



Bracknell Forest Council

Schools

Safer Recruitment Toolkit

September 2018

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UPDATES SEPTEMBER 2018:

General updates in terminology and removal of out of date information throughout the toolkit.

Amended Section 7.1 to reflect changes in Disqualification under the Childcare Act

Amended Section 10.1 conditions of offer updated to include Section 128 direction (for academies) and Disqualification under the Childcare Act

Amended Section 11.0 information after offer of employment updated to include Section 128 direction (for academies) and Disqualification under the Childcare Act

New Section 11.5 – new information on EEA regulated authority teacher sanctions

New Section 11.8 – Secretary of State Section 128 definition (for academies and new governors of maintained schools from 3rd September 2018)

Amended Section 13.7 – now includes a section on 128 direction

New Section 13.15 – Alternative Provision section added in

Amended Section 14.0 – Single Central Record updated guidance to include section 128 direction (for academies and new governors of maintained schools from 3rd September 2018) and Disclosure under the Childcare Act

APPENDICES UPDATES SEPTEMBER 2018

A	Job Description & Person Specification	No changes
B	Advertisement	No changes
C	Shortlisting Grid	No changes
D	Disqualification under Childcare Act	New to reflect changes in legislation
E	Reference Request	No changes
F	Interview letter	RTW information slightly amended
G	Offer Letter	Changes for GDPR and RTW wording
H	Appointment Checklist	Disqualification under Childcare Act added
I	RTW Checklist	Most up to date document downloaded
J	Overseas Letter	Small change – only reimburse for BF employees
K	Update Service	Removed reference to document being faxed
L	Risk Assessment	No changes
M	Request Barred List Check	No changes
N	Example Single Central Record	Section 128 changes

Safer Recruitment Toolkit

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1. Introduction

Safeguarding and promoting the welfare of children is an integral factor of School management.

The Headteacher is responsible for the internal organisation, management and control of the school. However all staff and volunteers have an integral responsibility in ensuring that the school environment is safe and secure for children and young people and that appropriate safeguarding procedures are followed. Robust and rigorous recruitment and selection practices help to deter or reject unsuitable applicants from gaining positions within schools. It helps to ensure that the workforce is fully committed to the safe welfare of children who contribute to a safe and secure school environment.

Governing boards should prevent people who pose a risk of harm from working with children by adhering to statutory responsibilities to check staff who work with children, taking proportionate decisions on whether to ask for any checks beyond what is required; and ensuring volunteers are appropriately supervised.

This toolkit has been developed using the current version of the DfE statutory guidance, 'Keeping Children Safe in Education: for schools and colleges'.

Whilst this toolkit focuses on safer recruitment, following the procedures demonstrated will also ensure recruitment processes are fair and meet equality and employment law requirements

Further guidance should be sought from Human Resources (HR) on any aspect of the recruitment and selection and clearance process around which any uncertainty, difficulty or concern arises.

This toolkit is for Bracknell Forest schools and Academies that buy into the Bracknell Forest HR Service Level Agreement.

2. Recruitment Process Overview

For successful recruitment, it is important to plan the whole process from the outset. This will ensure that sufficient time is left between each stage so that applicants are given essential and focussed information about the school and the post they are applying for. This is to deter unsuitable people from applying for the role. It is essential to identify the people that will be involved in the recruitment process and what their responsibilities will be. You will need to plan a timescale to ensure that there is enough time to obtain references, give applicants enough time to prepare for the interview and carry out other pre-employment checks before the successful applicant starts employment

The time and planning spent at this stage can reduce the risk of making an unsuitable appointment.

The recruitment process should consist of:

- Reviewing job descriptions/role profiles and ensuring that they are up to date and make reference to the responsibility for safeguarding and promoting the welfare of children.
- Ensuring that the person specification includes specific reference to suitability to work with children.
- Advertising the vacancy in the appropriate media.
- Using application forms to obtain and scrutinise comprehensive information about applicants.
- Shortlisting against essential criteria for the role to ensure the best applicants are interviewed
- Ensuring references are obtained that help assess applicants suitability for the post through specific focussed questions.
- Conducting face to face interviews that ask appropriately robust questions.
- Verification of applicant's identity.
- Verification of qualifications and skills
- Verification of an applicant's previous employment history and experience.
- Verification of the employees Right to Work in the UK
- Completion of appropriate mandatory employment checks via the Disclosure and Barring Service.
- Verification that the applicant has the health and capacity for the job by completion of the Occupational Health medical for all appointed candidates.
- Induction programmes that ensure a 'safeguarding children' culture is adopted and embedded into continuing practice.
- Probation period / Teachers induction
- Continuing Performance Management.

3. Job Description/Person Specification

A job description, or job profile, for the post should give a clear description of the main purpose or function of the job.

For teaching staff, the job description will need to be built around the duties and responsibilities defined in the Teachers' Pay and Conditions Document and the DfE Teachers Standards. Generic descriptions can be drawn up with specialist areas of responsibility defined as a supplement to the main job description, e.g. curriculum leader, year leader, SENCO etc.

For support staff, schools (including academies that are continuing to use Bracknell Forest arrangements for support staff) should use evaluated model job descriptions, where available. New jobs or jobs which do not match an already evaluated job should be submitted to HR to be evaluated using the job evaluation scheme, to ensure the correct grade is allocated to match the responsibilities and duties of the job, to protect schools against equal pay claims.

A bank of model support staff job descriptions is available on the School Management Website.

All job descriptions where the post holder is in contact with children should detail the individual's responsibility for promoting and safeguarding the welfare of children and young persons and should include the following statement:

“The post holder is responsible for ensuring that the school child protection policy is adhered to and concerns are raised in accordance with this policy”

The person specification should detail the qualifications, competencies, skills and experience along with any other requirements to undertake the role. This should be based on information within the job description and the conditions applying to the post.

The person specification should specifically contain the criteria **“suitability to work with Children”**.

The person specification is crucial in that it will help to shape how the recruitment process is conducted. It is advisable to separate these features into essential and desirable categories.

Time spent on the production of a full, carefully prepared and objective person specification will invariably avoid later difficulties in interpreting and applying vague and imprecise requirements.

The job description and person specification are the documents against which the competence of the applicants is measured it is therefore vital that these documents are accurate and reflective of the required competencies, skills and experience at the time they are provided to candidates.

If your recruitment decision is challenged it will prove difficult to defend such a challenge without an accurate and comprehensive person specification and completed shortlisting grid.

Appendix A contains a template for a Job Description and Person Specification

4. Advertising

All vacancies should be advertised to ensure equality of opportunity and to ensure the best selection of potential candidates. This may be an internal only advertisement, or externally of the Bracknell Forest website or in other media

When the need arises to advertise a post, it is recommended that the following information is included in an advert.

- Job Title, detailing key stage or subject specialism if appropriate
- Hours per week
- Salary (clarifying whether actual or FTE) including any additional allowances payable
- Whether the role is temporary or permanent (specify duration if temporary)
- Whether the post is term time, term time + x weeks, or all year round
- Likely start date for position
- Brief description of the academy/school/ department/team
- Anything specific the school has to offer, i.e. new building, Ofsted category
- Brief description of role
- Any experience, qualities or qualifications required for the role
- Interview dates (if known)
- Closing date for advert
- Who to contact for an informal discussion/school visit/ more details about the post
- School website address
- Full school address including postcode and telephone number
- Safeguarding statement

You will not need to include information that is already in the job description and person specification however, you should ensure that the advert content is consistent with these documents

You must explicitly state your commitment to safeguarding children. The following safeguarding statement (or similar) should be included in all adverts and correspondence to applicants:

‘This School is committed to safeguarding children and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. We will ensure that all our recruitment and selection practices reflect this commitment. All successful candidates will be subject to Disclosure and Barring Service checks along with other relevant employment checks.’

Appendix B contains an example advertisement

5. Candidate Information Packs / Online advertisements on Bracknell Forest website

The Candidate Information pack/advert should include;

- A link to the online application form
- A detailed job description and person specification
- Details about grade and type of post e.g. Is it fixed term, part time etc.
- Details of key terms and conditions of employment e.g. term time only, holiday entitlement, flexible benefits scheme
- Information about the recruitment and selection process i.e. interview dates or details of observations, interview tasks etc.
- Safeguarding statement
- Equal opportunities statement – see below
- Positive about people with a disability – see below
- Details about what employment checks will be required

5.1 Equal Opportunities statement

'We are an equal opportunities employer and are committed to providing equality of opportunity to all. Our aim is to treat all employees and prospective employees with integrity, respect and consideration. We aim to ensure that individuals are recruited, selected, trained and promoted on the basis of ability, job requirements, skills, aptitudes and other objective criteria. In this respect we will ensure that no job applicant or employee receives less favourable treatment on the grounds of race, colour, nationality, ethnic or national origin, sex, sexual orientation, religion or belief, age, marital status or disability, or is disadvantaged by conditions or requirements which are not covered by legislation or existing codes of practice'

5.2 Positive about people with a disability statement

'We are a Disability Symbol User and as such have made a commitment to guarantee an interview to all applicants with a disability who meet the essential criteria of the person specification. To help us with our commitment to this guarantee, please indicate if you have a disability on your application form. '

5.3 Full Safeguarding Statement:

'Bracknell Forest Council/x school/x academy is committed to safeguarding and promoting the welfare of children/young people and expects all employees, workers and volunteers to share this commitment. We will ensure that all our recruitment and selection practices share this commitment.'

'This position requires an Enhanced Disclosure and Barring Service check because it involves contact with (or access to data concerning) children/young people/adults at risk. On your application form, you will need to tell us about any spent convictions, cautions, reprimands or warnings which may later appear on your DBS Certificate.'

To find out more about the application process for working with children, young people and adults at risk in Bracknell Forest schools visit <https://www.bracknell-forest.gov.uk/jobs/applying-job/applications-work-children-young-people-or-adults-risk>

The Local Safeguarding Board (LSCB) has responsibility for working together to oversee the safety and well-being of children and young people in Bracknell Forest. Find out more at <https://bflscb.org.uk/>

5.4 Pre-employment medical check statement

'You may be asked about your physical ability to perform the job during interview. As a condition of the Offer of Employment, the successful applicant will be asked to complete an Occupational Health questionnaire from which our Occupational Health Advisor will assess your medical suitability to do the job. You may be required to attend a medical examination.'

To note, the position will not be confirmed until the time where medical clearance is received, irrespective of whether the person has actually commenced working.

5.5 References statement

'On your application form you will be asked to provide the names and addresses of two people who will provide a reference. At least one should be from your current/most recent employer. If you are not currently working with children/adults at risk but have done so in the past it is important that a reference is obtained from the employer by whom you were most recently employed working with children/adults at risk.'

Employment references must be provided by your current or most recent line manager and **will not** be accepted from relatives or people writing solely in the capacity of friends.

We take up references for all shortlisted candidates and wherever possible we like to apply for these prior to interview.'

To note, where a follow up discussion is required following receipt of a written reference, the details of this conversation should be documented and retained. The applicant is able to request a copy of this information and, where appropriate, challenge for accuracy.

5.6 Working in the UK statement

'You must be entitled to work in the UK before you can start work with us. If you have any doubt of your ability to work in the UK visit: <https://www.gov.uk/prove-right-to-work>

6. Application Form

All applicants must complete a standard application form. It is not acceptable practice to rely on a curriculum vitae produced by a potential employee. For Bracknell Forest schools there are four application forms in use (Headteacher, Teacher, NQT Pool and Support Staff). Academies will use their own application forms. By using these forms, you will ensure all necessary information is gathered and that you adhere to the current DfE Statutory guidance for schools: 'Keeping Children Safe in Education '.

The latest versions of the Bracknell Forest application forms are kept in the Jobs Go Public online recruitment system as an online form and a PDF document.

A completed application form provides schools with the information that is required in order to shortlist a person for interview and acts as an applicant's signed and dated declaration of the qualifications, skills and experience that they possess. When candidates apply online they should be asked to sign a printed copy of their application at interview.

Where an applicant can download an application form to complete, the school should ensure no sections or questions have been deleted. For this reason it is recommended you encourage online applications or only make a PDF version available to download. Although a Word version is more desirable to applicants as they can complete it electronically, it is much easier to delete sections or questions.

The use of the correct application form also ensures that applicants declare any criminal convictions because it includes the following paragraph:

As posts involve regular contact with children or young persons are exempt under The Rehabilitation of Offenders Act 1974, by virtue of The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, candidates for such posts are required to declare any criminal convictions, that they have or any cautions, reprimands or final warnings that they have been subject to in relation to any offences.

Although word of mouth recommendations and speculative enquiries about vacancies are useful tools in recruitment, applicants making speculative contact should be asked to apply for a specific post and complete the relevant application form.

Requiring candidates to complete an application form ensures a common set of core data is gathered from all applicants and will make certain that all the necessary information recommended by the DFE is collected. It is also easy to judge against the person specification.

Bracknell Forest Application Forms include the following information:

- Contact details including name, address, telephone number and email address.
- Previous work experience including dates of employment
- Academic and Vocational qualifications, including Awarding Body and date of study
- Declaration of any family or close relationships to existing employees, councillors or Governors
- Referee details and a declaration that the employer can contact any referee when the post involves working with children.
- Supplementary information (to include how the person specification is met)
- An explanation that the post is exempt from the Rehabilitation of Offenders Act 1974 and therefore all cautions, convictions and bind-over's, including those regarded as spent must be declared.
- For Teachers, the application will include Teacher number and QTS Status

The application form will also include the following statements which contribute to safer recruitment:

Please detail full employment history in chronological order since leaving secondary education. Please include periods of any post-secondary education/training, part time and voluntary work as well as full time employment, with start and end dates.

Please provide explanations for periods not in employment or education/training and reasons for leaving employment.

If you are not currently working with children/young people but have done so in the past, it is important that a reference is obtained from the employer by whom you were most recently employed working with children/young people. Please provide contact details.

Employment references will not be accepted from relatives or people writing solely in the capacity of friends.

7. Scrutinising and Shortlisting

All applications should be carefully scrutinised to ensure they are fully and properly completed. Where an applicant can download an application form to complete, the school should ensure no sections or questions have been deleted.

Any anomalies or discrepancies or gaps in service employment/training should be accounted for and clarified at interview. Repeated and regular changes in employment should also be noted and reasons explored at interview. Unusual leaving dates for teachers should be investigated also.

All candidates should be assessed equally against the criteria in the person specification without exception or variation. This should be recorded on a short listing matrix.

Appendix C contains an example shortlisting grid.

The panel should **not** have access to equal opportunities monitoring data whilst shortlisting. This protects the school should an individual raise a claim of discrimination.

A minimum of two people should carry out the short listing process, one of which should have completed appropriate safer recruitment and selection training.

You should normally only interview candidates who meet the essential criteria for the post. If you have a large number of applications, you may wish to score on desirable as well as essential criteria, to ensure that you select the best applicants to interview.

Where a candidate is known to you, you should score on the basis of the information provided on the application form only.

If you have applicants who have declared a disability on their application form, it is policy for Bracknell Forest schools to offer an interview, provided they meet the essential requirements as detailed on the person specification.

Shortlisting information/ grids should be retained for 6 months by the school, as they provide evidence should any applicant raise an issue about the fairness of the recruitment process

7.1 Disqualification under the Childcare Act 2006

Note - These regulations do not cover all staff working in schools (see section 'Staff covered and relevant settings' below for more information).

Background

In 2014 the Department for Education (DfE) issued supplementary advice to the statutory guidance 'Keeping Children Safe in Education' detailing a new requirement for childcare disqualification checks to be carried out on relevant staff in schools and registered childcare settings.

The initial Regulations prohibited anyone disqualified under the Regulations from working in a relevant setting but it also prohibited anyone who lived in the same household as a disqualified person (disqualification by association) from working in a relevant setting.

On 31st August 2018 the Childcare (Disqualification) and Childcare (Early Years Provision Free of Charge) (extended Entitlement) (Amendment) Regulations came into force. The Department for Education has published revised statutory guidance (dated July 2018) which replaces the existing guidance with effect from 31st August 2018.

The Childcare Disqualification Regulations still prohibit anyone disqualified under the Regulations from working in a relevant setting. However the 'disqualification by association' element is only applicable to those working in domestic settings under the new Regulations.

Therefore schools are no longer required to establish whether a relevant member of staff providing, or employed to work in, childcare is 'disqualified by association' i.e. they live in the same household where another person who is disqualified lives or works. Accordingly, schools should no longer ask staff questions about cautions or convictions of someone living or working in their household.

Below is detail for schools on which staff are covered by the Regulations and what schools must do to meet the requirements.

Staff covered and relevant settings

The Regulations cover staff working in nursery, primary or secondary school settings if they are employed and/or provide early years childcare (this includes from birth until 1 September following a child's fifth birthday i.e. up to and including reception age) or later years childcare (this covers children above reception age but who have not attained the age of 8) or if they are directly concerned with the management of such childcare.

This includes:

- Early years provision - staff that provide any 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.
- Later years provision (for children under 8) - staff who are employed to work in 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 for children above reception age during

school hours but it does include before school settings, such as breakfast clubs, and after school provision.

- Staff who are directly concerned in the management of the above settings – including headteacher, members of the leadership team, supervisor, leader or volunteer responsible for the day to day management of the provision.

What does disqualification mean for schools?

Disqualification means where the person is either:

- included on the Disclosure and Barring Service (DBS) Children's Barred List;
- being found to have committed certain violent and sexual criminal offences against children and adults;
- certain orders in relation to the care of children;
- refusal or cancellation of registration relating to childcare, or children's homes, or being prohibited from private fostering
- being found to have committed an offence overseas which would constitute an offence regarding disqualification under the 2018 Regulations, if it had been done in any part of the United Kingdom

Required Actions for schools

The following actions are required by schools:

- a) Make those staff covered by the Regulations aware of the requirements
- b) Carry out a check on shortlisted candidates to ensure that staff are suitable to work in childcare
- c) Keep a record of those staff who are covered by the Regulations and the date on which the information about disqualification was provided (see Record Keeping).

It is important schools avoid asking for information that is not relevant to ensure they are not in breach of data protection legislation. Any questions posed to relevant staff should be relevant and limited to the requirements of the legislation. The information should only be requested from staff covered by the legislation.

To ensure schools meet the above requirements an example letter, form for completion and FAQs can be found at Appendix D.

Disqualified Workers

Should any worker meet the disqualified criteria, in most circumstances, they can apply to OFSTED for a waiver. Following a review, Ofsted may grant a full or partial waiver, including a waiver that would allow an individual to work in a relevant setting. Until a waiver is received the individual must not continue to work. Where a waiver is not granted, unless redeployment options are available, the employee will need to be dismissed.

Contact HR for support and advice.

Volunteers and Casual Workers

Volunteers and casual workers who are directly concerned with the management of childcare provision, and/or who work on a regular basis, whether supervised or not, in relevant childcare, are within scope of the legislation and are covered by this guidance.

Governors

The Regulations do not apply to Governors, unless they work with children in school as a volunteer or are an employee of the school in which case they will apply.

Contractors / Agencies

Contactors/agencies are responsible as employers for ensuring that persons caring for children are suitable to work with children and that the appropriate safeguarding checks are undertaken. Schools should ensure they are compliant with the requirements of the legislation.

Record Keeping

Schools may choose to keep details of their checks as part of the single central record, or they may retain a separate record. Ofsted will check this as part of their routine inspection process.

Data Protection

Schools must ensure that they handle information fairly and lawfully and take care not to breach the Data Protection Act 2018 and General Data Protection Regulations (GDPR).

The Regulations state that personal data, including any details of the person's criminal record, should not be held without consent from the individual. In instances where an individual does not consent, schools should only record the date the declaration was made, details of any additional safeguarding restrictions, and whether an Ofsted waiver has been granted.

8. References

References should be sought for all shortlisted applicants, including internal applicants, prior to interview (where their consent has been given), so that any issues of concern they raise including past disciplinary action, allegations or discrepancies, can be explored further with the referee, and taken up with the candidate at interview.

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. References should always be obtained, scrutinised and any concerns resolved satisfactorily, before the appointment is confirmed.

Two references are requested on the application form.

Employment references should usually be provided by the current or most recent line manager.

References from relatives or people writing solely in the capacity of friends must not be accepted.

They should always be requested directly from the referee and employers should not rely on open references, for example in the form of 'to whom it may concern' testimonials.

If the applicant is not currently in a role which involves working with children, but has previously been in such a role, a reference which relates to that work should be sought.

Schools should scrutinise the referees given to determine whether they are sufficient and the most appropriate.

If you do not feel the referees are the most appropriate, you should contact the applicant and ask for a more suitable one. If, after requesting and following up several times you are unable to obtain a reference from either of the referees provided and asking the applicant to contact their referee and encourage them to provide the reference, you should ask the candidate to provide an alternative referee.

Sometimes referees will only provide a factual reference confirming dates of employment, particularly where employment does not involve working with children and young people. Where this is the case, additional references may be asked for where appropriate, as appointments should not be made on the basis of two factual references.

8.1 What to include in a reference request

Reference requests should contain details of the post on offer and should be structured to ask a referee to comment on specific areas relating to the post. Schools should always ask a referee to comment on the prospective employee's suitability to undertake the post on offer, to work with children and should specifically request any information on criminal convictions or disciplinary offences.

Employers should always ask for written information about previous employment history and check that information is not contradictory or incomplete.

Under the Equalities Act, you **cannot** ask about levels of sickness absence prior to interview, but these can be requested for the successful candidate after the interview stage. Please contact HR if you are considering withdrawing an offer of employment following receipt of sickness absence data on a reference. This is because there are potential disability discrimination issues which may arise from this. Any job offer will be made conditional on satisfactory medical clearance.

The purpose of collecting references is to obtain objective and factual information to support the appointment decision. The use of a pro forma, tailored to the specific needs of the school, will help achieve this. Job descriptions and person specifications should always be provided so that the referees can comment on the individual's suitability for the specific post in question.

On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate: for example if the answers are vague. They should also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies should be taken up with the candidate.

If, for whatever reason, references are not obtained before the interview, the candidate should also be asked at interview if there is anything s/he wishes to declare or discuss in light of the questions that have been (or will be) put to his or her references

Any information about past disciplinary action or allegations should be considered carefully when assessing the applicant's suitability for the post (including information obtained from the Employer Access Online checks).

Schools should contact HR if they have concerns about references obtained either prior to interview or after they have offered the position to the successful candidate.

To note, where a follow up discussion is required following receipt of a written reference, the details of this conversation should be documented and retained. The applicant is able to request a copy of this information and, where appropriate, challenge for accuracy.

Any offer of employment must be made subject to the receipt of satisfactory references. It is vital that the references are obtained and scrutinised before a person's appointment is confirmed and before s/he starts work.

If schools are part of the Recruitment SLA references can be requested electronically through the Jobs Go Public online recruitment system.

Appendix E contains a template reference request.

9. Interviews and Selection

9.1 Purpose of Interview

It is essential that a face to face interview takes place prior to any appointment. The interviews should assess the merits of each candidate against the requirements in the person specification and job description. Interviews must also explore an individual's suitability to work with children by assessing attitudes and behaviours.

A robust selection process should not rely solely on the interview.

A range of selection activities should be designed in order to help assess who is the most suitable candidate for the job. For teachers and teacher support roles, it is legitimate to involve pupils in the process. Pupils should not take part in assessing candidate suitability but can contribute to the panel's assessment of the ability to interact with children.

9.2 Invitation to interview

Invitations to interview should;

- Detail all the arrangements such as date, time , length of the selection process, selection activities, panel members
- Remind candidates that the interview is assessing their suitability to work with children
- Remind them to bring all relevant documents, proof of qualifications, proof of identity, evidence of right to work Copies should not be accepted; it is originals only that can be presented. Copies should however be taken and kept on the school file.
- Ask applicants if they have any special requirements to enable them to attend or participate fully in the interview.
- Provide details of any recruitment activities that applicants will need to prepare for – e.g. lesson, assembly or presentation. Give details of length and nature of task, year groups, equipment available etc. Be prepared to answer additional questions relating to this.

Appendix F contains an example invite to interview letter.

9.3 Checks to be carried out at interview

The following checks on applicants should be carried out at the interview stage.

- Establish that the person attending the interview is who they say they are (Identity check)
- Establish that the person, if appointed, will have the right to work in the UK
- You should also ensure that you have a signed copy of the application form. If the individual has applied on line, you should ask the to sign a printed copy of their form at interview
- See evidence of the qualifications essential for the job including proof of Qualified Teacher Status for teachers

Further information can be found at section 11.

9.4 Selection and Interview Panel

The School Staffing Regulations require that the Governing Board must ensure that at least one member of the panel or group has completed safer recruitment training.

The NSPCC run online safer recruitment training, there is a small charge for the course. See link for details <https://www.nspcc.org.uk/what-you-can-do/get-expert-training/safer-recruitment-training/>

Panels of at least two people should be involved in interviews, written notes should be taken.

The panel members should meet beforehand to agree a relevant set of questions that will enable the candidate's suitability against the selection criteria to be assessed. They will also need to have identified any issues they want to explore further from the candidate's application form and employment checks.

Schools should ensure that sufficient numbers of staff and governors are trained in advance of recruitment activities to form interview panels when necessary.

9.5 Interviewing good practice

- Avoid telephone interviews.
- Have an agreed set of questions but ask additional questions to explore a specific and relevant issue relating to individual candidates.
- Probe to find out about any issues around attendance (not sickness), capability and employment history.
- Identify which essential criteria each recruitment task is designed to evaluate.
- Make notes on candidates responses/performance and record judgements and the evidence to support them.
- Ask questions that enable a candidate to demonstrate strengths based on actual experiences and behaviour.
- Ensure all your questions are relevant to the job and justifiable.
- Use a matrix to standardise this information.
- Avoid any question or statement that may indicate the potential for unlawful discrimination.
- Conduct the interview in a relaxed and non-threatening way.
- Base final selection decision on criteria previously defined and evidence collated through the recruitment process.

9.6 Scope of Interview

To further assess the suitability of the candidate for the particular post the interview panel should also examine:

- The candidates attitude toward children
- This may be assessed through their personal statement and through interview questions that probe their values, belief and ethics.
- The candidates motivation to work with children
- Questions on their vision for education and learning and development of the child and young person and what their role is in contributing towards achieving this vision can help you assess their motivation.
- Their ability to form relationships and respect professional boundaries
- This should be assessed through focused questions and complementary activities, such as group exercises or occupational personality questionnaires.
- Their emotional resilience in working with challenging behaviours and their attitudes in managing discipline and towards authority

- Questions asking them to draw on previously difficult situations and how they managed these will help assess this.
- Their ability to support the school's agenda for safeguarding and promoting the welfare of children.
- Clarification of their understanding of the school's approach towards child protection policies and procedures.
- Gaps in the candidate's employment history and explanation of repeated changes in career must be discussed and clarified.
- Concerns or discrepancies arising from the information provided by the candidate and or referees.
- If for any reasons references have not been provided before the interview the candidate should be given the opportunity to declare/discuss anything that may come to light on the collection of references.
- Whether the candidate wishes to declare anything in light of the requirement for a DBS checks to be made.

9.7 Questioning Technique

The ability to ask questions that probe deeper and get beneath superficial answers is a skill that takes time to develop and practice. Those who wish to deceive are practiced in the art of deception. They may rehearse model answers to questions about safeguarding or areas of their past and it is essential that the questions asked unpick these responses so that there can be confidence in the validity of the answers.

Example questions designed to examine an interviewee's attitudes toward safeguarding children

- What attracted you to teaching/ this post/ at this school? /working with children?
- How do you think your own childhood may have influenced your own practice?
- What motivates young people?
- Tells us about your interests outside work?
- What do you think are the professional challenges facing teachers today?
- Give an example of where you have had to deal with bullying behaviour between pupils? What did you do? What made it successful? How could you have dealt with it differently?
- Young people can develop 'crushes'. How would you deal with this if a pupil developed a crush on you?
- What would you do if you were concerned about a colleague's behaviour towards children?
- Give an example of how you have managed poor pupil behaviour?
- Give an example of how you have responded to challenging behaviour? How did it affect you emotionally? How did you cope with the aftermath?
- When do you think it is appropriate to physically intervene in a situation involving young people? Have you ever had to do this?
- What makes a school a safe and caring place?
- What policies are important to support a safe environment?
- What are staff's responsibilities in protecting children?
- How do you define an appropriate teacher (or school secretary/ LSA etc.) pupil relationship?
- Give examples of what you would consider to be appropriate and inappropriate behaviour between/toward staff and pupils.
- Have allegations ever been made about you at work? What were the circumstances? What was the outcome? What did you learn from this?

Other questions you could ask are;

- Tell us what you have done in the last 12 months to actually improve child protection in the workplace. How did this action arise? Who did you talk to? What were the results?
- Give me an example of when you have had safeguarding concerns about a child? What did you do? Who did you involve? What was the outcome?
- Tell us about a situation which you felt fell short of safeguarding standards. How did it arise? Who did you speak to? What actions did you take?
- Tell us about how you have dealt with a child with 'difficulties'?
- What are your feelings about children who make allegations against teachers or staff?

Some of these questions will need following up:

For example:

How do you define an appropriate teacher (or school secretary/ LSA etc.) pupil relationship?

Could be followed up by;

So can you explain how you have ensured in your previous role that you have modelled this relationship? Were there times when boundaries were blurred? How did you manage this? Who did you involve? What have you learnt from this?

By asking a follow up question you start to unpick the initial answer and investigate the validity of the answers. By using other tests and assessments activities you can increase the level of confidence you have when making the final selection decision.

9.8 Group Exercises and other Selection Activities

- Classroom observation.
- Group activities – discussions on relevant topics.
- Written work.
- Presentations.
- Occupational Personality Questionnaire.
- Assembly slots.
- Playground duty.

Above are some examples of the activities that can help provide evidence that will help a panel in assessing an individual's suitability for a particular post. All activities will need to be aimed at seeking evidence that candidates fulfil specific parts of the job description and person specification and the assessment of each candidate should be recorded in a way that captures this.

The more information you can collect and in as many different contexts the sounder your ultimate selection decision will be.

N.B. Remember that all the assessment activities must be about seeking evidence about the candidates suitability for the post as detailed in the application pack, job description and person specification.

It is not as easy to ensure consistency and equality when managing group activities, particularly when classes of children are involved. It is important to be mindful of the equality implications when planning and arranging other assessment activities and ensure that the criteria on which you are assessing each candidate are the same and all measures are put in place to make the foundations of the assessment as similar and equal as possible. By recording the activities on matrices that collect evidence and link to the job description these complimentary activities remain more objective.

Topics for group discussion/ written work/ presentations could be;

- What does Safeguarding mean to you/group? Present/discuss/write your ideas along with suggestions for monitoring and measuring effectiveness.
- Where does the responsibility for safeguarding children lie? Discuss the interrelationships and present your conclusions.
- Present a topical article on child protection and ask them to discuss.
- Present them with the 5 key aims of the Children's Act and ask them to present how they can contribute towards ensuring that they are achieved.
- Present them with a case study of a child with 'difficult behaviour'/or based on cause for concerns - discuss.
- What is abuse? How do you recognise it and how do you manage it? Discuss/ present?

With any assessments it needs to be clear why the applicant will be asked to undertake the assessment. What competencies are they looking for? What would a model answer look like? What would cause concern?

The assessment of such activities should be collected on a structured assessment sheet. This should be kept with a record of the interview sheets and application forms.

9.9 After the interview

You should inform the applicants at interview stage when you will expect to have reached a decision. Once the decision is made, usually the head teacher or another appropriate person will contact the successful candidate and verbally offer the position to them. See the next section for details of what to include in the verbal offer. A verbal offer is contractually binding. You should speak to the successful candidate first.

If permission wasn't obtained prior to interview to request references for the successful candidate, permission should be sought during this conversation, and references requested as a matter of urgency. They should be scrutinised as detailed in section 8. Candidates may request a short while to speak to their existing employer before you contact them for a reference.

If you wish to ask about sickness absence levels as part of your reference process, you can ask referees once the successful applicant has been offered the position.

It is good practice to provide unsuccessful applicants with feedback and giving them the opportunity to ask further questions. You may wish to delay this until you have verbal acceptance from your successful applicant, but it is recommended to do this as promptly as possible after interviews via a telephone call.

10. Offers of Employment

It is essential that every appointment is made subject to satisfactory completion of all the relevant pre-employment checks, and candidates should be made aware of this

10.1 Conditions of Offer

An offer of employment should be conditional upon:

- Receipt of at least two references which are satisfactory to the Headteacher.
- Proof of the candidate's identity (photographic evidence).
- A satisfactory DBS check at the appropriate level.
- A check against the Children's Barred List if required
- Overseas checks (where applicable).
- Satisfactory pre-employment medical clearance (for employees).
- Proof of qualifications; where the qualification is an essential requirement of the job.
- For teachers no prohibition orders, sanctions, or restrictions and successful completion of an induction period
- For a person involved in the management of an academy a satisfactory check for a section 128 direction
- Disqualification under the Childcare Act (a declaration form should have been completed at shortlisting stage if applicable. See section 7.1)
- Evidence of Right to Work for all employees
- Headteacher appointments are also subject to ratification by the full governing board.

More information is available on each of these checks in section 11

10.2 Verbal Offer

Once you have made your decision and wish to inform the applicants of the outcome, this is best done by telephone call. You should ensure when offering the position verbally that you make the applicant aware that this offer is still subject to certain checks and conditions which are detailed below. Verbal offers are contractually binding.

In many cases, the checks are a formality and the individual will be aware if there is likely to be a problem with one or more of their checks, but if you have to withdraw the offer or end the contract later because of problems in these areas, it helps that it was mentioned at the verbal offer stage as well as in the offer letter and contract.

The individual may choose not to give in their notice until some or all of these pre-employment checks have been completed, so the checks should be completed as soon as possible. It is also easier to withdraw an offer of employment prior to the individual starting work so pre-employment checks should be carried out promptly.

However, a DBS check should not be completed more than 3 months prior to the person taking up the post.

You may wish initially to quote the main salary and benefits, but do be prepared to answer their other questions over the phone.

These may include the

- current salary value
- additional allowances
- details of incremental progression/salary review in the grade;
- details of relocation assistance to be offered where applicable;
- specific details of the hours of work;
- annual leave (if applicable), which may be increased by continuous local government service;
- the pension scheme.

All the above information will be in the written offer, but the answers you give may be relevant as to whether or not they accept the job offer.

10.3 Offer Letter

If schools wish to send an offer letter, it should clearly state the appointment is subject to the checks detailed above. It should contain enough information for an individual to make the decision as to whether resign from their current position, without having to wait for the formal contract to be issued.

Appendix G shows an example offer letter

10.4 Contract/Written Offer

If Bracknell Forest HR produces contracts for the school / academy, once the school informs HR of all the necessary details of the successful candidate, they will prepare a contract which states terms and condition of employment

All contracts state the contract is subject to DBS and Barred list checks, pre-employment medical and references if they have not yet been obtained and a probation/induction period.

Schools should ensure that they have checked the following, prior to the issue of the contract to the employee

- Proof of the candidate's identity (preferably photographic).
- Proof of qualifications; where the qualification is an essential requirement of the job.
- Evidence of Right to Work
- For teachers, a check to ensure no prohibitions or sanctions prevent them working as a qualified teacher

If a teacher is being employed as a salaried trainee, or as a NQT, it is important to inform HR so additional clauses are inserted into their contract that requires them to participate in formal training or statutory induction.

11. Pre-employment and safeguarding checks

It is vital that schools/academies create a culture of safe recruitment and, as part of that, adopt recruitment procedures that help deter, reject or identify people who might abuse children.

Schools/academies should ensure appropriate checks to safeguard children have been carried for all employees, agency staff and volunteers working in the school, as well ensuring others visiting / working in the school have appropriate checks in place.

This section details which checks should be carried out dependent on the role/employment status of the individual

The following checks should be carried out for all employees of the school

At interview stage:

- Receipt of a signed application form
- Proof of the candidate's identity.
- Evidence of Right to Work in the UK

After the offer of an appointment

- Receipt of at least two references which are satisfactory to the Headteacher if not received prior to interview. (See section 8)
- Satisfactory pre-employment medical clearance.
- Proof of qualifications; where the qualification is an essential requirement of the job.
- For teachers, a check that there are no prohibition orders, sanctions or restrictions and they have successfully completed an induction period, or will do so in this position.
- For a person involved in the management of an academy, a satisfactory check for a section 128 direction
- Checking of driving licence and insurance for any employee who is required to drive on school business
- A satisfactory DBS check at the appropriate level.
- A check against the Children's Barred List if required
- Overseas checks (where applicable).
- Disqualification under the Childcare Act (a declaration form should have been completed at shortlisting stage if applicable. See section 7.1)

Further information on these checks for employees is detailed below.

Schools may find it helpful to use a pre-employment checklist for all new employees to ensure all checks are completed in a timely manner and the necessary information recorded and retained. An example checklist is in appendix H

Section 12 covers information on DBS checks

Details of checks required for other groups such as volunteers, agency workers, supply teacher etc. are covered in section 13.

11.1 Identity check

Headteachers and governing boards should make certain that the person they intend to employ or work in the school is the person that they claim to be and they must see sufficient evidence to satisfy themselves of this.

Proof of identity is preferably checked via current photographic ID such as a passport or driving licence combined with evidence of address. Some form of photographic identity should be seen except where for exceptional reasons none is available.

You should take photocopies of identity checks to retain at the school. The copies should be signed and dated to confirm that the original has been seen.

11.2 Right to work in the UK

It is a criminal offence to employ a person who does not have the right to work in the UK or the right to undertake the type of work that they are being offered. The law on preventing illegal working requires that employers make basic document checks on every person that they intend to employ. Schools will have a statutory defence against a conviction for employing an illegal worker if they check and retain copies of acceptable documentation in accordance with the aforementioned act.

It is important that employers do not directly, indirectly or inadvertently discriminate against people on grounds of their race or ethnic origin by refusing to accept any documents from the list, by failing to carry out checks on every new employee or by making assumptions about a person's nationality or right to work in the UK.

Appendix I contains the UK Visa's & Immigration (UKVI) right to work checklist that identifies the documents that determine the right to work. It is good practice to keep this document on the employees file.

Copies must be made of the documents seen and should be signed and dated to confirm that the original has been seen and kept on the employees file. You will be asked for this if your school has a UKVI inspection.

If a passport is presented for Right to Work (RTW) purposes, you must also retain a copy of the photograph pages and any visas/stamps in the passport relating to their right to work or residency in the UK.

Where RTW is restricted in some way, usually via a visa / residence permit, a copy of the documents seen should be forwarded to HR with the new starter form. In these circumstances the school is required to carry out repeat checks as detailed in the Appendix I document.

11.3 Academic and professional qualifications

Schools must verify that a potential employee has indeed achieved the qualifications that are essential to the role or were used to make the decision to employ, by viewing each original qualification certificate or diploma or a properly certified copy of those documents. If an employer is in any doubt about the authenticity of a qualification, they can check by contacting the relevant awarding institution.

Copies of the certificates should be signed and dated stating the original has been seen should be kept on the individuals file.

The equivalence of overseas qualifications can be checked by the individual at UK Naric who will provide Statement of Comparability, which should be checked by the school along with original overseas certificates.

11.4 Qualified Teacher status

The Teaching Regulation Agency is the current awarding body for QTS.

Schools must see original certificates/ letters from the awarding body confirming that the individual have been awarded QTS. Copies of the certificates should be signed and dated stating the original has been seen should be kept on the individuals file.

Having a teacher number is **not** proof of QTS. Teacher number is a unique identifier for all individuals who are eligible for the Teachers Pension Scheme and are therefore also issued to unqualified teachers and Youth Workers.

The certificates awarding academic qualifications such as PGCE or BAEd are **not** proof of QTS. You must see the letter from the awarding body confirming Qualified Teacher Status.

Early Years Teacher Status

The Department for Education has confirmed that whilst Early Years Professional Status (EYPS) and Early Years Teacher Status (EYTS) are equivalent, they are distinct awards with different standards.

Neither EYTS or EYPS gives QTS, therefore, those with EYTS/EYPS need to be employed as unqualified teachers if in a teaching role.

Overseas trained teachers

Overseas trained teachers can work in a maintained School or non-maintained special School in England for a maximum of four years without qualified teacher status but must obtain QTS after a four year period or before they can be appointed to a permanent role.

Schools must check that this 4 year rule has not been exceeded by examining employment history on the applicant form.

Application for QTS for teachers not trained in England

Teachers who trained in either Scotland or Northern Ireland must obtain QTS to take up a teaching post in a maintained school or non-maintained special school in England.

If an EEA member state recognises an individual as a qualified school teacher they can apply for QTS in England. Swiss nationals are also eligible to apply for QTS in England.

If a teacher qualified in Australia, Canada, New Zealand or the United States of America (USA), they may be recognised as a qualified teacher and can apply for QTS in England. Usually they will have to complete any statutory induction in their home country before UK QTS is awarded. They will still be required to satisfy any UK Visas and Immigration requirements that may apply for the purposes of entering or remaining in the UK to work as a teacher.

If a teacher trained in a country outside of the EEA, other than Australia, Canada, New Zealand or the USA, the teacher will need to complete an accredited training programme in England to obtain QTS and take up a permanent teaching post.

Teachers qualified to teach in Further Education

If a teacher has qualifications to teach in the further education sector they can work in maintained schools in England as a qualified teacher only if they have the full professional status of qualified teacher learning and skills (QTLS) with the Education and Training Foundation (EFT). The Society for Education and Training (SET) is the membership body for the EFT.

If they have QTLS status and membership of SET, a teacher will automatically be recognised as a qualified teacher in schools in England. They do not need to apply for QTS.

You should keep evidence of both QTLS and membership of the SET.

There are a number of FE teaching qualifications, but only in the above circumstance should the individual be employed as a qualified teacher.

If a school is in any doubt as to whether a teacher has QTS, or what options are available to the teacher to obtain QTS they should contact HR.

11.5 Teacher checks for Induction / Prohibition/ Sanction/ Restriction

Secretary of State Prohibition Orders

Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. A check of any prohibition can be carried out using the Employer Access Online Service.

The Employer Access Online Service will also identify any existing prohibitions and sanctions, and provide information about any teacher qualifications held and whether induction has been passed.

Carrying out this check for the successful candidate for a teaching post is mandatory. You may wish to carry out this check prior to interview for shortlisted candidates, to identify any issues relating to induction that could be discussed at interview. Qualified teachers employed in a maintained school in England must, by law, have completed an induction period after their initial training.

The check will tell you whether a teacher you employ or 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 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 that is still current
- failed their induction or probation period

You need the individual's teacher number and date of birth to carry out the check.

Copies of the check should be kept on the employees file.

The check is carried out, by the school, through the DfE Secure Access portal, found at the below link:

<https://sa.education.gov.uk/>

If you want to confirm an individual is eligible to be employed in a role that requires QTS as a result of having been awarded Qualified Teacher Learning and Skills (QTLS) status, you need to contact the [Society for Education and Training](#) to see if they are prohibited from teaching in the FE sector.

European Economic Area (EEA) regulating authority Teacher sanctions or restrictions

Sanctions and Restrictions imposed by EEA professional regulating authorities on or after 18 January 2016 which have been notified to the Teaching Regulation Agency can also be checked using the secure access portal above. The check should be carried out on teachers who have lived or worked in this area

Although restrictions imposed by another EEA regulating authority do not prevent a person from taking up teaching positions in England, schools and colleges should consider the circumstances that led to the restriction or sanction being imposed when considering a candidate's suitability for employment.

Statutory Induction for Teachers

Statutory induction is the bridge between initial teacher training and a career in teaching. It combines a personalised programme of development, support and professional dialogue with monitoring and an assessment of performance against the relevant standards. The programme should support the newly qualified teacher (NQT) in demonstrating that their performance against the relevant standards is satisfactory by the end of the period and equip them with the tools to be an effective and successful teacher.

Anybody appointed or engaged to teach in a maintained School or non-maintained special School in England must have satisfactorily completed their induction year and met the induction standards, in accordance with The Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2011, or be subject to the exceptions in Schedule 2 of those regulations. There is no limit to the time taken to start or complete induction.

If a teacher fails their induction they are no longer permitted to work as a teacher in a maintained school.

If you are employing a teacher for a period of a term or more who has not yet completed induction, they must undertake induction as part of that role and the school should have regard to the statutory regulations for induction.

Where an NQT has already completed part of their period in another institution, the headteacher should contact the NQT's previous appropriate body (usually the Local Authority) to obtain copies of any assessment forms (including any interim assessments). They should establish how much induction time remains to be served and alert the new appropriate body to any concerns that have been raised about the NQT's progress by previous employers.

If the school's contracts are generated by HR the school should inform HR via the new starter form that the teacher needs to complete an induction period, so that a clause can be added to their contract.

11.6 Health

Anybody appointed to a post that involves regular contact with children should have the appropriate health and physical capacity to undertake the duties of that post, in accordance with The Education (Health Standards) (England) Regulations 2003.

Schools must ensure that candidates complete an Occupational Health online questionnaire which is assessed by our Occupational Health advisers. The school initiates the process by entering the new employee's personal details and job information onto the Heales database. The individual is then emailed a link to complete the questionnaire. The schools will receive alerts if the individual has not completed the questionnaire and should follow these up.

Sufficient time should be allowed for this process, which may involve writing to the employee's doctor for more information, or the employee attending an appointment with the occupational health nurse to discuss their medical condition. The occupational health advice may recommend adjustments to enable the individual to carry out their role. Schools should contact HR if they have concerns over implementing the adjustments.

Where possible, the successful applicant should not take up post until the school is notified by Occupational Health or HR that they are fit for work.

If they start work before the medical clearance is obtained, the headteacher should carry out a risk assessment which should be kept of the personal file.

11.7 Driving Licence/Insurance

If an employee will be required to drive on School business or may be required to escort children in their own transport in an emergency, Schools should ask for evidence that the employee holds the appropriate and valid driving licence to do so and is insured to undertake business journeys. Copies of the licence and insurance documents must be retained on the employees file held within the School.

11.8 Secretary of State Section 128 direction

A section 128 direction disqualifies a person from holding or continuing to hold office as a governor of a maintained school. It also prohibits or restricts a person from taking part in the management of an academy.

A person who is prohibited is unable to participate in any management of an academy such as:

- a management position in an academy
- a trustee of an academy trust
- a governor on any governing board in an academy that retains or has been delegated any management responsibilities

Individuals taking part in ‘management’ may include individuals who are members of proprietor bodies (including governors if the governing board is the proprietor body for the school), and such staff positions as follows: head teacher, any teaching positions on the senior leadership team, and any teaching positions which carry a department headship. Whether other individuals such as teachers with additional responsibilities could be prohibited from ‘taking part in management’ depends on the facts of each case.

A check for a Section 128 direction can be carried out via the Secure Access Portal detailed in section 11.5

A section 128 direction will show on an enhanced DBS check with barred list information, provided that ‘children’s workforce independent schools’ is specified in the parameters for the barred list check. For governors in maintained schools the check will need to be carried out via the Secure Access portal.

12. Criminal Records Checks

Governing boards and proprietors must act reasonably in making decisions about the suitability of the prospective employee based on checks and evidence including: criminal record checks (DBS checks) and barred list checks (together with prohibition checks references and interview).

12.1 Disclosure and barring service (DBS checks)

The DBS is responsible for administering three types of checks

- **Standard:** a check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings;
- **Enhanced:** a check of the PNC records as above, plus other information held by the police that is considered relevant by the police; and
- **Enhanced with barred list information:** for people working in *regulated activity* with children. This adds checks of the DBS Children's Barred List to the enhanced check. (Formerly known as a List 99 check)

When the DBS has completed its check of an applicant's PNC record and, if appropriate, whether or not they are on the barred list, the relevant information will be recorded on a certificate (the DBS certificate) that is sent to the applicant.

DBS check only covers criminal convictions in the UK. In addition, schools/academies must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. (See section 12.5)

The level of DBS check required will depend on the role and duties of an applicant to work in a school or college, as outlined in this guidance.

To determine whether it is appropriate to request a Criminal Records check and level of check to required for an individual you should first determine whether the individual's role is considered to be regulated activity and whether or not they are supervised in their role.

12.2 Definition of regulated activity

Regulated activity includes:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,
- b) work for a limited range of establishments (known as 'specified places', which include schools/academies), with the opportunity for contact with children, but not including work done by supervised volunteers;

Work under (a) or (b) is regulated activity only if done **regularly**.

The Safeguarding Vulnerable Groups Act 2006 provides that the type of work referred to at (a) or (b) will be regulated activity if "it is carried out frequently by the same person" or if "the period condition is satisfied".

The period condition is satisfied if the person carrying out the activity does so at any time on more than three days in any period of 30 days and, for the purposes of the work referred to at (a), it is also satisfied if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children.

"Frequently" is not defined in the Act, but the Guidance *Regulated Activity in relation to Children: scope* describes "frequently" as doing something once a week or more.

Some activities are always regulated activities, regardless of their frequency or whether they are supervised or not. This includes:

- c) relevant personal care or health care provided by or provided under the supervision of a health care professional:
 - personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing; (It is **not** intended that personal care includes such activities as, for example, parent volunteers helping with costumes for school plays or helping a child lace up football boots.)
 - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

12.3 Definition of Supervision

In order for a person to be considered as supervised, the law makes three main points:

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

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

Supervision by a person in regulated activity / regular and day to day: supervisors must be in regulated activity themselves^{iv}.

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

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

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

12.4 Requesting a DBS check for an individual

A DBS check must be obtained for the individual before or as soon as practicable after appointment.

Bracknell Forest HR uses an online system to carry out DBS checks. The school is responsible for emailing a link to the system for the person to complete their application. The individual will then be asked to bring the documents to the school to complete the identity check associated with the DBS check. This should be done face to face with original documents. If you wish to use one of the documents to evidence the ID check referred to in Section 11.1 or Right to Work in 11.2, copies of relevant documents should be taken and kept on file.

Once the school has seen the necessary documents, they complete Section Y of the form which determines the level of check, whether or not the person is a volunteer and the nature of the workforce the individual is working with. The school must check that the job title is correct; Schools must examine the address history on the online DBS application to determine whether an overseas check is also required (see section 12.5)

The form is then made available to HR for countersigning and onward transmission to the DBS.

Obtaining a DBS can take some time so the school should ask the individual to apply in good time and bring in their original identity documents. However, the DBS check should not be more than 3 months old when an employee starts work.

DBS Checks can be tracked online by the School. Sometimes a DBS check can become delayed.

Schools can escalate a check once it has been with the police for 60+ days, in order to do this click on the purple link that appears on the tracking page. Once you have done this you will need to notify HR as this can then be chased again 14 days after the first escalation.

Please also be aware that the applicant can submit this first escalation, therefore, unless they let the school know, your HR team would not know to chase this application 14 days later.

Once an application is chased after the further 14 days, the DBS will confirm the police force details to the countersignatory, at which point HR will send a letter to the police and send the school an email with the details. At this stage the school should encourage the applicant to also write a strongly worded letter as the police force are likely to take more notice of the individual.

12.5 Applicants who have lived outside the UK in last 5 years

Individuals who have lived outside the United Kingdom must undergo the same checks as all other staff /volunteers in Schools.

DBS check only covers criminal convictions in the UK, so schools/academies must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

Bracknell Forest policy is that applicants requiring a DBS check who have lived outside the UK in the past 5 years will need to provide Criminal Convictions Clearance from the country/countries they were residing in, because the DBS cannot generally trace individuals abroad.

Schools should examine the address history on the online DBS application to determine whether an overseas check is necessary and write to the individual to explain what is required.

The applicant is responsible for contacting the relevant Embassy to obtain a disclosure which should not be dated more than 6 months ago at time of receipt. This is generally called a 'certificate of good conduct'. If there is a cost to the applicant, Bracknell Forest Council will reimburse this cost for Bracknell Forest employees. Further guidance on this can be sought from HR.

A template letter is available in Appendix J

12.6 Update Service

The update service allows employers to see if any updated information would be added to a disclosure if the same level of check were repeated today. It is known as a status check

It can only be done if the level of check that the school require **exactly** matches the level of check on the applicant disclosure.

To assess whether a Status check is appropriate, you should have sight of the original DBS certificate to confirm:

- Which workforces are included : Child, Adult/both or Other Workforce
- Which level of DBS check the disclosure covers : Standard or Enhanced
- Whether the check includes a check against the children's barred list
- Whether the check includes a check against the adults barred list

You must have an exact match to the level of check and the workforce you require to be able to use this service; otherwise the individual must complete a new application for the appropriate check. If the check is at a more detailed level you do not have the legal right to see that information. If it is at a lesser level the check will not be sufficient.

The original DBS certificate should contain the exact workforce that you are entitled to know about for the role you are recruiting for (for schools this should ALWAYS be Childrens workforce). The certificate should also only contain the Barred List that the school requires; therefore, if it shows that a check has been carried out against the Adult Barred List, a new check MUST be carried out.

If the levels of check match and the individual is registered with the DBS Update service and can provide the following then a new DBS application does not need to be completed.

- Their original DBS disclosure
- Provide identity documents
- Written permission for Bracknell Forest to carry out a status check

Status Checks can be carried out for self-employed individuals, employees and volunteers but NOT agency staff. These should be carried out by the agency, as they are the employer and are legally entitled to see the information.

Schools should complete a Request for Update Service Status check form which must be signed by the individual to enable to appropriate check to be done by HR and clearance letter issued.

Appendix K contains the request for status check form

12.7 Dealing with the outcome of a DBS check

In Bracknell Forest, through the online DBS system schools will receive notifications as to whether a DBS certificate contains any information about a criminal record, or whether the certificate is clear.

For all DBS checks that do NOT reveal a criminal record, HR will automatically email a letter to the school for school based employees and volunteers. The letter should be issued to the individual and a copy kept on file.

If a DBS check reveals information, details will be printed on the disclosure, which is only issued to the person applying for the DBS check. The disclosure shows cautions, warnings or convictions. It may show spent convictions and also unspent convictions, and for Enhanced checks, it will also show other information that a police force deems relevant to disclose based on the nature of the job that the individual will be employed to do. If a check against the Children's barred list was requested, it will also state whether or not there was a match with the list.

The person in the school who has 'Applicant Manager' access to the online DBS system will be able to see that disclosure contains some information and HR will email the Head teacher to alert them, but neither HR nor the school will be able to see details on the disclosure

Having a criminal record will not necessarily bar someone from working with the school, unless it is considered that the conviction renders them unsuitable for the position. Before a decision is reached on whether to offer or confirm employment to an individual, the individual should be offered the

opportunity to discuss the contents of the disclosure with the Headteacher. The headteacher must ask the individual to bring in their disclosure to discuss the nature of the convictions as soon as possible and they should not start work until they have done so.

Confidentiality and discretion is of paramount importance and access to criminal record information will be on a need-to-know basis.

In making the decision the headteacher should consider:

- The potential risks to BFC, the school, pupils and employees
- The seriousness of the offence and its relevance to the post
- The length of time since the offence occurred
- Whether the offence was a one-off, or part of a history of offending
- Circumstances of the offence (any relevant information offered by the applicant about the circumstances which led to the offence being committed, for example the influence of domestic or financial difficulties)
- Whether the applicant's circumstances have changed since the offence was committed, making reoffending less likely
- Attitude of applicant (degree of remorse, or otherwise, expressed by the applicant and their motivation to change)

Where the information on the disclosure relates to a safeguarding issue, this should be discussed with the Local Authority Designated Officer (LADO).

Headteachers must complete a form which is sent from HR summarising their discussion with the individual and the decision they made and keep it in a secure confidential file (with a copy sent to HR where applicable).

Having carefully considered the above factors a final decision can then be made as to whether the individual should be appointed or whether the conditional offer should be withdrawn. If the decision is not to appoint, the Headteacher will inform the applicant and a letter should be sent confirming the withdrawal of the conditional offer and details of the DBS appeal process.

Where a decision to appoint is taken following the receipt of a disclosure with information, HR will then issue a letter to the individual and the school, confirming that their DBS check is satisfactory for their current role.

12.8 Rechecks

Bracknell Forest's Education Employment Committee has taken the decision to **NO LONGER** carry out 3 yearly rechecks on employees.

The Code of Conduct for Bracknell Forest employees' states:

Employees subject to Disclosure and Barring Service checks who are subsequently convicted of an offence which may impact on their work with the Council are required to report that conviction to their headteacher. Failure to do so may become a disciplinary matter, the seriousness of the matter being dictated by the nature of the offence and the role of the employee.

If an applicant has made a false declaration about convictions and cautions (or lack of them), on the application form or anywhere else, this may render the offer of a contract of employment void. Human Resources must be advised of this if the employment offer is at a Community, Voluntary Controlled, Community Special Schools or Maintained School.

However, further checks should still be carried out on volunteers and supply teachers when there has been a gap of three months or more.

12.9 Working when a DBS Disclosure is delayed or outstanding

If a school/academy allows an individual to start work in regulated activity before the DBS certificate is available then they must ensure that the individual is appropriately supervised and that all other checks, including a separate **barred list check**, have been completed.

If a school/academy 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. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work

For roles where a DBS Disclosure is required and an application has been submitted but is delayed or outstanding, the individual may be allowed to work in the School, subject to the Headteachers discretion and the following requirements:

- The Headteacher has conducted a risk assessment and does not have any concerns regarding the person's suitability to do the work.
- The risk assessment includes reviewing the individual's employment history and reasons for any broken work history or career changes, checking all references have been received, are satisfactory and have been checked against the work history records and checking whether medical clearance has been received. A copy of the risk assessment should be retained on file.
- If the Headteacher has any doubts regarding a person's background, such as broken service, then the risk must be addressed. For example, arrangements may be made for the member of staff to undertake alternative work or to refrain from starting work. If an individual is asked to refrain from starting work they should be paid as if they had attended work. It is recommended that Headteacher contact the Human Resources team for clarification and advice in these circumstances
- All other pre-employment checks should have been completed. For those in regulated activity this includes a check against the Children's barred list of people unsuitable or banned from working with children (formally List 99) and written confirmation has been received that no match has been identified. (See section 12.10)
- The individual should be closely supervised until full DBS clearance has been received. Supervision requires the Headteacher to ensure that individuals are not allocated duties that put them in an unsupervised situation with pupils, that they are accompanied when working by a member of staff with DBS clearance, that their whereabouts are known to a senior member of staff when they are not working (e.g. during break times), that the individual fully understands their personal responsibility not to put themselves in a situation where they are alone with pupils and what to do if this situation arises.

The availability of information to the Headteacher regarding the other pre-employment checks as detailed in this document is key because it enables the Headteacher to conduct an informed risk assessment.

Appendix L contains an example risk assessment

A written record should be made and retained when a Headteacher decides it is appropriate to allow an individual to work on the basis of the risk assessment.

12.10 Standalone checks against the Barred list (Formerly list 99 checks)

An employer can only carry out the check against the Barred list if they are legally entitled to do so.

In order for a Children's barred list check to be carried out, the individual must be in regulated activity. If they are supervised by someone else who is in regulated activity then they are not deemed to be in regulated activity.

Anyone in regulated activity in school would need to have an Enhanced DBS check as well as the check against the Children's barred lists.

Therefore, standalone checks against the Barred list will only be required if the DBS check has been requested, but the disclosure not yet received.

Currently the HR team can still request instant online checks against the barred list in the above circumstance, but only if the individual has given permission.

If they have completed the DBS check application and brought in ID documents to the school the HR team will have access to all the information they need.

You should email Schools.hr@bracknell-forest.gov.uk requesting the Barred List check, confirming the persons name and date of birth and that the DBS application has been submitted and ID checked and HR will carry out the check and confirm the outcome. All necessary information can then be obtained from the DBS application in progress.

In the rare circumstance where a school accepts a DBS check carried out by another BFC school (this can only be done where there is a gap in service that is less than 3 months) a barred list check **MUST** be carried out.

If this is the case then please complete the Barred List request form (appendix M). Please note that this is the only circumstance in which this form can be used to request a Barred List check. This form will then need to be emailed to schools.hr@bracknell-forest.gov.uk.

13. Appropriate checks by role

13.1 Employees

For employees in Bracknell Forest School, an Enhanced DBS check with Children's barred list check must be obtained as staff will be engaging in regulated activity which is unsupervised.

In Bracknell Forest, all new employees will be required to complete a new DBS check. Checks from other organisations are not accepted in Bracknell Forest. An update service status check will be acceptable, if the conditions outlined in section 12.6 are met.

Casual employees paid on timesheets must undergo the same checks as contracted staff, regardless of how long they will be working in that role. Casual employees who do not work for 3 months or more must undergo new checks.

Where a person is appointed to a different post within the School, consideration should be given as to whether a new DBS disclosure is required. A risk assessment should be undertaken to decide on this. As part of the assessment, consideration will be given to whether the new role has more access to children.

A new/additional check would be required for an individual who moves to a new position that involves responsibilities not previously checked (e.g. moving from volunteer to employee of a School) or changing their role/level of supervision as a volunteer.

If an agency worker working in a school is subsequently appointed as a Bracknell Forest employee, then the DBS (and all other pre-employment checks) must be carried out by the school.

Similarly if a trainee teacher on a tuition fees route to QTS is appointed as an employee all appropriate checks must be carried out by the school.

13.2 Volunteers

A volunteer is a person who performs an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives

DBS checks for volunteers as defined above are not charged for provided that the applicant does not benefit directly from the position the DBS application is being submitted for. The applicant must not:

- receive any payment (except for travel and other approved out-of-pocket expenses)
- be on a work placement
- be on a course that requires them to do this job role
- be in a trainee position that will lead to a full time role/qualification

If the volunteer is deemed to be benefitting from the position the DBS application is being submitted for, the school cannot define the person as a volunteer on the DBS application and the DBS will charge for a check (currently £44). In these circumstances the school may wish to ask the individual to pay for their check. Please contact HR if this is the case and they will arrange for details of how to make an online payment to be sent to the individual.

For the purposes of this guidance both groups of people described above will be included in the definition of volunteer.

Identity checks must be carried out on all volunteers – usually this can be in conjunction with the identity check for the DBS. Photo ID or other ID documents should be kept on file

You may wish to ask volunteers to complete a short application form to ensure that you have personal details for each volunteer to keep on file.

For volunteers, the HeadTeacher must carry out an appropriate DBS check on all Volunteers who are considered to be in regulated activity or who are unsupervised.

The level of check required for volunteers is determined by the nature and frequency of the voluntary role they are carrying out and the level of supervision provided.

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

See section 12.2/3 for the definitions of regulated activity and supervision.

For volunteers in regulated activity who will regularly teach or look after children on an unsupervised basis or provide personal care on a one-off basis schools/academies must obtain an enhanced DBS certificate with barred list check.

A school **may not** request an enhanced DBS check with barred list check for anyone working in the school who is not in regulated activity, but may request an enhanced DBS check **without** a barred list check.

If a **volunteer is not engaging in regulated activity**, the school should undertake a risk assessment and **use their professional judgement** and experience when deciding whether to seek an enhanced DBS check. They should consider:

- the nature of the work with children;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and whether the role is eligible for an enhanced DBS check.

Schools should document their decision if they decide not to carry out an enhanced DBS by completing a risk assessment (Appendix L).

For Bracknell Forest Schools the policy is that volunteers who are not in regulated activity but are left unsupervised must undertake an Enhanced DBS check (without a check against the barred list).

13.3 Volunteers summary

If the volunteer is in **regulated activity and unsupervised**, the check must be an **enhanced DBS certificate with barred list check**.

Eg Helping children to read outside of the classroom without the supervision of a teacher/TA in small groups on a regular basis

If the volunteer is to be **supervised** while undertaking an activity which would be **regulated activity** if it was unsupervised, the check must be an **Enhanced DBS certificate only**.

Eg helping with art in the classroom always supervised by the teacher on a regular basis

If the volunteer is **not undertaking activity that would be considered regulated** and they **are not supervised** and **Enhanced DBS certificate only** should be obtained,

E.g Occasional helping with cooking outside of the classroom without the supervision of school employees

If the volunteer is **not undertaking activity that would be considered regulated** and they **are supervised** no check is required but professional judgement should be used and a risk assessment completed

e.g Accompanying children on a school trip , where they are supervised by school employees

Employers are not legally allowed to request a barred list check on a volunteer who, because they are supervised, is not in regulated activity.

Volunteers summary		
	Role involves tasks/frequency that are considered regulated activity	Role does not involve tasks/frequency that are considered regulated activity
<i>Regularly Supervised</i>	<i>Enhanced DBS check only must be obtained in Bracknell Forest</i>	<i>No check required - risk assessment and professional judgement only</i>
<i>Not supervised</i>	<i>Enhanced DBS check with barred list check must be obtained</i>	<i>Enhanced DBS check only must be requested in Bracknell Forest</i>

13.4 Supply Teachers

Supply teachers fall into the following three categories:

- Those engaged directly by the School
- Those engaged by the School following registration with the Bracknell Forest Human Resources team
- Those working via an Agency.

Supply Teachers engaged directly by the School

Schools who engage Supply Teachers directly are responsible for undertaking and retaining all of the required pre-employment checks required for an employee as detailed in section 11 including an Enhanced DBS check with a check against the barred list.

For Bracknell Forest schools only - If the supply teacher who you use occasionally has not worked in Bracknell Forest for 3 months or more, then new a DBS check must be sought.

Supply Teachers who apply for registration with Human Resources

The HR Team undertake all pre-employment checks for Supply Teachers who register centrally with Bracknell Forest Council. This includes the Enhanced DBS disclosure with a check against the barred list, pre-employment medical, References, QTS/restrictions, Induction and Right to Work. The list of centrally cleared supply teachers is available from HR and is circulated to Bracknell Forest schools regularly.

Where there has been a significant gap in service then new checks will be carried out. If a school has not used the teacher within 3 months they should check that the teacher is still registered with HR.

Some supply teachers work for several Bracknell Forest schools, but have NOT been cleared centrally. Bracknell Forest Schools must check with HR to see whether supply teachers have been cleared centrally, or whether the school are responsible for the checks.

If they have been working at another Bracknell Forest school it may be possible to contact the school for information about their checks.

Schools should check the identity of any centrally cleared supply teacher.

Supply Teachers working via an Agency

When engaging a supply teacher through other Agencies, the Headteacher must ensure the all relevant checks have been completed. Confirmation of clearance of a specific teacher will usually be included on the booking confirmation emailed by the Agency to the School. They must also check that the person presenting themselves for work is the same person on whom the checks have been made using photo ID.

The individual must not undertake any work until the DBS clearance is confirmed by the agency.

Supply teachers and Induction

A qualified teacher who gained QTS on or after 1 September 2007 and who has not completed an induction period, can undertake short-term supply work of less than one term in a relevant school for a maximum period of 5 years from the point of award of QTS. This is a fixed time limit with no discretion to extend. Short-term supply placements of less than one term, or equivalent, cannot

count towards induction, as such posts will not provide an NQT with the breadth of experience, support and assessment necessary to enable them to demonstrate that their performance against the relevant standards is satisfactory.

The headteacher or supply agency is responsible for ensuring that a teacher who has not satisfactorily completed an induction period is eligible to carry out short-term supply work. HR will check this for centrally cleared supply teachers.

An NQT can work part-time as a short-term supply teacher, while concurrently serving induction in another part-time post after the five-year limit has expired. However, the short-term supply post will not count towards induction.

13.5 Agency and third-party staff e.g. catering and cleaning staff

Schools/academies must obtain written notification from any agency, or third-party organisation, they use that the organisation has carried out the checks on an individual who will be working at the school or college that the school or college would otherwise perform.

This must include a barred list check if working unsupervised.

They must also check that the person presenting themselves for work is the same person on whom the checks have been made using photo ID where at all possible.

The individual must not undertake any work until the DBS clearance is confirmed by the agency.

This applies to all agency/third party organisations supplying staff to schools but particularly cleaning and catering staff

In the case of individuals renting school space, for example independently run after school clubs, the following will apply:

- If the school is actively promoting the services these individuals are providing, then it is fine for the school to process the DBS checks as normal as it is seen as part of the wider school service and the individuals WILL NOT have to pay any further fee.
- If the school is not actively promoting the services offered and the individual is promoting themselves within the community, in effect, just using school space, this is not part of the wider school service. **Ultimately, the headteacher is responsible for ensuring checks are in place** – these checks do not need to be processed by BFC if the service is not part of the wider school service. However, the school is able to process checks for these individuals and they WOULD need to pay the DBS fee via the online payment link which would need to be sent to the individual directly.

13.6 Trainee/student teachers

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

provider that is has carried out all pre-employment checks that the school would otherwise be required to perform and that the trainee has been judged suitable to work with children.

13.7 School governors

Maintained schools

Governing boards MUST request either an enhanced DBS check without a barred list or an enhanced DBS check with a check against the barred list, on an individual as part of the appointment process for governors,

To determine the level of check required, school governors should be treated on the same basis as other volunteers, that is, an enhanced DBS check with barred list check should only be requested if the governor will be engaged in unsupervised regulated activity.

If it is determined that an enhanced DBS check without a barred list check is required then a section 128 check should also be undertaken for all new governors from September 2018. See section 11.8.

Academies

Where the proprietor of an academy is a body of people, the chair must ensure that enhanced DBS checks are undertaken, where relevant, for the other members of the body and that where such a check has been undertaken, an enhanced DBS certificate is obtained, and that identity checks are completed before, or as soon as practicable after, any individual takes up their position.

The chair must also ensure that other members are not subject to a section 128 direction that would prevent them from taking part in the management of an academy. Further checks, as the chair considers appropriate, should be undertaken where, by reason of the individual's living or having lived overseas, obtaining an enhanced DBS certificate is not sufficient to establish his or her suitability to work in a school.

In the case of an academy trust, the trust must require enhanced DBS checks on all members of the academy trust, individual charity trustees, and the chair of the board of charity trustees. Where an academy trust delegates responsibilities to any delegate or committee (including a local governing body), the trust must require DBS checks on all delegates and all members of such committees. An enhanced DBS certificate (which will include a barred list check) should only be required if they will be engaging in regulated activities.

Academy trusts must also check that members are not barred from taking part in the management of the school as a result of a section 128 direction.

13.8 Contractors

Schools/Academies should have arrangements in place with contractors to make sure that the contractor, or any employee of the contractor, working at the school or college has been subject to the appropriate level of DBS check, if any such check is required (for example because the contractor is carrying out teaching or providing some type of care for or supervision of children regularly).

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

If a contractor working at a school/academy is self-employed, the school or college should consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account. The DBS guidance states:

Individuals and the self-employed cannot apply for a DBS certificate of their own criminal record, as they cannot ask an exempted question of themselves.

Options available are:

- a self-employed person who is eligible for a DBS check can ask the organisation that wishes to contract their services to apply for their DBS check
- individuals can get a basic check from Disclosure Scotland which provides details of any 'unspent' convictions

Therefore, if the school is contracting the services of a self-employed individual contractor, the above would apply.

Schools/academies should always check the identity of contractors and their staff on arrival at the school or college.

The tendering arrangements for centrally arranged contracts will include details of the contractor's responsibilities for back ground checks on staff working in Schools.

For those contracts that the school negotiates directly with the contractor the Headteacher must ensure that the appropriate checks are undertaken and that a risk assessment is carried out.

The level of check for a contractor should be determined by whether or not they are in regulated activity and whether or not they are supervised if on site when the children are there. Schools should follow the guidance for volunteers to determine the level of appropriate check required.

13.9 Tradespersons

There is no expectation for a person attending the school on a "one-off" basis to be checked — e.g. an electrician making repairs on the school. However, they must not be allowed to be in the school unsupervised if the children are on site.

The school should assess whether they are in regulated activity, whether or not they are supervised and whether children are on site and follow the guidance for volunteers to determine the level of appropriate check / supervision required.

13.10 Visitors

Schools/academies do not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors (for example children's' relatives or other visitors attending a sports day).

Headteachers should use their professional judgment about the need to escort or supervise visitors.

13.11 Work experience for pupils

Schools/academies organising work experience placements should ensure that policies and procedures are in place to protect children from harm.

Barred list checks by the DBS might be required on some people who supervise a child under the age of 16 on a work experience placement. The school or college would have to consider the specific circumstances of the work experience, in particular the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations include whether the person providing teaching/training/instruction/supervision to the child will be:

- unsupervised; and
- providing the teaching/training/instruction frequently (at least once a week or on more than three days in a 30 day period, or overnight).

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

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

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

13.12 Children staying with host families

Schools/academies quite often make arrangements for their children to have learning experiences where, for short periods, the children may be provided with care and accommodation by a host family to which they are not related. This might happen, for example, but not only, as part of a foreign exchange visit or sports tour. Such arrangements could amount to "private fostering" under the Children Act 1989 or the Safeguarding Vulnerable Groups Act 2006, or both.

13.13 Visiting Bracknell Forest Local Authority staff

All staff employed by Bracknell Forest in a role that would be considered regulated activity will have an Enhanced DBS level with a check against the barred list and other appropriate pre-employment checks will have been completed before they are able to go into school unsupervised.

This will include the following groups of staff

- Children's Social workers
- Educational Psychologists
- Youth Service
- Education Welfare Officers
- Behaviour Support Team

- Teaching and Support Service
- Staff visiting from other Bracknell Forest schools

Headteachers must not permit any member of staff who does not have full clearances in place visit another school, without sending another cleared employee to supervise or notifying the other school that supervision is required.

Schools should ask to see a Bracknell Forest Staff pass/school pass to verify identity of the individual.

Other groups of Bracknell Forest staff who visit schools infrequently and therefore are not in regulated activity will have Enhanced DBS checks without a check against the barred lists do not need supervision.

These include

- IT staff
- Advisory Teachers
- Bracknell Corporate Surveys/ engineers

Other staff who visit from Bracknell Forest Council who are not above lists must be supervised or visit when children are not on site

Headteachers should use their professional judgment about the need to escort or supervise visitors.

Having checked the above job roles, if schools are unclear as to which level of check a member of Bracknell Forest staff has, they should contact HR.

13.14 Visiting Staff from other organisations

Staff such as trainee teachers, those working in privately run out of school activities, nurses, sports coaches and inspectors should be checked by their 'providing' organisation – for example the university, primary care trust, local authority, and so on.

It is sufficient for schools to seek written confirmation that appropriate checks, including DBS, have been done.

Those whose DBS check does not include a barred list check must be supervised if working in regulated activity.

13.15 Alternative Provision

Where a school places a pupil with an alternative provision provider, the school continues to be responsible for the safeguarding of that pupil, and should be satisfied that the provider meets the needs of the pupil. Schools should obtain written confirmation from the alternative provider that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks that the school would otherwise perform in respect of its own staff.

14. Single central record (SCR)

Schools/Academies must keep a single central record, referred to in the regulations as the register. The single central record must cover the following people:

- all staff (including supply staff and agency/third party staff) who work at the school: in colleges, this means those providing education to children;
- People brought into the school or college to provide regular additional teaching or instruction for pupils but who are not staff members; for example, a specialist sports coach or artist.
- all others who work in **regular contact with children** in the school or college, including volunteers (i.e. those for whom an enhanced disclosure is required,)
- For independent schools, including academies and free schools, all members of the proprietor body (this means members and trustees of the academy trust.)

Generally, the information to be recorded on these individuals is whether or not the following checks have been carried out or certificates obtained, and the date on which the checks were completed:

- an identity check;
- a barred list check;
- an enhanced DBS check;
- a prohibition from teaching check;
- a section 128 check for management positions in academies/ free schools and governors in maintained schools (from September 2018)
- further checks on people living or working outside the UK (including recording checks for those with EEA teacher sanctions and restrictions
- a check of professional qualifications (i.e. evidence of QTS); and
- a check to establish the person's right to work in the United Kingdom.

Bracknell Forest guidance would also recommend recording pre-employment medical checks and evidence that two satisfactory references have been obtained for employees.

Whilst there is no statutory duty to include on the single central record details of any other checks, schools are free to record any other information they deem relevant. For example, checks for childcare disqualification, volunteers, and safeguarding/safer recruitment training dates. Schools may also wish to record the name of the person who carried out each check.

Schools must keep a record of those staff who are covered by the Disqualification under the Childcare Act Regulations and the date on which the information about disqualification was provided. This can be held separately or as part of the SCR See section 7.1.

If an agency / third party is providing a named individual, details of dates of checks should be sought. However, if the organisation just supplies a person to fill the role (e.g. a sports coach, who is usually the same person, but they will substitute if they are absent) then a letter from the organisation stating they carry out appropriate checks on their employees is sufficient. Documentary evidence of check by the providing organisation should be kept on file

Individuals who work for the Local Authority who will have one-to-one access to children will have an Enhanced DBS with Children's Barred list check. They should be named on the SCR and their organisation/role identified but the detail of checks does not need to be held by the school.

See Ofsted guidance in 14.1 for more information

Appendix N provides a summary of what data needs to be recorded for various groups of staff

14.1 Ofsted guidance on single central record:

Ofsted guidance states that "it (the single central record) does not include peripatetic staff supplied by the local authority who are entered as recommended in the local authority's single central register.

For all visitors not included on the single central register, schools and colleges should require them to sign in. Where unsupervised access to children is likely – for example, visiting local authority staff – schools and colleges should check their proof of identity.

For visiting staff who do have unsupervised regular access to children and young people – such as educational psychologists, social workers, supply teachers, trainee teachers, nurses, sports coaches, and inspectors – their 'providing' organisation (for example, the supply agency, the university, primary care trust, local authority and so on) should request the checks.

It is sufficient, for schools and colleges to seek written confirmation that appropriate checks, including DBS checks have been carried out and by whom – most commonly the relevant human resources department and to confirm the identity of these visitors.

It is not necessary (or practicable) to require a date for such checks unless the providing organisation supplies a list of named individual supply staff. Written confirmation may be in the form of a public statement on the agency website, as is the case with Ofsted."

For example the Ofsted website states:

'Ofsted and our inspection partners carry out all the required employment checks for staff who visit nurseries, childminders, schools and colleges as part of an inspection. This includes appropriate employment checks and an enhanced Disclosure and Barring Service (DBS) disclosure.

All HMI, Regulatory and Additional Inspectors carry official Ofsted photo identification badges so that schools and other providers know they have passed these rigorous safeguarding checks'.

15. Recording and Retaining Information

All recruitment paperwork relating to unsuccessful applicants should be retained for no more than a six month period and then confidentially destroyed in accordance with Data Protection Regulations and GDPR.

- 1 Details of all pre-employment checks must be recorded onto the 'Single Central Record' (SCR) and copies of documents must be signed and dated by person responsible and retained on individual personnel files that are kept within the school.
- 2 The Data Protection Act and GDPR allows sharing of personal information where that is required in order to fulfil a statutory requirement, such as child protection. Contact HR for further guidance on this.
- 3 A high degree of confidentiality is required and information handled and stored within the best practice principles of the Data protection Act and GDPR.
- 4 Information must be retained in a secure locked cabinet with access controlled by the Headteacher.
- 5 All Managers need to be aware of the issues and have access to the documentation, where appropriate for the purposes of child protection,
- 6 All concerns raised by people outside school must be treated with the same level of seriousness and addressed in accordance with guidelines in the child protection document.

Schools/Academies should not keep copies of DBS certificates.

A copy of the other documents used to verify the successful candidate's identity, right to work and required qualifications and teacher checks should be kept for the personnel file.

16. Induction, probation and code of conduct

16.1 Induction

All new starters, permanent or temporary, should have an induction programme. Equally, volunteers and contract staff should be appropriately introduced to the school.

Clearly the content and nature of the induction will vary according to the role and the previous experience of the new member of staff or volunteer.

The purpose of an induction programme is to:

- Help the new employee to settle quickly in the job.
- Demonstrate the importance the school attaches to the individual's development.
- Provide training and information about policies and procedures.
- Support individuals appropriately.
- Confirm code of conduct and expectations and provide examples of behaviour that would not be acceptable.
- Provide opportunities for new member of staff to raise concerns.
- Enable the person's line manager or mentor to recognise any concerns or issues about the person's ability or suitability at the outset and address them immediately.

Induction programme should include information about;

- Policies and procedures in relation to safeguarding and promoting welfare of children e.g. anti bullying, racism, internet safety, health and safety etc.
- Safe practice and standards of conduct and behaviour expected of staff and pupils in their establishment.
- How and with whom any concerns should be raised.
- Other relevant procedures (disciplinary, capability, whistle blowing, code of conduct).
- Appropriate level of child protection training according to the role.

The induction process should support new staff by exploring the issues of child protection so that they do not place themselves or children at risk. It will confirm the individual fully understands what the school expects of them, leaving no room for any claim that they were unsure of the boundaries of acceptable and unacceptable behaviour or were unaware of established procedures.

All staff must read part 1 of Keeping Children Safe, which can be found at the below link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707688/Keeping_Children_Safe_in_Education_-_Part_1_-_September_2018.pdf

For teachers, this familiarisation process is in addition to completing the statutory induction process

16.2 Probation

All support staff new to Bracknell Forest will be required to undertake a probationary period of 6 months. Appointment onto the permanent staff will be subject to the successful completion of this probationary period.

Probation guidance for schools is available on the school management website <https://schools.bracknell-forest.gov.uk/hr/>

For Bracknell Forest employees only - If the employee is new to the school, but not new to Bracknell Forest they will not be subject to the probation period, and the school will not be able to simply give notice to end of the six month period, but it is still a good idea to carefully monitor and discuss progress in the first 6 months in the new job.

16.3 Code of Conduct

Schools/Academies may choose to adopt the Bracknell Forest Model Code of Conduct. If they choose not to, the Code of Conduct they use must cover all staff who work in the school on a paid or voluntary basis.

The aim of the Code is to establish guidelines for employees which will help maintain and improve standards and protect employees from misunderstanding or criticism. It may be supplemented and clarified by additional guidance where necessary.

17. Ongoing Performance Management

Schools/Academies may choose to adopt the Bracknell Forest Council Appraisal policy for teachers and the Appraisal Policy for School Support Staff

The overall aim of this scheme is to improve the performance of the school by helping its employees develop their potential and maximise their own contribution.

It is in everyone's interest to ensure that all employees know what is expected from them in their jobs and any performance standards to be met. It is also important that each employee and their manager or supervisor has an opportunity to discuss how work is going on an ongoing basis. The discussion should include any issues that might arise during the year which impact on the employee's ability to get the work done to the standard/timescales required.

The Appraisal policy for Teachers sets out the framework for a clear and consistent assessment of the overall performance of teachers, including the head teacher, and for supporting their development within the context of the school's plan for improving education provision and performance, and the standards expected of teachers.

The appraisal procedure will be used also to address any concerns that are raised about performance. If concerns are such that they cannot be resolved through the appraisal process, there will be consideration of whether to commence the capability procedure.

The same principles apply for school support staff.