

The **co-operative** academies trust

Safer Recruitment Policy

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Safer Recruitment Policy

Contents	Page No.
1.0 Introduction	2
2.0 Preparing for Recruitment	2
2.1 Job Description & Person Specification	2
2.2 The Advert	3
2.3 Application Packs	3
3.0 Interview Process	3
3.1 The interview panel	3
3.2 References	4
3.3 Employment Gaps	4
3.4 Qualification Verification	5
3.5 Rehabilitation of Offenders Disclosure	5
3.6 Commitment to Safeguarding Children	5
4.0 Pre-employment Checks	5
4.1 References	6
4.2 Verification of Candidate's Identity	6
4.3 Prohibition Check	6
4.4 DBS Disclosure	6
4.4.1 Barred List	7
4.4.2 DBS Update Service	7
4.5 Childcare Disqualification Regulations requirements	7
4.6 Medical Clearance	8
4.7 Verification of Qualifications	8
4.8 Verification of Professional Registration	9
4.9 Right to work in the UK	9
4.10 Employment History	9
4.11 Overseas Criminal Record Disclosure	9
5.0 Other Contacts with the Academy	9
5.1 Temporary / short term teachers employed directly by the Academy	9
5.2 Peripatetic Tutors & Agency Staff	9
5.3 Host families involved in exchange visits	10
5.4 Volunteers	11
5.4.1 Supervision	11
5.5 Contractors	11
5.6 Visitors	12
5.7 Local Governing Body members	12
5.8 CAT Board members	12
5.9 Foreign Language Assistants	13
5.10 Work related placements within our Academies & placement of our students outside our Academies	13
5.11 Existing Staff	13
6.0 Single Central Record	14
7.0 Review	14
Annexes:	
1 - Flowchart of DBS & Barring Checking	15
2 - Policy Statement on the Recruitment of ex-offenders	16
3 – Childcare Disqualification Regulations	18

Safer Recruitment Policy

1.0 Introduction

This document sets out the policy and procedures to be adopted in order to ensure that the recruitment process for the Co-operative Academies Trust (CAT) is as safe as possible and helps to deter, reject or identify people who might abuse children. It is applicable to all of our Academies, and includes the central Trust team, Local Governing Bodies & the Trust Board.

CAT has delegated accountability for all recruitment below the level of Headteacher/Principal to the Governing Bodies of its Academies. The procedures and standards as laid down in this policy must be used by all those involved in the recruitment process within CAT.

The policy and associated guidance are in line with the Department for Education's statutory guidance for schools & colleges "**Keeping children safe in education**" (July 2015, part 3) which can be found at <https://www.gov.uk/government/publications/keeping-children-safe-in-education>. A brief overview can be found at **Annex 1**. In case of any questions arising, the current version of the statutory guidance should be referred to and followed as it is updated from time to time.

2.0 Preparing for recruitment

2.1 Job Description and Person Specification

At the start of the recruitment process it is important to define what the post holder's responsibilities for children/vulnerable adults will be over and above the qualifications and experience needed to perform the job. To affirm CAT's commitment to safer recruitment, it is advisable to ensure that the statement of intent, below, be included on all person specifications.

"The Co-operative Academies Trust, as an aware employer is committed to safeguarding and protecting the welfare of children and vulnerable adults as its number one priority. This commitment to robust recruitment, selection and induction procedures extends to organisations and services linked to the Trust on its behalf".

When a post requires a DBS Disclosure, this must be reflected in the job description and person specification relating to that post. It is envisaged that due to the nature of work in all primary and secondary Academies, and resultant contact with children, all posts will require an enhanced DBS Disclosure. Where the Childcare Disqualification Regulations requirements also apply to a post, this should also be reflected in the person specification.

All job descriptions must detail:

- Main duties and responsibilities of the post;
- This should also include the post holder's specific responsibility towards the promotion and practice of safeguarding the welfare of children that they come in to contact with through their job

All person specifications must detail:

- Qualifications required to do the job
- Professional Registrations (if required);
- Enhanced DBS Disclosure required / if Childcare Disqualification Regulations apply;
- Define the skills and competencies required;
- Explore issues relating to the safeguarding of children, such as:
 - Motivation to work with children;
 - Ability to form and maintain appropriate relationships and personal boundaries with children;
 - Emotional resilience in working with challenging behaviors;
 - Attitudes to use of authority and maintaining discipline.

It is good practice to state on the person specification how these issues will be tested – e.g. application form, interview, or assessment day. It is expected that all of the points on the person specification should be evidenced either in a candidate's application form or through the interview and selection process.

2.2 The Advert

Advertisements for all vacancies should demonstrate CAT's commitment to safer recruitment and vetting procedures, protecting every potential applicant from unfair practice and ultimately safeguarding children. Promoting commitment to safeguarding and child protection can act as a deterrent to would-be abusers.

2.3 Application Packs

The importance of safeguarding and protecting children within CAT should be promoted as much as possible throughout the recruitment process in order to deter unsuitable candidates.

It is recommended that the application pack for any Academy recruitment includes:

- Application Form
(*Highly recommended over CVs, as CVs will only show you what the candidate wants you to see and will not provide consistent data between candidates*)
- Job Description
- Person Specification
- Academy Prospectus
- Academy Child Protection Policy
- DBS – A Guide for Applicants
- Recruitment of Ex-offenders Policy (**Annex 2**)
- If an applicable post, Childcare Disqualification Regulations guidance note and declaration form (**Annex 3**). Any shortlisted applicant must declare relevant information.

Recruitment for central Trust posts should include a job description and person specification, and additional information as required dependent on the nature of the post concerned.

3.0 Interview Process

The interview process should allow time for any discrepancy in a candidate's application or references to be scrutinised and clarified. With this in mind all candidates should have their qualifications verified, employment gaps explained, criminal record disclosed, reference issues and their attitude towards children discussed at interview. This means that when a candidate is successful, any issues surrounding their application and references have been fully explored before they are offered the post.

Every interview must be carried out on a face-to-face basis. The points below are made primarily in relation to recruitment for academy-based roles, however, key principles should also be adopted in the recruitment of central Trust staff.

3.1 The interview panel

The interview panel **must** contain at least one senior member of staff and / or Governing Body member who has been through appropriate safer recruitment training. This is essential training for Headteacher/Principals and other senior leaders, for nominated Local Governing Body members, and for other appropriate and nominated staff members.

The Trust delegates to its academies the responsibility for ensuring that relevant staff have received this training. Each Academy must keep a register of staff and governors who have completed this training, including the date of the training and the training provider.

From 1st September 2014, Safer Recruitment training no longer needs to be approved by the Secretary of State and therefore the DfE will no longer co-ordinate arrangements for accredited or online training.

However, the requirement for at least one member of a recruitment panel to be appropriately trained in line with safeguarding guidance remains.

Delegates interested in Safer Recruitment training should contact the Lucy Faithfull Foundation for information about courses and training available in their area <http://www.lucyfaithfull.org.uk/home.htm>; or may apply for registration on to the NSPCC online training course which will be available from October 2014 http://www.nspcc.org.uk/Inform/trainingandconsultancy/onlinetraining/nspcc-online-training_wda101898.html Training may also be available via local authority HR contacts.

3.2 References

For all academy-based posts, these should be requested prior to interview and ideally received back prior to interview **unless** the applicant has indicated on their application form, or through other contact with the academy, that they are unwilling for a referee to be contacted prior to a post being offered.

One of the referees **must** be the candidate's current or previous employer. Open references must not be accepted in any circumstances.

Reference requests must be issued on CAT's Reference Pro-forma (Leadership, Teaching or Support Staff version, as applicable), which ensures that certain questions are asked about all candidates. This helps to avoid receiving references that do not address all of the areas that we would like to know about.

The Reference Pro-forma asks about the candidate's relationship with children in their current or previous role and if they have ever been involved in any disciplinary action concerning children.

Ideally (unless permission has been withheld), references should be sought on all shortlisted candidates, including internal ones, before interview so that any issues of concern they raise can be explored further with the referee. The references should not, as a matter of course, be shared with the interview panel members. However, if there are any discrepancies or issues with the references, the panel should be asked to explore these at interview* and to make an appointment decision with reference to all the facts available at the time. Obviously this relies entirely on the speed referees return them, which may not always allow for them to be seen prior to interview, but it should be aimed for as best practice. Offers of employment may still be made subject to references, DBS and other pre-employment checks.

Where references are not seen prior to interview (whether for an academy-based or central Trust post) any offer must be made 'subject to references'. When the references are received they should be scrutinized and any concerns resolved satisfactorily before the person's appointment is confirmed. If specific questions have not been answered satisfactorily, for example if the answers are vague, the referee should be contacted to provide further clarification as appropriate. Information should also be compared for consistency with the information provided by the candidate on their application form, and any discrepancies taken up with the candidate.

* *DfE Guidance: "Keeping children safe in education" (July 2015, part 3, para 69)*

3.3 Employment Gaps

At interview, gaps in employment history **must** be discussed with the candidate. If there are gaps in their history, the candidate should declare the reasons for their break from work. These should be documented, and signed by the candidate. Valid reasons for gaps in employment may be: the candidate did not need to work, travelling, bringing up a family, caring responsibilities, family bereavement or a period of sickness. As there could be more 'sinister' reasons for an absence, it is important to ensure that the candidate is able to give as much detail as possible, in order for the panel to make an informed decision, and are in receipt of all relevant information.

Note: at this stage of the recruitment process you are just documenting the reason for any gaps in the employment record. At this stage of the process, it is recommended that you just ensure that you are clear on the reasons for the gap(s) rather than getting in to a discussion about implications for their suitability for future

employment. This is particularly true for reasons linked to family responsibilities or health. Remember, any offer of employment, for any candidate, would be subject to completion of a pre-employment health declaration.

It is strongly advisable to discuss patterns of repeated change in career or employers at interview, ensuring that the reasons for this are fully explored and satisfy the interview panel.

3.4 Qualification Verification

At interview essential qualifications required for the post including those set by statute must be verified as a minimum, other qualifications stated on the application form may also need to be verified.

A photocopy of all the original qualification certificates must be taken and if the candidate is successful these should be placed on their personal file and recorded on the Single Central Record. If the candidate is unsuccessful, these should be destroyed.

3.5 Rehabilitation of Offenders Disclosure

All Posts within CAT's academies are exempt from the Rehabilitation of Offenders Act 1974. This means as a prospective employer, you should encourage your short listed candidates to disclose any unspent and spent convictions during the application stage.

Any convictions disclosed should not be given to the shortlisting panel prior to shortlisting. Once the panel have made a shortlist and invited them for interview, they should then be made aware of any candidate's criminal disclosure. Disclosing a criminal background should not be used as a reason to not shortlist a candidate. Having a criminal conviction will not necessarily bar a person from working with children and should not be used to discount applications. If they are successful they will be required to complete a DBS Disclosure application form. Once the Enhanced DBS Disclosure Certificate is returned, any conviction information will need to match up with the candidate's original disclosure to the interview panel. This information will not be retained if the candidate is not successful and should be destroyed.

3.6 Commitment to Safeguarding Children

Person specifications allow CAT to explore a potential candidate's views and expectations in relation to working with children. The recruiting panel should seek to identify the candidate's experience or views on the following points:

- Motivation to work with children;
- Ability to form and maintain appropriate relationships and personal boundary with children;
- Emotional resilience in working with challenging behaviors;
- Attitudes to use of authority and maintaining discipline.

Providing questions that ask candidates to draw on their experience of situations with children will give a good impression of the candidate's understanding of the points above. It will enable the panel to probe issues or lack of knowledge that candidates may have, and explore their motivation to work within an Academy environment or with children.

4.0 Pre-Employment Checks

No candidate will be offered a post with CAT unconditionally. All offers will be subject to satisfactory completion of the appropriate checks as listed below. It is the responsibility of the recruiting manager to ensure that these checks take place.

These checks should be made clear to candidates at interview. Any offer of employment should be a conditional offer subject to satisfactory clearances being received and checked. Only when all of these checks are completed and returned will an offer of employment be confirmed.

In exceptional circumstances, where it is in the best interests of the Academy / Trust for a candidate to start prior to all of these checks being completed, a rigorous risk assessment must be completed and approved. This risk assessment should be shared with the Headteacher/Principal or Director of the Trust (as applicable).

4.1 References

CAT should request and have returned two references for every potential employee, one of these references **must** be from their current or most recent employer. For academy-based roles, as the post requires working in an environment with children, it is important to have a reference, if available, from an employer or voluntary agency demonstrating the candidate's previous work experience, paid or unpaid, of working with children.

4.2 Verification of Candidate's Identity

It is vital that CAT knows who their employees are and have evidence to prove this. For all employees of the Trust a copy of the documents used to verify the candidate's identity and right to work in the UK (see 4.9) should be placed on their personal file and logged on the Academy's Single Central Record, or for central Trust employees placed on their personnel file. Information checking guidelines can be found on the DBS website.

4.3 Prohibition Check

This check ensures that a teacher is not prohibited from teaching and has been a statutory requirement since April 2014, but there is no requirement to retrospectively check teachers who commenced their current employment prior to that date. Existing staff will have been checked in line with previous guidance for checking QTS status. Further information is in the NCTL publication "Teacher misconduct: the prohibition of teachers".

The date of the check must be recorded on the academy's single Single Central Record. Under no circumstances should teachers commence work without the check having been undertaken.

To ensure that you are able to carry out the check prior to appointment, schools can register on the Employer Access Online Service. This is a free service. Further information on how to register and access can be viewed at <https://www.gov.uk/teacher-status-checks-information-for-employers>. This replaces the database previously managed by the GTCE which listed any teacher who may have been the subject of a suspension or conditional order and confirmed that a teacher had QTS and had completed their induction.

You can check whether a teacher you are considering employing has:

- qualified teacher status (QTS)
- completed their induction
- a mandatory qualification for teachers of hearing impaired or visually impaired pupils
- an active teaching restriction
- 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
- been prohibited from teaching
- a suspension or conditional order imposed by the General Teaching Council for England that is still current
- failed their induction or probation period

Please note: The prohibition order check is different to the barred list check operated by the DBS (see 4.4.1). Some new appointments will require an enhanced DBS check, a barred list check and a prohibition order check.

4.4 DBS Disclosure

This shows CAT previous convictions held on file for a potential employee. There are three types of check: "standard", "enhanced" and "enhanced including barred list". For most appointments an enhanced DBS certificate, which includes barred list information, will be required as the majority of staff will be engaging in regulated activity as they:

- are responsible, on a regular basis, for teaching, training, instructing, caring for or supervising children, or driving a vehicle only for children, or

- carry out paid, or unsupervised unpaid, work regularly which provides an opportunity for contact with children, or
- engage in intimate or personal care, or an overnight activity, even if this happens only once.

For all other staff who have an opportunity for regular contact with children but who are not engaging in regulated activity, an enhanced DBS certificate which who does include a barred list check will be appropriate. The DBS cannot provide barred list information on any individual, including volunteers, who are not engaging in regulated activity.

The applicant must show their original DBS certificate to the academy before they take up post, who should log the certificate number and date of issue on their Single Central Record – along with a note of the person who checked the certificate. If the DBS certificate has not been received prior to the employment commencing the academy must ensure that the individual is appropriately supervised and that all other checks, including a barred list check, have been completed.

Having a conviction will not necessarily bar someone from working in a job with children or vulnerable adults. The severity, nature, circumstances and timing of the conviction will need to be taken into consideration. Candidates will need to be given the opportunity at the application stage to declare any *unspent* or *spent* convictions they may have. Any declaration they make will be compared with the returned criminal record disclosure. DBS certificates should be checked with reference to list of relevant offences in the Childcare Disqualification Regulations.

All members of the central Trust team will undergo an Enhanced DBS Disclosure as part of the recruitment process, and the date of check / certificate number will be made available for the Single Central Record of each Academy.

Academies do not have to keep copies of DBS certificates in order to fulfil the duty of maintaining a Single Central Record. Where a copy is taken, in order to comply with the requirements of the Data Protection Act, academies should not retain this for longer than six months.

4.4.1 Barred List

This is a list of people barred from working with children, compiled by the DfE. This check should be done as part of the DBS Application Process (see above). If a school knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of regulated activity.

4.4.2 DBS Update Service

Individuals can join the DBS Update Service at the point an application for a new DBS check is made, enabling future status checks to be carried out to confirm that no new information has been added since its issue. This allows portability of a certificate across employers. Before using the Update Service, academies must:

- Obtain consent from the applicant to do so,
- Confirm the certificate matches the individual's identity, and
- Examine the original certificate to ensure that it is for the appropriate workforce and level of check, e.g. enhanced certificate, or enhanced including barred list information.

The academy can then subsequently carry out a free online check to identify whether there has been any change in the information recorded since the certificate was issued and advise whether the individual should apply for a new certificate. Individuals will be able to see a full list of those organisations that have carried out a status check on their account.

4.5 Childcare Disqualification Regulation requirements

The Childcare (Disqualification) Regulations 2009 set out the circumstances in which an individual will be disqualified and may not provide relevant childcare provision or be directly concerned in the management of such provision. Schools are prohibited from employing a disqualified person in connection with relevant childcare provision in certain settings, and the employer commits an offence if they contravene this unless

they can prove that they did not know, and had no reasonable grounds for believing, that the person they employed was disqualified.

Full details of these requirements are set out in the DfE's statutory guidance on "Disqualification under the Childcare Act 2006" last updated in March 2015 which can be found here <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

It is expected that Headteachers / Principals will familiarise themselves with the statutory guidance, which apply to people who provide, or are directly concerned with the management of:

- Early years' provision - care for a child up to and including reception age. This includes education in nursery and reception classes and/or any supervised activity (such as breakfast clubs, lunchtime supervision and after school care provided by the school) both during and outside of school hours for children in the early years age range; and
- Later years provision (for children under 8) - childcare provided by the school outside of school hours for children who are above reception age but who have not attained the age of 8. This does not include education or supervised activity for children above reception age during school hours (including extended school hours for co-curricular learning activities, such as the school's choir or sports teams) but it does include before school settings, such as breakfast clubs, and after school provision.

Academies should exercise their judgement about when and whether such staff are within scope, evaluating and recording any risks and control measures put in place, and taking advice when appropriate.

If these regulations apply to the post being recruited, applicants should be provided with information about the regulations and asked to complete a declaration form (**see Annex 3**). If a declaration is made this will need to be considered and discussed with the applicant. If a post is offered, the offer must be conditional and the applicant should apply for a waiver. If a waiver is not granted, the conditional offer should be withdrawn.

Academies must keep a record of those staff who are employed to work in or manage relevant childcare and should record the date on which disqualification checks were completed; it is recommended that this is kept as part of the single central record, and that forms completed by successful applicants are placed on their personnel file. Information received from all applicants during the recruitment process should be treated in line with the Data Protection Act (see statutory guidance for further detail).

It is recommended that all staff / volunteers working in roles to which these regulations apply are reminded about the Childcare Disqualification Regulation requirements, including disqualification by association, on an annual basis and asked to speak to their Headteacher / Principal if their circumstances have changed. They are not required to complete the declaration form annually. Should this identify any staff/volunteers who are disqualified, advice must be sought from the academy's HR Business Partner.

4.6 Medical Clearance

Once an offer of employment is made, a potential employee must complete a health declaration in line with the arrangements in place in each Academy. Depending on the answers given by the candidate, the Academy's Occupational Health provider may be asked to carry out further enquiries to confirm mental & physical fitness for the specific post.

4.7 Verification of Qualifications

Any essential qualifications required to perform a particular job, such as QTS, as stated in the person specification, need to be evidenced by the potential employee. A copy of original certificates should be taken and placed on their personal file and logged on the Single Central Record. This should ideally be confirmed at the interview stage.

4.8 Verification of Professional Registration

Some posts require a professional registration with a regulatory body, such as the General Teaching Council etc. This again needs to be evidenced and placed on file, if the person specification states it as an essential prerequisite.

4.9 Right to Work in the UK

It is a legal obligation that every employer in the UK verifies whether a potential employee has the right to work in the UK. Further information can be found at <https://www.gov.uk/check-job-applicant-right-to-work> and https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/311668/Code_of_practice_on_preventing_illegal_working.pdf. Failure to meet legal requirements can attract a fine of up to £15,000.

4.10 Employment History

If appropriate, follow up on any outstanding concerns from the interview relating gaps in employment or noticeable patterns when the candidate changed their employment. Ensure that the information received is not contradictory or incomplete.

4.11 Overseas Criminal Record Disclosure

If the potential employee has lived or worked outside the UK for a period of time (whether or not they are a British national), then a UK DBS Disclosure will not give a full picture in respect of any criminal record they may have. In these cases, in addition to the checks listed above, academies must make any further checks they think are appropriate so that any relevant events that occurred outside the UK can be considered.

Further information:

- The Home Office has published guidance on criminal record checks for overseas applicants <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>
- The DfE has also issued guidance on the employment of overseas-trained teachers <https://www.gov.uk/government/publications/employing-overseas-trained-teachers-from-outside-the-eea>
- Details for each countries' equivalent Bureau are available on the DBS website.

5.0 Other Contacts with the Academy

5.1 Temporary / short term teachers employed directly by the Academy

Temporary teachers should be recruited and treated in the same way as any other member of staff in the Academy. This means that they should also have all the appropriate pre-employment checks carried out before their employment is confirmed.

Temporary / short term teachers are not employed by the Trust on a continuous basis should have their DBS Disclosure and Prohibition status re-checked every 12 months; and should also be asked to complete a Childcare Disqualification Regulations declaration annually (if applicable). This is due to the casual and ad-hoc nature of their work, which may mean they do not actively work in our Academies for a few months at a time. If a teacher is predominantly based at one Academy, it is recommended that the Academy organises and funds the re-check. If the teacher is mobile and only works for a few days for weeks at a time, the teacher should organise their re-check through a Local Authority or Umbrella Body and fund it themselves.

5.2 Peripatetic Tutors & Agency Staff

(including Agency Supply Teachers and students and staff from other agencies or educational institutions)

It is important that Academies have evidence of the necessary checks in relation to staff providing services such as music tuition, specialist sports coaching, supply teaching or specific courses that requires staff to work on Academy premises whilst children are present.,

It is expected that Academies will carry out or have evidence of the same standard of checks for all staff and the extended provision even if they are not employed directly by the Academy. With this in mind, all outside

providers should be requested to provide evidence of the same pre-employment checks that the Academy would complete if they were directly employing the staff themselves. This should be given in writing and in advance of the provider starting work at the Academy and should be agreed as part of any contract between the Academy and provider. The Academy has the right to view the original copy of the Disclosure from the agency if it contains additional information. Evidence of checks from external providers will be recorded on the Single Central Record.

If evidence is not provided then the Academy will not allow the peripatetic tutors or agency staff to have unsupervised access to children. On an exceptional basis a risk assessment will be undertaken but this **will not** be considered the norm.

Individual CAT Academies are responsible for ensuring that any supply teaching agencies they use can demonstrate robust recruitment and selection procedures e.g. ensuring that their employees are DBS / barred list / Prohibition cleared, completed a Childcare Disqualification Regulations declaration if applicable, have a full face-to-face interview and all the appropriate pre-employment checks and child protection inductions are carried out.

All persons employed by the academy, any regular visitors employed by a third party such as an agency, and all regular volunteers should be included on the Academy's Single Central Record.

As with any external persons coming on to Academy premises the Academy will verify their identity, the provider should be asked to show documents such as a passport or driver's license along with company ID. The Academy will be given the names of expected guests or outside providers in advance of their arrival on site. The Academy will be very clear that the named individual is who they say they are.

5.3 Host Families involved in Exchange Visits

Host families will have unsupervised contact with children under the age of 18, such arrangements could amount to "private fostering" under the Children Act 1989 or the Safeguarding Vulnerable Groups Act 2006, if the arrangements are not made by the child's family and/or the host is paid to provide this arrangement. In these circumstances it could amount to a regulated activity, and the academy (or a third party provider, such as a language school) is the regulated activity provider and should request a DBS certificate (including barred list).

Where arrangements are made to stay with families overseas, it should be remembered that DBS cannot access criminal records held overseas. Academies should work with a partner school abroad to ensure that similar assurances are undertaken prior to a visit. Further information is in Annex C of Keeping Children Safe in Education (July 2015).

In preparation of a forthcoming Exchange Trip where the exchange pupils will be staying with families of CAT Academy pupils/students, the following steps will be taken:

- Outline members of host family groups who are over the age of 18.
- These people will be requested to complete the DBS application administered by the Academy hosting the visit as soon as possible.
- ID checks need to be witnessed by staff in the Academy (perhaps an evening for prospective host families to attend and bring their ID documents).
- Consideration of Childcare Disqualification Regulations, and completion of declarations if applicable
- All the DBS applications and ID checks must be completed at **least eight weeks** prior to the exchange visit. This is in order to have all the DBS checks returned to the Headteacher/Principal before the exchange takes place.
- All DBSs can be marked as 'Volunteers'.
- At this time barred list checks can be carried out on all the adults outlined and any results provided back to the Headteacher/Principal straight away.
- DBS Disclosures are returned by the bureau and any issues discussed with the Headteacher/Principal.

5.4 Volunteers

Volunteers in Academies often have the same unsupervised access to children as employees. A child will not consider a distinction between a volunteer and a member of staff, when seeking help or support. This means that volunteers should have certain checks completed as they are in a position of trust.

As with any new staff member an identity check should be carried out, and it is also important to request and receive two references on behalf of the volunteer. These checks must be carried out for all volunteers and not just for those unknown to the Academy.

A DBS Disclosure should be carried out prior to the volunteer starting their duties within the Academy, unless there are clear reasons why it is not relevant and proportionate to do so in relation to the post concerned (e.g. nature of the work, what is already known about the volunteer).

- Volunteers who teach or look after children regularly on an unsupervised basis, or who provide personal care on a one-off basis, will be in regulated activity. In this case, an enhanced DBS check including barred list information should be obtained.
- An enhanced DBS check (without barred list check) may be requested for volunteers who are not engaging in regulated activity, but have the opportunity to come in to contact with children on a regular basis (e.g. supervised volunteers).
- Although there is not a requirement to re-check volunteers in regulated activity at prescribed intervals, academies may conduct a repeat DBS check (including barred list information) on any volunteer about whom they have concerns.
- If no DBS check is completed the reasons for this should be documented and the volunteer must be supervised at all times and must not engage in regulated activity.

If the volunteer is working in an area which is subject to the Childcare Disqualification Regulations and may at times work unsupervised, they should also be asked to complete a declaration form prior to commencing.

If a Volunteer becomes a paid employee, then the usual pre-employment checks for new employees should be carried out, e.g. their right to work in the UK should be assessed, a medical questionnaire completed, etc. It is advised to apply for a new Enhanced DBS Disclosure (including barred list check) as well to reflect their change to an employee.

If assisting on a one-off Academy trip and not carrying out a regulated activity (see 4.4), a volunteer does not require a DBS Disclosure, but must be supervised at all times.

5.4.1 Supervision

If the volunteer is to be supervised whilst undertaking an activity that would be regulated activity if it was unsupervised, the statutory guidance must be followed (see Annex D of Keeping Children Safe in Education, July 2015).

5.5 Contractors

Academies should ensure that any contractor, or any employee of the contractor, working in the school has been subject to the appropriate level of DBS check prior to starting work. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors, who are not engaging in regulated activity but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (without barred list) will be required. In considering whether the contact is regular it is irrelevant if the contractor works on a single site or across a number of sites.

Under no circumstances should a contractor in respect of whom no checks have been obtained be allowed to work unsupervised, or engage in regulated activity.

Building Contractors

Children should not be allowed in areas where builders are working for Health and Safety reasons, so there should be little opportunity for workers to be unsupervised with children. However, it is difficult to say that there will not be times when contact with a child occurs if work is being carried out in term-time. It is therefore recommended that staff working on-site for Building Contractors undergo a DBS Enhanced Disclosure (without barred list check) and that this clearance is stated in any contract struck and/or tendered between an Academy/ and paid for by the agreed contracted company. The Academy can act as an umbrella body, but the charge will be levied on the Building Contractor's company and work should not commence before the relevant DBS checks have been completed. Building Contractors who are most likely to come into the Academy and potentially engage with children are site managers, who will liaise with the Headteachers/Principals or Business Managers.

Emergency Call-Out Contractors (not previously checked by the school)

Contractors that are called out in an emergency may not be a contractor that is checked and known to the Academy prior to the 'call-out'. It is not necessary to obtain a DBS Disclosure for such staff, as they will only have contact with children on an ad hoc or irregular basis and are unlikely to be left unsupervised with children. It is best practice to monitor these staff in the building by getting them to sign in or out in a visitor log and to have them escorted by a DBS cleared member of staff at all times.

Any contractor, maintenance worker or agency staff coming on to Academy premises should verify their identity, providing documents such as a passport or driver's license along with company or LA ID. The Academy should be very clear that the named individual is who they say they are.

5.6 Visitors

Academies do not have the power to request or ask to see DBS checks for visitors. Headteachers/Principals should use their professional judgement about the need to escort or supervise visitors.

5.7 Local Governing Body members

From 1 September 2014 each new member of the Local Governing Body (LGB) is required to provide two references and must complete an enhanced DBS check (without barred list, unless they will be engaging in regulated activity) prior to appointment. The individual may attend meetings of the LGB as an observer until checks are complete.

Governors undertaking more than one role within the Co-operative Academies Trust will only require one Enhanced DBS Disclosure. This guidance is taken from the DfE and Governornet.co.uk: "Governors who serve on a few governing bodies within the local authority will only require one Enhanced DBS Disclosure (if applicable) for all of the schools they work with. If a member of staff from an Academy serves as a Member at another Academy and they have a current Enhanced DBS Disclosure with their own Academy they do not require a new DBS for their role as a Member. However Members must be prepared to show each Academy a copy of their DBS at their first meeting."

A person shall be disqualified from serving on the LGB at any time when s/he is included in the children's barred list kept by the Independent Safeguarding Authority, or has at any time been convicted of any criminal offence, excluding any that have been spent under the Rehabilitation of Offenders Act 1974 as amended. For further details see 4.6.10 and 4.6.11 of the Scheme of Delegation. Governors are already required to complete a declaration form on appointment in respect of the School Governance Regulations 2012, so are not required to complete an additional disclosure in relation to the Childcare Disqualification Regulations.

5.8 CAT Board Members

Specific requirements are placed on the "proprietors of independent schools including academies", which includes the Chair of a body of people which is the proprietor. This requires the Secretary of State to carry out an enhanced DBS check (including barred list if appropriate), confirm the individual's identity and, if the individual has lived outside the UK, to make any other checks considered appropriate. This requirement therefore applies to the Chair of the Trust Board.

The Chair of the Trust Board is responsible for ensuring that enhanced DBS checks are undertaken and identity checks completed (with any additional checks taken as appropriate if an individual has lived or worked outside the UK) for the other members of the Trust Board before, or as soon as practicable after, they take up their position.

5.9 Foreign Language Assistants

Foreign Language Assistants working in the UK will need to provide a police clearance certificate prior to taking up their posts. Dossiers from Italy, Belgium, Canada, Senegal, Switzerland, Russia, Japan and all Latin American countries automatically include the police clearance certificate. Assistants from Austria, France, Germany and Spain must be reminded to provide the document prior to taking up their post. It is the Academy responsibility to ensure that this document is provided. It should not be more than six months old when the Assistant produces it.

5.10 Work related placements within our Academies & placement of students outside our Academies

Teacher or Teaching Assistant Training Students

For all students placed with CAT from other Academies, Universities or FE Colleges, evidence should be provided in writing to the Trust (in the same way as a Supply Agency would do) that the supplying body has carried out all the same checks that CAT would have done if they were their own staff (including DBS Disclosure, Childcare Disqualification Regulations declaration if applicable, Identity check, etc.) An ID check should be carried out to establish that the student who has arrived for the placement is who they say they are.

Our Secondary Students placed in a School, College or Nursery for work experience

It is expected that these students should be supervised at all times during their placement and will therefore not need an Enhanced DBS Disclosure or to complete a Childcare Disqualification Regulations declaration. The Academy organising the placement should ensure that the student is suitable for the placement environment. If the young person carrying out the work experience is aged 16 years or over, they may be asked to complete a DBS check if the organisation providing the placements considers it to be appropriate.

Our Secondary Students placed in environments outside the Trust (other than schools/nurseries)

It is important to make businesses or organisations who take on secondary students for work experience aware of their vulnerability during such placements. It is impossible to DBS clear all staff who work with such students, but awareness of the potential risks needs to be assessed and policies / procedures put in place to protect children from harm. Where the child is under the age of 16, the specific circumstances of the work experience should be considered and an enhanced DBS (including barred list check if it constitutes regulated activity) may be requested for the person supervising the placement.

5.11 Existing Staff

If an academy has concerns about an existing staff member's suitability to work with children, they should carry out all relevant checks as if the person were a new member of staff. Similarly, if an employee moves from a post that was not regulated activity in to work which is regulated activity, the relevant checks for that role must be carried out.

Academies have a legal duty to refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult (or where the individual has received a caution or conviction for a relevant offence, or if there is reason to believe that individual has committed a listed relevant offence) and where that individual has been removed from working (paid or unpaid) in regulated activity – or would have been removed had they not left. Referrals should be made as soon as possible after the resignation or removal of the individual,

Where an employer (including an agency) dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed / ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State (Education Act 2002).

6.0 Single Central Record

As required by the DfE, each Academy will keep a Single Central Record to provide confirmation that relevant checks have been taken for:

- all staff (including supply staff and trainee teachers) who work in the school
- all members of the “proprietor body” e.g relevant information for governors, Trust Board members, and central trust staff

Where checks are carried out for volunteers, these should also be recorded on the Single Central Record. A Single Central Record will also be maintained separately for the central team.

The Single Central Record should include factual information about each individual concerned, and a note of the person who checked the information where appropriate. The information should include, but is not limited to:

- Verification of Identity (Name / D.O.B / Address)
- Qualifications (qualifications required to do the job and any professional registrations required)
- Prohibition from teaching check
- DBS Disclosure
- Barred List check
- Childcare disclosure regulations
- Right to work in the UK (Asylum & Immigration Check)
- Overseas Criminal Record Checks (applicable for any employee who has spent a period of time abroad)

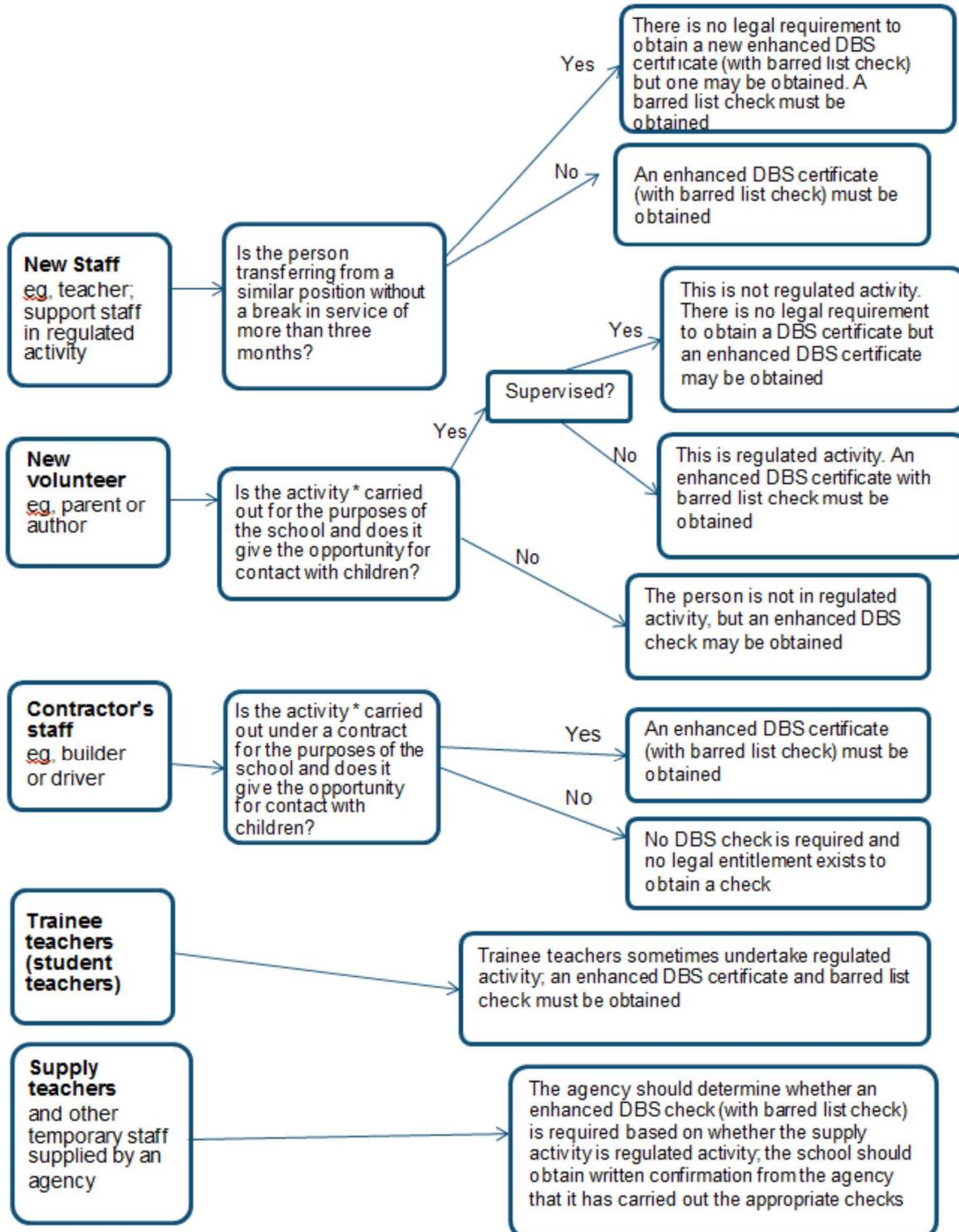
For agency / supply staff, academies should also include whether written confirmation that the employment business supplying the member of staff has carried out the relevant checks and obtained the appropriate certificates, whether any enhanced DBS check certificate has been provided, and the date that confirmation was received.

This record must be complete for all staff in the Academy and will be available to be assessed by Ofsted and HMI Inspectors. For further details of the records that must kept see Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014.

7.0 Review

The CAT policy on safer recruitment will be reviewed annually, or when the Department for Education (DfE) issues revised guidance on this topic.

Flowchart of DBS and barred list checks



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

Annex 2**POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS**

It is a legal requirement that all registered bodies and prospective employers must treat DBS applicants who have a criminal record fairly and not discriminate because of a conviction or other information revealed. Registered Bodies and employers who are Regulated Activity Providers (including schools) are obliged to have a written policy on the recruitment of ex-offenders, which is available to DBS applicants at the outset of the recruitment process.

Policy Statement

1. As an organisation using the Disclosure and Barring Service (DBS) checking service to assess applicants' suitability for positions of trust, The Co-operative Academies Trust (CAT) complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. We undertake not to discriminate unfairly against any subject of a DBS check on the basis of a conviction or other information revealed.
2. CAT is committed to the fair treatment of its staff, potential staff or users of its services, regardless of gender, pregnancy and maternity, ethnicity, culture, age, disability, sexual orientation, gender identity, religion or belief, marital and civil partnership status, education, learning styles, caring responsibilities or offending background.
3. A summary of this policy on the recruitment of ex-offenders is available to all DBS applicants on request.
4. We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, knowledge and experience.
5. As a Regulated Activity Provider (RAP) all paid employees of CAT are in regulated activity and therefore subject to checks with the DBS.
6. In relation to volunteers and contractors, we only request a DBS check after a thorough risk assessment had indicated that one is both proportionate and relevant to the position concerned.
7. For those positions where a DBS check is required, all application forms, job adverts and recruitment briefs will contain a statement that a DBS check will be requested in the event of the individual being offered the position.
8. We encourage all applicants called for interview to provide details of any criminal record history that is not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) order 1975 (as amended in 2013) at an early stage in the application process.

Many posts within Academies are exempt from these protections, in which case the information provided should also include details of convictions which would usually be considered to be spent. This includes details of any spent convictions, cautions, reprimands and final warnings you may have in addition to any unspent convictions or criminal proceedings pending against you.

A statement of these details should be sent with your application under separate cover in an envelope marked 'Private and Confidential - for the addressee only' in the top left hand corner with 'The Headteacher/Principal' (or 'Director of the Trust' for central Trust posts) in the centre of the envelope and with the words 'Conviction Information' in the bottom left hand corner. Please forward these details prior to the date of your interview.

9. We guarantee that this information will only be seen by those who need to see it as part of the recruitment process. Disclosed information will only be considered for shortlisted applicants. Disclosures for applicants that are not shortlisted will be confidentially destroyed and will not be considered during the recruitment process.
10. We ensure that everyone within the Academy who is involved in the recruitment process has been suitably briefed to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance on the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 and know how to access advice and support.
11. At interview, or on a separate occasion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that may be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.
12. We undertake to discuss any matter revealed in a DBS check with the person seeking the position before considering withdrawing a conditional offer of employment. This discussion and any subsequent risk assessment may be undertaken by our HR team or another trained member of our Senior Leadership Team.

Information on the Childcare Disqualification Regulations

The role you have applied for has been identified as one where the Childcare Disclosure Regulations apply. Please read this guidance carefully and complete the attached form.

The Childcare (Disqualification) Regulations 2009 set out the circumstances in which an individual will be disqualified and may not provide relevant childcare provision or be directly concerned in the management of such provision. Schools are prohibited from employing (or using as a volunteer) a disqualified person in connection with relevant childcare provision in certain settings. A copy of the statutory guidance can be found here: <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

Who is disqualified?

Under the legislation a person is disqualified if they are found to have committed a 'relevant offence', which includes (a) being convicted of a relevant offence or (b) on or after 6 April 2007, being given a caution, reprimand or warning for a relevant offence. A list of the relevant offences that lead to the disqualification of an individual (including 'by association') is set out in the tables in the statutory guidance.

By way of a summary, a person is disqualified if any of the following apply:

- they have been cautioned for, or convicted of certain violent or sexual criminal offences against adults and any offences against children;
- they are the subject of an Order, direction or similar in respect of childcare, including orders made in respect of their own children;
- they have had registration refused or cancelled in relation to childcare of children's homes or have been disqualified from private fostering;
- they live in the same household where another person who is disqualified lives or works (disqualification 'by association'). This means that they share a home (i.e. living space) with someone who has a relevant order, restriction, conviction, caution etc. as set out in the legislation. It is accepted that staff may not necessarily know this information – the declaration requires them to answer "to the best of their knowledge"

What does this mean in practice?

All applicants for roles which fall within the scope of the Childcare Disqualification Regulations are asked to complete the attached form to the best of their knowledge as part of the application process.

Please note that you must answer all questions for yourself AND for all others who live or work in the same household as you, which could include both relatives (e.g. partners/spouses, children, parents) and flat mates or lodgers who share the same living space as you.

You are not required to specifically make enquiries of other householders, but you must declare any relevant information that you are aware of or can reasonably be expected to be aware of. It is important that where you give us information about other members of your household, you let that person know that you have provided the information to us, and how, and for what purpose, the school will use their information.

Further information on what you should, and should not, declare is contained within the statutory guidance. You only need to provide information on relevant offences. For example, cautions, reprimands and warnings only amount to disqualifying offences if issued on or after 6 April 2007, and you are not required to disclose the spent cautions or convictions of a person who lives or is employed in your household. You are asked only to complete the form, not to provide copies of supplementary information.

Information will be treated in the strictest of confidence and in line with Data Protection requirements. If you think you have relevant information about yourself or a householder, your completed form should be provided in a sealed envelope, clearly marked **“Strictly Confidential – for the attention of the Headteacher only”**.

What happens next?

If you declare any relevant information this will not necessarily preclude you from consideration. It is possible to apply to Ofsted for a waiver. If you are shortlisted for interview, the school will contact you to discuss the information that you have provided and advise you about how you can apply for a waiver.

You are not required to provide the school with further information of the order, restriction, conviction, caution etc. However, Ofsted may wish to consider such documents in order to exercise their power to waive disqualifications (in which case, such information should be sent directly to Ofsted).

If you are the preferred candidate and are offered a role, this will be conditional offer subject to a waiver being applied for and received. If the waiver is not granted, the conditional offer will be withdrawn.

Further information on applying for a waiver can be found here:

<https://www.gov.uk/government/publications/applying-to-waive-disqualification-early-years-and-childcare-providers>.

Questions

If you have any questions about this request, please refer to the statutory guidance and/or contact the school who has advertised the role.

The **co-operative** academies trust

Disqualification Declaration Form

This form must be completed by all applicants shortlisted for relevant posts (whether paid or voluntary roles).

Name:	
Post (applied for):	

Important – Please read the attached guidance before completing the declaration. You must answer the questions below to the best of your knowledge and sign the declaration at the end of the form.

Questions relating to you:	
Have you been cautioned or convicted of any offences against a child?	YES / NO
Have you been cautioned or convicted of any violent or sexual offences against an adult?	YES / NO
Have you been barred from working with children by the Disclosure and Barring Service?	YES / NO
Have your children been taken into care, or been the subject of a child protection order?	YES / NO
Has a court order been made in respect of a child under your care?	YES / NO
Have you been refused registration or had registration cancelled in relation to childcare or a children's home or have you been disqualified from private fostering?	YES / NO
Questions relating to ALL others in your household:	
To the best of your knowledge	
Has anyone in your household been cautioned or convicted of any offences against a child?	YES / NO
Has anyone in your household been cautioned or convicted of any violent or sexual offences against an adult?	YES / NO
Has anyone living or working in your household been barred from working with children by the Disclosure and Barring Service?	YES / NO
Does anyone in your household have children that have been taken into care, or who have been the subject of a child protection order?	YES / NO
Has anyone in your household had a court order made in respect of a child in their care?	YES / NO
Has anyone living in your household been refused registration or had registration cancelled in relation to childcare or a children's home or have they been disqualified from private fostering?	YES / NO

In signing this form, I confirm that the information provided is true to the best of my knowledge and understand my responsibility to safeguard children and am aware that I must notify the Headteacher of anything that arises in the future which may affect my suitability or that of anyone living in my household.

Signed:

Date:

To be completed by the Headteacher:

I have reviewed the answers provided and no further action is required.

Or:

I have reviewed the answers provided above and the following action has been taken.

Signed:

Date: