



Three Towers

An Alternative Provision Academy

Expanding Horizons

Procedures for Safer Recruitment and DBS Checks

Adopted: February 2024

Review: Annually in line with the Safeguarding
& Child Protection Policy

To be read alongside the RLT Recruitment Procedures

1 Recruitment and selection process

The recruitment steps outlined below are based on part 3 of Keeping Children Safe in Education.

To make sure we recruit suitable people, we will ensure that those involved in the recruitment and employment of staff to work with children have received appropriate safer recruitment training.

We have put the following steps in place during our recruitment and selection process to ensure we are committed to safeguarding and promoting the welfare of children.

1.1 Advertising

When advertising roles, we will make clear:

- TTAPA and the Rowan Learning Trust's commitment to safeguarding and promoting the welfare of children;
- that safeguarding checks will be undertaken;
- the safeguarding requirements and responsibilities of the role, such as the extent to which the role will involve contact with children;
- whether or not the role is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, 2013 and 2020. If the role is exempt, certain spent convictions and cautions are 'protected', so they do not need to be disclosed, and if they are disclosed, we cannot take them into account.

1.2 Application forms

Our application forms will:

- include a statement saying that it is an offence to apply for the role if an applicant is barred from engaging in regulated activity relevant to children (where the role involves this type of regulated activity);
- include a copy of, or link to, our Safeguarding and Child Protection Policy.

1.3 Shortlisting

Our shortlisting process will involve at least 2 people and will:

- consider any inconsistencies and look for gaps in employment and reasons given for them;
- explore all potential concerns.

Once we have shortlisted candidates, we will ask shortlisted candidates to:

- complete a self-declaration of their criminal record or any information that would make them unsuitable to work with children, so that they have the opportunity to share relevant information and discuss it at interview stage. The information we will ask for includes:
 - if they have a criminal history;
 - whether they are included on the barred list;
 - whether they are prohibited from teaching;
 - information about any criminal offences committed in any country in line with the law as applicable in England and Wales;
 - any relevant overseas information.
- sign a declaration confirming the information they have provided is true.

We will also consider carrying out an online search on shortlisted candidates to help identify any incidents or issues that are publicly available online. Shortlisted candidates will be informed that we may carry out these checks as part of our due diligence process.

1.4 Seeking references and checking employment history

We will obtain references before interview. Any concerns raised will be explored further with referees and taken up with the candidate at interview. When seeking references, we will:

- not accept open references;
- liaise directly with referees and verify any information contained within references with the referees;
- ensure any references are from the candidate's current employer and completed by a senior person. Where the referee is school based, we will ask for the reference to be confirmed by the headteacher/principal as accurate in respect to disciplinary investigations;
- obtain verification of the candidate's most recent relevant period of employment if they are not currently employed;
- secure a reference from the relevant employer from the last time the candidate worked with children if they are not currently working with children;
- compare the information on the application form with that in the reference and take up any inconsistencies with the candidate;
- resolve any concerns before any appointment is confirmed.

1.5 Interview and selection

When interviewing candidates, we will:

- probe any gaps in employment, or where the candidate has changed employment or location frequently, and ask candidates to explain this;
- explore any potential areas of concern to determine the candidate's suitability to work with children;
- record all information considered and decisions made.

2 Pre-appointment vetting checks

We will record all information on the checks carried out in our single central record (SCR). Copies of these checks, where appropriate, will be held in individuals' personnel files. We follow requirements and best practice in retaining copies of these checks, as set out below.

2.1 New staff

All offers of appointment will be conditional until satisfactory completion of the necessary pre-employment checks. When appointing new staff, we will:

- verify their identity;
- obtain (via the applicant) an enhanced DBS certificate, including barred list information for those who will be engaging in regulated activity (see definition below). We will obtain the certificate before, or as soon as practicable after, appointment, including when using the DBS update service. We will not keep a copy of the certificate for longer than 6 months, but when the copy is destroyed we may still keep a record of the fact that vetting took place, the result of the check and recruitment decision taken;
- obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available;

- verify their mental and physical fitness to carry out their work responsibilities;
- verify their right to work in the UK;
- verify their professional qualifications, as appropriate. For teaching and educational support positions candidates must produce original certificates of qualifications;
- ensure they are not subject to a prohibition order if they are employed to be a teacher (or for certain other roles in school);
- carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. Where available, these could include:
 - For all staff, including teaching positions: [criminal records checks for overseas applicants](#);
 - For teaching positions: obtaining a letter from the professional regulating authority in the country where the applicant has worked, confirming that they have not imposed any sanctions or restrictions on that person, and/or are aware of any reason why that person may be unsuitable to teach..
- check that candidates taking up a management position* are not subject to a prohibition from management (section 128) direction made by the secretary of state
**Management positions are most likely to include, but are not limited to, headteachers, principals and deputy/assistant headteachers.*
- ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we take a decision that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment on the individual's personnel file. This will include our evaluation of any risks and control measures put in place, and any advice sought.
- ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we take a decision that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment on the individual's personnel file. This will include our evaluation of any risks and control measures put in place, and any advice sought.

2.2 Regulated activity means a person who will be:

- responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children; or
- carrying out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- engaging in intimate or personal care or overnight activity, even if this happens only once and regardless of whether they are supervised or not.

2.3 Existing staff

In certain circumstances we will carry out all the relevant checks on existing staff as if the individual was a new member of staff. These circumstances are when:

- there are concerns about an existing member of staff's suitability to work with children; or
- 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.

We will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- we believe the individual has engaged in [relevant conduct](#); or
- we believe the individual has received a caution or conviction for a relevant (automatic barring either with or without the right to make representations) offence, under the [Safeguarding Vulnerable Groups Act 2006 \(Prescribed Criteria and Miscellaneous Provisions\) Regulations 2009](#); or
- we believe the 'harm test' is satisfied in respect of the individual (i.e. they may harm a child or vulnerable adult or put them at risk of harm); and
- the individual has been removed from working in regulated activity (paid or unpaid) or would have been removed if they had not left.

2.4 Agency and third-party staff

We will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

2.5 Contractors

We will ensure that any contractor, or any employee of the contractor, who is to work at the school has had the appropriate level of DBS check (this includes contractors who are provided through a PFI or similar contract). This will be:

- an enhanced DBS check with barred list information for contractors engaging in regulated activity;
- 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.

We will obtain the DBS check for self-employed contractors. We will not keep copies of such checks 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.

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

For self-employed contractors we will ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought.

2.6 Trainee/student teachers

Where applicants for initial teacher training are salaried by us, we will ensure that all necessary checks are carried out. Where trainee teachers are fee-funded, we will obtain written confirmation from the training provider that necessary checks have been carried out and that the trainee has been judged by the provider to be suitable to work with children.

In both cases, this includes checks to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006.

2.7 Volunteers

We will:

- never leave an unchecked volunteer unsupervised or allow them to work in regulated activity;
- obtain an enhanced DBS check with barred list information for all volunteers who are new to working in regulated activity;
- carry out a risk assessment when deciding whether to seek an enhanced DBS check without barred list information for any volunteers not engaging in regulated activity and retain a record of this risk assessment;
- ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the 2018 Childcare Disqualification Regulations and Childcare Act 2006. Where we decide that an individual falls outside of the scope of these regulations and we do not carry out such checks, we will retain a record of our assessment. This will include our evaluation of any risks and control measures put in place, and any advice sought.

2.8 Governors

All trustees, local governors and members will have an enhanced DBS check without barred list information. They will have an enhanced DBS check with barred list information if working in regulated activity. The chair of the Trust Board will have their DBS check countersigned by the secretary of state.

All proprietors, trustees, local governors and members will also have the following checks:

- a section 128 check (to check prohibition on participation in management under [section 128 of the Education and Skills Act 2008](#));
- identity;
- right to work in the UK;
- other checks deemed necessary if they have lived or worked outside the UK.

2.9 Staff working in alternative provision settings

Where we place a learner with a vocational/alternative provider, we will ensure that policies and procedures are in place to protect children from harm. We obtain written confirmation from the provider that they have carried out the appropriate safeguarding checks on individuals working there that we would otherwise perform.

2.10 Adults who supervise learners on work experience

When organising work experience, we will ensure that policies and procedures are in place to protect children from harm.

We will also consider whether it is necessary for barred list checks to be carried out on the individuals who supervise a learner under 16 on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity.

3 Positive Disclosures

All positive disclosures, regardless of the seriousness of the offence/conviction/charge, are subject to an objective assessment. The Headteacher will consider the magnitude of any DBS disclosures.

- Major disclosures will be discussed with the Director of HR and CEO of the Trust, who will be asked for clearance for the candidate to be rejected;
- Serious disclosures, those that do not pose a risk to learners, will also be discussed with the Director of HR and CEO of the Trust. The headteacher will endeavour to

ascertain the relevant facts from the individual and to bring the matter to a conclusion. The candidate will be sent a rejection or acceptance letter in keeping with the Trust and school's procedures.

- Minor disclosures will be dealt with in a discussion between the candidate and the headteacher who will then decide whether to reject or accept the applicant.

The following considerations will be taken in relation to positive DBS disclosures:

- the relevance of the disclosure in relation to the position applied for;
- the nature of the offence or other matters revealed;
- the length of time elapsed since the offence or other matters occurred;
- whether there is a pattern of offending behaviour;
- whether the candidate's circumstances have changed since the offending behaviour or other matters occurred;
- any extenuating circumstances surrounding the offence or other matters and explanations offered.

In exceptional circumstances, if an offer is made following a positive disclosure, an employment risk assessment may be completed.

A record of all recruitment decisions following positive DBS disclosures will be kept by the school business manager using the form provided in Appendix 1. Depending on the circumstances of each case, the Director of HR and/or CEO may be asked to countersign the form.

4 The recruitment of ex-offenders

Under the Protection of Children Act 1999 and the Criminal Justice and Courts Service Act 2000, schools cannot employ persons who may have regular contact with children who are:

- included on the barred list (a list maintained by the Secretary of State of people judged to be unsuitable to work with children);
- subject to a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm and/or other serious acts of violence.

TTAPA also consider it high risk to employ persons, who may have regular contact with learners, if they have been convicted of or charged with any of the offences above or serious drug-related offences. The CES Model Rehabilitation of Offenders Act 1974 – Disclosures Form is available on request from the school.

5 Monitoring Arrangements

Our policy and procedures will be monitored regularly, amended as required and reviewed at least annually, in line with statutory guidance. At every review, the policy will be approved by the local governing committee.

6 Links to other policies

This policy should be read alongside:

- *Safeguarding & Child Protection Policy*
- *Procedures for Managing Allegations against Staff*
- *Whistleblowing Policy*
- *RLT Disciplinary Policy*
- *RLT Recruitment Procedures*

Appendix 1: Record of Recruitment Decision

All positive disclosures relevant to child protection, regardless of the seriousness of the offence(s) or other matter revealed, are subject to objective assessment. All sections of this form must be completed and retained on file.

Personal Details		
Date		
Applicant's name		
Position applied for		
Assessment		
Does the applicant meet all the essential criteria for the role including skills, knowledge and ability?	Yes / No	
Have two satisfactory references been received?	Yes / No	
What information did the referees provide on the candidate's suitability?		
Is the nature of the offence(s) directly related to the role?	Yes / No	
What level of independence will the role entail?		
When did the offence(s) occur?	<2 years ago	>2 years ago
Is there a pattern of related offences?	Yes / No	
Is there a pattern of unrelated offences?	Yes / No	
Is the context still relevant today?	Yes / No	
Was the offence(s) committed at work?	Yes / No	
Does the applicant show a determination not to re-offend?	Yes / No	
Did the applicant reveal the offence(s)?	Yes / No	
What response was given when questioned about the offence(s)?		
Does the applicant constitute a risk?	Yes / No	
Recommendation		
Name		
Declaration: I understand the Rowan Learning Trust and Three Towers policy on safer recruitment including the recruitment of ex-offenders and, having considered all relevant information, I believe the applicant does / does not* constitute a risk to children for the following reasons:		
Therefore, the applicant should / should not* be offered this role. (*Delete as appropriate)		
Headteacher signature:	Date:	
If proposing to appoint a person convicted of a high-risk offence, the CEO must countersign below:		
CEO:	Date:	