Teaching Council for England (before abolition) that is still current
- Whether the teacher has failed their induction or probation period
- Whether the teacher has additional qualifications e.g. a mandatory qualification for teachers of hearing impaired or visually impaired pupils

25.2. Information obtained from the system should be considered carefully when assessing a candidate's suitability.

- 25.3. Guidance on using the service can be found on GOV.UK in [Teacher Status checks; information for employers guidance](#)

## 26. Childcare Disqualification Regulations Declaration

- 26.1. Individuals with certain cautions or convictions, or childcare orders against them, are disqualified from working with children under the age of eight in school settings in:

- 26.1.1. early years provision – staff who provide any care for a child up to and including reception age (up to 1<sup>st</sup> September after the child's fifth birthday) – this includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after schools care provided by the school) both during and outside school hours for children in the early years age range
- 26.1.2. Later years provision – staff who are employed to work in childcare provided by the school outside school hours for children who are above reception age but who have not yet attained the age of eight
- 26.1.3. Staff directly concerned with the management of early or later years, including the head teacher and may include other members of the school's leadership team and any manager, supervisor, leader or volunteer responsible for the day to day management of the provision.

- 26.2. Schools are prohibited from employing (including volunteers) a disqualified person in connection with relevant childcare provision if they have been found to have committed a relevant offence.

- 26.3. Originally people could also be disqualified 'by association' if someone that they lived with had committed a relevant offence. In 2018 disqualification by association was removed for those working in childcare in non-domestic settings such as schools and nurseries. The DfE has published updated statutory guidance in [Disqualification under the Childcare Act 2006](#).

- 26.4. **This is a complex issue and it is strongly recommended that head teachers and other school managers read the [DfE guidance](#) in its entirety.**

- 26.5. Applicants for jobs covered by the regulations must be required to complete a declaration. Schools must not employ anyone who makes a positive declaration (this would be a criminal offence).

- 26.6. The date that the school receives the signed declaration should be recorded on the Single Central Record.

- 26.7. More details, including lists of who should complete a declaration and a model declaration form can be found in the HR advice for schools 'The Childcare Disqualification Regulations', this can be found on SLA Online.

## 27. Health

- 27.1. Anybody appointed to a post that involves regular contact with children should have the appropriate health and physical capacity to undertake the duties of that post, in accordance with The Education (Health Standards) (England) Regulations 2003.

27.2. The Equality Act 2010 prohibits all those involved in the recruitment process (except in specific very limited circumstances) from the following before having made the applicant a conditional offer of employment:

- Asking applicants questions relating to their health, attendance record and/or disability
- Asking referees to comment on an applicant's health, attendance or disability
- Asking an applicant to complete a pre-employment medical questionnaire.

27.3. Once a candidate has been made a conditional offer of employment or placed in a pool of successful candidates to be offered a job, schools must ensure that candidates complete a medical screening questionnaire. Where the school purchases a recruitment service from HR, this will be completed via an online service which schools have access to as part of their buy back. Schools are responsible for sending invites out to new employees to complete the online questionnaire. Where appropriate, the applicant will be referred to Occupational Health to seek advice.

27.4. Where the applicant has a disability the head teacher must consider whether there are any reasonable adjustments that can be made to enable the applicant to perform the role, and should put these in place.

27.5. No employee may start work until medical clearance has been received.

## **28. Driving Licence**

28.1. If an employee will be required to drive on school business or may be required to escort children in their own transport in an emergency, schools should ask for evidence that the employee holds the appropriate and valid driving licence to do so and is insured to undertake business journeys. This should be flagged up in the pre-employment checks so appropriate consideration can be given to their suitability for the role. (Note: Schools should ensure that all requirements of the school's driving for work policy and procedures, insurance, child safeguarding and protection, and appropriate risk assessments are complete before allowing an employee to drive).

## **29. Section 128 direction checks**

29.1. This check establishes whether the person is prohibited or restricted from holding a management position within an independent school; including academies and free schools as an employee, a trustee of an academy or free school trust, a governor or member of a proprietor body for an independent school, or a governor on a governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities. These checks are completed via the [Teaching Regulation Agency's website](#) or as part of the DBS check if the person will also be engaged in regulated activity.

29.2. Section 128 checks must also be carried out for governors in maintained schools (see section 33 for more information).

### **30. Online checks**

30.1. Section 221 of Keeping Children Safe in Education (KCSIE) September 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.’

As at 03/10/2022 the DfE had not issued guidance on how schools should implement these checks. Pending advice from the DfE we suggest schools adopt the following process.

30.2. The purpose of undertaking online checks should be purely to help the school assess a candidate’s suitability to work with children. It is important that schools avoid discrimination and unconscious bias and do not take into account online information which is not relevant to the suitability to work with children.

30.3. Where a school is planning to undertake online checks it should ensure that applicants are informed either on the application form, in the advert for the role or at interview that such a check will take place as part of the recruitment and selection process.

30.4. Online checks should be completed for all successful applicants that the school wishes to employ once an offer of employment made. Offers of employment should always be made subject to satisfactory pre-employment checks. Completing checks at this stage rather than at shortlisting will minimise the number of checks schools need to complete, reduce the risk of unlawful discrimination and minimise the amount of data collected online about applicants to ensure compliance with legislation e.g. Data Protection.

30.5. To help prevent those on recruitment and selection panels taking into account online information that is not relevant to an applicant’s suitability to work with children, we advise that the checks are carried out once an offer of employment is made by a member of school staff who has been safer recruitment trained (either the NSPCC online training or a face-to-face safer recruitment course) but who was not a member of the recruitment and selection panel. This person should only pass information to the Headteacher/Recruiting Manager or Governor chairing the panel that is relevant to assessing suitability to work with children as part of the pre-employment checks process.

30.6. The candidate should be asked to provide details of the social media accounts they use e.g. their Instagram and Facebook handles. Additionally the person undertaking the checks should enter the applicant’s name into a search engine and review what comes up, checking as far as possible that information that

comes up that may be relevant to an applicant's suitability to work with children relates to the applicant. Material of concern that indicates potential safeguarding concerns and general reputational issues such as extremism and hate speech, violent images, nudity, toxic language, swearing and profanity should be highlighted to the Head Teacher/Recruiting Manager or Governor chairing the recruitment panel.

### **Considering the results of online checks:**

30.7. Where online checks produce information that may indicate the applicant may not be suitable to work with children, the person undertaking the check should provide the relevant information discovered to the Head Teacher (or the recruiting manager/governor where this is not the Head Teacher). The Head Teacher (or the recruiting manager/governor where this is not Head Teacher) should discuss the information discovered with the applicant, allowing them the chance to respond in a similar way to dealing with information revealed via a DBS check.

30.8. The Head Teacher/recruiting manager/governor should carefully consider the information found and the applicant's response, along with other information gathered throughout the recruitment and selection process about the applicant's suitability to work with children, and make a decision about whether the information affects the decision to consider the applicant for employment within the school. A positive online information form should be completed (form available on SLA online).

Further advice should be sought from your HR/Legal advisor as necessary.

30.9. **For applicants the school goes on to employ**, the positive online information form, along with a copy of the information that was found online, should be kept confidentially on the employees file in line with the schools data retention schedule.

30.10. **For applicants that the school does not go on to employ** the information and form should be held confidentially with the other information gathered throughout the recruitment process for the period set out in the school's data retention schedule for information relating to unsuccessful applicants and then securely destroyed.

### **Recording online checks on the single central record:**

30.11. Schools should add and complete 2 columns on their single central record. These should be headed 'online checks carried out yes/no' and 'date online check complete'. A model single central record can be found on SLA online.

### 31. Disclosure and Barring Service (DBS) checks

31.1. The DBS is responsible for administering four types of checks:

- Basic: provides details of convictions and conditional cautions considered 'unspent' under the Rehabilitation of Offenders Act 1974
- Standard: a check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings whether or not they are spent
- Enhanced: a check of the PNC records as for Standard check above, plus other information held by the police that is considered relevant by the police; and
- Enhanced with barred list information: this adds checks of the DBS Children's Barred List to the enhanced check.

31.2. Since 29<sup>th</sup> May 2013 filtering rules have been in place that mean certain old and minor cautions and convictions do not have to be disclosed by the applicant, **must not be taken into account by employers in the recruitment and selection** process and will not appear on the DBS check. From 28<sup>th</sup> November 2020, following a Supreme Court judgement which highlighted some elements of the existing filtering rules as disproportionate, the applicant and the DBS will no longer disclose youth reprimands, youth warnings or youth cautions, nor automatically disclose all convictions where an individual has more than one conviction. Instead each conviction will be assessed individually against the appropriate rules. Some offences will never be removed from a DBS certificate; these include the most serious sexual and violent offences. The filtering rules can be found on the [GOV.UK website](https://www.gov.uk).

31.3. Enhanced DBS checks with barred list checks should be sought for staff who are employed by the school, and for volunteers who undertake 'regulated activity' (i.e. regularly teach, train, instruct, care for or supervise children, or provide advice/guidance on well-being, or drive a vehicle only for children) which is unsupervised. (Note: **Paid** workers in a school are classed as in regulated activity even if supervised as a school is classed as a 'specified place', and so should be DBS checked).

31.4. Online DBS applications should be completed by all successful applicants who require a DBS check.

31.5. There is no requirement to obtain an enhanced DBS check, if in the three months prior to beginning work in their new appointment, the applicant has worked:

- in a school in England in a post which brought them into regular contact with children or in any post in a school since 12<sup>th</sup> May 2006; or
- in a college in England in a position which involved the provision of education and regularly caring for, training, supervising or being in sole charge of children or young people under the age of 18.

However the school must check that the applicant is not on the Barred List. This may be done via the DBS update service where the applicant is registered, or via

Teaching Regulation Agency (TRA) (or through HR if the school does not have their own licence to do so and buys back WBC HR service) if not.

- 31.6. In the circumstances described in 30.5, the school **may** request an enhanced DBS check with barred list check if it has any concerns about the candidate or has a policy of checking all new starters.
- 31.7. An Enhanced DBS check **without barred list check** should be obtained for governors (unless they also undertake regulated activity in which case an enhanced check with barred list should be obtained).
- 31.8. Schools can, following an amendment to the Rehabilitation of Offenders Act, choose to obtain an enhanced DBS check **without barred list check** for anyone undertaking work infrequently, which if done frequently, would be regulated activity with children. (For example contractors coming into school when pupils are present to do maintenance work on an infrequent basis).
- 31.9. The LSCB advice is that schools should repeat DBS checks every three years. Schools should also recheck existing staff in post where;
- an individual moves to a new position that involves responsibilities not previously checked (e.g. moving from working with adults to working with children).
  - there is cause for concern about the person's suitability to work with children arising during employment.

## 32. DBS update service

- 32.1. Some applicants may have joined the DBS update service when a previous DBS check was completed. The update service enables employers to complete a free online check to see whether new information has been added to the check since it was issued and whether a new check should be obtained.
- 32.2. Before using the update service schools must:
- Obtain consent from the individual to do the online check
  - See the original DBS certificate to check it matches the individual's identity, is valid for the children's workforce and is an appropriate level of check for the role they are applying for
- 32.3. Further information can be found on the [GOV.UK website](https://www.gov.uk).

## 33. Applicants who have lived/worked outside the UK

- 33.1. Newly appointed staff who have lived or worked outside the United Kingdom must undergo the same checks as all other staff in schools, including a DBS Disclosure with barred list check if appropriate, even if they have never been to the UK. In addition schools must make any further checks they think appropriate so that anything that has occurred outside the UK can be considered.
- 33.2. Successful applicants who have lived or worked outside the UK will also need to provide criminal convictions clearance from the country or countries they were residing/working in, because the DBS cannot generally trace individuals

abroad. If the school recruits an individual from overseas, or an individual who has lived or worked abroad for three or more months in the last five years they should be required to obtain overseas criminal records checks for each country they have spent time in (i.e. where they have lived or worked for 3 months or more). Where the applicant has lived or worked abroad for three or more months, longer than five years ago, and worked in what would be regarded as regulated activity in the UK with children during that time they will also be required to obtain overseas criminal records checks for the relevant country/countries.

33.3. Any documents not provided in English must be accompanied by a certified translation. Translator credentials should be provided, along with an official declaration that the translation is accurate. For more information see [Certifying a document - GOV.UK](#).

33.4. Advice on criminal record information that may be obtained from overseas police forces is published by the Home Office and can be found on the [GOV.UK website](#). For employees working at community (including special) and voluntary controlled schools the school must send the disclosure to the Human Resources team before full clearance to work is issued. In relation to the above schools West Berkshire Council reserves the right to seek verification of the documents provided.

33.5. The Department for Education has issued [guidance on the employment of overseas-trained teachers](#). This gives information on the requirements to be followed when employing teachers who have trained abroad.

33.6. Applicants for teaching roles who have ever taught overseas should be asked to provide proof of their past conduct as a teacher. This should be a letter of professional standing issued by the professional regulating authority in the country/countries in which the teacher has worked confirming that they have not imposed any sanctions or restrictions, or that they are aware of any reason why the teacher may be unsuitable to teach. Advice about which regulatory or professional body applicants should contact is available from the National Recognition Information Centre for the United Kingdom, UK NARIC. Keeping Children Safe in Education provides links to sites where applicants can find details of regulatory bodies in the EU/EEA and Switzerland.

33.7. Schools should note that from 1<sup>st</sup> January 2021 they can no longer use the TRA/Teacher Services System to check information about teacher sanctions or restrictions that a European Economic Area (EEA) professional regulating authority has imposed. Schools should now follow the requirements of s262 and 267 of Keeping Children Safe in Education for all individuals who have lived or worked outside the UK, including what to do if such information is not available and what to consider where information about overseas sanctions, restrictions or criminal records are obtained.

#### **34. DBS checks for volunteers and Governors**

34.1. Under no circumstances should a volunteer in respect of whom no enhanced DBS check **with** barred list check have been obtained be left unsupervised or allowed to work in regulated activity.

34.2. An enhanced DBS check with barred list check can only be requested if the volunteer will have **regular unsupervised** access to children (see below for a

definition). Requirements for governors are different and are specified at 33.10 to 33.13 below.

- 34.3. When determining whether to apply for a DBS check for a volunteer, head teachers should decide whether the individual will regularly be undertaking regulated activity on an unsupervised basis.
- 34.4. The definition of 'regulated activity' is "teach, train, instruct, care for or supervise children, or provide advice/guidance on physical, emotional or educational well-being, or drive a vehicle only for children".
- 34.5. The definition of 'regular' activity is where a regulated activity is undertaken by the same individual as follows:-
- work undertaken once a week or more;
  - work undertaken on four or more days in a 30 day period;
  - work undertaken at least once, overnight and with the opportunity for face-to-face contact with children.
- 34.6. **Some activities are always regulated activities**, regardless of frequency or whether they are supervised or not. This includes relevant personal care, or health care provided by or provided under the supervision of a health care professional:
- Personal care includes helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing, and dressing for reasons of age, illness or disability (it does not include such activities as, for example, parent volunteers helping with costumes for school plays or helping a child lace up football boots).
  - Health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.
- 34.7. 'Supervision' must be regular (on-going); day-to-day; reasonable in all circumstances for the purpose of protecting the children concerned; and carried out by an individual who is engaged in regulated activity relating to children and has a DBS disclosure with barred list check.
- 34.8. Volunteers who are unsupervised and **are** engaged in regulated activity **must** have an enhanced DBS with barred list check.
- 34.9. Volunteers who are supervised are not in regulated activity – an enhanced check with barred list must not be obtained, but the school can obtain an enhanced DBS check **without** barred list check. Schools should undertake and retain a risk assessment to decide whether to obtain an enhanced DBS check without barred list. See the statutory guidance on regulated activity (children) that is contained in annex F of [Keeping Children Safe in Education](#). This provides the statutory guidance on supervision. Seek HR advice if you are unclear.
- 34.10. All governors appointed or elected must have an enhanced DBS **without** barred list check. **If the governor will engage in regulated activity** they must have an enhanced DBS **with** barred list check.
- 34.11. Keeping Children Safe in Education September 2019 clarified that it is not a requirement to complete an enhanced DBS check on an associate member

appointed by the governing body to serve on one or more governing body committees.

- 34.12. A person is disqualified from holding or continuing to hold office as a governor of a maintained school if they are subject of a section 128 direction. As maintained school governors are only required to have an enhanced DBS without barred list check (unless they undertake regulated activity) schools must check if a person they propose to recruit as a governor is barred as a result of being subject of a section 128 direction via the [Teaching Regulation Agency's secure access portal](#) on the Teacher Services web page.
- 34.13. Academies must ensure they comply with the requirements set out in Keeping Children Safe in Education for their governing bodies.

### **35. Agency, third party staff and supply teachers**

- 35.1. An enhanced DBS with barred list check is required for all supply teachers who are engaged directly by the school and those working via an agency/third party.
- 35.2. Schools who engage supply teachers directly are responsible for undertaking all of the required pre-employment checks including the DBS check and overseas checks. Where a supply teacher does no supply work for three months or more a new DBS check should be completed (or a check via the update service where the supply teacher has registered for the update service for the correct level of check – note schools still need to see the original physical certificate when an applicant uses the update service).
- 35.3. Before taking on a member of supply or other agency staff provided by an agency/third party, the school must obtain written confirmation from the agency/third party that all necessary pre-employment checks **for the individual** have been carried out and are satisfactory. In relation to DBS Disclosures the written notification from the agency/third party must confirm that a relevant DBS check, including barred list check where appropriate, has been obtained, and whether the check was complete with 'no content' (which means that the check is clear), or check is 'complete with content' (which means the check is not clear). Where there is content on the certificate, the school must be shown the DBS Disclosure by the individual before he/she starts work. The school must decide whether or not to accept the agency/third party worker following the points in section 41 below. The individual must not undertake any work until this process has been followed.
- 35.4. Schools must check the identity of the person presenting themselves for work to ensure he/she is the same person on whom the checks have been made.

### **36. Contractors**

- 36.1. Where schools use contractors to provide services they should set out their safeguarding requirements in the contract between the organisation and the school.
- 36.2. Schools should ensure that the contractor, or any employee of the contractor, who is to work at the school, has had the appropriate level of DBS