

## Vanguard Learning Trust



*As a group of local primary and secondary schools, Vanguard Learning Trust's mission is to serve its local community by providing outstanding, inclusive education. We have a collective purpose and responsibility to provide effective teaching, through a curriculum based on equality of opportunity and entitlement that allows our students to shine both in and out of the classroom. Each school in the Trust has its own ethos, which also complements the Trust's vision and values, and the common aspiration that all students can achieve their potential.*

## Safer recruitment policy

**April 2023**

## Contents

|  |          |
|--|----------|
| <b>PART A</b>  | <b>3</b> |
| Section 1: Introduction  | 3        |
| Section 2: Delegation of appointments and constitution of appointments panels                        | 4        |
| Section 3: Advertising a vacancy   | 4        |
| Section 4: Shortlisting  | 5        |
| Section 5: References  | 5        |
| Section 6: Invitation to interview   | 6        |
| Section 7: Planning for the interview process  | 6        |
| Section 8: The interview process   | 8        |
| Section 9: Offer of employment   | 8        |
| Section 10: Social media checks  | 9        |
| Section 11: Personnel file and single central record   | 10       |
| Section 12: Disclosure and Barring Service (DBS) checks  | 10       |
| Section 13: Start of employment and induction  | 12       |
| Section 14: Breaches of the policy, record keeping and review of policy                              | 13       |
| List of appendices   | 15       |
| Appendix 1: Definitions  | 16       |
| Appendix 2: Shortlisting form  | 17       |
| Appendix 3: Information packs for vacant posts   | 18       |
| Appendix 4: Invitation to interview checklist  | 19       |
| Appendix 5: Disqualification from childcare information for new employees                            | 20       |
| Appendix 6: DBS checks undertaken for new appointments, before the employee or volunteer starts work | 21       |
| Appendix 7: Risk assessment for staff awaiting DBS disclosure  | 22       |

## **PART A**

### **Section 1: Introduction**

#### **1.1 Trustees' commitment**

The board of trustees is committed to safeguarding and promoting the welfare of children and young people and requires all employees and volunteers to demonstrate this commitment in every aspect of their work. All recruitment must be in line with this policy to ensure that those who pose a risk of harm from working with our students are deterred and prevented from doing so. The principles of this policy shall apply equally to internal and external appointments to ensure equality and minimise the possibility of discrimination or bias, conscious or unconscious.

#### **1.2 Equal opportunities**

The appointment of all employees will be made on merit and in accordance with the provisions of employment law, the latest update to Keeping children safe in education (KCSiE) and the Trust's equality duty policy. People will be treated solely on the basis of their abilities and potential, regardless of race, colour, nationality, ethnic origin, religious or political belief or affiliation, trade union membership, age, gender, gender reassignment, marital status, sexual orientation, disability, socio-economic background, or any other inappropriate distinction as outlined in the Equality Act 2010. In the very exceptional cases where we are required to discriminate due to an occupational requirement, this must be approved by the members of the school's governing body (the board of trustees in the case of the central services team) who will provide reasons for this requirement. Recruitment will be solely on the basis of the applicant's abilities and individual merit as measured against the criteria as outlined in the personal specification. Qualifications, knowledge, and skills will be assessed at the level that is relevant to the job. If an applicant declares that they have a disability, at any stage of the recruitment process, reasonable adjustments must be considered to ensure the applicant is not disadvantaged by the process.

#### **1.3 Compliance**

The requirements of the latest update to KCSiE with regard to Disclosure and Barring Service (DBS) and other pre-employment checks will be complied with. Compliance with the Data Protection regulations and the more stringent requirements contained within the General Data Protection Regulations (GDPR) will be ensured. The GDPR encompasses the core principles of the Data Protection Agreement (DPA) and provides more onerous responsibility and accountability for fair and transparent processing. The Trust's privacy notice provides specific details in accordance with the GDPR principles. Recruitment documents are processed in accordance with the Trust's data retention policy.

#### **1.4 Definitions**

For the purposes of this document:

- 'Headteacher' means the school's substantive headteacher, an acting headteacher or the executive headteacher for primary.
- 'Governing body' means the local governing body for each school.
- 'CEO' means the chief executive officer of Vanguard Learning Trust.

A further list of definitions can be found in **Appendix 1**.

#### **1.5 Guiding principles**

The following principles apply in all cases:

- all offers of employment will be subject to us being satisfied that the applicant or volunteer is a suitable person to work with children and young people;
- any person involved in recruiting to our Trust must read the most recent update of Keeping children safe in education guidance (or updated statutory guidance) produced by the DfE and our school's (Trust's for central services) child protection policy. These can be obtained from the school's or Trust's website;
- all recruitment must be planned to ensure that there is adequate time available to recruit safely;
- any person who becomes aware that this policy is not being followed during recruitment must inform the headteacher/CEO immediately; and

- all of the checks described in Section 9.1 of this policy must be carried out and have been determined as satisfactory before an applicant can start their employment at our Trust.

## **Section 2: Delegation of appointments and constitution of appointments panels**

### **2.1 Headteacher's responsibilities**

The headteacher is responsible for deciding on the arrangements to recruit to any post within their school. The headteacher may not delegate the offer of employment to any other senior leader or governor. The headteacher will ensure that at least one governor in the appointment of a senior leader (eg. deputy headteacher, assistant headteacher). The CEO will also form part of the final interview panel for any member of staff who is directly line managed by the headteacher.

### **2.2 CEO's responsibilities**

The CEO will be responsible for deciding on the arrangements to recruit to any post within the Trust's central services team, as is expected to involve at least one trustee in the appointment of a senior person to the central services team (eg. a manager or director). The CEO will also be responsible for deciding on the arrangements to recruit any new headteacher and will do so in conjunction with the school's governing body and the board of trustees.

### **2.3 The board of trustees's responsibilities**

The board of trustees will be responsible for deciding on the arrangements to recruit a new CEO.

## **Section 3: Advertising a vacancy**

### **3.1 External and internal advertising**

All vacant posts, including those for volunteers, will be advertised to ensure equality of opportunity and encourage as wide a field of candidates as possible. This will normally mean placing an advertisement externally. However, where there is a reasonable expectation that there are sufficient, suitably qualified internal candidates, or employees are at risk of redundancy, vacancies may be advertised internally before an external advertisement. In these circumstances, the shortlisting panel may decide that certain parts of the recruitment process may be omitted but all candidates will be subject to a formal interview, the satisfactory reference requirements and any other necessary checks.

### **3.2 Content of adverts**

All advertisements will include the level of DBS check required depending on the role being recruited for and whether the role will involve regulated activity.

*"[Name of School] and Vanguard Learning Trust are committed to safeguarding and promoting the welfare of children and expect all staff and volunteers to share this commitment. All offers of employment are subject to an enhanced DBS check, and where applicable, a prohibition from teaching check will be completed for all applicants."*

All advertisements will also include the following statement if the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020:

*"The job you are applying for is exempt from the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020) which requires you to disclose all spent convictions and cautions except those which are 'protected' under Police Act 1997 – Part V and the amendments to the Exceptions Order 1975 (2013 and 2020) and are not subject to disclosure to employers on DBS certificates and cannot be taken into account. Guidance about whether a conviction or caution should be disclosed can be found on the Ministry of Justice website ([click here](#)).*

All applicants will be provided with a copy of the Trust GDPR privacy notice, which sets out how we will gather, process and hold personal data of individuals during and after the recruitment process.

## **Section 4: Shortlisting**

### **4.1 Delegated responsibility to appoint staff**

The Trust's scheme of delegation specifies the delegated approval for appointing staff. The headteacher is delegated responsibility to appoint staff for schools and the CEO for the central team within budget. Appointment of staff that are not budgeted for requires additional approval at an executive level for schools and trustees for central staff. If the headteacher or CEO is not part of the selection panel, the offer of employment cannot be made until they have discussed the panel's recommended offer of employment.

### **4.2 The shortlisting panel**

The shortlisting panel, of at least two people, at least one of whom has undertaken recent safer recruitment training, will use an agreed shortlisting form (**Appendix 2**) and applicants will be shortlisted against the requirements of the person specification. The same people should carry out the shortlisting and be members of the interview panel. The shortlisting panel is responsible for scrutinising the application forms and ensuring that any gaps in employment, short-term employments and discrepancies, including gaps in education are identified that may affect an applicant's suitability to work with children and young people.

### **4.3 The shortlisting process**

The criteria for selection will be consistently applied to all applicants, including internal applicants, and is based on the essential and desirable criteria for the post. The equal opportunities monitoring form must be removed from the application and not provided to the shortlisting panel. A satisfactory explanation for any concerns must be obtained from the applicant during the interview process. The outcome of the shortlisting process will be recorded and retained. The shortlisting panel will agree the candidates to be called for interview and other agreed selection activities. If the field of applicants is felt to be weak, the post may be re-advertised.

### **4.4 Number of candidates selected for interview**

The number of candidates shortlisted for interview will depend on the process, eg. more candidates can be selected for two-day processes. Ideally all candidates who fulfil the essential criteria on the person specification should be shortlisted. However, if this is not possible because of logistical constraints, then a ranking system can be used. A pre-selection task could also be used and it is recommended that blind marking is used by the selection panel.

## **Section 5: References**

### **5.1 Consent of candidate**

All offers of employment will be conditional upon receipt of at least two satisfactory written references; this also applies to internal candidates and will therefore include the headteacher/CEO. Where possible, and subject to the consent of the applicant, references will be requested before the interview. In order to comply with the Equality Act 2010, information relating to sickness absence will only be requested after a conditional offer of employment has been made.

### **5.2 Internal candidates**

References will also be sought for internal candidates where they have been shortlisted with external candidates. Internal candidates should include the headteacher/CEO and their immediate line manager. If both the line manager and headteacher/CEO are on the interviewing panel, references should be sought from another professional who can comment upon the candidate's suitability for the role.

### **5.3 Format of the professional reference**

If a candidate for a post working with children is not currently working with children, a reference will be sought from the most recent employment working with children to confirm details of their employment and their reasons for leaving. Reference requests will ask the referee to confirm:

- the referee's relationship with the candidate;

- details of the applicant’s current post and salary, and establish the reason for the candidate leaving their current or most recent post;
- performance history;
- all formal time-limited capability warnings which have not passed the expiration date;
- all formal time-limited disciplinary warnings where not relating to safeguarding concerns which have not passed the expiration date;
- all disciplinary action where the penalty is “time expired” and relate to safeguarding concerns;
- details of any substantiated allegations or concerns relating to the safety and welfare of children; and
- whether the referee has any reservations as to the candidate’s suitability to work with children.

References must be in writing and be specific to the job for which the candidate has applied. The shortlisting panel will not accept references from relatives or people writing solely in the capacity as a friend of the candidate.

#### **5.4 After a reference has been received**

References will be clarified with the referee where the information is vague or insufficient. References will be compared with the information set out in the application form and any discrepancies discussed with the candidate during the interview if necessary. References will not be accepted if they are 'to whom it may concern' letters. References will be verified with the person who provided the reference and, where the reference is provided electronically, verify that it is from a legitimate source. Where it has not been possible to obtain references before the interview any concerns that are subsequently raised will need to be resolved before the appointment is confirmed. References are the “property” of the shortlisting panel and strict confidentiality will be observed.

### **Section 6: Invitation to interview**

#### **6.1 Consistency in the information for applicants**

Applicants for all vacant posts will be provided with the information as detailed in **Appendix 3**. The letter inviting candidates to interview will state the requirement for a certificate of good conduct for non-UK applicants; in addition, for teaching posts, a letter of professional standing from the professional regulating authority in the country in which the applicant has worked (teachers). The recruitment section on the websites of our schools and our Trust contains links to the equality duty policy and this policy.

#### **6.2 Shortlisted candidates**

Shortlisted candidates will receive a written invitation to attend the interview process. The written invitation should include the following:

- the date, time and location of the interview process;
- the name of the role;
- the activities involved in the interview process;
- the conditions under which employment will be offered; and
- how candidates will be informed of the panel’s decision.

Shortlisted candidates will be asked to bring the completed ‘invitation to interview checklist’ (**Appendix 4**) in a sealed envelope, with any relevant disclosures and photo ID to verify their identity (eg. a passport or driving licence).

Shortlisted candidates will be requested to confirm their attendance for the interview process.

### **Section 7: Planning for the interview process**

#### **7.1 Persons involved in the interview process**

Interviews should be conducted by the same people involved in the shortlisting process. Section 4.1 should be referred to regarding an offer of employment which can only be made by a school’s headteacher or the CEO. No other staff are delegated the responsibility to appoint staff, even temporary ones. There should be a minimum of two interviewers on the panel (at least one of whom has completed recent accredited safer recruitment training), ideally with an equal gender balance and to enable one interviewer to assess the applicant, observe and make notes whilst the applicant talks to the other interviewer. Those responsible for deciding the arrangements for recruitment to a specific post will determine the selection method(s). At least one member of the recruitment panel will have

completed formal safer recruitment training. As a measure of good practice, the Trust/school will ensure that this training is renewed every three years.

## **7.2 Preparation for interview**

Before the interview process commences, members of the interview panel should have:

- shared with the rest of the panel, any biases or affinities that they have that might have an influence over their decision making;
- prepared appropriate questions that test the applicant's suitability to work with children and young people;
- identified any areas for further probing, eg., if a criminal record has been declared, any information about past disciplinary action/allegations, or if there are gaps in employment etc;
- agreed assessment criteria which reflects the person specification; and
- decided a structure to the interview and established which member of the panel will ask which questions.

## **7.3 Interview format**

The format, style and duration of the interviews are matters for the headteacher/CEO to decide in consultation with any governors or trustees. They will be relevant and appropriate to the role and will be based on the requirements for the particular post as set out in the job description and person specification. Questions will include:

- finding out what attracted the candidate to the post being applied for and their motivation for working with children;
- an exploration of their skills and asking for examples of experience of working with children which are relevant to the role; and
- a probing of any gaps in employment or where the candidate has changed employment or location frequently, asking for the reasons for this.

The panel will be aware that the same areas of questioning will be covered for each applicant and no questions which would discriminate directly or indirectly on protected characteristics under the Equality Act 2010 will be asked. The interview panel may decide to shortlist candidates for the formal interview on the interview day on the basis of the selection methods in Section 7.4; therefore not all shortlisted candidates invited to the interview day may go through to the formal interview stage.

## **7.4 Other tasks**

In addition to a face-to-face interview with the interview panel a variety of other selection methods may be used, such as:

- observation of teaching practice;
- one or more additional panel interviews (for example, a panel made up of students from the school);
- a presentation; and
- in-tray exercises.

Candidates should be informed in advance of the day the type of tasks they will be expected to complete; for tasks that require preparation, candidates should be given at least 48 hours' notice.

### **7.5.1 Level of language proficiency (the 'fluency duty')**

Under Part 7 of the Immigration Act 2016, the Public Sector fluency duty ([click here](#)) requires state-funded schools to ensure candidates for their public facing roles have the necessary standard of spoken English. Adverts and job descriptions should make clear the necessary standard of spoken English required for the role. Public facing roles are those members of teaching and support staff who, as a regular and intrinsic part of their role, are required to speak to members of the public (including students in schools).

### **7.5.2 Evidence of language proficiency**

The Trust will accept a range of evidence of spoken English ability as follows:

- competently answering interview questions in English;
- possessing a relevant qualification for the role attained as part of education in the UK or fully taught in English by a recognised institution abroad;
- passing an English spoken language competency test; or

- possessing a relevant spoken English qualification at CEFR Level B1 or above, taught in English by a recognised institution abroad.

## **Section 8: The interview process**

### **8.1 The process for interview**

Shortlisted candidates will have their photo ID checked upon arrival to confirm their identity and will receive a briefing during which relevant information about the school is shared, so that candidates can make further enquiries about their suitability for the role. Shortlisted candidates will be asked to physically sign a hard copy of the application at the point of interview, if they submitted an electronic signature on their application form.

### **8.2 Interview questions**

Candidates shortlisted for interview will be asked about their suitability to work with children. Areas that may be concerning and lead to further questions include:

- implication that adults and children are equal;
- lack of recognition and/or understanding of the vulnerability of children;
- inappropriate idealisation of child;
- inadequate understanding of appropriate boundaries between adults and children; and
- indicators of negative safeguarding behaviours.

Any gaps in employment history must be explored during the interview process. Any information about past disciplinary action or allegations will be considered in the circumstances of the individual case. The interview will also include a discussion of any convictions, cautions or pending prosecutions, other than those protected, that the candidate has declared and are relevant to the prospective employment.

### **8.3 Virtual interviews**

A face-to-face interview must take place for all applicants to all posts. The use of video conferencing, Skype, Facetime or other similar technologies may be acceptable for this purpose should a shortlisted candidate be based abroad. The same process used for in-person interviews will be followed as far as possible in order to maintain the integrity of the interview process.

### **8.4 Data retention**

The recruitment documentation will be retained for six months from the date of interview. Applicants have the right to request access to notes written about them during the recruitment process ([click here](#)). After six months all information about unsuccessful candidates will be securely destroyed.

## **Section 9: Offer of employment**

### **9.1 The format of the offer of employment**

A written offer of employment will be sent to the successful applicant and will be conditional upon the following:

- receipt of at least two satisfactory written references (one of which must be their current or most recent employer);
- verification of the applicant's identity, preferably from current photographic ID and proof of address;
- verification of right to work in the UK;
- verification of the applicant's medical fitness;
- verification of qualifications where relevant;
- verification of professional status where applicable. For teachers, this will include checking that the individual has the required teaching qualification and has successfully completed any statutory induction, if required, through the Teacher Services System;
- satisfactory enhanced DBS check;
- satisfactory certificate of Good Conduct (if applicable) which may include EEA sanctions and restrictions;
- satisfactory Barred list check (except supervised volunteers);
- satisfactory teacher prohibition (if applicable);



- satisfactory Section 128 check through the Teacher Regulation Agency (applicable to governors/trustees, headteachers, members of the senior leadership team and departmental heads only);
- satisfactory online searches; and
- confirmation that the applicant is not disqualified from providing childcare under the Childcare Disqualification Act 2006 (**Appendix 5**).

All checks must be confirmed in writing, retained on the personnel file and recorded in the single central record (SCR).

### **9.2 Informing unsuccessful applicants**

Unsuccessful candidates will be notified by email and/or phone call.

### **9.3 Feedback for unsuccessful applicants**

Candidates who are unsuccessful and request feedback will be provided with an oral summary of their performance; this may take time to arrange based on the availability of the selection panel.

## **Section 10: Social media checks**

### **10.1 Social media checks for successful candidates**

Successful candidates will be asked to consent to a social media check. This forms part of the pre-employment checking process and this will be indicated in the advert and/or recruitment pack. The Trust will conduct the checks through a third party ([click here](#)) of the online presence and publicly available social media content in order to identify any comment, image or other content that could cause reputational damage to the Trust and/or give rise to a safeguarding concern.

### **10.2 The social media check report**

In accordance with KCSiE, the school will consider carrying out an online search as part of the due diligence. Where an online check will be carried out, this will be indicated in the advert and/or recruitment pack. The candidate will be sent a copy of the social media check report. Only the Trust's HR manager and those involved in the shortlisting/interview process will have access to the social media report. The headteacher/CEO will follow up any social media report queries with the candidate. The outcomes of this conversation will be recorded and stored in their personnel file.

### **10.3 Data protection**

Candidates will not be asked to send their social media passwords to any member of the Trust nor to any employee of the third party used to provide the social media report. The Open Authorisation software preserves the confidentiality of passwords. Details of how candidates' information is used and stored can be located on the Social Media Check website ([click here](#)). Social Media Check will make no judgements or conclusions based upon the report.

Candidates will be sent the report directly by Social Media Check. A copy of the report will be sent to the Trust HR manager securely, via the company's password-encrypted portal. The HR manager will analyse the report, then send a copy to the headteacher and the school's HR administrator. They will then contact candidates if there are any questions or queries as a result of the report. Candidates will always be contacted directly by the headteacher or school's HR administrator should any concerns arise. The information contained in the reports will be stored in line with our Trust data protection policy ([click here](#)).

## **Section 11: Personnel file and single central record**

### **11.1 Personnel files**

Recruitment and selection information for the successful candidate will be retained securely and confidentially for the duration of their employment with the school/Trust. In addition to the evidence related to pre-employment checks (see Section 9.1) the below will also be included:

- application form – signed by the applicant;
- interview notes – including explanation of any gaps in the employment history; and
- offer of employment letter and signed contract of employment.

### **11.2 Retention of personal information**

Retention of personal information for the successful candidate following the end of their employment will be in accordance with the Trust's data retention policy, which is compliant with relevant Data Protection Act 2018. When retained documents have reached their data retention limit, they will be securely destroyed. The school/Trust will destroy information obtained by a vetting exercise as soon as possible or within six months. A record of the result of the vetting or verification of the successful candidate will be retained on the employees file and the single central record. The school/Trust will normally collect personal information from an employee only where they have given consent to do so, where personal information is needed to perform a contract with/involving the employee, or where the processing is in our legitimate interests and not overridden by data protection interests or fundamental rights and freedoms.

### **11.3 Consent**

An employee has the right to withdraw their consent at any time and can do so by informing the Trust's Data Protection Officer, with the exception of documents that are required for a statutory requirement.

## **Section 12: Disclosure and Barring Service (DBS) checks**

### **12.1 The levels of DBS check for new employees and volunteers**

The Trust and its schools will carry out a risk assessment to determine if a DBS check is required for each volunteer in accordance with Annex E of Keeping children safe in education 2022. If a volunteer is assessed as requiring a DBS check, the DBS checks outlined in **Appendix 6** will be undertaken for new appointments, before the employee or volunteer starts work.

### **12.2 Inspection and scrutiny of DBS checks**

DBS certificates will only be issued to the applicant. All applicants must produce the disclosure when requested to do so. The disclosure will be scrutinised to ensure it is authentic and to detect any fraud. The DBS disclosure number and date of the check must be recorded in the Single Central Record (SCR). Schools are not required to take a copy of a DBS certificate, however we may choose to do so for decision making purposes. Any copy will be held for no longer than necessary, and up to a period of six months and be processed in line with Data Protection Legislation. Applicants will only be asked to declare convictions and cautions that are not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020). Information relating to an individual's criminal record will only be shared with the relevant people to enable the school/Trust to make a decision about their suitability to work with children and young people.

### **12.3 Refusal of consent to inspect a DBS certificate**

Any applicant who refuses to produce their DBS disclosure will not be able to start employment and the conditional offer will be withdrawn as satisfactory checks are not in place. Any volunteer who refuses to produce their disclosure will not be able to volunteer at any Vanguard Learning Trust location.

### **12.4 DBS update service**

Applicants (free for volunteers) can subscribe to the DBS Update service and have their DBS certificate kept up to date. They can take it with them from role to role where the same type and level of check is required. Applicants or

volunteers should be asked if they have subscribed to this service. The cost of this service is £13 per year (Jan. 2023). The expectation is that individuals personally fund this if required. Where the applicant or volunteer has subscribed they should provide the school/Trust with the original disclosure document to be verified and the school/Trust will check the online update for any changes.

### **12.5 Risk assessment**

In exceptional circumstances, a new employee or unsupervised volunteer may be able to start before the enhanced DBS check has been received but not before the children's barred list check has been completed. A risk assessment will be undertaken prior to any decision (**Appendix 7**). The Trust and its schools must ensure that appropriate supervision is in place until the DBS check has been received.

### **12.6 When to carry out updated DBS checks for existing employees and volunteers**

In certain circumstances relevant checks will be carried out on existing staff and volunteers as if the individual was new to the organisation. These circumstances are when:

- there are concerns about an existing member of staff's suitability to work with children;
- an individual moves from a post that is not regulated activity to one that is; or
- there has been a break in service of 12 weeks or more.

DBS certificates will only be issued to the applicant. The school/Trust expects all applicants to produce the disclosure when requested to do so. Any existing employee who refuses to produce their DBS disclosure will be managed through the disciplinary procedure.

### **12.7 DBS check for agency staff**

The school/Trust must ensure that the arrangement with the agency imposes an obligation on the agency to carry out all recruitment checks as set out in Section 9.1, including DBS and children's barred list checks, that the school/Trust would otherwise complete for its staff. The school/Trust must obtain written confirmation from the agency that these checks have been carried out and are satisfactory. This must be recorded in the single central record (SCR). Upon the engagement of an agency worker, the agency must be supplied with a copy of the Trust's Managing Allegations Procedure unless they have previously been provided with the most recent version of this procedure.

### **12.8 DBS checks for contractors**

The school/Trust will ensure that any contractor, or any employee of the contractor, has had the appropriate level of DBS check. This will be:

- an enhanced DBS check with barred list information for contractors engaging in regulated activity; or
- an enhanced DBS check, not including barred list information, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children.

The school/Trust will obtain the DBS check for self-employed contractors. Copies of such checks will not be kept for longer than 6 months. Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances. The identity of all contractors and their staff will be checked upon arrival at any Vanguard Learning Trust site.

### **12.9 DBS checks for trustees and governors**

An enhanced DBS check with barred list information for trustees and governors will be obtained alongside a Section 128 check. Any newly appointed chair of trustees will be subject to a suitability check, which includes:

- an identity check;
- confirmation of the right to work in the UK (via passport);
- an enhanced DBS check which has been countersigned by the Secretary of State;
- where required, additional information if the individual has lived outside the UK for a period of 12 months or longer;
- a barred list check (to verify that the individual is not barred from regulated activity); and
- Section 128 check.

### **12.10 Changes to an employee's criminal record**

All existing employees are required to inform the school/Trust of any change in their criminal record. This includes convictions, cautions, arrests and police investigations which are not protected under the amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (2013 and 2020). Action may be taken as a result of any change or any failure to inform the school/Trust of any change.

### **12.11 Residential visits involving external staff**

Where a residential visit is arranged involving staff from another organisation, written confirmation must be received from that organisation, confirming that the appropriate checks have been made on all staff who may come into contact with our students.

#### **12.12.1 Adults who supervise students on work experience (secondary schools)**

When organising work experience, policies and procedures will be expected to be 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. In such cases, the school will consider the specific circumstances of the work experience. Consideration will be given in particular to the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations will include whether the person providing the teaching/training/instruction/supervision to the child on work experience will be:

- unsupervised themselves; and/or
- providing the teaching/training/instruction/supervision frequently (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. In this case, the school will ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person. If the activity undertaken by the child on work experience takes place in a 'specified place', such as the school, and gives the opportunity for contact with children, this may itself be considered

#### **12.12.2 Students staying with host families (secondary schools)**

Where the school makes arrangements for students to be provided with care and accommodation by a host family to which they are not related (for example, during a foreign exchange visit), the school will request enhanced DBS checks with barred list information on those people. Where the school is organising such hosting arrangements overseas and host families cannot be checked in the same way, we will work with our partner schools abroad to ensure that similar assurances are undertaken prior to the visit.

## **Section 13: Start of employment and induction**

### **13.1 Induction programme**

All new employees will be provided with an induction programme which will cover all relevant matters of school policy but in particular safeguarding and promoting the welfare of children; this will include the:

- safeguarding policy, including the details of the safeguarding team;
- the school's behaviour policy; and
- the staff code of conduct.

### **13.2 Documentation**

Copies of all relevant policies and a copy of KCSiE will be provided to all staff at induction. All staff are expected to read part 1, annex A and annex B of the most recent version of Keeping children safe in education, providing written confirmation that they have completed this.

## **Section 14: Breaches of the policy, record keeping and review of policy**

### **14.1 Breaches of the policy**

Any instances of this policy not being adhered to will be taken very seriously and appropriate disciplinary action will be taken. Any complaint in relation to this policy, including its application will be managed through the Trust's complaints policy for parents or third parties and the grievance policy for existing employees.

### **14.2 Record keeping and data protection**

All written records of interviews, application forms and reasons for appointment or non-appointment will be kept by the school/Trust in line with the retention policy ([click here](#)) and in line with the requirements of the Trust Data Protection policy ([click here](#)).

### **14.3 Review of policy**

This policy is reviewed annually in consultation with the recognised trade unions.

### **Approval / Revision History**

| <b>Revision date</b> | <b>By</b> | <b>Summary of Changes Made</b>   |
|----------------------|-----------|--|
| New                  | BoT       | 29th March 2023  |
| May 2023             | SBU       | 4.2 Last sentence amended to take account of typos<br>10.3 Section added to reflect the response from NASUWT regarding concerns about the use of personal data (i.e. passwords). |

## **List of appendices**

Appendix 1: Definitions

Appendix 2: Shortlisting form

Appendix 3: Information packs for vacant posts

Appendix 4: Invitation to interview checklist

Appendix 5: Disqualification from childcare information for new employees

Appendix 6: DBS checks undertaken for new appointments, before the employee or volunteer starts work

Appendix 7: Risk assessment for staff awaiting DBS disclosure

## Appendix 1: Definitions

Regulated activity includes:

- teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children;
- working for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work undertaken by supervised volunteers; and
- engaging in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

Regulated activities do not include:

- paid work in specified places which is occasional and temporary and does not involve teaching or training;
- supervised activities which are paid in non-specified settings; and
- a supervised volunteer who regularly teaches or looks after children.

Teaching role refers to a role involving:

- planning and preparing lessons and courses for students; delivering lessons to students; and
- assessing and reporting on the development, progress and attainment of students.

These activities are not teaching work for the purposes of Keeping children safe in education if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher or other person nominated by the headteacher to provide such direction and supervision.

Standard DBS: this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer, regardless of whether or not they are spent under the Rehabilitation of Offenders Act 1974.

Enhanced DBS: this provides the same information as the standard DBS, plus any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed.

Enhanced DBS with barred list check: this check is required for when people are working or seeking to work in regulated activity with children. This check allows for additional checks to be made as to whether the person appears on the children's barred list.

Children's barred list: the DBS maintains a 'barred list' of individuals who are unsuitable to work with children and vulnerable adults. In addition, where an enhanced DBS including a barred list check is obtained, the certificate will also detail whether the candidate is subject to a direction under section 128 of the Education and Skills Act 2008 or section 167A of the Education Act 2002.

Section 128 check: this provides for the Secretary of State to direct that a person may be prohibited or restricted from participating in the management of an independent school (which includes academies and free schools). A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a maintained school.

Safer recruitment: this is the safeguarding and protection of students during the recruitment and selection process. Its overall purpose is to help identify and deter or reject individuals who are deemed to be at risk of abusing children.



# Appendix 2: Shortlisting form

([Click here](#) for form)

|   |           |           | Method of Assessment | Link to applicant and link application without monitoring information |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|---|-----------|-----------|----------------------|---|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
|   | Essential | Desirable |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| <b>Qualifications and experience:</b>                                       |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|   |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|   |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|   |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|   |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| <b>Professional knowledge and understanding, skills and attributes:</b>     |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|   |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|   |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|   |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|   |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|   |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| <b>Personal skills and attributes:</b>                                      |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|   |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|   |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|   |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|   |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|   |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|   |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Please note: the items highlighted in red are the main assessment criteria. |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| <b>Total</b>  |           |           |                      |   |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

Key to methods of assessment

1. Application form and supporting statement  
 2. Tests  
 3. Final selection interview

### Appendix 3: Information packs for vacant posts

All applicants for all vacant posts will be provided with:

- an information pack containing:
  - a description of the school relevant to the vacant post;
  - the child protection/safeguarding policy;
  - a statement on behalf of the governing body/trustees of their commitment to safeguarding and promoting the welfare of children and young people and the skills, abilities, experience, attitude, and behaviours required for the post;
  - DBS and other pre-employment checks required;
  - the closing date for the receipt of applications; and
  - an outline of the terms of employment including salary.
- a job description outlining the duties of the post and an indication of where the post fits into the organisational structure of the school/the Trust;
- a person specification which outlines all of the necessary skills, abilities, experience, attitude, behaviours, qualifications and knowledge requirements for the post; and a Vanguard Learning Trust application form; CVs will not be accepted.

## Appendix 4: Invitation to interview checklist

([Click here](#) for letter)

Please complete the below checklist ensuring you have included all relevant documents for the interview.

|   |  |
|---|--|
| Interview date:                             |  |
| Post:                                       |  |
| All forenames:                              |  |
| All surnames (including previous surnames): |  |

Please ensure that you have completed and/or provided the following documentation that the School requires.

| Action |  | Yes | No |
|--------|--|-----|----|
| 1.     | <p>Disclosure of Criminal Convictions</p> <p>I confirm that I have completed and enclosed the attached Criminal Convictions Disclosure Form.</p>   |     |    |
| 2.     | <p>Disclosure of Child Protection Investigation</p> <p>Have you been subject to any child protection investigation?</p> <p>If yes, please provide details in a separate sealed envelope of the circumstances and the outcome including any warnings, orders or conditions.</p> |     |    |
| 3.     | <p>Disclosure of Relationships</p> <p>Do you have any relationship with a student, employee, governor or trustee?</p> <p>If yes, please enclose details.</p>   |     |    |
| 4.     | <p>Documents Provided to Evidence Right to Work</p> <p>I confirm that I will provide evidence of my right to work in the UK.</p> <p>Please see the enclosed <a href="#">Home Office Right to Work Checklist</a>.</p>   |     |    |
| 5.     | <p>Documentation to Process DBS Check</p> <p>I confirm that if appointed I will provide the appropriate documents to allow a DBS check to be undertaken.</p>   |     |    |
| 6.     | <p>Qualification Certificates Provided</p> <p>I confirm that I will provide the original copies of qualifications which I have declared as part of my application and which are an essential requirement for the role.</p>   |     |    |

Signature of Applicant:

Print Name:

Date:

## Appendix 5: Disqualification from childcare information for new employees

This information is to make you aware of your obligations relating to disqualification under the Childcare Act 2006 which came into force in schools and academies in late 2014.

Your role within our school has been identified as one which the disqualification declaration applies to.

### So, what does this mean in practice?

We need to make you aware that there are certain things that may mean that you are automatically disqualified from providing childcare (affecting your role within this school) by you having committed a disqualifiable offence or a disqualifying event. These broadly fall into the four below categories:

1. That you have a caution/conviction for certain violent/sexual offences
2. Grounds relating to the care of children
3. That you have had registration refused/cancelled in relation to childcare
4. That you have committed an offence overseas which would constitute an offence regarding disqualification under the 2009 Regulations if it had been done in any part of the United Kingdom.

Ofsted have provided a list of disqualifiable offences/events in tables A & B of the below guidance

<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006>

You need to read through this and report to the Head without delay if there is anything to declare under the disqualification guidance. It is only the offences/events on this list that we require you to declare. If you are unsure of a specific offence/event is applicable after reading the Ofsted lists, then please let us know so that we can advise you appropriately.

You should also be aware that from this point forward if your circumstances change relating to the disqualification guidance, you are obligated to inform us of this without delay.

You will be required to sign to confirm that you are clear relating to your obligations regarding disclosure pertaining to Disqualification under the Child Care Act 2016, so please make sure that you ask any questions that you are unclear on. If you wish to do this, please speak with the Head in person. If you require additional information or help with any aspect of this, then please let the headteacher know so that we can take advice from our HR provider on your behalf.

I have read and understood the information in this document.

Signed

Print name

Date

## Appendix 6: DBS checks undertaken for new appointments, before the employee or volunteer starts work

| Who?   | Definition   | Type of check   |
|--|--|---|
| Employees who will be engaging in regulated activity | <p>As an educational institution, which is exclusively or mainly for the provision of full-time education to children, Vanguard Learning Trust is an establishment specified in the relevant legislation.</p> <p>Activity carried out in this establishment will therefore be regulated activity relating to children if it meets the definition in the relevant legislation, including that it is carried out:</p> <ul style="list-style-type: none"> <li>● frequently by the same person (for example once a week or more); or</li> <li>● on more than three days in any period of 30 days.</li> </ul> <p>Personal care of a child because of age, illness or disability including physical help with eating, toileting, washing, bathing or dressing is always regulated activity regardless of how frequently it is carried out.</p> | An enhanced DBS check with children's barred list check will be obtained  |
| Unsupervised volunteers                              | As above   | <p>An enhanced DBS check with children's barred list check will be obtained</p> <p>Those applying for Chair of Trustee posts (after 01.04.17) must also have their identity verified for a stipulated professional as part of their DBS check as per the link (<a href="#">click here</a>).</p> |
| Supervised volunteers                                | <p>Where an individual is a volunteer (eg. carrying out activity that is unpaid) they will not be engaging in regulated activity if:</p> <ul style="list-style-type: none"> <li>● they are being supervised by someone that is in regulated activity; and</li> <li>● the supervision is regular and day to day (eg., it is ongoing); and</li> <li>● the supervision is reasonable in all the circumstances to ensure the protection of children.</li> </ul> <p><i>This may take into account for example, the age (including the variation in ages), number and vulnerability of children the individual is working with, the nature of the work and opportunity for contact with children, whether other individuals are helping to look after them and how many workers a supervisor is supervising.</i></p>                           | We are unable by law to obtain a barred list check on a supervised volunteer. We will however obtain an enhanced DBS check (with no barred list check) for supervised volunteers.   |

## Appendix 7: Risk assessment for staff awaiting DBS disclosure

This form is to be completed to make an assessment about a candidates' suitability to commence employment prior to receipt of a DBS disclosure. The risk assessment must be carried out and signed by the headteacher/CEO **before** the individual commences employment.

Candidate's Name.....

Post Applied For.....

Provisional start date.....Date Disclosure check requested.....

|   |                      |
|---|----------------------|
| 1. Did the applicant submit a fully completed application form including all previous employment and gaps in employment?  | <b><u>Yes/No</u></b> |
| 2. Did the applicant fully complete and physically sign a completed application form?   | <b><u>Yes/No</u></b> |
| 3a. Did the applicant declare any criminal convictions, bindovers, cautions, reprimands or police investigations which might lead to a conviction, orders binding them over or cautions in the UK or any other country? | <b><u>Yes/No</u></b> |
| 3b. If yes, are these convictions relevant to the work that they are being employed to undertake?   | <b><u>Yes/No</u></b> |
| 3c. If yes, are these convictions of a serious nature i.e. offences against children / vulnerable adults / violent or sexual offences etc?  | <b><u>Yes/No</u></b> |
| 3d. If yes, please state details:   |                      |
| 4a. Did the applicant declare that they had been subject to any disciplinary investigation or action, including suspension.   | <b><u>Yes/No</u></b> |
| 4b. If yes, please state details:   |                      |
| 5. Have you obtained references?  | <b><u>Yes/No</u></b> |
| 6a. Do the individual's references give any cause for concern?  | <b><u>Yes/No</u></b> |
| 6b. If yes, please state details:   |                      |

|  |                      |
|--|----------------------|
| 7a. At interview, did the individual say or do anything which gave cause for concern, in relation to allowing them to commence work before a DBS disclosure is received?   | <b><u>Yes/No</u></b> |
| 7b. If yes, please state details:  |                      |
| 8a. Has the individual ever had a DBS/CRB/police check previously?   | <b><u>Yes/No</u></b> |
| 8b. If yes, when was this done and with whom (employer)?   |                      |
| 9. Does the job involve regularly caring for, training, supervising or being in sole charge of children?   | <b><u>Yes/No</u></b> |
| 10. Will the individual be required to work alone during their induction period?   | <b><u>Yes/No</u></b> |
| 11a. Will the individual have access to, or opportunity to commit an offence against a student?  | <b><u>Yes/No</u></b> |
| 11b. If yes, what precautions or measures will you put in place to prevent this from happening?  |                      |
| 12. Are you satisfied the risk of possible offending can be minimised by ensuring that satisfactory supervisory measures listed above can be implemented to prevent the individual from being alone with students? | <b><u>Yes/No</u></b> |
| 13. Please outline the implications of delaying the individual in commencing employment  |                      |

**DECLARATION BY HEADTEACHER/CEO**

Please tick one of the following statements

|  |  |
|--|--|
|  | I have considered the questions outlined above, and <b>I am not satisfied</b> that it is safe to allow the above named individual to commence to work before the DBS disclosure clearance is received. |
|--|--|

OR

|  |  |
|--|--|
|  | I have considered the questions outlined above and confirm that <b>I am satisfied</b> that it is safe to allow the above named individual to commence work before the DBS disclosure clearance is received, subject to the safety measures detailed above being in place |
|--|--|

I confirm that I have notified relevant and appropriate school staff that the individual is still subject to clearance and of the need to ensure the above measures are implemented.

I confirm that I have explained to the individual concerned the implications of commencing work prior to clearance being received and the possibility that disciplinary action including summary dismissal may result if it is subsequently discovered that the individual did not disclose any material facts relating to their employment.

**Signed** .....

**Print Name** .....

**Date** .....

**This form should be retained on the candidate's personal file at school and a copy sent to Employment Services, until a suitable DBS Disclosure is received allowing a decision to be made about their continuing employment.**