

P21 SKAPE Safer Recruitment Policy

CONTENTS

Introduction and Aims
Application Forms
Advert
Shortlisting
On-line checks
Interview
Selection
Vetting and Checks
Appointment
Training
Responsibilities
Induction

INTRODUCTION AND AIMS

SKAPE is committed to ensuring robust, consistent, and safe recruitment practices to safeguard and promote the welfare of children and young people, ensuring only the most suitable and experienced candidates are appointed. This means that we will:

- Safeguard and protect all children and young people by implementing robust safer recruitment practices.
- Identify and reject applicants who are unsuitable to work with children and young people.
- Respond to concerns about the suitability of applicants during the recruitment process.
- Respond to concerns about the suitability of employees and volunteers once they have begun their role.
- Ensure all new staff and volunteers participate in an induction which includes child safeguarding and child protection.

This policy takes guidance from “Keeping Children Safe in Education” (Department for Education, 2023) and should be used in conjunction with the following SKAPE policies:

- P01 SKAPE Safeguarding Children and Vulnerable Adults Policy
- P07 SKAPE Equality and Diversity Policy
- P12 Whistleblowing Policy
- P14 SKAPE GDPR Policy

Useful Links:

[Keeping children safe in education 2023 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/115622/Keeping-children-safe-in-education-2023.pdf)

[The School Staffing \(England\) Regulations 2009 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2009/1226/contents/make)

[The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2007/2687/contents/make)

SKAPE's Safer Recruitment leads are Kelly Watson and Dale James.

DEFINITIONS FOR THIS POLICY

A child: A person who is of compulsory school age (a child is of compulsory school age until the last Friday in June in the school year in which they reach age 16).

A young person: A person under the age of 18.

Disclosure and Barring Service (DBS): The DBS is a national organisation conducting police checks to enable an assessment to be made on the suitability of a person to care for or work with children, young people or vulnerable adults. It aims to help organisations in the public, private and voluntary sectors by identifying candidates who may be unsuitable to work with children or vulnerable members of society.

DBS Update Service: Disclosure and Barring Update service enables future status checks to be carried out by employers to confirm that no new information has been added to the check since its issue.

Regulated Activity: The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. Regulated activity includes: Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational well-being, or driving a vehicle only for children.

Safeguarding and promoting the welfare of children and young people:

This means:

- protecting children and young people from maltreatment
- preventing impairment of children's/young people's health or development
- ensuring that children/young people are growing up in circumstances consistent with the provision of safe and effective care; and
- undertaking that role so as to enable those children/young people to have optimum life chances and to enter adulthood successfully.

Adapted from the Children's Act 1989.

Section 128 Direction: A section 128 direction prohibits or restricts an unsuitable individual from participating in the management of an independent school, including academies and free schools. An individual who is subject to a section 128 direction is unable to:

- Take up a management position in an independent school, academy, or in a free school as an employee
- Be a trustee of an academy or free school trust; a governor or member of a proprietor body of an independent school; or
- Be a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

ADVERTISEMENT OF JOBS

All SKAPE job advertisements will detail the skills, abilities, experience, attitude, and behaviours required for

P21 SKAPE Safer Recruitment Policy

the post, as well as;

- The safeguarding responsibilities of the post as per the job description and personal specification.
- The safeguarding requirements, including to what extent will the role involve contact with children and all regulated activity relevant to children.
- A statement of commitment to safeguarding and promoting the welfare of children
- A statement which makes clear that safeguarding checks will be undertaken.
- A copy of the SKAPE Safeguarding Children and Vulnerable Adults Policy (P01).
- Whether the post is exempt from the Rehabilitation of Offenders Act (ROA) 1974. The amendments to the ROA 1974 (Exceptions Order 1975, (2013 and 2020)) provide that when applying for certain jobs and activities, certain spent convictions and cautions are 'protected', so they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. The Ministry of Justice's guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975, provides information about which convictions must be declared during job applications and related exception. Further information about filtering offences can be found in the DBS filtering guide: [DBS filtering guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/dbs-filtering-guide)

APPLICATION

Application pack:

Providing an application pack ensures that interested applicants have all the information they need about SKAPE and the advertised vacancy. Each application pack will contain:

- An application form,
- The job description,
- Essential/desirable qualifications/training required for the role and accepted forms of evidence
- Information on right to work checks,
- Details on the safer recruitment process including:
 - i) What safer recruitment is and what will be required from applicants.
 - ii) A statement of commitment to safeguarding and promoting the welfare of children
 - iii) A statement which makes clear that safeguarding checks will be undertaken.
 - iv) The safeguarding responsibilities of the post as per the job description and personal specification.
- GDPR information and requirements

Application form:

All prospective applicants must complete in full the information outlined below. Personal data received through an application will be treated in accordance with GDPR regulations (See P14 SKAPE GDPR Policy):

- Personal details, current and former names, current address and national insurance number.
- Details of the applicants present (or last) employment and reason for leaving.
- Full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment.
- Qualifications, the awarding body and date of award.
- Details of referees/references.
- A statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.

P21 SKAPE Safer Recruitment Policy

Criminal Offence Disclosures:

Job application forms will reflect the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020). The following questions will be included in each application:

1. Do you have any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974? (Y/N)?
2. Do you have any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020? (Y/N)?"

The following statement will also be included:

The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) provides that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account.

Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice website.

SHORTLISTING

- Shortlisting should be carried out by at least two people. They should each be clear about what their role involves and should assess each application form according to how well it meets the criteria set out in the person specification. At least one interviewer should have undertaken 'Safer Recruitment' training.
- A self-disclosure form will be requested from applicants who have been shortlisted. The information should not be requested in the application form to decide who should be shortlisted. The self-disclosure form allows disclosures of any relevant criminal convictions, child protection investigations or disciplinary sanctions candidates have on their record.

The purpose of a self-declaration is so that candidates will have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.

- At least one reference will be taken up before the selection stage and scrutinised so that any discrepancies can be probed during the selection stage.
- References will be sought directly from the referee. References or testimonials provided by the candidate will never be accepted. At least one of the references should be an employment reference, preferably within the last three years. If the prospective employee does not have a second employee referee a second reference must be sought from a member of standing in the community.
- Where necessary, referees will be contacted by telephone or e-mail in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.

P21 SKAPE Safer Recruitment Policy

- 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 the post.

ONLINE CHECKS

In line with the government's updated safeguarding and child protection guidance 'Keeping Children Safe in Education 2023' (KCSIE 2023) the shortlisted job candidate will be informed that SKAPE shall carry out an online check on them, in addition to other checks. This will be in order to make SKAPE aware of any underlying issues that may not have otherwise been evident so that they can be discussed and addressed at interview. The updated guidance has made it clear that schools should:

"inform shortlisted candidates that online searches may be done as part of due diligence checks".

SKAPE will follow guidance given by Darlington Borough Council (DBC) on the best practice for carrying out such searches in a safe, fair and practicable way that complies with data protection guidelines. The following steps will be taken:

1. SKAPE will start with a light search by entering the candidate's name on search engines like Google. We might enhance this search by including the candidate's full name, location and current employer.
2. We may also carry out a search on social media – SKAPE's systems prohibit staff from accessing social media sites, but the main reception computer may be used for this purpose.
3. We will then think about the types of images this candidate has made available to the public domain. Are they appropriate? Remember if we can find them, our students, parents and staff can too.

This will form the basis of a discussion with the candidate if any issues arise from such searches. Safeguarding and child protection is always, and will always be, paramount at SKAPE and no unsuitable candidates will be shortlisted, or taken further following unacceptable search results that cannot be resolved at interview.

Data Protection Consideration When Conducting Online Searches

Once again, SKAPE has taken advice from DBC on ensuring that data protection is observed when carrying out online searches. The advice states:

Online searches need to comply with data protection laws like other parts of the application process. Searching counts as data processing so your activity must comply with the seven principles of data protection set out in UK GDPR. Personal data must be processed lawfully, fairly, transparently, relevant and collected for specific and legitimate reasons. You'll need to:

- *Clearly define the reasons for conducting online searches and inform shortlisted candidates about the process and its implication.*
- *Include information about online checks and data processing in relevant recruitment policies.*

- *Determine the lawful basis for data processing, which is most likely a 'public task' when assessing candidate suitability for positions involving children's safety.*

INTERVIEW AND SELECTION PROCESS

- Interviews will always be conducted on a face-to-face basis, the use of video link may be acceptable in special circumstances but actual face to face interviews are desirable.
- The panel will always consist of a minimum of 2 interviewers, one of which should be the DSL and at least one interviewer should have undertaken Safer Recruitment training.
- Candidates will be asked in advance whether they have any access requirements for the interview venue, and adaptations will be catered for.
- A standardised semi structured values-based interview schedule is used for all interviews which relate to items in the person specification, to enable the interviewers to explore the candidate's suitability to work with children, their attitude and their motivations for applying for the role.
- A scoring system is used based on the person specification and the same criteria is followed for each candidate.

Candidates should;

- Explain satisfactorily any gaps in employment;
- Explain satisfactorily any anomalies or discrepancies in the information available to recruiters;
- Declare any information that is likely to appear on a DBS disclosure;
- Demonstrate that they can establish and maintain professional boundaries and professional integrity,
- Demonstrate that they can establish and maintain relationships with children,
- Demonstrate their capacity to safeguard and protect the welfare of children and young people.

VETTING AND PRE-EMPLOYMENT CHECKS

1. Identity Checks

- Candidates will be required to bring identity documents to interview and will be verified. Identity checking guidelines can be found on the GOV.UK website.
- Candidate's birth certificate will be checked to determine any name change since birth.
- Transgender people who do not want to share gender and name information can follow a special process to apply for a criminal records check. More information is available from each criminal records agency: [sensitive applications for transgender applicants in England](#).

Overseas checks

- If a candidate has been resident overseas for three months or more over the past five years SKAPE will conduct an criminal record in that country following guidance from the Home Office; [guidance on applying for criminal records checks for overseas applicants](#) (Home Office, 2021b).
- The [UK ENIC](#), the UK national agency for international qualifications and skills, can advise on how to check international qualifications and skills.
- Any documents not in English will be accompanied by a certified translation.
- If SKAPE is unable to obtain overseas checks for a candidate, then a risk assessment will be conducted to help make an informed decision about how best to proceed.

3.1 Criminal Records and Barring Checks

- Candidates will be subject to an enhanced DBS check with children's barred list information. Enhanced DBS is required for people working or seeking to work in regulated activity relating to children. This allows an additional check to be made about whether the person appears on the children's barred list, along with a check of the Police National Computer records plus additional information held by police. The position being applied for, or activities being undertaken must be eligible for an enhanced DBS check and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check. In addition, this check can also include information as to whether an individual is subject to a section 128 direction. SKAPE will check that a person taking up a management position is not subject to a section 128 direction which is made by the Secretary of State. This check can be accessed through The Department for Education's Secure Access portal.
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- For candidates who already have an existing DBS certificate, SKAPE may choose to use the DBS Update Service by:
 - Obtaining consent from the individual to carry out an online check to view the status of an existing standard or enhanced DBS check;
 - Confirming the DBS certificate matches the individual's identity;
 - Examining the original certificate to ensure that it is valid for the children's workforce; and
 - Ensuring that the level of the check is appropriate to the job they are applying for, e.g. enhanced DBS check/enhanced DBS check including with barred list information.
- Teachers can be prohibited from teaching children and young people for various reasons, including unacceptable professional conduct or a conviction of a relevant criminal offence. SKAPE will ensure that checks are carried out on candidates to determine they have not been disqualified from working with children. The Department for Education (DfE) has published [statutory guidance to help organisations comply with their responsibilities](#) (DfE, 2018).

P21 SKAPE Safer Recruitment Policy

- v. For staff who work in childcare provision or who are directly concerned with the management of such provision, SKAPE will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009.

3.2 Positive Disclosures

In the event of any positive disclosure the proprietor will undertake a risk assessment (see Appendix 3 P01 SKAPE Safeguarding Children and Vulnerable Adults Policy) to ascertain the suitability of the member of staff in the specified role.

In accordance with the Rehabilitation of Offenders Act a criminal conviction does not automatically prevent an individual from working in a school. The following however must be considered when assessing whether a positive Disclosure is acceptable:

- Whether they will be working with children under 8 and have committed offences that disqualify them from doing so.
- The requirements of the role and level of supervision the worker will receive.
- How relevant the offence is to the role to be undertaken.
- How much time has elapsed since the offence was committed and whether it was a one-off incident or part of a history of offending.
- Whether the individual's circumstances have changed since the offence was committed, making re-offending less likely.
- Whether the individual was open and transparent about their past and declared relevant information where required.

The applicant will not be employed or the post holder will have their employment terminated if the positive disclosure reveals either:

- a caution or conviction related to children, young people or vulnerable adults or
- a caution or conviction related to a violent offence.

4. Right to work checks

SKAPE will verify the person's right to work in the UK, including EU nationals. If there is uncertainty about whether an individual needs permission to work in the UK, then SKAPE will follow advice on the GOV.UK website. SKAPE will also check for any information about any teacher sanction or restriction that an EEA professional regulating authority has imposed.

5. Qualification checks

Professional qualifications will be verified including; qualified teaching status and eligibility to work as a teacher if applicable to the job role. SKAPE will obtain proof of past conduct (for teachers/teaching assistants) and a criminal records check from the country/countries the applicant has lived and worked in. For teachers that have worked or trained overseas SKAPE will request a Letter of Professional Standing from the professional regulating authority in the relevant country. The Department for Education (DfE) has provided information about this in its Keeping children safe in Education guidance (DfE, 2023)

6. Fitness to work

SKAPE will verify the candidates mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for a specific role. SKAPE will ensure that particular attention is giving to Equality and Diversity (please see P07 Equality and Diversity Policy) and that no potential candidate is unfairly discriminated against. Candidates will also be asked to complete a confidential health questionnaire (please see P05 Confidentiality Policy).

7. Checking temporary, agency staff and visitors

If someone is visiting the SKAPE Centre to run an activity with children, then the same checks will apply. SKAPE will only use workers from agencies and organisations that have robust safer recruitment policies and procedures. SKAPE will ask the agency for written confirmation that the relevant safer recruitment vetting checks have been made for each temporary staff member or visitor. When supply staff arrive on site their ID will be checked.

INFORMATION GOVERNANCE

- Certificate information should be kept securely, and hard copies should be placed in lockable, non-portable, storage containers. Access should be strictly controlled and limited to those who are entitled to see it as part of their duties. No copies of disclosure information (in any format) should be made without the prior agreement of the DBS.
- Certificate information must only be handled by those who are authorised in your organisation to receive it in the course of their duties. Certificate information must not be shared with any third party without the consent of the applicant. It is a criminal offence to pass disclosure information to anyone who is not entitled to receive it.
- The information about criminal records that is collected and processed during the recruitment process is sensitive personal data. It should be:
 - Stored securely
 - Shared only with those who need to know (such as the HR provider, members of the recruitment panel, or the safe recruitment lead.
- Information MUST NOT be shared with other colleagues. For any records created during the process (for example, notes from disclosure discussions and criminal records assessments) applicants should be informed:
 - How their information will be handled, stored and destroyed
 - That they have a right to request: a copy of documents, that any inaccuracies are corrected, and that information is deleted

TRAINING

The School Staffing Regulations (2009) and the Education (Pupil Referral Units) (Application of Enactments) Regulations 2007 require governing bodies of maintained schools and management committees of pupil referral units (PRUs) to ensure that at least one of the persons who conducts an interview has completed safer recruitment training. Subject to the availability of training, SKAPE will move towards a position in

P21 SKAPE Safer Recruitment Policy

which at least one members of the management team has successfully received accredited training in Safer Recruitment procedures.

MAKING AN OFFER

When contacting the successful candidate, SKAPE will make clear that an offer is still subject to satisfactory completion of all the vetting processes.

VERIFYING REFERENCES

SKAPE will contact references to gather information on the following:

- suitability and ability to work with children and young people
- knowledge and understanding of child protection and safeguarding.

SKAPE will determine whether the information provided in the reference is consistent with the information provided by the candidate in their application form and interview. Discrepancies, concerns or vague statements will be followed up and acted on accordingly.

INDUCTION

All new employees will receive induction training that will include SKAPE'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).

Signed: D. James

Print Name: D. James

Date: 02/09/24

Reviewed: Annually

Review Date: August 2026

Date	Reason for Change	Approved By	Revision Number
22/08/23	Initial Policy Written	K Watson	Rev 1
11/10/23	Update to Online Checks	K. Watson	Rev 2
02/09/24	Policy Review	K. Watson	Rev 3
10/03/25	Policy Review	K. Watson	Rev 4
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