

ABBEY SCHOOL FOR EXCEPTIONAL CHILDREN

SAFER RECRUITMENT POLICY AND PROCEDURE



Version number	1.5	Date	September 2022
Approved by	Senior Leadership Team	Date	Autumn 2022
Last reviewed on	Autumn 2022		
Next review due by	Autumn 2023		

Other relevant policies:

Safeguarding children and young people in education policy and procedures

Compliments and Complaints policy

Data Protection policy

Equality and Diversity Policy

Induction and CPD Policy

Staff Code of Conduct policy

Pay Policy

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1. General

Abbey School (“the School”) is committed to ensuring the best possible environment for the children and young people in its care. Safeguarding and promoting the welfare of children, young people and adults at risk is our highest priority.

The School aims to recruit high calibre staff that share and understand our commitment and to ensure that all applicants are treated fairly by promoting equality and diversity in line with good practice and legislation.

An entry will be made on the Single Central Record (SCR) for all current members of staff at the School, the proprietor and advisory body and all individuals who work in regular contact with children including volunteers, supply staff and those employed by third parties or engaged as self-employed consultants.

All checks will be made in advance of appointment or as soon as practicable after appointment.

2. Legislation and guidance

This policy has due regard to all relevant legislation including, but not limited to, the following:

- [Keeping Children Safe in Education \(September 2022\)](#)
- [The Education \(Independent School Standards\) Regulations 2014](#)
- [The Rehabilitation of Offenders Act 1974 \(Exceptions\) Order 1975](#)
- [Independent Educational Provision in England \(Prohibition on Participation in Management\) Regulations 2014](#)
- [Disqualification under the Childcare Act 2006 \(July 2018\)](#)
- [Equality Act 2010](#)
- [Children Act 1989](#)
- [Children Act 2004](#)
- [Sexual Offences Act 2003](#)
- [Safeguarding Vulnerable Groups Act 2006](#)
- [Data Protection Act 2018](#)
- [Health & Safety at Work etc. Act 1974](#)
- [Social Care Common Inspection Framework \(SCCIF\)](#)
- [Residential Special Schools: National Minimum Standards \(NMSRSS\)](#)
- [DfE \(2021\) Right to Work Checks: An Employer’s Guide](#)

3. Roles and responsibilities

Who is involved	Responsibility
Principal/Proprietor	Overall responsibility for approving the business need and budget for proposed recruitment and planning for resulting new position.
Principal / SLT	Discussion with potential candidates where confidential disclosure made, positive DBS checks obtained or matters of concern raised on references. Notes of discussions recorded. Agree supervision arrangements for staff pending satisfactory recruitment checks.
DSL	Deciding when it is appropriate or necessary to disclose any safeguarding concerns or allegations as part of a reference, in line with KCSIE Deciding on the suitability of a candidate when a reference has disclosed safeguarding concerns or prior allegations

Appointment manager	Carry out recruitment process in line with the Recruitment Policy and Guidelines. Subject to agreement with SLT, offer employment, subject to recruitment checks and in line with Pay Policy.
School Business Manager	Oversee Single Central Record. Ensure all recruitment checks satisfactorily received before member of staff can start work. Issue the contract of employment and formal job offer letter. Advise on HR matters
Office Manager/ HR Assistant	Maintain Single Central Record Make verbal offers of employment and contact all unsuccessful applicants. Complete pre-employment recruitment checks. Set up personnel record on school MIS

4. 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.
- 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.
- A supervised volunteer who regularly teaches or looks after children.

Teaching role – refers to a role involving planning and preparing lessons and courses for pupils; delivering lessons to pupils; and assessing and reporting on the development, progress and attainment of pupils. These activities are not teaching work for the purposes of KCSIE 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 pupils 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

5. Scope of this policy

The Recruitment Policy and Procedure herewith refers and applies to staff recruited and engaged by the School. In the Education (Independent Schools Standards) (England) Regulations 2014, staff are defined as:

“Any person working at the School whether under a contract of employment, under a contract for services or otherwise than under a contract, but does not include supply staff or a volunteer.”

In the case of agency or contract workers, the School shall obtain written confirmation from the agency or company that it has carried out the appropriate checks. The School conducts identity checks on agency and contract workers on arrival in School and, in the case of agency workers which includes supply staff, the School must be provided with a copy of the DBS check for such staff.

The School will check with the relevant supply agency that the required checks have been carried out (identity, enhanced disclosure – renewed every three years, right to work in the UK, barred list, prohibition, qualifications, overseas checks plus (in line with Keeping Children Safe In Education (KCSIE)) two references, declaration of medical fitness, check of previous employment history). The SCR shows these checks have been made and the School carries out its own identity check and has seen a copy of the disclosure (whether or not it discloses any information).

In respect of contractors, unchecked contractors will under no circumstances be allowed to work unsupervised in School. The School will determine the appropriate level of supervision depending on the circumstances.

Any staff who TUPE transfer into the School's staff will be required to undertake the statutory requirements with regard to safer recruitment checks.

If staff are transferred under TUPE (gap of three months or less and information complete) information will be passed to the new employer and a note made on the SCR that details have been accepted under TUPE.

6. Planning and advertising

All vacancies will be advertised on the School website. Existing employees are encouraged to apply if they have the appropriate qualifications, skills and experience and vacancies will be shared internally via email and the staff room noticeboards.

Where appropriate, adverts will also be placed via other sources, e.g. professional networks, recruitment websites. Whenever we advertise externally, we will always reference our commitment to the highest level of safeguarding and welfare for children, young people and adults at risk in order to attract suitable candidates who share the School's vision.

All applicants will have access to the Information pack relating to the vacancy containing:

- Application form
- Safeguarding children and young people in education policy
- Recruitment policy
- Job description & Person specification

- Selection procedure for the post
- Employment vetting requirements, such as a DBS check

The recruitment panel will comprise of at least 2 people, with at least one member having successfully completed up-to-date Safer Recruitment training.

The Principal and SLT will:

- Decide on the recruitment timeframe
- Decide who will be involved in the process and what their roles will be, e.g. who forms the recruitment panel
- Prepare the documents that will be provided to candidates, including the job description, person specification and application form

Advertisements will include:

- A statement of the school's commitment to safeguarding and promoting the welfare of pupils whilst making clear that safeguarding checks will be undertaken
- The safeguarding responsibilities of the post per the job description and person specification, including to what extent the role will involve regulated activity
- Information whether the post is exempt from the Rehabilitation of Offenders Act 1974 and amendments to the Exceptions Order 1975, 2013 and 2020

7. Application form

The School will only accept applications from candidates completing the relevant Application Form in full. CVs or other methods of application will not be accepted in substitution for completed Application Forms.

Checks will be made of previous employment history to ascertain satisfactory reasons for any gaps in employment. These checks will then be checked against references and any discrepancies discussed with the candidate.

Applicants will be required to provide the following:

- Personal details (name, former names, address and NI number)
- Details of their current or most recent employment, including the reason for leaving
- Full employment history with adequate explanations for any gaps
- Qualifications
- Details of references and whether the school may contact them prior to interview
- A personal statement of why the individual meets the person specification for the role

8. Shortlisting

Selection methods will be objective, promote equality of opportunity and guard against bias in line with its Equality and Diversity policy. The School will shortlist applicants based on the relevance and applicability of their professional attributes and personal qualities specified by the role. Essential and desirable qualities will be published in the Person Specification for each role.

The school will not discriminate against any protected characteristics and will always promote difference and inclusion throughout the school.

Shortlisted candidates will be asked to complete a Self-Declaration form which must be received at least 1 day prior to interview which requires individuals to answer questions about their criminal record and any sanctions, restrictions or prohibitions which would make them unsuitable to work with children or young people.

When shortlisting, the panel of at least 2 people will:

- Ensure that they have no personal knowledge of the candidates and preferably anonymise the applications
- Also conduct the interview, where possible
- Assess whether there are any inconsistencies or gaps in the applicant's employment history and consider the reasons given for them
- Explore any further potential concerns

- Request further information from the candidate if necessary prior to interview via the Office Manager

As part of the shortlisting process, the School will carry out an online search as part of their due diligence on the shortlisted candidates. If it is identified that any incidents or issues have happened, that are publicly available online, the School may explore this with applicant at interview.

9. Online searches on shortlisted candidates

The school is committed to ensuring that safeguarding is a top priority; therefore, where appropriate, the school may check shortlisted candidates' social media or other online activity prior to interview.

Online searches solely aim to help identify any incidents or issues that have happened, and are publicly available online, which the school may want to explore with the applicant at interview.

Searches will be conducted on shortlisted candidates only and only examine data this is publicly available. They will be carried out by an individual who is independent of the recruitment process to minimise the risk of bias or discrimination and to ensure that only relevant information is considered, they will have due regard to Part three of KCSIE.

The online search process may include searching for the candidate by name on the following, but not limited to,:

- Facebook
- Twitter
- Instagram
- LinkedIn
- Google

Any concerns will be addressed and discussed during the interview process. Indicators of concern include but are not limited to:

- Inappropriate behaviour, jokes or language
- Discriminatory comments
- Inappropriate images
- Drug or alcohol misuse
- Anything that suggest the candidate may not be suitable to work with children

10. Pre-interview checks

The Office Manager/ HR Assistant will complete the necessary pre-interview checks for shortlisted candidates and ensure the Recruitment Panel are made aware of any discrepancies or information which needs following up.

The Self Declaration form shall be returned to the School Business Manager who will ensure that any disclosures shall be relayed to the DSL and followed up sensitively in line with the Recruitment of Ex-Offenders (Appendix 1).

Pre-interview checks will include the following:

- Requesting at least 2 references from each shortlisted candidate directly from the referees, 1 reference shall be from the current or most recent employer and one from the role in which the candidate worked with children (if possible)
- Verification that the candidate has qualifications and/or experience relevant to the post and fulfils the Essential elements of the Person Specification
- Checking references against application forms and noting down discrepancies or concerns, and following up these concerns with referees and the DSL where necessary
- Checking and, where necessary, following up candidates' Self Declaration forms

11. References

At least two references will be taken up for every appointment, whether internal, permanent, temporary, part-time or fixed-term and previous employers may be approached for information to verify particular experience or qualifications, before interview. Additional references may be required dependent on the role, employment history and type of references received. In the case of staff who have lived or worked abroad we will take up at least one reference from the employer in the relevant country.

One of the references must be from the applicant's current or most recent employer. If the candidate is a school leaver or graduate or has not been in work for over 2 years, then character references will be requested. References must be received by a senior person with appropriate authority. If the candidate does not wish the School to take up references in advance of the interview, they should notify the School at the time of applying.

The School will ask all referees if the candidate is suitable to work with children.

For specific roles at least one reference should be taken up prior to interview. This includes, but is not limited to, all senior roles, teaching posts and allied health professionals.

The School will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials. The School will verify all references. Where references are received electronically, the School will ensure they originate from a legitimate source. When references are not sufficient in response, they will be followed up with a phone call to the referee to discuss the reference further and details of the response noted.

If safeguarding concerns or prior allegations are made on the reference, these shall be passed on to the DSL to assess the candidate's suitability.

The School will compare any information provided by the referee with that provided by the candidate on the Application Form. Any inconsistencies or concerns will be discussed with the candidate at interview or prior to confirming an appointment.

Before making a decision not to appoint a candidate based on an unsatisfactory reference, the recruitment panel and/or SLT will consider if HR advice is necessary. Once the decision is made, the decision will be recorded on the recruitment file as the reason for non-appointment.

12. Providing references for Abbey School employees

References will only be provided once written consent has been obtained from the person requesting a reference.

Staff members must make the Principal aware when they have been asked to provide a personal or employment reference relating to the individual's employment at Abbey School, e.g. for a current or former colleague. Personal references may be completed on the condition that the staff member makes it clear within the reference that it is a personal and not written for or on behalf of the school, it must be submitted from the staff member's personal email using their home address and ensure there is no affiliation or link to the school in any way.

Employment references may only be provided by the Principal who will complete the request in consultation with the individual's line manager and HR.

Information relating to an individual's health and sensitive personal data, e.g. information relating to the individual's ethnicity, religion or trade union membership, will not be disclosed as part of a reference unless "express consent" has been received from the individual for this purpose.

If, as part of a settlement agreement, the school has agreed to provide a reference for a member of staff, the Principal will ensure it is provided in line with the agreement and this policy. In circumstances, where new evidence emerges that indicates information provided in the reference is incorrect, the Principal will decide if the reference is changed or withdrawn after taking legal advice and will notify the member of staff of any decision before sending.

The school will ensure that any information provided confirms whether they are satisfied with the applicants suitability to work with children, and only provide the facts of any substantiated safeguarding concerns or allegations, including a group of low-level concerns about the same individual, that meet the harm threshold.

Any repeated concerns or allegations which do not meet the harm threshold which have been found to be false, unfounded, unsubstantiated, or malicious will not be included in any reference.

13. Interview

Short-listed applicants will be invited to attend a formal interview at which their relevant skills and experience will be discussed in more detail and their suitability to work with children will be explored.

All formal interviews will have a panel of at least two people, one of whom will be safer recruitment trained. The interviewers involved will be required to state any prior personal relationship or knowledge of any of the candidates and a judgement will be made by SLT as to whether or not an interviewer should withdraw from the panel should a potential conflict of interest arise.

The panel will ask standard questions and the responses recorded for ease of comparison, they will also ask open questions to assess the candidates experience and suitability for the post and to assess the Candidate's personal competencies in relation to their:

- Motivation for working with children or adults at risk
- Emotional resilience
- Physical resilience
- Values and ethics

Questions on the above should have direct links to the Person Specification for the role and be structured in such a way that examples of what would constitute a positive indicator in a response is set alongside what a negative indicator would be, to assist the panel in measuring the responses.

Candidates will be asked to explain any gaps in employment and be asked a question to probe their understanding and knowledge of safeguarding.

Some roles may require additional assessment such as a lesson observation or practical task. Details will either be included in the Information Pack or sent to the applicant prior to the interview date.

All candidates invited to interview must bring documents confirming any educational and professional qualifications that are necessary or relevant for the post (e.g. the original or certified copy of certificates, diplomas etc). Where originals or certified copies are not available for the successful candidate, written confirmation of the relevant qualifications must be obtained by the candidate from the awarding body.

The School requests that all candidates invited to interview also bring with them:

- A current driving licence photocard or a current passport or a full birth certificate;
- A utility bill or financial statement issued within the last three months showing the candidate's current name and address;
- Any documentation evidencing a change of name, where appropriate;
- Additional proof of entitlement to work and reside in the UK where appropriate.

Please note that originals of the above are necessary. Photocopies or certified copies are not sufficient.

Candidates with a disability who are invited to interview should inform the School of any necessary, reasonable adjustments or arrangements to assist them in attending the interview.

Temporary staff who are appointed on a fixed-term basis will only be appointed to a permanent position if the full recruitment, selection and vetting processes have been followed.

14. Remote recruitment

The school will follow all the requirements set out in this policy when recruiting remotely, changing only the in-person nature of the interview, and implementing the necessary additional steps to support this. Remote recruitment will only happen in exceptional circumstances, for example if the candidate lives overseas or during a period of public health restriction on social distancing.

Online interviews will take place on Microsoft Teams in line with the school's ICT Acceptable Use policy. Staff members will ensure they understand how to operate the functionalities of the platform and check it is operating correctly before the interview commences.

The school will communicate its expectations to candidates regarding the use of the online platform and remote completion of written tasks in good time prior to the interview. These expectations will include, but will not be limited to, the following:

- The candidate will participate in the interview with both the video camera and microphone features enabled at all required times
- The candidate will participate in the interview in a suitable setting – a quiet area with a neutral background
- The candidate will keep personal information which is not relevant to the recruitment process private, e.g. their email password, and will not ask the staff members conducting the interview to share any such private information
- Where necessary, the candidate will be aware that the school may record the online interview, and that they will be required to consent to this in order for the interview process to continue.

If a candidate refuses to attend a remote interview, the school will consider whether alternative arrangements for an in-person interview are possible, having due regard to the school's equality duties at all times. If it is not possible, the school will sensitively inform the candidate that the remote interview is a requirement of the application process and discuss whether recruitment process can be continued at this time.

15. After the interview

After the interview has been completed, the recruitment panel will assess all candidates performance using the same agreed criteria.

Interview notes and assessment materials will be held securely for 6 months post the interview date for unsuccessful candidates and held on the personnel file of successful candidates.

16. Conditional offer of appointment: pre-appointment checks

Any offer to a successful candidate will be conditional upon completion of the checks set out below to the School's satisfaction. The checklist is not exhaustive and may be added to and adapted to improve the process when appropriate:

- Receipt of at least two satisfactory references (if these have not already been received).
- Verification of identity, including evidence of the right to work in the UK by conducting a manual document-based check or using the government's [online portal](#)
- A satisfactory enhanced DBS check and if appropriate, a check of the Barred List(s) maintained by the DBS. Any positive DBS checks will be discussed with the Principal and the candidate, the results of which will be recorded. See [Appendix 1](#) for further details on the Recruitment of Ex-offenders. Failure to declare any convictions (that are not subject to DBS filtering) may disqualify a candidate for appointment or result in summary dismissal if the discrepancy comes to light subsequently.

- The statutory guidance “Disqualification under the Childcare Act 2006 (July 2018)” applies to those providing early years childcare or later years childcare, including before school and after school clubs, to children who have not attained the age of 8 AND to those who are directly concerned in the management of that childcare. Staff and/or successful candidates who are disqualified from childcare or registration may apply to Ofsted for a waiver of disqualification. Such individuals may not be employed in the areas from which they are disqualified, or involved in the management of those settings, unless and until such waiver is confirmed. Please speak to the Principal or School Business Manager for more details.
- For a candidate to be employed as a teacher, a check that that the candidate is not subject to a prohibition order issued by the Secretary of State.
- Verification of professional qualifications, where appropriate.
- Verification of successful completion of statutory induction period (for teaching posts – applies to those who obtained QTS after 7 May 1999).
- Where the successful candidate has worked or been resident overseas such criminal record checks and other confirmations as the School may consider appropriate so that any relevant events that occurred outside the UK can be considered.
- Verification of a satisfactory medical physical and mental fitness to carry out the role which the candidate has been offered through completion of a pre-employment health questionnaire. In this context, the School is aware of its duties under the Equality Act 2010. No job offer will be withdrawn without first consulting with the applicant, considering medical evidence and considering reasonable adjustments.
- Where the successful candidate will be taking part in the management of the school, a check will be carried out under section 128 of the Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014.

The school will consider the following when assessing any disclosure information on a DBS certificate:

- The seriousness and relevance to the post which they have applied to
- How long ago the offence occurred
- Whether the information was disclosed on the Self Declaration form
- Whether it was a one-off incident or a history of incidents
- The circumstances around and at the time of the incident
- Whether the individual accepted responsibility for what happened

Candidates who have lived outside the UK

For candidates who have lived outside the UK, all mandatory checks outlined in this policy will be carried out, along with additional checks where necessary, including an enhanced DBS certificate with barred list information for those engaging in regulated activity, even if they have never been to the UK before.

The school will make any further checks that it deems appropriate so that any relevant events occurring outside the UK can be considered, e.g. obtaining proof of past teaching conduct for any candidate for a teaching position from the professional regulating authority in the country in which they worked, where available.

If a candidate is unable to provide the correct documentation, they cannot submit a DBS check. This is because the right to work in the UK cannot be established.

Following the UK’s exit from the EU, schools and colleges should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world

17. Vaccination status

Abbey School is a residential special school for children in receipt of an Education Health Care Plan or Statement of Special Needs, therefore giving them status of vulnerable Children assessed as being in need according to the Children Act 1989.

In order to safeguard the health and welfare of our vulnerable pupils, and our staff under the Health & Safety at Work Act, all applicants are strongly encouraged to receive their annual flu vaccine and to have full COVID-19 vaccination status or be in receipt of an [official NHS COVID-19 pass](#) to prove they are unable to get vaccinated for medical reasons. Pupil-facing roles are also strongly encouraged to be fully vaccinated against Hepatitis B.

18. Offer of employment

Once the pre-employment checks have been completed, the appointment manager or office manager will agree a start-date with the candidate and add the details of the checks in the school's SCR.

The School Business Manager will submit contractual paperwork, new employee details for and pre-employment health questionnaire.

Abbey School are regulated activity providers in a child and adult workforce. This means that all employees will be subject to an Enhanced DBS application with a check on the children and adult barred lists. In addition, where applicable and relevant to the role, a check of the adult barred list will also be processed.

Barred list checks must be completed before the person may commence employment and if employment commences prior to receipt of an enhanced DBS certificate or overseas criminal record check, the individual's employment will not be confirmed, they will be closely supervised at all times and wear an identifying lanyard to indicate that checks are not complete.

Abbey School also requires all roles to subscribe to and maintain annual membership of the [DBS Update Service](#) from the commencement of employment and for the duration of employment service.

19. Candidate reserve list

Candidates who are deemed to be suitable for appointment by the selection panel, but for whom there are not enough vacancies, can, if they wish, be placed on to a reserve list. If another vacancy for the same role with the same specification becomes vacant then the vacancy may be filled directly from the reserve list without the need to re-advertise or re-interview subject to pre-employment checks including updated references.

Candidates will be placed in order on the reserve list in selection result order. Appointments will be subject to the candidate being able to fulfil any specific requirements of the vacancy at the time. The reserve list will be valid for 6 months from the interview date

20. Fraudulent applications

Providing false information could result in the application being rejected, an offer being withdrawn or summary dismissal if the applicant has been selected. If an application turns out to be fraudulent this may need to be referred to the police and/or DBS as a criminal act may have been committed.

21. Candidate feedback

As part of our commitment to good practice, we offer feedback to all interviewed candidates, where possible, within three weeks from the date of interview. We are able to offer feedback on unsuccessful applications for those not shortlisted for interview to internal applicants only.

22. Agency and contractors

All agencies supplying agency staff will provide Abbey School with a written agreement that they have carried out all pre-employment checks required by the School and will be recorded on the School's SCR. Confirmation will also be obtained that the individual who presents for

work is the same person on whom all checks have been completed. A copy of photographic identification will generally be kept where appropriate.

The school will obtain a copy of the enhanced DBS certificate from the agency where it has been obtained before the person is due to commence work and has disclosed any matter or information.

The school will ensure that any contractor, or any employee of the contractor, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or left alone in areas where they can have access to or access to data about children or adults at risk or engage in regulated activity. If employed to work with children or adults at risk they will be subject to the same checks as a School employee.

23. Criminal records policy

The School will refer to the Department for Education (“DfE”) document, ‘Keeping Children Safe in Education’ and any amended version in carrying out the necessary required DBS checks.

The School complies with the provisions of the DBS Code of Practice, a copy of which may be obtained on request, or accessed here:

<https://www.gov.uk/government/publications/dbs-code-of-practice>.

There are limited circumstances where the school will accept a check from another educational institution which are as follows:

This is where the new member of staff (“M”) has worked in: –

- A school or a maintained school in England in a position which brought M regularly into contact with children or young persons;
- A maintained school in England in a position to which M was appointed on or after May 2006 and which did not bring M regularly into contact with children or young persons; or
- An institution within the further education sector in England or in a 16 to 19 Academy in a position which involved the provision of education or which brought M regularly into contact with children or young persons,

during a period, which ended not more than three months before M’s appointment.

In these circumstances the school may apply for a disclosure but is not required to do so. A new, separate barred list check will be obtained.

If the candidate is not currently working with children but has done so in the past, the School will ask the previous employer about those issues. Where neither the current nor previous employment has involved working with children, the School will still ask the current employer about the candidate’s suitability to work with children. Where the candidate has no previous employment history, the School may request character references which may include references from the candidate’s school or university.

24. Retention, security of records and data protection obligations

The School will comply with its obligations regarding the retention and security of records in accordance with the DBS Code of Practice and its obligations under its Data Protection Policy (in compliance with GDPR). Copies of DBS certificates will not be retained for longer than 6 months.

The School will comply with its data protection obligations in respect of the processing of criminal records information.

25. Single Central Record (SCR)

The school will maintain and regularly update the SCR.

All new employees will be added to the record, which will include:

- All staff (including supply staff) who work at the school.
- All others who work in regular contact with children in the school, including volunteers
- All members of the proprietor body.

The bullet points below set out the minimum information that must be recorded in respect of staff members (including teacher trainees on salaried routes). The record will indicate whether the following checks have been carried out or certificates obtained, and the date on which each check was completed or certificate obtained:

- An identity check
- A barred list check
- An enhanced DBS check
- A prohibition from teaching check
- Further checks on people living or working outside the UK, including checks for European Economic Area (EEA) teacher sanctions and restrictions
- A check of professional qualifications
- A check to establish the person's right to work in the UK
- For those in management, trustee or governor roles, a section 128 check

26. Monitoring and review

This policy is reviewed annually by the Senior Leadership Team and the Advisory Body. Any changes made to this policy will be communicated to all members of staff and relevant stakeholders.

All members of staff involved in the recruitment process are required to familiarise themselves with all processes and procedures outlined in this policy.

Appendix 1: Recruitment of ex-offenders policy and procedure

Purpose and scope

The aim of this policy is to state our approach towards employing people who have criminal convictions.

We are committed to equality of opportunity for all job applicants and aim to select people for employment on the basis of their individual skills, abilities, experience, knowledge and, where appropriate, qualifications and training.

However, Abbey School for Exceptional Children is an exempt employer as defined in the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) and as such, we have a lawful basis for requesting an enhanced DBS disclosure certificate for all employees. In addition, the School is a regulated activity provider and for most posts, we have a statutory duty to check that the individual is not barred from regulated work with children and / or adults.

The safeguarding of children and vulnerable adults is of paramount importance to us and the scrutiny of any unspent cautions or convictions and those which would not be protected under the Ministry of Justice filtering rules is an essential and non-negotiable part of the pre-employment check process.

We will consider ex-offenders for employment on their individual merits. Our approach towards employing ex-offenders differs depending on whether the job is or is not exempt from the provisions of the Rehabilitation of Offenders Act 1974.

Jobs covered by the Rehabilitation of Offenders Act 1974

We will not automatically refuse to employ a particular individual just because they have a previous criminal conviction.

During the recruitment process, we will ask shortlisted job applicants to disclose any unspent cautions or convictions but will not ask job applicants questions about criminal history that would be filtered or protected, nor expect them to disclose any protected convictions. The successful applicant will be asked to apply for a basic DBS certificate.

If an applicant has a caution or conviction that is unspent and if the nature of the offence is relevant to their suitability for the job for which they have applied, we will review the individual circumstances of the case and may, at our discretion, decline to select the individual for employment.

Jobs that are exempt from the Rehabilitation of Offenders Act 1974

The vast majority of the roles we are seeking to recruit are covered by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (roles in regulated positions and in Further Education provision). In these cases, the School will require shortlisted applicants to disclose all unspent convictions or bind overs in addition to any criminal history that would not be filtered. Even in these circumstances, however, we will not refuse to employ a particular individual unless the nature of the conviction has some relevance to the job for which the individual has applied.

As a result of amendments to the Rehabilitation of Offenders Act in 2013 and 2020, cautions and convictions that meet specified criteria should not be disclosed by applicants and must not be taken into account by potential employers. We encourage all applicants to use the flowchart and guidance provided by Nacro and to seek legal or impartial advice before completing their self-disclosure. We will not take into account any criminal history that would be protected or filtered, even if it is subsequently disclosed on the DBS certificate.

The School will, once we have selected the person to whom we wish to offer employment, make a joint application to the Disclosure and Barring Service (DBS) for an enhanced certificate (with the relevant DBS barred list(s) check if the post is in regulated activity).

Where the individual is a member of the DBS update service in the relevant workforce and at the required level, the organisation will, with the individual's permission, carry out a status check on any current certificate.

Abbey School is committed to ensuring that all information provided about an individual's criminal convictions, including any information released in disclosures, is used fairly and stored and handled appropriately and in accordance with the provisions of the General Data Protection Regulations and the Data Protection Act 2018. Data held on file about an individual's criminal convictions will be held only as long as it is required for employment and / or safeguarding purposes and will not be disclosed to any unauthorised person.

The Process

- As a Regulated Activity provider (RAP) almost all paid employees at Abbey School are in regulated activity and therefore subject to an enhanced DBS certificate with check(s) of the relevant DBS barred list(s).
- In relation to volunteers and contractors, we only request a DBS certificate after a thorough risk assessment has indicated that a check is relevant to the position concerned.
- For those positions where an enhanced DBS check is required, all application forms, recruitment advertising and recruitment briefs will contain a statement that an enhanced DBS certificate (with barred list check(s) where relevant) will be requested in the event of the individual being offered the position and an explanation of when in the recruitment process criminal information will be requested and considered.
- All shortlisted applicants are required to complete a criminal record self-disclosure to be returned no less than 1 day prior to the interview date. This information is to be sent to the School Business Manager or Principal. Failure to return the self-disclosure will result in the offer of interview being withdrawn. We will ensure that the self-disclosure information will only be seen by those who need to see it as part of the recruitment process.
- The criminal history self-disclosure will include information for shortlisted applicants on the importance of seeking legal advice and the contact details of organisations that can provide impartial advice.
- We ensure that all those who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance on the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974 (exceptions order 1975) (as amended 2013 & 2020) and know how to access advice and support (e.g. from HR, external adviser, NACRO) and relevant registered bodies.
- At interview, or in a separate discussion, the recruitment selection panel will ensure that an open and measured discussion takes place on the subject of any offences or related concerns that might be relevant to the position. Failure to reveal information that would not be filtered could lead to withdrawal of an offer of employment
- All potential employees are guided to the Disclosure and Barring Service Code of Practice and a copy is made available on request
- We undertake to discuss any relevant matter on a DBS certificate with the person seeking the position before withdrawing a conditional offer of employment. This discussion and any subsequent risk assessment may be undertaken by the Principal or by another appointed person. If the DBS check reveals any matching information against the DBS barred list(s) or any criminal conviction which precludes them from working with children and/or adults the applicant is deemed non-appointable. In this

circumstance, we would notify the Local Authority Designated Officer in line with the local multi-agency procedures.

References / useful links

Disclosure & Barring Service www.gov.uk/government/organisations/disclosure-and-barring-service

Detailed information, fact sheets and FAQs:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

Filtering guidance from 28/11/20 <https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

Ministry of Justice – guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 (and self disclosure)

<https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>

National Association for the Care and Resettlement of Offenders (Nacro)

Criminal record support service – advice for applicants and employers

<https://www.nacro.org.uk/criminal-record-support-service/>

Filtering flowchart [Filterin-flowchart-twitter.png \(5000x2813\) \(netdna-ssl.com\)](#)

Appendix 2: Recruitment of Volunteers

Volunteers fall outside of the definition of staff contained in the Education (Independent Schools Standards) (England) Regulations 2014.

Volunteers are individuals who undertake unpaid activity in the School of their own free choice.

Abbey School is committed to ensuring that:

- pupils benefit from working with volunteers
- volunteers benefit from working at Abbey School
- volunteers support the aims and objectives of the School
- employed staff understand the role of volunteers
- a range of opportunities will be offered to encourage volunteers to work with us.

Abbey School expects volunteers to:

- be reliable and honest
- uphold the school's values
- comply with the school's policies and procedures
- contribute positively to the aims of the school
- carry out tasks within agreed guidelines

Volunteers can expect:

- to have clear information about what is and is not expected of them
- to receive adequate training, support and supervision
- to be insured and volunteer in a safe environment

Anyone wishing to volunteer at Abbey School should approach the Principal with their contact details and details of how and when they would like to volunteer.

Volunteers must complete a Volunteer Application Form with details of two referees who can confirm their suitability to work with children.

If an applicant is accepted to volunteer at the school, a volunteer agreement will be drawn up setting out the conditions of the volunteering, code of conduct and checks required before volunteering can commence.

In line with guidance from Keeping Children Safe in Education volunteers will be:

- be risk assessed for the type of DBS check required according to the nature of the work with children, whether the role is eligible and the information known about the volunteer
- supervised at all times by an employed member of staff in regulated activity

The school will undertake an Enhanced DBS check with barred list for children and adults on all individuals undertaking regulated activity.

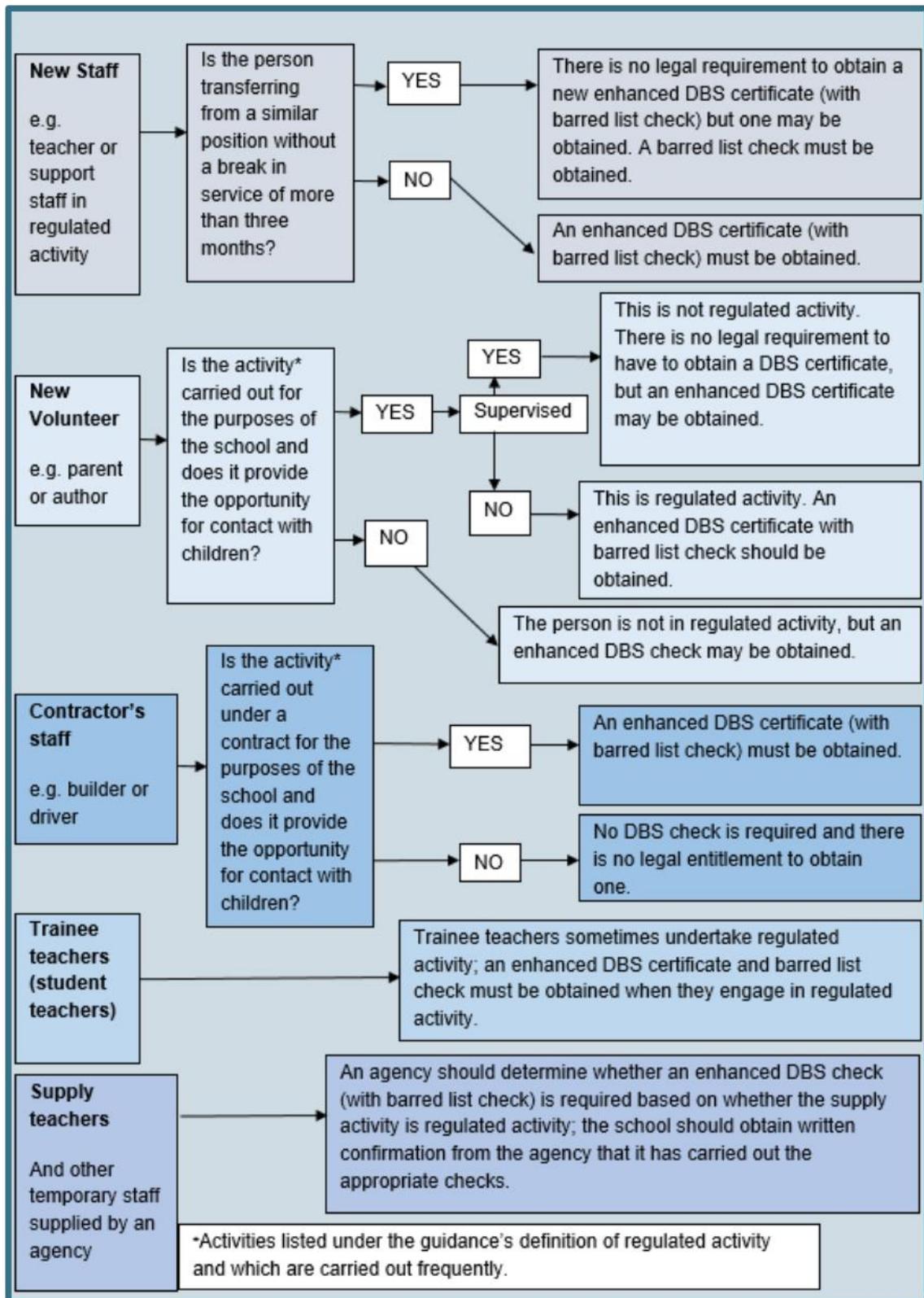
In addition, volunteers will undergo the following checks before volunteering may commence:

- ID check, confirming their identity and current address
- Health disclosure to confirm their physical and mental fitness for the role
- DBS check

At least two references from individuals who can confirm their suitability to work with children and do not know the applicant solely as a friend or relative

Overseas check, where the volunteer has lived or worked abroad for more than three months in the past five years.

Appendix 3: Flowchart of DBS criminal record and barred list checks



Appendix 4: Flowchart of Caution and Conviction

