



## Safe Recruitment and Training in Education Policy

<b>Policy written:</b>	<b>May 2023</b>
<b>Policy review date:</b>	<b>May 2024</b>
<b>Signed by Director:</b>	<i>E. Barnett</i>

The policy will be reviewed annually as a minimum, unless lessons learnt or new legislation, national or local guidance suggests the need for an earlier date of review.

### Policy review dates and changes

<b>Review date</b>	<b>By whom</b>	<b>Summary of changes made</b>	<b>Date ratified by directors</b>	<b>Date implemented</b>
May 2024	E Barnett	CPI training added, definition of staff roles added, training provider added	May 2024	May 2024

## INTRODUCTION

The safe recruitment of staff at Phoenix ND Education Ltd is the first step to safeguarding and promoting the welfare of children in education.

Phoenix ND Education Ltd is committed to safeguarding and promoting the welfare of all pupils in its care. As an employer, the company expects all staff to share this commitment.

The aims of the 'Safer Recruitment in Education Policy' are as follows:

- \* to ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- \* to ensure that all job applicants are considered equally and consistently;
- \* to ensure that no job applicant is treated unfairly on any grounds including race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age;
- \* to ensure compliance with all relevant legislation, recommendations and guidance including the statutory guidance published by the Department for Education (DfE), Keeping Children Safe in Education - September 2023 (KCSIE), the Prevent Duty Guidance for England and Wales 2015 (the Prevent Duty Guidance) and any guidance or code of practice published by the Disclosure and Barring Service (DBS); and
- \* to ensure that the company meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy. Phoenix ND Education Ltd has a principle of open competition in its approach to recruitment and will seek to recruit the best applicant for the job. The recruitment and selection process should ensure the identification of the person best suited to the job, based on the applicant's abilities, qualification, experience and merit as measured against the job description and person specification.

The recruitment and selection of staff will be conducted in a professional, timely and responsive manner and in compliance with current employment legislation, and relevant safeguarding legislation and statutory guidance (including KCSIE 2023 and Prevent Duty Guidance).

If a member of staff involved in the recruitment process has a close personal or familial relationship with an applicant they must declare it as soon as they are aware of the individual's application and avoid any involvement in the recruitment and selection decision-making process.

The company aims to operate this procedure consistently and thoroughly while obtaining, collating, analysing and evaluating information from and about applicants applying for job vacancies.

Phoenix ND Education Ltd recruits:

- Fully qualified teachers
- Fully qualified teaching assistants
- Unqualified teachers/teaching assistants, where relevant experience is provided
- Youth Workers, Counsellors, Learning Mentors

## **RECRUITMENT AND SELECTION PROCEDURE**

To ensure equality of opportunity, the company will advertise all vacant posts to encourage as wide a field of applicants as possible, normally this entails an external advertisement. Any advertisement will make clear the company's commitment to safeguarding and promoting the welfare of children. All documentation relating to applicants will be treated confidentially in accordance with the Data Protection Act (DPA).

### **Application Forms**

Phoenix ND Education Ltd uses its own application form and all applicants for employment will be required to complete an application form containing questions about their academic and full employment history and their suitability for the role (in addition all applicants are required to account for any gaps or discrepancies in employment history).

Applicants submitting an incomplete application form will not be shortlisted. CVs will not be accepted.

The application form will include the applicant's declaration regarding convictions and working with children, and will make it clear that the post is exempt from the provisions of the Rehabilitation of Offenders Act 1974. It is unlawful for the company to employ anyone who is barred from working with children. It is a criminal offence for any person who is barred from working with children to apply for a position at the School.

All applicants will be made 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 referral to the police and/or the DBS.

### **Job Descriptions and Person Specifications**

A job description is a key document in the recruitment process, and must be finalised prior to taking any other steps in the process. It will clearly and accurately set out the duties and responsibilities of the job role. The person specification is of equal

importance and informs the selection decision. It details the skills, experience, abilities and expertise that are required to do the job.

## **References**

Two references for short-listed applicants will be requested immediately after short-listing. The only exception is where an applicant has indicated on their application form that they do not wish their current employer to be contacted at that stage. In such cases, this reference will be taken up immediately after the interview.

All offers of employment will be subject to the receipt of a minimum of two references which are considered satisfactory by the company. One of the references must be from the applicant's current or most recent employer. If the current/most recent employment does/did not involve work with children, then the second reference should be from the employer with whom the applicant most recently worked with children. The referee should not be a relative.

References will always be sought and obtained directly from the referee and their purpose is to provide objective and factual information to support appointment decisions. All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children.

Referees will also be asked to confirm that the applicant has not been radicalised, so that they do not support terrorism or any form of "extremism".

Please note that no questions will be asked about health or medical fitness prior to any offer of employment being made.

Any discrepancies or anomalies will be followed up.

Direct contact by phone will be undertaken with each referee to verify the reference. The company does not accept open references, testimonials or references from relatives.

## **Interviews**

There will be a face-to-face interview wherever possible.

The interview process will explore the applicant's ability to carry out the job description and meet the person specification. It will enable the interviewer to explore any anomalies or gaps which have been identified in order to satisfy themselves that the chosen applicant can meet the safeguarding criteria (in line with Safer Recruitment Training). Any information in regard to past disciplinary action or allegations, cautions or convictions will be discussed and considered in the

circumstance of the individual case during the interview process, if it has been disclosed on the application form.

Phoenix Nd Education Ltd staff involved in recruitment will undertake safer recruitment training and it will be refreshed annually.

All applicants who are invited to an interview will be required to bring evidence of their identity, address and qualifications. Original documents will only be accepted and photocopies will be taken. Unsuccessful applicant documents will be destroyed 6 months after the recruitment programme.

### **OFFER OF APPOINTMENT AND NEW EMPLOYEE PROCESS**

If it is decided to make an offer of employment following the formal interview, any such offer will be conditional on the following:

- the agreement of a mutually acceptable start date and the signing of a contract incorporating the company's standard terms and conditions of employment;
- verification of the applicant's identity (if not previously been verified);
- the receipt of two references (one of which must be from the applicant's most recent employer) which the company considers to be satisfactory;
- for positions which involve "teaching work":

i. the company being satisfied that the applicant is not, and has never been, the subject of a sanction, restriction or prohibition issued by the Teaching Regulation Agency (formerly National College for Teaching and Leadership), or any predecessor or successor body, or by a regulator of the teaching profession in any other European Economic Area country which prevents the applicant working for Phoenix ND Education Ltd or which, in the company's opinion, renders the applicant unsuitable to work within Phoenix ND Education Ltd;

and

ii. the company being satisfied that the applicant is not, and has never been, the subject of any proceedings before a professional conduct panel or equivalent body in the UK or any other country for any reason which prevents the applicant working for Phoenix ND Education Ltd or which, in the company's opinion, renders the applicant unsuitable to work for Phoenix ND Education Ltd;

- The DBS Update service will be used to check a member of staff's portable DBS annually.

- where the position amounts to "regulated activity" confirmation that the applicant is not named on the Children's Barred List1;
- confirmation that the applicant is not subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education for Phoenix ND Education Ltd, taking part in the management of an independent school or working in a position which involves regular contact with children;
- if applicable confirmation that the applicant is not subject to a direction under section 128 of the Education and Skills Act 2008 which prohibits, disqualifies or restricts them from being involved in the management of an independent school
- verification of the applicant's medical fitness for the role;
- verification of the applicant's right to work in the UK;
- any further checks which are necessary as a result of the applicant having lived or worked outside of the UK;
- verification of professional qualifications which the company deems a requirement for the post, or which the applicant otherwise cites in support of their application (where not previously verified).

A personal file checklist will be used to track and audit paperwork obtained in accordance with Safer Recruitment Training. The checklist will be retained on personal files.

### **The Rehabilitation of Offenders Act 1974**

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to pupils. Therefore, any convictions and cautions that would normally be considered 'SPENT' must be declared when applying for any position at Phoenix ND Education Ltd.

### **DBS (Disclosure and Barring Service) Check**

Phoenix ND Education Ltd applies for an enhanced disclosure from the DBS through 'Care Check', and carries out a check of the Children's Barred List (now known as an Enhanced Check for Regulated Activity) in respect of all positions within the company which amount to "regulated activity" as defined in the Safeguarding Vulnerable Groups Act 2006 (as amended).

The purpose of carrying out an Enhanced Check for Regulated Activity is to identify whether an applicant is barred from working with children by inclusion on the Children's Barred List and to obtain other relevant suitability information.

It is the company's policy that the DBS disclosure must be obtained before the commencement of employment of any new employee.

It is the company's policy to re-check employees' DBS Certificates every three years and in addition any employee who takes leave for more than three months (ie maternity leave, career break etc) must be re-checked before they return back to work.

Members of staff at Phoenix ND Education Ltd are aware of their obligation to inform the Management Team of any cautions or convictions that arise between these checks taking place.

DBS checks will still be requested for applicants with recent periods of overseas residence and those with little or no previous UK residence.

### **Portability of DBS Certificates Checks**

It is company policy, as of Sept 2020, that staff register with the DBS Update Service. This allows for portability of a Certificate across employers.

Phoenix ND Education Ltd will:

- Obtain consent from the applicant to carry out an update search.
- Confirm the Certificate matches the individual's identity.
- Examine the original certificate to ensure that it is for the appropriate workforce and level of check, ie enhanced certificate/enhanced including barred list information.

The Update check would identify and advise whether there has been any change to the information recorded, since the initial Certificate was issued.

Applicants will be able to see a full list of those organisations that have carried out a status check on their account.

### **DBS Certificate**

The DBS no longer issue Disclosure Certificates to employers, therefore employees/applicants should bring their original Certificate to their induction meeting.

### **Dealing with convictions**

The company operates a formal procedure if a DBS Certificate is returned with details of convictions.

Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

- the nature, seriousness and relevance of the offence;
- how long ago the offence occurred;
- one-off or history of offences;
- changes in circumstances,
- decriminalisation and remorse.

A formal meeting will take place face-to-face to establish the facts with a company director and case manager. A decision will be made following this meeting. In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the directors will evaluate all of the risk factors above before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the company may, where practicable and at its discretion, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

### **Secretary of State Prohibition Orders (Teaching & Management roles)**

In all cases where an applicant is to undertake a teaching role of any kind, a Prohibition Order check will be made using the Employer Access Online Service. It is anticipated that this will be performed at offer stage. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the National College for Teaching and Leadership (NCTL). Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

A section 128 direction 39 prohibits or restricts a person from taking part in the management of an independent school. A person who is prohibited is unable to participate in any management of an independent school, a governor on any governing body in an independent school, or a management position that retains or has been delegated any management responsibilities.

A check for a section 128 direction will be carried out using the Teacher Services' system. Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

### **Proof of identity, Right to Work in the UK & Verification of Qualifications and/or professional status.**

All applicants invited to attend an interview will be required to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity/eligibility to work in UK in accordance with the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines.

The company does not discriminate on the grounds of age. Where an applicant claims to have changed their name by deed poll or any other means (eg marriage, adoption, statutory declaration) they will be required to provide documentary evidence of the change. In addition, applicants must be able to demonstrate that



they have actually obtained any academic or vocational qualification legally required for the position and claimed in their application form.

### **Overseas checks**

In addition, applicants who have lived/travelled abroad for more than 3 months will need to obtain a criminal records check from the relevant country. The applicant will not be permitted to commence work until the overseas information has been received and is considered satisfactory by the company.

### **Induction Programme**

All new employees will be given an induction programme which will clearly identify the company's policies and procedures, including the Safeguarding Policy, the Code of Conduct, and KCSIE, and make clear the expectations which will govern how staff carry out their roles and responsibilities.

#### **The Induction Programme will include:**

Providing welcome resources prior to the start date. A detailed pack of information in either hard copy or electronic format. This gives them a full understanding of the organisation and will answer any questions they may have which could otherwise distract from the induction process.

Email addresses and access to systems will be set up so that the new employees can access them from their start date, there will be an opportunity at the induction meeting to provide initial training where required.

New employees are guided through health and safety procedures and receive any necessary training on the first day of the induction programme. Different roles may need different levels of training, but as a minimum, employees should know how to assess and minimise risks in the workplace and know about emergency procedures. Access is also provided to an online employee handbook covering all procedures and policies within the organisation. This gives information on legal requirements they must follow, in addition to company policies around dress code, sickness absence, annual leave and any other areas deemed to be important.

### **Documentation check**

All employees should have received and signed a written statement of employment (typically in the form of a contract) within two months of their starting date. They will be asked to bring their proof of their right to work in the UK, their P45, and banking details for payroll and DBS certificate to the induction meeting. Those who are self-employed will need to show evidence of this.

### **Feedback and further actions**

At the induction meeting, further opportunities for feedback and support will be arranged to provide an opportunity for the new employee to raise ongoing issues, training requirements and to ensure supervision is being carried out.

### **Single Centralised Register of Members of Staff**

In addition to the various staff records kept by the company and on individual personnel files, a single centralised record of recruitment and vetting checks is kept in accordance with the Education Regulations 2014 requirements. The Single Centralised Register will contain details of all employees who are employed to work for Phoenix ND Education Ltd.

### **Record Retention/Data Protection**

Phoenix ND Education Ltd is legally required to undertake the above pre-employment checks. Therefore, if an applicant is successful in their application, the company will retain on their personnel file any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK, and qualifications. This documentation will be retained by Phoenix ND Education Ltd for the duration of the successful applicant's employment with the company. All information retained on employees is securely stored via OneDrive. Phoenix ND Education Ltd will retain all interview notes on all unsuccessful applicants for a period of 6 months, after which time the notes will be confidentially destroyed (ie shredded). The 6-month retention period is in accordance with the General Data Protection Regulations (GDPR).

### **Ongoing Employment**

Phoenix ND Education Ltd recognises that safer recruitment and selection is not just about the start of employment, but should be part of a larger policy framework for all staff. The company will therefore provide ongoing training and support for all staff through the support and guidance of the AP Manager and half-termly staff meetings in addition all staff will be required to update their training annually through our designated portal – Flick Training.

### **Leaving Employment at Phoenix ND Education Ltd**

Despite the best efforts to recruit safely, there will be occasions when allegations of serious misconduct or abuse against children and young people are raised. This policy is primarily concerned with the promotion of safer recruitment and details the pre-employment checks that will be undertaken prior to employment being confirmed.

Whilst there are pre-employment checks, the company also has a legal duty to make a referral to the DBS in circumstances where an individual:

- has applied for a position within the company despite being barred from working with children; or
- has been removed by the company from working in regulated activity (whether paid or unpaid), or has resigned prior to being removed, because they have harmed, or pose a risk of harm to, a child.

If the individual referred to the DBS is a teacher, the company may also decide to make a referral to the Teaching Regulation Agency.

\*In fulfilling its Prevent Duty obligations Phoenix ND Education Ltd does not discriminate on the grounds of race, colour, nationality, ethnic or national origin, religion or religious belief, sex or sexual orientation, marital or civil partner status, disability or age.

### **Monitoring and Evaluation**

The Director and Senior Management will be responsible for ensuring that this policy is monitored and evaluated throughout the company.

This will be undertaken through formal audits of job vacancies and a yearly Safer Recruitment Evaluation audit.

### **Process Summary**

- Completion of an application form citing two referees, one of which is the last/most recent employer.
- Two references taken up, added to HR file if the applicant is deemed suitable.
- Applicant interviewed by Managers.
- Proof of professional qualifications is required which are also kept on file.
- All staff are required to complete an enhanced DBS check.
- Safeguarding training takes place during induction period.
- Should staff fail to meet the standards and expectations of Phoenix ND Education Ltd they will not be offered any further work.
- All staff will have regular meetings with the EOTIS Manager to review their work.
- All staff will be closely monitored by The EOTIS Manager and EOTIS Co-ordinator.
- A 'buddy' system will be offered to staff during the induction period.
- All staff will be provided with a Phoenix ND Education Ltd email address.
- All staff will be provided with a photo ID badge, also containing DBS number.