

## Safer Recruitment Policy

**Responsible person:** Koen Claeys

**Review Cycle:** ANNUAL

**Last review date:** October 2024

**New review date:** October 2025

**In all Burlington House School policies, the words “Burlington House School” refer to Burlington House Prep, Burlington House Senior and Burlington House Sixth Form.**

Burlington House School is owned and operated by **Cavendish Education**.

### General Introduction:

This policy is one of a series of school policies that, taken together, are designed to form a comprehensive statement of the school’s aspiration to provide an outstanding education for each of its students and of the mechanisms and procedures in place to achieve this. Accordingly, this policy should be read alongside these policies. In particular, it should be read in conjunction with the policies covering equality and diversity, Health and Safety, safeguarding and child protection.

All of these policies have been written, not simply to meet statutory and other requirements, but to enable and evidence the work that the whole school is undertaking to ensure the implementation of its core values: that **all children can achieve**.

While this current policy document may be referred to elsewhere in Burlington House School documentation, including particulars of employment, it is non-contractual.

In the school’s policies, unless the specific context requires otherwise, the word “parent” is used in terms of Section 576 of the Education Act 1996, which states that a ‘parent’, in relation to a child or young person, includes any person who is not a biological parent but who has parental responsibility, or who has care of the child. Department for Education guidance Understanding and dealing with issues relating to parental responsibility updated August 2023 considers a ‘parent’ to include:

- all biological parents, whether they are married or not
- any person who, although not a biological parent, has parental responsibility for a child or young person - this could be an adoptive parent, a step-parent, guardian or other relative
- any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part-time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

The school employs the services of the following consulting companies to ensure regulatory compliance and the implementation of best practice:

- Peninsula BrightHR
- Peninsula BusinessSafe (Health and Safety)

- Atlantic Data (DBS)
- Educare (online CPD)
- SchoolPro (data protection)
- Marsh Commercial (insurance)

Where this policy refers to ‘employees’, the term refers to any individual that is classified as an employee or a worker, working with and on behalf of the school (including volunteers and contractors).

Burlington House School is committed to safeguarding and promoting the welfare of children and young people and expects all staff, volunteers, pupils and visitors to share this commitment.

All outcomes generated by this document must take account of and seek to contribute to safeguarding and promoting the welfare of children and young people at Burlington House School.

The policy documents of Burlington House School are revised and published periodically in good faith. They are inevitably subject to revision. On occasions a significant revision, although promulgated in school separately, may have to take effect between the re-publication of a set of policy documents. Care should therefore be taken to ensure, by consultation with the Senior Leadership Team, that the details of any policy document are still effectively current at a particular moment.

## **1 INTRODUCTION**

The purpose of this policy is to ensure a recruitment process that aims to:

- attract the best possible applicants to vacancies;
- deter prospective applicants who are unsuitable for work with children or young people;
- identify and reject applicants who are unsuitable for work with children and young people.
- adhere fully to the Equality Act 2010 and
- fulfil guidance within ISI regulations in line with the Protection of Freedoms Act 2012 in respect to Vetting and Barring and Central Register of Appointment (CRA)
- fulfil guidance in regard to Keeping Children Safe in Education September 2023
- fulfil guidance with regard to Prevent March 2015

An entry will be made in the Single Central Register of Appointment for all current members of staff at the school, the governors and all individuals who work in regular contact with children including volunteers, supply staff and those employed as third parties.

## **2. RECRUITMENT TRAINING**

The Principal, the Heads, SLT and appropriate Governor will undertake certified training in Safer Recruitment from a recognised organisation and maintain evidence of training in school records. Where reasonable, all Head of Departments will also undertake Safer recruitment training. Every selection panel will have at least one person with Safer recruitment training.

## **3. INVITING APPLICATIONS**

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

*“Burlington House School is committed to safeguarding and promoting the welfare of children and young people and expects all staff to share this commitment. You will be required to undertake an enhanced DBS disclosure.”*

Prospective applicants will be supplied, as a minimum, with the following:

- job description and person specification
- the school's Safeguarding policy
- the school's recruitment policy (this document)
- the selection procedure for the post

All prospective applicants must complete, in full, an application form.

#### **4 SHORT-LISTING AND REFERENCES**

Short-listing of candidates will be against the person specification for the post and based upon the use of a two part application form that separates personal information from information on experience and skills and education.

Two references will be taken up if selected for interview so that discrepancies can be probed during the selection stage, where possible we will seek references prior to interview. This will include the current employer. References will include a request for any reason why the applicant should not work with children. References will only be accepted from the Headteacher or in some cases senior colleagues, however, the expectation is that the Headteacher will countersign references in these instances.

References will be sought directly from the referee who must be a senior member of staff such as a manager. Open references or testimonials provided by the candidate will never be accepted.

Referees will be contacted by telephone in order to confirm safeguarding information and to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges with appropriate follow up where required.

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

The school may conduct online searches against shortlisted candidates. These online searches may be done as part of the due diligence checks.

Referees will always be asked specific questions about:

- the candidate's suitability for working with children and young people
- any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children
- the candidate's suitability for this post.

School employees are entitled to see and receive, if requested, copies of their employment references.

#### **5. REASONABLE ADJUSTMENTS**

As far as is possible the school will make reasonable adjustments to enable disabled people to carry out their duties. However, the school is situated over three floors and there is no lift currently.

#### **6 THE SELECTION PROCESS**

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

Interviews will always be face-to-face. Telephone interviews may be used at the short-listing stage but will not be a substitute for a face-to-face interview (which may be via visual electronic link).

Candidates will always be required:

- to explain satisfactorily any gaps in employment and will be checked against references
- to explain satisfactorily any anomalies or discrepancies in the information available to recruiters
- to declare any information that is likely to appear on a DBS disclosure
- to demonstrate their capacity to safeguard and protect the welfare of children and young people.
- to provide previous employment history/CV as part of having regard to KCSIE

## **7 EMPLOYMENT CHECKS**

All successful applicants must not be barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006 (c) or carries out work, or intends to carry out work at the school in contravention of any direction made under section 128 of the 2008 Act and 142 of the 2002 Act as well as the 2018 Childcare Disqualification Regulations. The school considers that all staff are in regulated activity. Before appointment all successful applicants are required:

- to provide (two) proof of identity which include photographic identification such as passport and evidence of address such as a utility bill or bank statement
- to complete a DBS disclosure application and enhanced criminal record check and receive satisfactory clearance for those in regulated activity
- to be checked against the Barred list/list 99 check (all staff in regulated activity)
- to provide actual certificates of qualifications which will be checked in advance of appointment
- to check through previous employer absence record
- to complete a medical fitness form which demonstrates staff are fit to carry out their duties, both physically and mentally
- to provide proof of eligibility to live and work in the UK. The school is aware of the rules for employing migrant workers (Feb 2008) and that there is a fine of up to £10000 for engaging an illegal worker
- if having lived or worked outside the UK for a period of three months or more in the last five years, make any further checks the school considers appropriate having regard to any guidance issued by the Secretary of State such as a certificate of good conduct from the host country
- Teaching staff employed on or after 1<sup>st</sup> April 2012 will be checked against Prohibition from teaching orders. Check using name for those without QTS
- For staff considered to be in management positions (Head, SLT and HODs) from the 12<sup>th</sup> August 2015, the school must check whether staff are subject to a s.128 direction/Prohibition from management of Independent schools directions. As from September 2018, this includes internal promotions
- If staff are transferred under TUPE (gap of three months or less and information complete) information will be passed to the new employer and a note made on the register that details have been accepted under TUPE. If there has been a three month break it may be necessary to undertake a new DBS check.
- The EEA check for applicant teachers who have taught in the EEA, is required from the 5<sup>th</sup> September 2016

If an enhanced disclosure is delayed staff may commence work without confirming the appointment after a satisfactory barred list check and all other relevant checks have been completed satisfactorily and the DBS application is in process. Appropriate safeguards such as loose supervision will be put in place and a note added to the Single Central Register. In these instances, the school will avoid confirming the appointment, review safeguards at least every two weeks and ensure the person in question is informed of the safeguard in place.

All documentation will be stored securely in individual personnel files.

### **7.1 AGENCY AND THIRD PARTY STAFF**

Written notification from any agency, or third-party organisation will be obtained to make sure that the organisation has carried out the checks on an individual who will be working at the school that the school would otherwise perform. This must include, as necessary, a barred list check, prohibition list, qualifications and right to work in the UK and overseas checks prior to appointing that individual. Enhanced disclosure must be renewed every three years. In line with KCSIE two references, declaration of medical fitness, check of previous employment history will also be checked. The school will also check that the person presenting themselves for work is the same person on whom the checks have been made.

## **7.2 TRAINEE/STUDENT TEACHERS**

Where applicants for initial teacher training are salaried by the school, the school will ensure that all necessary checks are carried out. As trainee teachers can undertake regulated activity, sometimes unsupervised, an enhanced DBS certificate and barred list check will be obtained. Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks.

## **7.3 VOLUNTEERS**

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

All volunteers in regulated activity who will regularly teach or look after children on an unsupervised basis or provide personal care on a one-off basis will apply for an enhanced DBS certificate with barred list check.

If a volunteer is not engaging in regulated activity, a risk assessment and professional judgement and experience will be used when deciding whether to seek an enhanced DBS check.

## **7.4 EMPLOYEES OF THIRD-PARTIES (VISITING PROFESSIONALS)**

Individuals working at the school but employed by third-parties (such as Educational Psychologists, nurses, sports coaches and other public sector staff) should have been checked by their employing organisation. It is not necessary to see their disclosure as appropriate checks should have been carried out and should be confirmed in writing by the organisation. The school will check the identity of every person who arrives at Reception.

## **7.5 SCHOOL GOVERNORS**

The proprietor of the school is the Cavendish Education Group who are responsible for the management of the school. Checks are made in advance of appointment or as soon as practicable after appointment.

School governors who are volunteers will be treated on the same basis as other volunteers, that is, an enhanced DBS check with barred list check as well as a check to make sure they have the right to work in the UK and not in contravention of a prohibition order under section 128 of the 2008 Act will be requested if the governor will be engaged in regulated activity. Governing bodies and proprietors can request an enhanced DBS check without a barred list check on an individual as part of the appointment process for governors.

The chair of Governors will be checked to ensure they are not barred from regulated activity relating to children in accordance with section 3 (2) of the safeguarding vulnerable groups act, 2006 and that they are not subject to a prohibition order in accordance with section 128 of the 2008 Act. Likewise checks confirming identity and enhanced DBS will be undertaken. The Chair has also undergone checks via the DfE including an enhanced DBS check countersigned by the 'Secretary of State'. Checks for the Chair of Governors for Cavendish Education are held centrally rather than on site.

## **7.6 CONTRACTORS**

All contractors, or any employee of the contractor, working at the school has been subject to the appropriate level of DBS check, if any such check is required (for example because the contractor is carrying out teaching or providing some type of care for or supervision of children regularly).

Contractors and contractors' employees for whom an appropriate DBS check has not been undertaken will be supervised if they will have contact with children.

If a contractor working at a school is self-employed, the school will consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account.

The school will always check the identity of contractors and their staff on arrival at the school.

## **7.7 VISITORS**

Schools do not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children's relatives or other visitors attending a sports day). The Head will use professional judgement about the need to escort or supervise visitors who are not DBS checked. This may include remote supervision using CCTV.

In the case of visiting speakers an internet search will be carried out to provide background information to ensure that Safeguarding and Prevent requirements are adhered to. At all times, visiting speakers will be accompanied by a member of staff.

## **7.8 ADULTS WHO SUPERVISE CHILDREN ON WORK EXPERIENCE**

The school has a Work Experience Policy that ensures procedures are in place to protect children from harm.

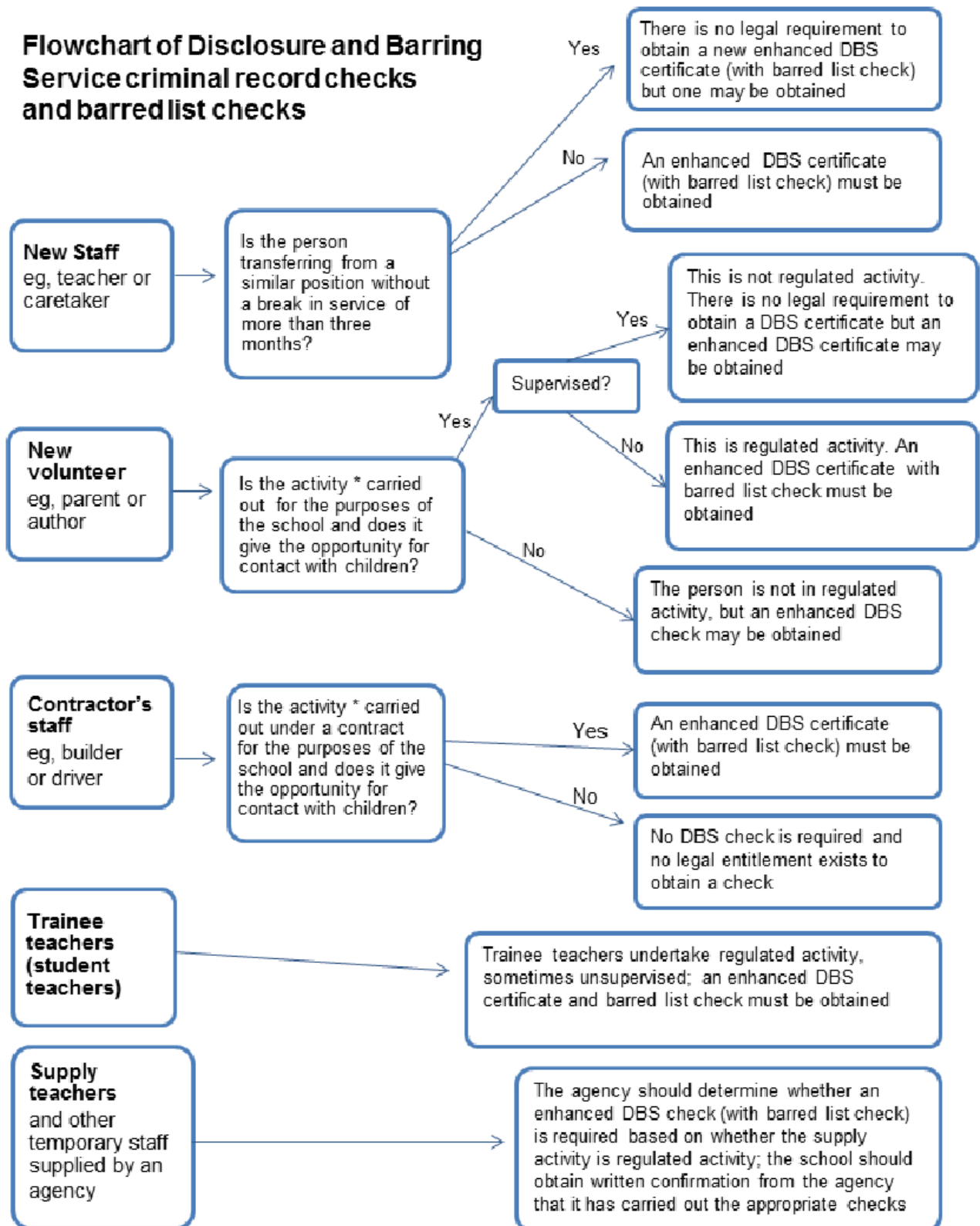
Barred list checks by the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement. The school would have to consider the specific circumstances of the work experience, in particular the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations would include whether the person providing the teaching/training/instruction/supervision to the child will be unsupervised; and providing the teaching/training/instruction frequently (at least once a week or on more than three days in a 30 day period, or overnight).

If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity. If so, the school will ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

Schools are not able to request an enhanced DBS check with barred list information for staff supervising children aged 16 to 17 on work experience.

If the activity undertaken by the child on work experience takes place in a 'specified place', such as a school or college, and gives the opportunity for contact with children, this may itself be considered to be regulated activity. In these cases and where the child is 16 years of age or over, the work experience provider should consider whether a DBS enhanced check should be requested for the child/young person in question. DBS checks cannot be requested for children/young people under the age of 16.

## Flowchart of Disclosure and Barring Service criminal record checks and barred list checks



\* Activities listed under the guidance's definition of regulated activity and which are carried out 'frequently'

## **Statutory guidance – regulated activity (children)**

This statutory guidance on the supervision of activity with children which is regulated activity when unsupervised is also published separately on GOV.UK.

1. This document fulfils the duty in legislation that the Secretary of State must publish statutory guidance on supervision of activity by workers with children, which when unsupervised is regulated activity. This guidance applies in England, Wales and Northern Ireland. It covers settings including but not limited to schools, childcare establishments, colleges, youth groups and sports clubs.

2. For too long child protection policy has been developed in haste and in response to individual tragedies, with the well-intentioned though misguided belief that every risk could be mitigated and every loophole closed. The pressure has been to prescribe and legislate more. This has led to public confusion, a fearful workforce and a dysfunctional culture of mistrust between children and adults. This Government is taking a different approach.

3. We start with a presumption of trust and confidence in those who work with children, and the good sense and judgement of their managers. This guidance applies when an organisation decides to supervise with the aim that the supervised work will not be regulated activity (when it would be, if not so supervised). In such a case, the law makes three main points:

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

The organisation must have regard to this guidance. That gives local managers the flexibility to determine what is reasonable for their circumstances. While the precise nature and level of supervision will vary from case to case, guidance on the main legal points above is as follows.

4. Supervision by a person in regulated activity/regular and day to day: supervisors must be in regulated activity themselves. The duty that supervision must take place “on a regular basis” means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the worker has just started or has been doing the activity for some time.

5. Reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Organisations should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:

- ages of the children, including whether their ages differ widely;
- number of children that the individual is working with;
- whether or not other workers are helping to look after the children;
- the nature of the individual’s work (or, in a specified place such as a school, the individual’s opportunity for contact with children);
- how vulnerable the children are (the more they are, the more an organisation might opt for workers to be in regulated activity);
- how many workers would be supervised by each supervising worker.

6. In law, an organisation will have no entitlement to do a barred list check on a worker who, because they are supervised, is not in regulated activity.



## **8 INDUCTION**

All staff new to the school will receive induction training that will include the school's safeguarding policies and guidance on safe working practices.

Regular meetings will be held during the first 3 months of employment between the new employee(s) and the appropriate manager(s).