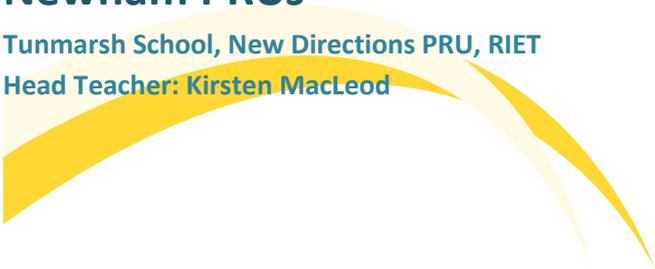


## Newham PRUs

Tunmarsh School, New Directions PRU, RIET

Head Teacher: Kirsten MacLeod



# Newham PRUs

## Recruitment and DBS Policy

Reviewed policy prepared by: **Liz Shirley, Strategic Finance and Business Manager**

Reviewed policy agreed by MC on: **Autumn Term 2017**

Reviewed policy shared with staff on: **Autumn Term 2017**

Policy to be reviewed again on: **Autumn Term 2018**

The purpose of this policy is to:

- To safeguarding and promote the welfare of the children in education through the safe recruitment of staff.
- To provide sound procedures and guidelines for the recruitment and retention of competent, motivated employees who are suited to and fulfilled in the roles they undertake.

The safe recruitment of staff in schools is the first step to safeguarding and promoting the welfare of the children in education. Newham PRUs is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. It is recognised that this can only be achieved through sound procedures, good inter-agency co-operation and the recruitment and retention of competent, motivated employees who are suited to, and fulfilled in the roles they undertake.

Newham PRUs recognises the value of, and seeks to achieve a diverse workforce which includes people from different backgrounds with different skills and abilities. Newham PRUs is committed to ensuring that the recruitment and selection of all who work within Newham PRUs is conducted in a manner that is systematic, efficient, effective and promotes equality of opportunity. Newham PRUs will uphold its obligations under law and national collective agreements to not discriminate against applicants for employment on the grounds of age, sex, sexual orientation, marital status, disability, race, colour, nationality, ethnic origin, religion or creed. This document provides a good practice framework.

All posts within school are exempt from the Rehabilitation of Offenders Act 1974 and therefore all applicants will be required to declare spent and unspent convictions, cautions and bind overs, including those regarded as spent and have an Enhanced Disclosure and Barring Service check.

Newham PRUs is committed to ensuring people who have been convicted are treated fairly and given every opportunity to establish their suitability for positions. Having a criminal record will not necessarily be a bar to obtaining a position.

**Newham PRUs will:**

- Ensure that appropriate staff who undertake recruitment have received safer recruitment training.
- Work towards every appointment panel to include one member who has received safer recruitment training
- Implement robust recruitment procedures and checks for appointing staff and volunteers to ensure that reasonable steps are taken not to appoint a person who is unsuitable to work with children, or who is disqualified from working with children, or does not have the suitable skills and experience for the intended role.
- keep and maintain a single central record of recruitment and vetting checks.
- Ensure that the terms of any contract with a contractor or agency requires them to adopt and implement measures described in this procedure. Newham PRUs will monitor the compliance with these measures.

- Require staff who are convicted or cautioned for any offence during their employment with Newham PRUs to notify Newham PRUs, in writing of the offence and the penalty.

**The following pre-employment checks will be undertaken:**

- Receipt of at least two satisfactory references, one of which will be from the former or most recent employer
- Verification of the candidate's identity in line with the requirements of The Immigration, Asylum and Nationality Act 2006
- A list 99 check
- A satisfactory DBS clearance
- Verification of qualifications
- Verification of professional registration as required by law for teachers
- Verification that a candidate to be employed as a teacher is not subject to a prohibition order
- Verification of the candidate's mental and physical fitness to carry out the work
- Verification of successful completion of induction period

**Roles and responsibilities:**

It is the responsibility of the Management Committee to:

- Ensure Newham PRUs has effective policies and procedures in place for the recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements
- Monitor Newham PRUs compliance with them

It is the responsibility of the Head Teacher and other managers involved in recruitment to:

- Ensure that Newham PRUs operates safe recruitment procedures and makes sure all appropriate checks are carried out on all staff and volunteers who work at Newham PRUs.
- To monitor contractors' and agencies' compliance with this document
- Promote welfare of children and young people at every stage of the procedure

It is the responsibility of all potential and existing workers, including volunteers to comply with this document.

It is the responsibility of all contractors and agencies to comply with safer recruitment pre-employment checks.

It is the responsibility of Newham PRUs's HR provider, Newham Partnership Working (NPW) to:

- Deal with the administration of the disclosure system for Newham PRUs

In accordance with Newham PRUs Staffing Regulations, the Management Committee has delegated responsibility to the Head Teacher to lead in all appointments outside of the leadership group. School governors may be involved in staff appointments but the final decision will rest with the Head Teacher. The Head Teacher may delegate the selection process of staff outside of the leadership group to other managers in Newham PRUs, but remains responsible for the decision to appoint.

## **The Procedure:**

### **Advertising**

A statement relating to safeguarding children should be incorporated in the advertising process and included explicitly in the job description and personnel specification e.g.:

“Newham PRUs is committed to a rigorous implementation of our safeguarding policy. “

All successful applicants are subject to an enhanced DBS check.

All successful staff will be checked to ensure they are not on List 99 as determined by the LA.

All successful staff will undergo enhanced DBS checks before the start of their employment.

Further checks are carried out during the interview process.

To ensure equality of opportunity, Newham PRUs will advertise all vacant posts to encourage as wide a field of candidates as possible, normally this will entail an external advertisement. However, where there is a reasonable expectation that there are sufficient qualified internal candidates or where staff are at risk of redundancy, an internal advertisement may be considered appropriate.

### **Applications**

The form – Newham PRUs uses a standard application form. CVs will not be accepted. Newham PRUs requires candidates to account for any gaps or discrepancies in employment history on this application form. Where an applicant is shortlisted, these gaps will be discussed at interview.

Applicants should be aware that providing false information is an offence and could result in the application being rejected or summary dismissal if the applicant has been selected, and possible referral to the police and other professional regulatory bodies (e.g. General Teaching Council for England).

### **References**

References for shortlisted candidates will be sent for immediately after shortlisting. References must be in writing or attached to a professional email and be specific to the job for which the candidate has applied - open references or testimonials are not acceptable.

Newham PRUs will not accept references from relatives or people writing solely in the capacity as a friend. Only references from a trusted authoritative source will be acceptable.

Reference requests will specifically ask:

- About the referee's relationship with the candidate
- Whether the referee is completely satisfied that the candidate is suitable to work with children and, if not, for specific details of the concerns and the reasons why the referee believes that the person might be unsuitable.

### **Referees will also be asked to confirm details of:**

- The applicant's current post and salary
- Performance history and conduct
- Any disciplinary procedures in which the sanction is current
- Any disciplinary procedures involving issues related to the safety and welfare of children, including any in which the sanction has expired and the outcome of those details of any allegations or concerns that have been raised that relate to the safety and welfare of children or behaviour towards children and the outcome of these concerns.

References will be compared to the application form to ensure that the information provided is consistent. Any discrepancies will be taken up with the applicant at interview.

Any information about past disciplinary action or allegations will be considered in the circumstances of the individual case. Cases in which an issue was satisfactorily resolved some time ago, or an

allegation was determined to be unfounded or did not require formal disciplinary sanctions, and which no further issues have been raised, are not likely to cause concern. More serious or recent concerns or issues are more likely to cause concern. A history of repeated concerns or allegations over time is also likely to give cause for concern.

### **Self-declaration of convictions by job applicants**

Newham PRUs' policy is to require shortlisted applicants for all posts (including volunteers) to declare all criminal convictions whether "spent" or "unspent" and include any cautions and pending prosecution.

Such declarations will be made on an appropriate form and should be submitted in a sealed envelope, marked strictly private and confidential to the chair of the selection panel / Head Teacher, prior to the interview. The chair of the panel / Head Teacher will discuss relevant, positive declarations confidentially with the applicant at interview.

The disclosure of convictions, cautions or pending cases will not necessarily prevent employment but will be considered in the same way as positive DBS disclosures.

### **Interviews**

The selection process will always include the following:

- Face to face interview / professional interview,
- Proof of Identity and Right to Work in the UK & Verification of Qualifications and/or Professional Status.
- Shortlisted applicants for all posts will be required to provide proof of identity by producing documents on the day of interview in line with those set out in The Immigration, Asylum and Nationality Act 2006. Similar information is also required to undertake a Disclosure and Barring Service check on the preferred candidate.
- Short-listed candidates will also be required to provide proof of their qualifications and professional status by producing documentation on the day of interview. Newham PRUs will verify that candidates have actually obtained any qualifications legally required or deemed essential for the job and claimed in their application by asking to see the relevant certificate, or a letter of confirmation from the awarding body / institution. If the original documents are not available, Newham PRUs will require sight of a properly certified copy. Where candidates have obtained qualifications abroad, a certified comparability
- Check by NARIC will also be required.
- Proof of identity and other documentation will be verified by the chair of the panel /Head Teacher.

### **Visits to school**

Potential staff should be encouraged to visit Newham PRUs during the normal school day.

This is not an element of the recruitment process but is regarded as important in helping potential staff clarify questions and aid their decision-making.

### **Commencement of Employment prior to DBS check being received**

In unusual circumstances it is permitted to commence employment prior to receiving a cleared DBS check. However a List 99 check and risk assessment must be completed.

## **Employment Offer**

It may be possible to negotiate a provisional start date with the preferred candidate, however, with the exception of DBS disclosures, the checks detailed above must all be completed BEFORE a person's appointment is confirmed. In the case of DBS disclosures, the certificate must be obtained before or as soon as practicable after appointment. Once all pre-employment checks have been satisfactorily completed / received, an offer of employment will be made and the contract of employment issued. The contract will be issued as soon as possible but in all circumstances within 8 weeks of employment commencing.

## **Record Retention / Data Protection**

Newham PRUs will retain all interview notes on all applicants for a 6 month period, after which time the notes will be destroyed (i.e.: shredded). The 6 month retention period will allow the school to deal with any data access requests, recruitment complaints or respond to any complaints made to the Employment tribunal. Under the Data Protection Act 1998, applicants have a right to request access to notes written about them during the recruitment process. Applicants who wish to access their interview notes must make a subject access request in writing to the chair of the panel / Head Teacher within 6 months of the interview date.

## **Personal file records**

For the successful candidate, Newham PRUs will retain the following information which will make up part of their personal file:

- Application form
- References
- Disclosure of convictions form
- Proof of identification
- Proof of academic qualifications
- Proof of registration with General Teaching Council (for teaching staff)
- Certificate of Good Conduct (where applicable)
- Evidence of medical clearance from Occupational Health
- Evidence of the DBS clearance
- Single Central Record of Recruitment Vetting Checks

In line with DfE requirements, Newham PRUs will keep and maintain a single central record of recruitment and vetting checks. The central list will record all staff who are employed at the school, including casual staff, supply agency staff whether employed directly or through an agency, volunteers, governors who also work as volunteers, and those who provide additional teaching or instruction for pupils but who are not staff members, e.g. specialist sports coach or artist.

The central record will indicate whether or not the following have been completed:

- Identity checks
- Qualification checks for any qualifications legally required for the job
- Additionally for those applying for teaching posts, registration check with the GTC where appropriate
- Checks of right to work in the United Kingdom
- Start date of commencement of employment with LB Newham
- List 99 checks

- DBS Enhanced Disclosure including the date of the DBS check (or the date the certificate was received)
- Further overseas records where appropriate
- Medical check date

It shall also indicate who undertook the check and the date on which the check was completed or the relevant certificate obtained.

### **Agency supply staff**

In order to record supply staff provided through an agency on the record, Newham PRUs will require written confirmation from the supply agency that it has satisfactorily completed the checks described above. Newham PRUs does not need to carry out checks itself except where there is information contained within the disclosure. However identity checks must be carried out by Newham PRUs to check the person arriving is the person the agency intends to refer to them.

### **Probation periods**

Newly appointed support staff who are new to the employment of the Management Committee will be subject to Newham PRUs' probationary period. All school staff will be given a copy of the DfE guidance on Keeping Children Safe in Education and asked to sign a declaration that they have read and understood the document and will follow the guidelines required to maintain professional boundaries at all times. Newham PRUs has a specific safeguarding related whistle blowing policy which has been disseminated to all staff and volunteers.

Newham PRUs adopts a culture of vigilance where all concerns are listened to and taken seriously. Newham PRUs will follow DfE and LB Newham Safeguarding Children Board allegations procedures and refer any allegation for initial consultation with the Local Authority Designated Officer.

### **Induction**

All newly appointed staff will, either prior to or at the point of taking up the post, undergo a programme of induction appropriate for their post. The induction will specifically address issues concerning the safeguarding of children and young people as well as matters directly related to the operation of the post.

### **Rehabilitation of Offenders Disclosure**

All posts within the London Borough of Newham are exempt from the Rehabilitation of Offenders Act 1974. Applicants will be required to declare spent and unspent convictions, cautions and bind-overs, including those regarded as spent and have an Enhanced Criminal Records Disclosure.

### **Building Contractors**

Children are not allowed in areas where builders are directly working for health and safety reasons so these workers should not have direct contact with children. At February 2013 the definition of Regulated Activity, which enables an application to be submitted for an Enhanced DBS check including a check of the ISA children's barred list, the work of the tradesperson must meet all of the following criteria:

- The work has to be carried out at a school regularly (once a week or more or on four days or more in a single month or overnight);
- The work has to take place regularly on the SAME school premises. For example, a trade person who works in several different schools, but only works in the same school once a fortnight, is not in regulated activity; and
- The work has to involve the opportunity for contact with children at the school. If the work is done out of hours when no children are on site, or on a part of the site which is separated from areas where children have access, it is not regulated activity

So where a school uses a trades/maintenance worker who works (i) regularly and (ii) at the same school and (iii) has opportunity for contact with children, then this would be considered as carrying out a Regulated Activity and require an enhanced check. (Extract from CRB Service Document September 2012)

Unless these 3 criteria are all met, the school will not require contractors to have enhanced checks. The guidance is followed by the Council when tendering for contractors to carry out works on the school buildings and site. With all contractors, the school will carry out an identity check to confirm that the individual who arrives at the school is the person whom the contractor intends to arrive there.

### **Checks on other Public Sector Staff**

Individuals such as psychologists, nurses, dentists, centrally employed teachers and other public sector staff will have been checked by their employing organisation, whether local authority, Primary Care Trust or Strategic Health Authority. It is not necessary for schools to see their DBS Certificate as appropriate checks will have been carried out. Schools check identity when an individual arrives. With regard to catering and cleaning staff employed by Newham Catering and Cleaning Services, NCCS obtain and hold details of their CRB clearance and schools will be provided with these on request.