



# The MAST Academy Trust

<b>Policy</b>	Safer Recruitment Policy	
<b>Owner</b>	The Mast Executive Administrator	
<b>Date approved</b>	17 <sup>th</sup> June 2021	
<b>Approver</b>	Trust Board Staffing Committee	
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## Objective of Policy

To deliver The Mast Academy Trust's commitment to safer recruitment of staff working with children and young people. It ensures that our recruitment processes comply with current safeguarding legislation and regulations including the Working Together to Safeguard Children 2018, Keeping Children Safe in Education September 2020 and the Disclosure and Barring Service (DBS) provisions.

Version Control	
Version Number	Summary of amends from previous version
2.0	Updated to new version format, 3 year review. Adjustments to wording in section 4 bullet point 3. Adjustments to wording in section 5 relating to criminal conviction declarations

Sign off requirements			
Approvers		Position	
Staffing Committee		Trust Board	
Reviewers		Position	
Natasha Greenough		CEO The MAST	
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Unions consulted			
ASCL	GMB	NEU, (ATL)	NAHT
NASUWT	UNISON	UNITE	

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## **1.0 Introduction**

This policy has been designed to deliver The Mast Academy Trust's commitment to safer recruitment of staff working with children and young people. It ensures that our recruitment processes comply with current safeguarding legislation and regulations including the Working Together to Safeguard Children March 2015, Keeping Children Safe in Education September 2020 and the Disclosure and Barring Service (DBS) provisions.

## **2.0 Statement of Intent**

The Mast Academy Trust is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. Fair and thorough recruitment, selection and interview processes are in place throughout The Mast Academy Trust

## **3.0 Safer Recruitment & Vetting: Overview of Policy Framework**

To fulfil our commitment to safeguarding recruitment we will, under the terms of this policy:

- Ensure the Trust's statement of intent is included in appropriate Trust publicity and management materials including websites, advertisements, candidate information packs and person specifications.
- Ensure all recruitment complies with our duties under the Equality Act (2010) and Public Sector Equality Duty (2011)
- An impact assessment is undertaken annually on all staffing policies to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by the policy or practice.
- Safer recruitment checks of applications will be carried out by a safer recruitment trained person.
- Our interview panel will always have at least one member of staff present who has safer recruitment training. Senior members of staff including Headteachers, Deputy Headteachers and other appropriate staff will have this training at least every 5 years unless there is a change in national policy that deems it to be done sooner.
- Undertake a rolling programme of 3 yearly renewals of Enhanced Disclosure checks on all of our staff.
- Ensure checks are carried out on staff when Disqualification by Association legislation is relevant.
- Ensure that, when a positive DBS check is received, the appointment decision is made by the CEO.
- Ensure that the protection of children and young people is a condition of awards/grants and service level agreements when planning the commissioning/contracting of services and that inspection mechanisms are in-built as part of normal contracting arrangements as a means of auditing compliance.
- Ensure that prospective employees do not normally commence working for The Mast Academy Trust's until full clearances of all relevant pre-employment checks have been received and verified. Any decision for employment to commence prior to receipt of full pre-employment checks can only be taken by the CEO.
- Monitoring and reviewing of the single central record at each Trust establishment will be carried out by the Headteacher and/or the Designated safeguarding lead and monitored by the governing body.

## **4.0 Safer Recruitment Standards**

This policy ensures that the Trust's recruitment practices comply with the Working Together to Safeguard Children 2018, Keeping Children Safe in Education September 2020 provisions and the DBS safer recruitment standards. In summary, all recruitment to posts that involve working with or have access to information about children and young people must require the successful applicant to:

- Complete a detailed application for the post. CV's will not be accepted.
- Provide at least two pieces of identification, one of which should be photographic, which should identify name, current address and date of birth. Normally for proof of identification/eligibility to work in the UK the individual should present their passport and if a passport not held, their birth certificate and national insurance number.
- Provide details for at least two references, which will be followed up before a candidate attends an interview/assessment day. One reference should be from the current or last employer (Headteacher) or an organisation which has knowledge of the applicant's work or volunteering with children or young people. In exceptional circumstances the trust/school may interview without references prior, where the candidate does not wish to notify their current employer; applicants must make this clear when submitting an application. Job offers will always be on condition of satisfactory references, the recruiting body will raise any concerns before confirming appointment.
- Consent to an Enhanced DBS Disclosure and provide evidence of the DBS certificate on receipt.
- Be aware that they have a responsibility to disclose any subsequent convictions, cautions etc. if employed by the Trust.
- Undergo an interview which assesses the applicant's suitability for the particular role, his/her attitude towards children and young people and their ability to perform their role.
- Overseas staff should be checked in the same way as for all other staff and additionally, a certificate of good conduct from their home police force or embassy will be requested by the Trust, as well as from other countries where they have worked. DBS disclosures do not detail offences committed abroad.

Any updates to the annual Keeping children Safe in Education relating to safer recruitment will be reflected on as part of this policy.

## **5.0 The applicant/employee's duty to disclose information**

A central feature of safer recruitment and employment is that the Trust requires all applicants and existing employees to disclose any convictions/cautions that are not protected to the Trust if shortlisted, and as part of the recruitment process and, via an ongoing duty, to the Trust, the Headteacher of their school. Any failure to disclose relevant information will be regarded as a potentially serious breach of trust and confidence and may result in disciplinary action, potentially leading to dismissal, of existing staff or non-appointment of applicants. Any decision to appoint someone under these circumstances will be taken by the CEO.

## **6.0 Safeguarding checks for Agency/Supply Staff**

Staff engaged from recruitment agencies must have the relevant level of DBS clearance. Should a positive disclosure be returned, the decision about whether to engage the individual is the responsibility of the Headteacher or CEO (dependent on the role being recruited) and subject to risk assessments. Safeguarding summary sheets including DBS information are provided by the relevant agency and individuals must bring photographic ID.

## 7.0 The Single Central Record

In academies/organisations, a single central record of safeguarding checks for those who work within the organisation on a paid or voluntary basis must be maintained. The record, as prescribed by DFE guidance, should include:

- the correct checks for all staff employed at the school, whether directly or through an agency; anyone else who is identified by the school as 'working in regular contact with children'
- identity; name and confirmation that all relevant identification has been checked and dated.
- qualifications; where the qualification is a requirement of the job, i.e. posts where a person must have qualified teacher status.
- evidence of permission to work in the UK
- the date and number of a List 99 check, if appropriate as a separate item
- the date and number of enhanced DBS disclosure including barred lists
- a section 128 check (for management positions for independent schools (including academies and free schools);
- further checks on people who have lived or worked outside the UK; this would include recording checks for European Economic Area (EEA) teacher sanctions and restrictions.
- prohibition list check for all senior leaders, teachers and HLTAs

## 8.0 Disclosure and Barring Service (DBS) clearance

All staff in the Trust, i.e. in posts that have access to children or young people or information about them; require the appropriate level of DBS clearance before they can commence employment. Outlined below is the detail of how this policy and process will operate.

## 9.0 Enhanced DBS checks

Enhanced DBS checks are required for all posts in the Trust as they are those that involve:

- i. unsupervised activities: teach, train, instruct, care for or supervise children, or provide advice/ guidance on well-being, or drive a vehicle only for children;
- ii. work for a limited range of establishments ('specified places'), with opportunity for contact: e.g. schools, children's homes, childcare premises.

Work under (i) or (ii) is regulated activity only if done regularly: "regularly" is defined as

- (a) Teaching, training or instruction of children, carried out by the same person frequently (once a week or more often), or on 4 or more days in a 30-day period, or overnight.

## 10.0 Positive Disclosures

The term "positive disclosure" refers to a disclosure containing information relating to convictions, cautions, reprimands and so on, plus "soft information" relating to non-convictions but which the police deem as relevant. Positive disclosures will be referred to the Headteacher, who will be responsible for completing a risk assessment (Appendix One) of whether the

offence(s) listed is/are sufficiently serious to cause concern, and notify the CEO. To aid the decision making process it may be appropriate to interview the applicant to verify the information received, prior to any judgements being made. The assessment of the positive disclosure will be in accordance with the following checklist:

- the likely impact that the positive disclosure could have on the individual's ability to carry out the job role;
- the seriousness and nature of the offence(s);
- the nature of the appointment;
- the length of time since the offence(s) occurred;
- the number and pattern of offences;
- the applicant's age at the time;
- any explanation of the circumstances of the offence(s) that may already have been given
- concealment of the offence(s) at the application stage

### **11.0 Appointment without full DBS clearance**

Following an offer and acceptance of employment, employees should not commence working for the Trust until full clearances of all relevant pre-employment checks, including DBS clearance, have been received and checked. Human Resources will ensure that all necessary clearances have been received before the individual commences employment. Any decision for employment to commence prior to receipt of full pre-employment checks can only be taken by the Headteacher or CEO (dependent on the role being recruited), following a risk assessment based on the nature of work; the level of exposure to children and the information provided on the application form. The contract of any employee appointed prior to receiving clearance should remain subject to this condition being met. Until such time as the DBS clearance is received, the employee will remain subject to robust control measures of which they will be notified. The line manager is responsible for monitoring the individual until clearance is received.

### **12.0 Portability**

All newly appointed individuals will be required to complete an enhanced DBS application. The Trust use a system whereby an individual completes the DBS application online and the HR department verify the identity of the individual using rigorous ID checks. Once completed, the individual will receive their DBS certificate in the post and this must be shown to the Headteacher of their school/HR lead as directed. DBS has introduced an Update Service to allow employers to carry out instant online Status Checks on an individual's DBS Certificate. If an individual has joined the Update Service and holds an enhanced DBS certificate containing the relevant barred list check, the Trust will use the Update Service to carry out a status check. If the following information is gained:

*This DBS Certificate did not reveal any information and remains current as no further information has been identified since its issue.*

This means

- The DBS Certificate when issued was blank i.e. it did not reveal any information about the person; and
- No new information has been found since its issue and can therefore be accepted as being still current and valid.

This status check will be carried out with the individual's permission and sight of the original DBS certificate will be gained by the Trust.

### **13.0 3 yearly renewals of enhanced DBS checks**

All checks of persons in posts that require Enhanced Disclosure clearance from the DBS will be renewed on a 3 yearly basis (or as soon as possible thereafter) to ensure that their ongoing employment in their position of trust is appropriate.

Each organisation within the Trust will report annually to the Human Resources Manager on the status of all staff DBS checks.

### **14.0 Safer recruitment & vetting: Roles and Responsibilities**

#### The Headteacher or Chief Executive Officer for Trust employees

The Headteacher or CEO is responsible for:

- Considering positive disclosure information when received from the DBS and determining and recording whether appointment should proceed. (Appendix One)
- Ensuring relevant partner agencies and organisations are aware of their responsibilities under safeguarding, through communication and training where appropriate
- Undertaking and recording a risk assessment (Appendix Two) where appointments are requested prior to receiving DBS clearance and determining whether the appointment may proceed
- Ensuring that the protection of children and young people is a condition of awards/grants and service level agreements when planning the commissioning/contracting of services and that inspection mechanisms are in built as part of normal contracting arrangements as a means of auditing compliance. The CEO may delegate the responsibilities above to a small number of suitably trained and experienced staff; however, they remain accountable for advice given and decisions made.
- Monitoring of training delivered to organisations on safer recruitment particularly when legislation/guidelines are updated/changed.

#### Human Resources

Staff who deal with Human Resources are responsible for:

- Progressing all DBS checks for new starters
- Ensuring the Trust's statement of intent is included in appropriate recruitment materials including websites, advertisements, candidate information packs and person specifications.
- Undertaking a rolling programme of 3 yearly renewals of Enhanced Disclosure checks
- Ensuring that, when a positive DBS check is received, the appointment decision is referred to the CEO.
- Undertaking DBS checks for any non - employed groups, e.g. Trustees, local governing body members.
- Monitoring of safer recruitment systems and procedures in place within each organisation.

Documents/websites consulted and referred to in compiling this policy: -

- Keeping Children Safe in Education (September 2016)
- Disclosure and Barring Service – DBS ([www.gov.uk](http://www.gov.uk)) - Ofsted ([www.ofsted.gov.uk](http://www.ofsted.gov.uk))



**Appendix A: POSITIVE DISCLOSURE RISK ASSESSMENT**

Academy.....	
Name of Individual.....	
Role offered.....	
DBS Date and Number.....	
What is the offence and what was the outcome?	
When did the offence(s) occur and what was the applicant's age at the time? What is their age now?	
Is there a number and pattern of offence(s)?	
Explanation of the circumstances of the offence(s)?	
Were the offence(s) concealed at the application stage?	
What role will the individual be doing?	
The likely impact that the positive disclosure could have on the individual's ability to carry out the job role?	
<b>CEO Approval for individual to commence role in Academy</b>	<b>YES/NO</b>
CEO Signature.....Date.....	
I understand that this document will be held on my HR file for the duration of my paid/unpaid employment with The Mast Academy Trust's.	
Individuals Signature..... Date.....	

**Appendix B: APPOINTMENT BEFORE ENHANCED DBS CLEARANCE**

Academy.....	
Name of Individual.....	
Role offered.....	
Has the application form been scrutinised for any gaps in employment etc.?	
Do we have 2 references?	
Has a List 99 been completed?	
What control measures will be put in place with the line manager for supervision before receipt of the DBS?	
<b>CEO Approval for individual to commence role in Academy</b>	<b>YES/NO</b>
CEO Signature.....	Date.....

CC Line Manager