

May 2017

The *Active Learning* Trust



## **SAFER EMPLOYMENT POLICY**

## 1. Policy Statement

We are committed to safeguarding and promoting the welfare of children and young people. We expect and require all members of the school community to share this commitment.

We will ensure that our employment policies and practices support the development and maintenance of an environment where children and young people are safe and able to make the most of their opportunities to learn.

Our policies and practices will support the recruitment, retention, deployment and development of competent, well-motivated employees who are suited to and fulfilled in the roles they undertake.

The first step towards safeguarding and promoting the welfare of children in our establishment is to ensure that we recruit and select employees, workers and volunteers in accordance with best safer recruitment practice. However, we recognise that this is only one aspect of securing a safe environment for children and young people. This policy is designed to bring together in one document the link to all the different strands of our practice that promotes safer employment.

The policy is grounded in the good practice set out in 'Keeping Children Safe in Education' and as from time to time amended.

This policy applies to all employees, governors, volunteers, agency workers, supply staff and anyone else who undertakes work of any kind on our premises.

In developing the policy, full consideration has been given to the requirements set out in the Equality Act, 2010 in relation to protected characteristics.

This Policy does not form any part of any employees contract of employment and may be amended at any time in consultation with Trade Unions.

## 2. Roles and responsibilities

The Local Governing Body will;-

- 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;
- ensure that the school/academy has effective policies and procedures in place for the recruitment of all staff and volunteers, in accordance with DfE guidance and legal requirements;
- delegate responsibility for recruitment and selection to the Headteacher/Principal but will support the Headteacher/Principal in discharging this role;
- work with the Chief Executive of the Trust and his/her officers in the appointment of a suitable new Headteacher/Principal;
- ensure that the school/academy has effective policies and procedures in place for promoting safer employment and child safeguarding;
- undertake appropriate training in relation to child safeguarding;
- monitor the school/academy in compliance with safer employment and child safeguarding policies on an annual basis.
- have regard to and monitor Equality of Opportunity considerations as part of employment.

The  
Headteacher/Principal  
will:

- ensure that the school/academy operates safe recruitment practices and

- ensure that all appropriate checks are carried out on staff, volunteers and others;
- ensure that the school/academy operates safer employment practices at all times and make sure that managers and staff fully understand the important part they play in achieving a safe environment for children and young people;
- monitor contractors' and employment agencies' compliance with this document;
- promote the welfare of children and young people at all times.

All other staff, volunteers, agency workers, supply staff, visitors and others will be expected and required to comply with the spirit and intention of this document.

### **3. Contractors**

All contractors and agencies supplying staff to work in the school/academy are required to undertake safer recruitment pre-employment checks.

Arrangements will be put in place with contractors to make sure that they, or any employee of the contractor working at the school/academy, has been subject to the appropriate level of DBS check, if any such check is required.

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

If a contractor working at the school/academy is self-employed, we will consider obtaining the DBS check in their case as self-employed people are not likely to be able to make an application directly to the DBS on their own account.

We will always check the identity of contractors and their staff on arrival at the school.

### **Visitors**

We 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). The Headteacher/Principal will use their professional judgment about the need to escort or supervise visitors.

## **4. Recruitment and Selection**

*(Note: Also see the school/academy Recruitment & Selection Policy and refer to the latest version of 'Keeping Children Safe in Education')*

### **4.1 General principles**

This policy provides a good practice framework to comply with the principles set out in the Equality & Diversity Policy of the Active Learning Trust and in the Equality Act, 2010. We fully recognise the value of, and will seek to achieve, a diverse workforce which includes people from different backgrounds with varied skills and abilities. We are committed to ensuring that the employment of all members of our community is fair, transparent, consistent, and efficient and promotes equality of opportunity.

All posts within the school/academy are exempt from the Rehabilitation of Offenders Act, 1974, so all applicants will be required to declare spent and/or unspent convictions, cautions and bind overs (except those that are protected see 4.2.4) and to undertake an enhanced Disclosure and Barring Service (DBS) check. The school/academy is committed to ensuring that people who have been convicted are treated fairly and given the opportunity to establish their suitability for positions. Having a criminal record will not necessarily be a bar to obtaining a position with our school.

We will:

- ensure that all job descriptions and person specifications specify the safeguarding responsibilities of the posts;
- ensure that safeguarding responsibilities are explicit in the job description of the Designated Safeguarding Lead (further guidance can be found in 'Keeping Children Safe in Education');
- ensure that all advertisements, applicant packs, school policies and our website reflect the fact that we take our responsibilities for child safeguarding very seriously;
- ensure that every appointment panel includes at least one member who has received safer recruitment training;
- ensure that reasonable adjustments required by any employee during the recruitment and selection procedure and/or in their employment are thoroughly and appropriately considered;
- implement robust recruitment procedures and checks for appointing staff and volunteers to ensure that all reasonable steps are taken to avoid appointing anyone who is:
  - unsuitable to work with children; or
  - is disqualified from working with children; or
  - does not have suitable skills and experience for their intended role;
- maintain a single central record of recruitment and vetting checks in line with DfE requirements;
- ensure that the terms of engagement for any contract with a contractor or agency requires them to adopt and implement the same standards as are described in this policy, which we will monitor;
- require staff who are convicted or cautioned for any offence during their employment with the school/academy to notify the Headteacher/Principal in writing of the offence and the penalty without delay.

## **4.2 Preparation Stage**

### **4.2.1 Job descriptions and person specifications**

All job descriptions and person specifications will set out the role's safeguarding responsibilities and will be prepared using the school/academy standard templates. The precise range of responsibilities may differ but every post, whether paid or voluntary, will include responsibility for ensuring the safety and security of children and young people.

### **4.2.2 Advertising and applicant packs**

The school/academy will advertise all vacant posts 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 where members of our staff are at risk of redundancy, we reserve the right to advertise the vacancy to the school/academy community first before considering an external advertisement.

Wherever the advertisement is placed, it will include information on the school's commitment to safeguarding and promoting the welfare of children and the requirement for a DBS check. The candidate communications will also include a copy of our child protection policy and a statement of the school's commitment to child safeguarding.

### **4.2.3 Application forms**

The school/academy will use a standard application form for every applicant, based on the templates supplied by the Active Learning Trust. CVs alone will not be accepted. We will expect and require candidates for all posts, paid or voluntary, to provide a full employment history and to account for any gaps or discrepancies either on the application or, subsequently, at interview.

Applicants should be aware that providing false information is an offence and could result in their application being rejected or in summary dismissal if the applicant has already been appointed. This may also result in the matter being referred to the police and/or a professional regulatory body e.g. the Disclosure and Barring Service.

#### **4.2.4 Declaration of convictions**

The school/academy will require the shortlisted applicants for all posts, paid or voluntary, to complete a form declaring all spent or unspent convictions, cautions, warnings or reprimands except those that are protected. This is on the basis that all roles in the school/academy are covered by the Recruitment of Ex-Offenders Exemption Order. The declaration form will also include a question regarding any pending criminal prosecutions.

Some convictions or cautions (including warnings and reprimands) are deemed “protected” under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended by the Rehabilitation of Offenders Act 1974 (Exceptions) order 1975 (Amendment) (England and Wales) Order 2013. This means that some spent convictions and cautions will become protected when specific conditions are met. Protected convictions and cautions will not be disclosed in a DBS check and the school cannot ask for information about protected convictions or cautions, or take these into account when considering an appointment. Further information on ‘protected’ convictions and cautions is contained in the 2013 Filtering Rules on the DBS website.

The Headteacher/Principal (or his/her nominee) will discuss any relevant, positive declarations with the applicant, however they must not ask about anything that is protected. The disclosure of convictions, cautions or pending prosecution will not necessarily prevent the applicant being appointed but the information will be considered as part of the pre-employment risk assessment in the same way as DBS disclosures.

### **4.3 Selection stage**

#### **4.3.1 Short listing**

Short listing will always be carried out by a minimum of two people, using an agreed short listing form in the interests of transparency. The short listing criteria will be drawn from the person specification for the vacant post. The short listing panel will agree the candidates to be called for interview and the notes of their decision will be retained on the appointment file.

#### **4.3.2 References**

References will be sent for in relation to all short listed candidates immediately after short listing. We will always expect to take a reference from the current employer. The only exception to this will be where the candidate has indicated that they do not wish their current employer to be contacted prior to appointment. Where this applies, a reference will be sought from the second referee prior to the interview and the reference from the current employer will be taken up immediately after the interview and before the offer of appointment is confirmed.

**We will not accept employer testimonials or ‘bearer references’ i.e. those provided by the candidate and/or marked ‘to whom it may concern’.** References must be in writing and be specific to the job for which the candidate has applied. The school/academy will not accept references from relatives or people writing solely in the capacity as a friend of the candidate for any post. The school/academy may use a pro-forma to request a reference provided it is in accordance with ‘Keeping Children Safe in Education’.

Reference requests will specifically ask the referee to confirm:

- the referee's relationship with the candidate;
- details of the applicant's current post and salary;
- performance history and conduct;
- any disciplinary action involving the safety and welfare of children, including any in which the sanction has expired;
- details of any substantiated allegations or concerns relating to the safety and welfare of children;
- whether the referee has any reservations as to the candidate's suitability to work with children. If so, the school will ask for specific details of the concerns and the reasons why the referee believes the candidate may be unsuitable to work with children.

References will be compared to the application form to ensure that the information provided is consistent. Any discrepancies will be discussed with the candidate at interview.

Any information about previous disciplinary action or allegations will be considered based on the circumstances of the case. Where the issue was resolved satisfactorily some time ago, or the allegation was unsubstantiated or did not require formal disciplinary sanction, it is unlikely to cause concern. More serious and/or more recent issues are more likely to be a cause for concern, as is a history of repeated, substantiated concerns or allegations. We reserve the absolute right not to make an appointment if there are significant concerns, as our first priority is the safeguarding of the children at the school/academy.

#### **4.3.3 Selection process**

This will differ depending on the nature of the post but will always include a face to face professional interview with a minimum of two people (normally three). For some posts, including for members of the leadership group or teaching posts, the selection process will normally include some activity involving children e.g. meeting the school council, taking an assembly, etc.

The selection process for every post, paid or otherwise, will include an opportunity to discuss the candidate's understanding of child safeguarding issues. The interview will also include a discussion of any convictions, cautions or pending prosecutions the candidate has declared. If the candidate has not made any declaration, the interview panel will give them a further opportunity to share any information regarding their background that may influence the decision on their appointment.

The responses given by all the candidates to all the questions will be noted and retained after the interview. The interviewers will sign and date the copies of all interview notes, which will be retained for six months from the date of interview. The interview notes for the successful candidate will be retained on his/her personnel file for the duration of his/her employment at the school/academy.

#### **4.3.4 Decision**

After all the candidates have been interviewed, the selection panel will consider all the information available to them and will assess each candidate against the criteria for the post. This should identify which candidate should be appointed. The selection panel will make notes of the reason for its decision and will sign and date the notes, which will be retained for six months after the date of the interview. The notes relating to the successful candidate will be retained indefinitely as indicated above.

#### **4.4 Pre-appointment checks**

The following pre-employment checks will be undertaken before any new employee begins work at the school/academy:

- references – we will take up at least two references, one of which will be from the former or most recent employer. Ideally, we will aim to have references that cover

the last five years of the candidate's career;

- an identity check – we will obtain verification of the candidate's identity in order to comply with the requirements of the Immigration, Asylum and Nationality Act, 2006;
- verification of qualifications relevant to the post;
- verification of medical fitness – the successful candidate will be asked to complete a confidential medical questionnaire, which will be sent in a sealed envelope to the school's Occupational Health Service for assessment;
- verification of any appropriate professional registration;
- verification of successful completion of the induction period (for those who obtained QTS after May 1999)
- a satisfactory enhanced DBS certificate;
- a prohibition from teaching check;
- a check to establish the person's right to work in the UK.

The successful candidate will be informed that we will not confirm their appointment until all of the above checks have been completed satisfactorily.

#### **4.4.1 Administration**

Proof of identity and other documentation will be verified by an appropriately trained member of staff, as designated by the Headteacher/Principal. Candidates will be expected to produce original certificates, e.g. birth certificates, qualification certificates and other documentation. We will not retain the original documents but will take photocopies to be retained on the successful candidate's personnel file. We will sign and date the copies and will annotate them with the wording to record that the original document was seen on (date) by (name).

If the original documents cannot be produced, we will require a properly certified copy. Where candidates have obtained their professional qualifications outside the UK, a certified comparability check will be required from NARIC. Our school/academy HR Service will obtain the check on our behalf.

#### **4.4.2 Employment offer**

Where possible, we will negotiate a provisional start date with the preferred candidate, however all the pre-employment checks set out above must be completed **before** the appointment is confirmed and the employee begins work. The only exception to this is the DBS certificate, where the risk assessment described in 4.4.3 may apply. Once all pre-employment checks have been satisfactorily completed, the offer of employment will be made and the contract of employment will be issued. In all normal circumstances it is expected that the, the new employee will receive the contract no later than 8 weeks of the employment commencing, although we will aim to ensure that the documentation is supplied before they take up their new post.

#### **4.4.3 Commencement of employment prior to receipt of DBS certification**

In exceptional circumstances, provided no criminal record has been disclosed, the school may undertake a risk assessment to determine whether the successful candidate may commence employment prior to receiving the DBS certificate. A full risk assessment will be undertaken by the Headteacher/Principal and Chair of Governors, who will document their decision.

#### **4.4 Record retention/data protection**

The school/academy will retain all interview notes on all candidates for a 6-month period, after which the notes for all but the successful candidate will be destroyed. The 6-month period will allow the school to deal with any data access requests, recruitment complaints or complaints of discrimination raised in the Employment Tribunals.

Under the Data Protection Act, 1998, applicants have the right to request access to notes written about them during the recruitment process. Applicants who wish to access their interview notes

must make a subject access request in writing to the Headteacher/Principal within 6-months of the interview date.

#### **4.4.5 Personnel file**

The school/academy will retain the following recruitment and selection information for the successful candidate for the duration of his/her employment with the school:

- application form – signed by the applicant
- interview notes – including questions, answers and explanation of any gaps in employment history
- proof of identity – copies of certificate/passport/driver's license, etc. We will not retain copies of utility bills, bank statements, etc. on file
- proof of right to work in the UK
- references ( minimum of two) and disclosure of convictions form
- proof of academic qualifications
- evidence of medical clearance from the Occupational Health service
- evidence of DBS clearance (e.g. notification form from the school/academy HR Service provider or the DBS certificate number but not the actual certificate).

Personnel files will be kept securely and will only be accessed by the Headteacher/Principal and his/her nominee.

### **5. Single Central Record**

In line with DfE requirements, the school will maintain a single central record of recruitment and vetting checks. The record will include details of all employees including casual staff, agency workers (whether paid directly or through an agency), volunteers, governors who also work as volunteers and those who provide additional teaching or instruction for pupils but are not directly employed e.g. sports coaches, artists, language tutors, etc.

The central record will indicate whether/when the following were completed and by whom:

- Identity checks
- Qualification checks
- Checks on the right to work in the UK
- A prohibition from teaching check
- List 99/Barred list checks
- DBS disclosure
- Overseas records e.g. Certificates of Good Conduct, where appropriate.
- Disqualification by Association checks (for the relevant employees)

In order to record agency workers or supply staff, the school/academy will request written confirmation from the agency that it has carried out the checks described above satisfactorily. The school will not undertake checks on such staff except where there is information contained in the DBS disclosure. However, we will check that the person arriving is genuinely the person the agency has referred to us by asking him/her for photographic proof of identity.

The Headteacher/Principal will undertake an annual review of the single central record to ensure that it remains accurate and will confirm the outcome to the Local Governing Body.

### **6. Induction**



Every new member of staff, paid or voluntary, will be entitled to an induction to the school. The details of the induction programme will vary depending on the individual's role in the school but all new starters will receive guidance on child safeguarding either in literature issued prior to their commencement of employment or from one of the Designated Persons for Child Protection on in their first days at school. The guidance will include information on how to raise a concern if the new employee identifies poor practice during the course of his/her employment.

Every induction programme will include a checklist, which the new employee or volunteer will sign and date as soon as they have completed each activity. A copy of the induction checklist will be placed on their personnel file for future reference. It is the responsibility of the Designated Person for Child Protection to ensure the school's policies are known and used appropriately, (as outlined in Keeping Children Safe in Education).

## **7. Probationary periods**

Support staff and volunteers will be subject to a six month probationary period during which their performance and behaviour will be monitored. In exceptional cases, the probationary period may be extended for up to a further six months if necessary.

School staff and volunteers will be given a copy of the school/academy Code of Conduct, the DfE guidance entitled 'Safer Working Practice for Adults who work with Children and Young People in Education Settings' issued in March, 2009 ( or the appropriate updated version), which will be discussed with them to ensure their understanding. They will be required to sign a declaration confirming that they have read and understood the document and will follow the guidelines required to maintain professional boundaries at all times.

## **8. Training and development**

All members of school staff and volunteers will receive Basic Child Protection Training at three-yearly intervals organised by the Designated Personnel for Child Protection (DP). The training may be delivered as an online package. The DP will receive refresher training every two years.

The DP is responsible for ensuring that all staff are aware of the relevant policies and procedures for child safeguarding and are able to identify when a child may be suffering or at risk of suffering harm or neglect. The DP will ensure that all staff and volunteers understand the principles of 'Safer Working Practice' (see above) and recognise that the school/academy has a protective ethos in which the needs of the children are paramount.

The following people will undertake safer recruitment training (which may be provided as an online training package):

- The Headteacher/Principal
- Selected Deputy Headteacher(s)/Principal(s)
- The Designated Safeguarding Lead
- The School Administrator/Bursar/Business Manager
- Members of the Local Governing Body nominated to be involved in recruitment activities

## **9. Whistle blowing**

The school/academy adopts a culture of vigilance where concerns about inappropriate practice are listened to and taken seriously. We have adopted the Active Learning Trust Whistleblowing Policy, copies of which will be available to all staff and volunteers (including being made available on our school/academy website as appropriate).

## **10. Code of conduct**

The school's Code of Conduct, which includes reference to the DfE 'Guidance on Safer Working Practice for Adults who work with Children and Young People in Education Settings', sets out the standards of behaviour we require from all of our employees. The school/academy Code of Conduct sets out the basic rules and principles that govern the way we work.

The Code of Conduct will be provided to all new employees as part of their induction. Copies will also be made available on the school/academy Intranet and on staff room notice board(s). The following members of the school community are also expected to abide by the principles contained in the Code of Conduct:

- Volunteers
- Governors
- Agency workers
- Supply staff
- Consultants.

In addition teachers, including the Headteacher/Principal, are expected to abide by the Teacher Standards 2012 that state they should safeguard children's wellbeing and maintain public trust in the teaching profession as part of their professional duties.

The school/academy undertakes to apply these Codes of Conduct fairly and consistently. We expect the Headteacher/Principal and other school leaders to apply the Codes of Conduct robustly to ensure that the integrity of members of our school/academy community is beyond reproach. Where necessary, we will enforce the Codes of Conduct through our disciplinary rules and disciplinary procedure. We believe that breaking some of the rules is so serious that we may consider summary dismissal for a first offence of gross misconduct.

#### **11. Contact with children outside work**

Whilst we wish members of the school/academy community to work together in a positive manner, we do not encourage employees or volunteers to make contact with children and young people outside work. Our employees are strongly advised to follow the good practice advice contained in the 'Guidance on Safer Working Practice for Adults who work with Children and Young People'. This is for the safety of the children, which is paramount and in the best interests of the members of staff or volunteers.

#### **12. Acceptable use of ICT/social networking**

In line with the guidance in section 11 above, employees must not have personal contact with children and young people via their personal e-mails or social networking sites.

#### **13. Dress code**

All staff and volunteers should dress appropriately for a setting in which impressionable children and young people will be present. If in doubt, advice on this issue can be obtained from the Headteacher/Principal and some trade unions also produce guidance on suitable dress codes. Further information can also be found in the 'Guidance on Safer Working Practice for Adults who work with Children and Young People in Education Settings'.

#### **14. Administering first aid**

The school/academy will maintain a list of persons who have been trained to administer first aid and have been briefed on the child safeguarding issues they must consider: First aid will be administered in line with the Intimate Care Policy.

## **15. Self-disclosure**

During their employment with the school/academy, all employees and volunteers are required to disclose any changes of circumstances to the Headteacher/Principal. This includes details of any criminal investigations, convictions or warnings to which they may be subject, or any relevant information that a reasonable employer might consider would impact on their employment.

Employees should always discuss with their line manager any difficulties or problems that may impact on their suitability to work with children and young people, so that appropriate support can be provided or action taken. Failure to notify the Headteacher/Principal of any conduct that may or will result in the employee or volunteer being placed on one of the government's Disclosure and Barring Service's barred lists will be treated as gross misconduct and may result in summary dismissal.

## **16. Educational visits/activities**

All employees involved in educational visits will be able to obtain advice on specific child safeguarding issues from the Designated Person for Child Protection.

## **17. Managing allegations**

The DP will also ensure that staff and volunteers understand they must refer any apparent misconduct and concerns about a child to the DP and/or the Headteacher/Principal. The school/academy will refer any allegation against a member of staff or volunteer to the County Council's named senior officer, who will liaise with the Designated Officer (DO) as necessary. The referral will be made within 24 hours of the allegation being received.

The school/academy will cooperate with any investigation that may follow, in accordance with the DfE and the Local Safeguarding Children Board's allegations procedures. The procedures will apply even if the employee or volunteer ceases to work at the school.

If there have been concerns about a member of the school/academy staffs suitability to remain in the children's workforce, we will not enter into any settlement agreement and will make a referral to the Disclosure and Barring Service as appropriate.

Further guidance on managing allegations can be found in Keeping Children Safe in Education Part 4

Employees should also refer to the Policy on dealing with Allegations of Abuse against Staff.

## **18. Design of school buildings**

The design and layout of school buildings can contribute to developing a safer environment and safer culture for children and young people. The Headteacher/Principal and governors will review the layout of the school to ensure that there are no areas where children may be placed at risk e.g. isolated classrooms without windows, etc. Where areas of the school site are identified as a concern, action will be taken without delay to minimise or eliminate any risk for children and young people.

## **19. Monitoring safer employment practice**

The Headteacher/Principal is responsible for monitoring the school's adherence to safer recruitment and safer employment practice. The Headteacher/Principal will report to the full Local Governing Body annually on safer employment practice in the school/academy.

The Local Governing Body will appoint one governor to act as the safer employment champion,

who will support the Headteacher/Principal in ensuring that that school operates fair practices that ensure a safe environment for children and young people.

The Headteacher/Principal and Chair of Governors will complete an annual child protection monitoring report, which will be presented to the full Local Governing Body for endorsement and action.

**Appendix One: Reference documents and websites**

‘Keeping Children Safe in Education: Statutory guidance for schools and colleges. DfE  
‘Working Together to Safeguard Children’. DfE.

‘Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings’. DfE. March 2009

Disclosure and Barring Service website:

[www.gov.uk/government/organisations/disclosure-and-barring-service/](http://www.gov.uk/government/organisations/disclosure-and-barring-service/)