

**LONDON BOROUGH OF HAVERING
SCHOOLS' HR**

**PROCEDURE RELATING TO THE SAFER
RECRUITMENT OF SCHOOL BASED STAFF
IN HAVERING SCHOOLS**



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1. Introduction to Guide

1.1. The processes and procedures laid out in this policy and procedure will be used by those involved in the appointment and administrative process for recruitment and selection of all staff employed within Havering Schools. The detail within this document is based upon the DfE Keeping Children Safe in Education (July 2015) and sets out recruitment best practice, some underpinned by Legislation.

1.2. This document has been divided into a number of sections and covers the sequence of events from the time at which an employee resigns, or a new post is created, through to the induction of the new employee.

2. Why Good Recruitment and Selection is Important

2.1.1. It is vital that schools adopt recruitment and selection procedures and other human resources management processes that help deter, reject, or identify people who might abuse children or are otherwise unsuited to work with them. This policy provides advice about practice that should be followed in order to achieve that.

2.1.2. People are our most important asset and in recognising this fact, considerable time and money is spent on recruitment and selection.

2.1.3. The recruitment process is often the first experience an individual has of an organisation. It is therefore important that the experience is as positive as possible.

2.1.4. This guide aims to assist managers and employees in the implementation of a recruitment and selection procedure which is:

- effective - attracting suitable candidates
- efficient - using the most cost-effective advertising and recruitment methods
- fair - dealing with potential and existing employees in a fair, professional and courteous manner

2.1.5. These processes and procedures aim to ensure, as far as possible, that the right person is selected for the job.

2.1.6. Although this document is intended for Schools to use when recruiting staff, it is crucial that in addition to referring to this document, the Headteacher, Chair of Governors and at least one member of every appointment panel (as of January 2010) must have passed the CWDC Safer Recruitment Training, either by attendance at a Local Authority training session or completion of the online training.

2.1.7. All Schools are expected to have an explicit statement about the organisation's commitment to safeguarding and promoting the welfare of children which should be used on all recruitment material. An example policy statement would be:

“Our School is committed to safeguarding and promoting the welfare of children and young people and as such expects all staff and volunteers to share this commitment”

2.2. Inspections

2.2.1. Section 5 of the Ofsted Inspection Framework for schools requires inspectors to consider the safeguarding procedures within Schools. This includes recruitment procedures and processes.

3. Legal Requirements

3.1. The Recruitment and Selection Policy and Procedures must comply with the following Acts:

- Trade Union and Labour Relations (Consolidation) Act 1992
- Rehabilitation of Offenders Act 1974
- Local Government & Housing Act 1989
- Education Reform Act 1988
- Data Protection Act 1998
- Employment Rights Act 1996
- The Asylum & Immigration Act 1996
- Equality Act 2010

3.2. The Equality Act 2010 prohibits direct or indirect discrimination on grounds of any of the protected characteristics.

3.3. Guidance from Education HR must be sought before designating a post as exempt from anti discrimination legislation on grounds of statutory provisions for genuine occupational qualifications.

3.4. The Equality Act prohibits discrimination against people with disabilities in relation to offers of employment, terms of employment, promotion, training or other benefits. It requires employers to make 'reasonable adjustment' to the working environment and arrangements for people with disabilities. This could include making adjustments to equipment, duties, working hours and/or providing special support, training and facilities.

3.5. 'Closed Shop' provisions introduced by the Employment Act 1990 and included within the Trade Union and Labour Relations (Consolidation) Act 1992 make discrimination in employment on grounds of membership or non - membership of a Trade Union unlawful.

3.6. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (SI 1975 No. 1023) as amended by the Amendment Orders 1986 (SI 1986 Nos.1249 and 2268) provide for certain categories of persons being considered for work involving access to children, to be exempt from the main Act and subject to police checks on their criminal records before appointment. Accountants and Lawyers are also excluded categories of employment.

3.7. The Education Reform Act 1988 specifies the powers of school governors to make decisions about the recruitment of Schools teaching and non teaching employees.

3.8. The Data Protection Act 1998 Act which came into force in March 2000 requires computerised records of job applicants to be registered with the Data Protection Registrar and provides for subject access.

3.9. The Employment Rights Act 1996 requires a full statement of contractual conditions to be given to all employees within two months of commencement.

3.10. The Asylum and Immigration Act 1996 makes it a criminal offence for any employer to employ a foreign national, aged 16 or over, who does not have permission to work in the UK.

4. The Prevention of Illegal Working

4.1. A foreign national must produce satisfactory documentation proving their legal freedom to work. It is necessary to take a copy of any relevant documentation and keep it on file.

4.2. Examples of documentation that could be accepted as proof of a candidate's right to work are:

- passport [with valid current endorsement]
- Home Office letters

4.3. In the event of a prosecution for employing 'illegal' employees, it is not just the employer who could be liable. Any Headteacher, etc. may also be called to account on a personal basis if they have been involved in the employment of 'illegal' employees.

4.4. Should you be in any doubt as to a candidate's right to work in the UK, seek advice in the first instance from Schools' HR.?

5. Resignation Acknowledgement

5.1. When an employee resigns the resignation must be submitted in writing to the Headteacher.

5.2. For those schools buying services from Havering Schools' HR, when a member of staff leaves a post it is important that the notification of leaving is forwarded to Schools' HR. The appropriate form to use is the Notification of Leaving (PAMS 99) which should be completed as soon as the person has submitted their notice to the school.

5.3. For Fixed Term Contracts it is necessary to complete a (PAMS 99) unless the contract is being renewed, if this is the case then this renewal, along with the specific reason for the contract extension, should then be communicated to Education HR on an instruction form (ED439) as soon as possible. Schools should seek advice from Education HR if a decision not to renew a fixed term contract is made as there may be implications if there the post holder has two years service.

Failure to inform Education HR of a renewal contract may result in complications with pay.

Resignations deadlines

Teachers

To start:	01 st September	Autumn Term	to be received on or before 31 st May
To start:	01 st January	Spring Term	to be received on or before 31 st October
To start	April	Summer Term	to be received on or before the last day of February

Support Staff

Please refer to the staff member's Terms and Conditions.

5.4. Adjustments will need to be made to personnel records held, and payroll. Where the School buys the relevant Education HR Services, Education HR will arrange for the changes to be made, via the PAMS 99 form.

5.5. Where Schools purchase the LA Payroll Service, the Payroll Section will arrange for the final salary payment and P45 to be sent to the leaver.

6. Decision to recruit

6.1. Once a vacancy arises, the need to fill the post must be considered. The position should be analysed to ascertain:

- if it is essential that the post be filled
- what would be the impact on service delivery if the vacancy is frozen or the post deleted
- are there any organisational changes that might affect the post
- whether a re-allocation of duties could be achieved, making it unnecessary to fill this post
- whether the post could be filled at different hours, grade or under more flexible arrangements, e.g. job share
- for teachers, what level of skill is required
- Whether the post should be ring fenced. (When employees are redundant or in a potential redundancy/redeployment situation a post can be ring fenced, which means that the affected employees are given the first opportunity to be considered for any new or revised jobs within the section affected). If the vacancy will only be temporary, can it be filled by another member of staff 'acting up' or under secondment arrangements
- Is there a suitable redeployee who could be considered for the post? Education HR holds a list of redeployees.

6.2. If the vacancy arises because of the creation of a new post the following must be considered:

- is it permanent or temporary
- for teachers, what level of skill is required

- limited short-term
- part-time

6.3. Where there is a change of circumstances for example a decision is made not to fill, to freeze, to delete, and to reallocate the duties etc. the situation must be raised with the relevant Trade Union representative. This consultation must take place before the action is taken.

7. Positive Action in Recruitment

7.1. Although positive discrimination is unlawful, there is nothing to prevent the school from encouraging and helping under-represented groups, e.g. people with disabilities or ethnic minority groups, to apply for a job.

7.2. The following actions can be taken to encourage specific groups of people to apply for job vacancies:

- liaising with local disability groups to publicise the vacancies
- using other languages as well as English on adverts
- advertising in the ethnic press
- state in the advert that candidates from a particular group are under- represented within the school

7.3. These actions should not discourage other suitable candidates who are not in this particular group from applying, but should encourage candidates from the specific groups to apply.

7.4. From the application form it should be easy to establish that a candidate has a disability. Therefore if the candidate is short-listed they should be asked for any details of aids, adaptations or modifications that might be required to assist at the interview or to fulfil the duties of the post. This will enable the recruitment panel to make any reasonable adjustments.

8. Job Profile

8.1.1. There must be an accurate and up to date job profile available for every post. A job profile not only enables the school to be sure that the post meets its requirements, but is also essential when preparing the person profile. For the potential employee, it enables them to understand what their role would be in the organisation and will form part of their employment contract should they be appointed.

Education HR hold a bank of model job profiles (aces via Education HR intranet page) that have undergone job evaluation and have recommended grades. Schools are strongly encouraged to use these job profiles where possible; any amendments made to these should be the exception rather than the rule. In the event that significant changes are made, or a new job profile is created, it must be sent to Education HR for evaluation to attribute the correct grade.

8.1.2. The job profile should include the purpose of the post and a summary of the main activities rather than each and every task to be performed.

8.1.3. A job profile is an essential tool for evaluating posts. It is important to remember this when preparing a new job profile or amending an existing one and for support staff profiles, they must be sent to Education HR for evaluation in accordance with single status). A fine line has to

be drawn between providing sufficient information to assist job evaluation and maintaining a document that is attractive and succinct to encourage potential applicants.

8.1.4. Always be aware that you may be asked to justify your 'requirements' either as a result of internal monitoring arrangements, (see later section), or possibly by an outside body such as an Employment Tribunal.

8.1.5 The job description and person specification should specifically include reference to the responsibility the role has for safeguarding and promoting the welfare of children and the qualities – whether that be ability, experience, training or attitude, or a mixture of these – that the person will need to fulfil that responsibility. Too often this is an area that is taken for granted and overlooked when writing job descriptions and person specifications. In an organisation that provides services for children, everyone in the organisation has a responsibility for safeguarding in some way. The actual nature and degree of responsibility will vary according to the role, so for example it will be different for a caretaker as it would be for a youth worker; even so, everyone will have some responsibility in that area.

8.1.6 It must be determined as to whether the post will be covered by the DfE Childcare Disqualification Regulations to inform the relevant checks prior to appointment. For further guidance refer to <https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>

8.2. Existing Job Profile

8.2.1. Before advertising a vacancy it may be necessary to review an existing job profile as the job may have changed since it was last prepared. In the case of Support Staff, any amendments that are made to the post must be job evaluated or re-evaluated. (See also point 8.4.2)

8.2.2. Where changes are made to the job profile, Managers must be aware of the impact it may have on the duties listed in another post holder's job profile. Where a job is truly generic and affects a number of existing employees, those employees should be consulted on changes and wherever possible, agreement should be reached with them on the final document.

8.3. New Job Profile

8.3.1. Following the same principles as above, check to see how the duties allocated to the new post might affect existing posts.

8.4. Job Profile Format

8.4.1. The job profile should follow a consistent style and be written in clear and concise language. Jargon should be avoided if at all possible.

8.4.2. Before a support staff job can be advertised, a new post or amended post must be job evaluated. Papers must be sent to Education HR and a reasonable timescale for response should be allowed.

Summary

Ensure the following:

- the job profile is accurate and reflects the requirements of the job

- if the job profile is new or amended - that it does not have an impact upon another post
- ensure the job profile is not gender bias, or does not exclude groups by the way it is written
- for support staff jobs, the post has been job evaluated before it is advertised
- there is some reference to the safeguarding responsibilities of the post

9. Person Profile

9.1. A person profile describes the skills, knowledge and characteristics which the candidate must possess to fill the vacant post. It is an essential part of the recruitment process, and drives the information used for:

- assessing a person's ability to undertake all the duties and responsibilities in the job profile
- advertising the post
- short-listing the candidates for the final selection process

9.2. The person profile should contain only objective and measurable criteria on which to assess the applicants. This ensures that applicants are treated solely on merit and without reference to irrelevant material that could result in direct or indirect discrimination.

9.3. When preparing a person profile it is important to be clear about the skills and characteristics that are needed to undertake the job and the weighting given to those requirements, i.e. essential or desirable to the post. These are the only criteria to be used for short-listing purposes. Essential requirements are those that the candidate must possess to do the job, whereas desirable ones are those which if present will enhance job performance. For example it may be essential to have experience of using a computer but desirable to have experience of a particular package.

9.4. If you over emphasise the required criteria this could eliminate potentially good candidates. Similarly if you are too restrictive, you may exclude particular groups unfairly, which may result in challenge under anti-discrimination legislation.

9.5. The language and terms used need to be explicit and precise. The requirements listed in the person profile should be specific, justifiable and capable of being evaluated in an objective way.

9.6. It is important to remember that commonly used phrases such as 'candidates must have the ability to use the telephone or ability to audio type' can have a negative effect on the recruitment of a suitable disabled applicant.

9.7. Additionally in the case of a person with a hearing impairment it may be possible for an appropriate adaptation to be made. For example, it would be unfair to expect all employees in an office to be able to answer calls or audio type, when a minicom, or the Royal National Institute for the Deaf exchange could be used, or when the responsibility for answering the telephones could easily be shared amongst the hearing employees.

9.8. You should indicate on the person profile how each aspect of the criteria will be assessed, i.e. from the application form, interview, tests or a combination of these. It is good practice to include at least one criterion that relates to the safeguarding of children.

Examples of Inappropriate and Alternative criteria

Inappropriate Criteria	Alternative Criteria
Ability to write clear reports	Ability to compile/produce/draft reports
Ability to deal sensitively and tactfully with members of the public	Ability to provide advice/support to people who may be under stress
Ability to cope with heavy workloads, meet strict conflicting deadlines, and work under pressure	Ability to manage an extensive workload in order to meet strict deadlines
Good general health/education	Delete
Ability to speak good clear English and give advice to clients	Ability to communicate advice to clients
Must have basic office skills	Ability to file, take messages (specify the admin. skills required)

Summary

Ensure the following:

- you are clear about the skills and characteristics needed for the post - it is only these that can be specified
- prioritise these into essential and desirable requirements
- the language used must be explicit and precise
- the requirements must be specific, justifiable and capable of being evaluated in an objective way
- there are references to the safeguarding responsibilities of the post

10. Assimilation

10.1. This is an agreement between the Council and the recognised Trade Unions and affects posts in a restructuring.

10.2. If an employee is undertaking 65% or more of the duties of a new post in their old job, then that employee can be assimilated to the new post. There will be, in this case, no need for a selection process.

10.3. However if there are a number of employees in the same position and there is a reduction in the number of new posts then a selection process would have to be undertaken.

10.4. This rule is used almost exclusively in re-structures and re-organisations, when current posts are deleted and new posts created or posts are redesigned.

10.5. Please see Managing Organisational Change policy for details.

11. Advertising the Post

11.1. Purpose of an Advert

11.1.1. An advert is intended to attract suitable applicants to apply for a post. Therefore adverts should be clearly written and based on key aspects of the job profile and the person profile. It should enable the reader to make a judgement as to whether it is appropriate for them to apply.

An advert that is vague and refers to general functions of the post, rather than key functions and precise skills, tends to generate lots of interest from unsuitable applicants. It is important to choose wording carefully so as to avoid discrimination and also not to use terms which are difficult to test objectively. It is also best practice to include the school's policy statement with regards to safeguarding to deter unsuitable applicants.

11.2. Content of Advert

11.2.1. The advert should include the following:

- post title / level of post (for teachers)
- salary package (which will include any benefits if appropriate)
- location
- key duties & functions of the post
- skills/knowledge/experience/qualifications needed to undertake the post
- whether it is a temporary or permanent contract
- if it is a job share
- closing date
- interview dates (week commencing dates are sufficient if exact dates are unknown)
- Application details. It is important to state that a CV is unacceptable and that only the stated application form should be used to apply for the post. By using the online form, all candidates are supplying the same basic information, including mandatory information required under the Safer Recruitment guidelines.
- Safeguarding and equal opportunities statement – a general statement is automatically added to your advert when uploaded on to the website. If the school has its own statement, please include in the body of the advert. It is recommended that the safeguarding statement should also appear on every printed media advert

11.2.2. It is important to phrase adverts in such a way as to encourage applications from suitable candidates of both sexes, of all races and from people with disabilities.

11.2.3. Wherever possible redeployees should be considered for posts before they are advertised.

11.2.4. With regards to teaching posts, it is vital that information about the skill expectation, salary range, starting salary information and progression criteria is made available at the time of advertising. Please see sample applicant pack via www.haveringeducationhr.org

11.3. Advertising

11.3.1. Where the school has purchased the Recruitment Service from Schools' HR, the draft advert is prepared by the school and a copy is sent to Education HR for advice or to be advertised as submitted. Education HR will then arrange for the finalised version of the advert to be included in the weekly vacancy bulletin and the Havering School Recruitment website www.haveringschools.jobs

11.3.2. All adverts placed through Education HR are uploaded onto a number of websites, including Jobs Go Public, Havering.gov, It's your future too, plus many more, free of charge to those schools who buy the services from Schools' HR. The advert will also appear in the schools weekly staff newsletter 'It's your future too'. All adverts to appear in the bulletin should be received by Education HR by 5pm on Thursday, weekly. Website adverts are uploaded daily.

11.3.3. Advertising is costly so it is important to consider the most suitable publication to maximise exposure to the type of candidate you are hoping to attract. Obviously advertising internally and locally may be cheaper but it may not always attract the best candidates. All Service Clusters need to keep their advertising expenditure within the budgeted provision for the financial year.

11.3.4. If placing an advert externally, there are deadlines for submitting the details and art work (where appropriate), see below. If advertising externally, schools are to submit the advert to Education HR and specify the publication and date of insertion. The relevant person will contact the school with cost and design for approval.

Publication:	Deadline:
Recorder Newspaper	Tuesday by midday to advertise that week
TES (Times Educational Supplement)	Thursday by midday to advertise the following Friday
Website	Adverts are placed immediately upon receipt of them
Weekly School Bulletin	Thursday by 5pm to appear the following week

11.3.5. Please ensure that all adverts have a closing date of two weeks from the date of insertion, unless otherwise discussed with Schools' HR.

11.3.6. In the event that the school does not buy the Recruitment Service from Schools' HR, the school will be responsible for making alternative arrangements to advertise the post.

12. Method of Application

12.1 Application form

12.1.1. An application form should be used to obtain a common set of core data from all applicants. It is not good practice to accept curriculum vitae drawn up by applicants in place of an application form as it will only contain the information the applicant wishes to present and may omit relevant details.

12.1.2. The online application form requests the required information and the online form mirrors this. The online form also has mandatory fields to ensure certain information is declared and as such it is strongly recommended that schools utilise this service. All adverts sent to Education HR will automatically include the online application method.

12.2. Candidate Information Pack

12.2.1 The pack should include (this can be uploaded to the website to accompany the advert):

- the application form, and explanatory notes about completing the form
- the job description and person specification
- any relevant information about the local authority or establishment and the recruitment process, and statements of relevant policies such as the authority policy about equal opportunities and the recruitment of ex-offenders
- the school's Child Protection Policy Statement
- for teachers, information on starting salary, progression criteria and role expectations

13. Long-list

13.1. A long-list can either be a list of candidates who have been selected for the first or preliminary interview, or a method by which the applications received are registered.

13.2. If it is the latter the longlist can include a range of information such as the following:

- the date the form was received
- the name and address of the applicant

13.3. The long-list is good practice and the purpose of it is to be able to see easily the forms received.

14. Short-listing

14.1. Purpose of Short-listing

14.1.1. The purpose of a shortlisting process is to decide which candidates meet the requirements of the job, i.e. those whose skills and abilities match the essential requirements of the job. It will be these candidates who are invited to attend an interview or the next stage of the recruitment process.

14.2. Short-listing Process

14.2.1. The short-listing process should take place as soon after the closing date as possible, and should be done by at least the two people, preferably three, who will be on the interview panel. The shortlisting should initially be undertaken separately and then a consensus reached as to the candidates to be shortlisted.

14.2.2. Short-listing should be an objective process. It is achieved by comparing the essential criteria on the person profile with the candidate's application form. Any candidate who meets the essential requirements should progress to the next stage of the recruitment process.

14.2.3. There should not be a determined number of candidates to progress to the next stage. However, if there are too many candidates, the 'desirable' requirements should then be considered in an attempt to refine the shortlist and this may reduce the number of candidates to a manageable number.

14.2.4. All applications should be scrutinised to ensure that they are fully and properly completed, that the information provided is consistent and does not contain any discrepancies, and to identify any gaps in employment. All applications should be signed and/or the declaration box ticked in the case of online forms.

14.2.5. Incomplete applications should not be accepted and if possible should be returned for completion. Any anomalies or discrepancies or gaps in employment should be noted so that they can be taken up as part of the consideration of whether to shortlist.

14.2.6. Gaps in employment, reason for leaving and the reasons for a history of repeated changes in employment without any clear salary or career progression, or mid-career move from permanent to supply teaching or temporary work, also need to be explored and verified. If you decide to shortlist candidates with such anomalies, these should be explored prior to, or at the interview.

14.2.7. Criteria for selection/rejection should be applied equally to all candidates. A candidate who has been rejected for a job and believes the rejection to be on the grounds of sex, race or disability, can take their case to an Employment Tribunal. If it is then shown that the selection criteria was applied inconsistently, it leaves the employer exposed to allegations of unfair and unlawful discrimination.

14.2.8. Where the candidate has declared a criminal caution or conviction, this information **MUST NOT** be used as a reason to not shortlist to ensure equality of opportunity. However, the disclosure can be explored at interview and a decision can then be made based on the information obtained. The DBS must be compared with the self disclosure before confirmation of appointment to ensure consistency.

14.2.9. The outcome of the shortlisting process must be documented, stating the reasons for selection and non selection. This can help to demonstrate that all the candidates were treated fairly and assessed against the same criteria. The Council may be asked to produce this documentation as part of an investigation of unfair discrimination and failure to do so could weaken the employer's defence against a claim of unfair discrimination. Please see Appendix 1 for an example short-listing grid.

14.2.10. Where only one candidate has satisfied the shortlisting requirements, he/she can be interviewed. The relevant comparison is between the requirement of the person profile and applicant and not between the applicants. It is fair to say though, that it is unusual to interview only one candidate.

Summary

When shortlisting you must:

- not reject an individual because of his/her name, country of birth, gender, age, marital status or disability

- not reject an individual, based on an assumption that the individual would "not fit in"
- Not select an individual who does not meet the criteria specified. (The only exception to this might be a person with a disability who can perform most functions but not all, but he/she must meet the essential criteria)
- ensure the application form is completed fully and any anomalies considered

15. Checks before Interview

15.1. References

15.1.1. The purpose of seeking references is to obtain objective information to support appointment decisions. They should always be sought and obtained directly from the referee. Employers should not rely on references or testimonials provided by the candidate, or on open references and testimonials, i.e. "To Whom It May Concern". There have been instances of candidates forging references and open references might be the result of a compromise agreement and are unlikely to include adverse comments.

15.1.2. Ideally references should be sought on all shortlisted candidates, including internal ones, and should be obtained before interview so that any issues of concern can be explored further with the referee, and taken up with the candidate at interview. Further to the introduction of the Equality Act 2010, references sought prior to interview should no longer request information regarding absences. A second reference requesting absence information should be sought after the conditional offer of employment has been made.

15.1.3. References should be sought from two referees in respect of all external candidates, one of whom should be the present employer, or the last employer if the candidate is currently unemployed or self employed.

15.1.4. In exceptional circumstances it might not be possible to obtain references prior to interview, either because of delay on the part of the referee, or because a candidate strongly objects to their current employer being approached at that stage. It is up to the person conducting the recruitment to decide whether to accede to a candidate's request to postpone obtaining their references, but it is not recommended.

15.1.5. In any case where a reference has not been obtained on the preferred candidate prior to interview, the employer must ensure that it is received and scrutinised, and any concerns are resolved satisfactorily, before the person's appointment is confirmed.

15.1.6. When requesting references it is important to supply the referee with a copy of the job profile and person profile (the referee is asked their opinion as to the suitability of the candidate for the post).

15.1.7. All references should seek objective viable information, not subjective opinion. It is recommended that schools use the Havering proforma reference request See Appendix 1a and Appendix 1b

All reference requests should ask:

- about the referee's relationship with the candidate, how long have they know them for and in what capacity

- details of length of employment, present post, duties, level of pay
- whether the referee is satisfied that the person has the ability and is suitable to undertake the job in question, and for specific comments about the applicant's suitability for the post
- whether the referee is completely satisfied that the candidate is suitable to work with children
- specific viable comments about the applicant's performance and conduct, this will include specific criteria for teachers, relating to the expectations of the level of post applied for
- details of current disciplinary procedures the candidate has been subject to
- details of all (current and expired) disciplinary procedures the candidate had been subject to involving issues related to the safety and welfare of children or young people, and the outcome
- details of any allegations or concerns that have been raised with the candidate that relate to the safety and welfare of children and young people or behaviour towards children or young people and the outcome of those concerns
- details of any capability procedures concerns in the past 2years

15.1.8. Upon receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The information should be compared to the application form to ensure consistency. Any discrepancy should be followed up with the candidate and any concerns raised with the referee and documented.

15.1.9. All references should be verified, either by ensuring that they have been returned on a professional letterhead, or requested and returned via a credible email address. It is not good practice to accept references that have been supplied via a personal email account, nor those without a professional letterhead. In this event, it is good practice to follow this up and request proof of establishment.

16. Interviews

16.1. 1.The interview is the most commonly used selection tool. The purpose of the interview is to select the most appropriate person for the job based upon an objective assessment of each candidate's skills, knowledge, experience etc. against the person profile.

16.1.2. It is recommended that there is a minimum of 2 people on the interview panel, the same two people who have conducted the shortlisting process. And where possible the panel members should reflect diversity. For example not have an all male panel.

16.1.3. As of 1st January 2010, there is a statutory requirement that at least one person of every interview panel for school based posts, has undergone and successfully passed the Safer Recruitment Training, either online or by attending the Local Authority training session.

16.2. Preparing for the interview

16.2.1. The panel should agree a set of questions they will ask all candidates relating to the requirements of the post, and the issues they will explore with each candidate based on the

information provided in the candidate's application and references (if available). A candidate's response to a question will determine whether and how this is followed up.

16.2.2. Before the interviews take place it is also important to ensure that the panel members are clear on how the interviews are to be recorded, the assessment system to be used, and the intended timescale for making a decision and who will give the feedback to the candidates at the end of the process.

16.3. Location

16.3.1. The environment the interviews are to take place needs to be considered carefully to avoid disturbance and interruptions. The furniture may need to be arranged to ensure that it is comfortable for all those participating and it is not intimidating for the candidate. It is also important to take into account any specific needs, for example access requirements.

16.3.2. There should be someone to greet the candidates when they arrive for the interview.

16.4. The questions

16.4.1. The questions must be designed to extract the evidence/information from the candidates to enable an assessment against the requirements stated in the person profile. All candidates must be asked the same questions to ensure equality and therefore questions must be standardised. It may be necessary to probe further in response to a candidate's reply, and this is acceptable.

16.4.2. Where possible, it is best to avoid hypothetical questions because they allow theoretical answers. It is best to ask competence based questions that ask a candidate to relate how they have responded to or dealt with, an actual situation, or questions that test a candidate's attitudes and understanding of issues, including attitude towards safeguarding. Questions specifically relating to safeguarding should also be included. Candidates should also be asked if there is anything they wish to declare in light of the requirement for a DBS disclosure, and where references are not yet obtained, references requested.

16.4.3. Candidates should not be asked questions about their personal circumstances or family commitments. Neither should candidates be asked about:

- their ability to understand/converse in English
- desire to return to their country of birth
- how they would react to being the only woman, man, black, white person in a team
- intentions of getting married
- plans for a family

16.4.4. Whilst it is not unlawful to ask questions about domestic responsibilities, how the information is used, may be.

16.4.5. The Equal Opportunities Commission recommends asking more neutral questions about ability to fulfil job requirements. For example 'the job requires you to work on a two evening off, two evening on rota, are you able to fulfil this requirement?' Rather than 'I see you have two children, who will look after them when you are at work?' The first question makes explicit the job conditions/requirement, the second question does not. It is worth noting that to ask

questions about childcare arrangements to men and women could still be seen as unfair and potentially discriminatory to the female candidates.

16.4.6. Where a candidate is disabled, the Disability Discrimination Act does not prohibit the employer from seeking information about a disability, but it must not be used to discriminate against the candidate. A question about the disability should only be asked if it is, or may be, relevant to the candidate's ability to do the job, or for considering reasonable adjustments or monitoring purposes. Asking about the effects of a disability will be important in deciding what adjustments ought to be made.

16.5. Information for Candidates

16.5.1. The candidates need to be informed of the time, date and location of the interviews. They should be asked to bring with them confirmation of their relevant qualifications, and proof of their right to work in the UK, as well as a second form of identity e.g. a utility bill or driving licence. Ideally a copy should be taken, although it is acceptable to indicate on the application form that they have been seen. Candidates must also be told the format of the process. For example, will they be required to attend preliminary interview, will there be tests involved before the interview. It is important to supply the candidates with as much information as possible prior to the interview, to allow them to prepare and to minimise the risk of job offers being rejected.

16.5.2. Candidates should be interviewed in alphabetical order unless there are travelling or there are domestic difficulties. Internal candidates should be interviewed consecutively if possible. All candidates should be allotted the same period of time.

16.5.3. It may be helpful if candidates are able to visit the work area before the interview. To ensure that all candidates have the same opportunity and receive equal treatment any arranged visits should be with the same designated officer.

16.6. The Interview

16.6.1. It is important to remember that the interview is not only about the employer assessing a potential employee but also about the candidate assessing the school as a potential employer.

16.6.2. During an interview notes should be made as to whether the candidate meets the requirements stated in the person profile.

16.6.3. Candidates must be given the opportunity to ask questions at the end of an interview. They should also be told when a decision will be made and how they will be notified of the outcome.

16.7. Meeting the Needs of Candidates with Disabilities

16.7.1. Candidates should be given the opportunity to indicate any relevant effects of a disability and to suggest adjustments to overcome the disadvantage. This could help the school to avoid discrimination in the interview and in considering the applicant.

16.7.2. Nevertheless, if a candidate, who the school previously did not know and could not have known, to be disabled, arrives for an interview and is placed at a substantial disadvantage because of the arrangements, the school may still be under a duty to make a reasonable adjustment from the time that they first learn of the disability and disadvantage. However what the school has to do in these circumstances might be less extensive than had advance notice been given.

16.7.3. Reasonable adjustments to be considered are:

- rearrange the interview time if the candidate cannot attend because of his/her disability
- provide hearing support for a hearing impaired candidate if required
- a disabled candidate may have additional travelling expenses, e.g. taxi instead of a bus, or transport fees for a support person
- A wheelchair user may arrive for an interview without the school's prior knowledge that they use a wheelchair. It may be a reasonable adjustment to relocate the interview to a room which is accessible by a person in a wheelchair
- it may be reasonable to allow a candidate with a learning disability to bring along a support person to assist in answering questions that are not part of tests
- allow a longer time for the interview where a sign language interpreter is being used

Summary

- make sure the interviews have been planned properly
- supply the candidate with all relevant documentation and information
- consider any disabled applicant's requirements

17. Selection

17.1. Selection Decision

17.1.1. The final selection decision must be made on merit and based upon the information gathered from the whole recruitment process, which includes the application form, interview(s) and any tests that the candidates have been required to do.

17.1.2. The selection decision is made, as to the candidate who best meets the criteria that has been specified in the person profile. The job should be offered to the candidate who meets all essential requirements. If there is more than one candidate who meets the essential requirements then the desirable requirements must then be taken into account.

17.1.3. The selection must be done as objectively as possible and based on the evidence gathered throughout the process and not by 'gut instinct'. The panel members need to initially record their own decisions and then come to a consensus of opinion and record the panel's decision. The school may find that a decision is challenged so we must ensure the process has been undertaken fairly, objectively and has been recorded in writing.

17.1.4. The tests should be assessed and included in the overall assessment.

17.1.5. Under the Equality Act 2010, the school must assess a disabled candidate's merits as they would be, if reasonable adjustments required under the Act had been made. If after allowing for the adjustments, the disabled candidate is not the best person for the job then they need not be selected.

17.2. To be avoided in Selection

17.2.1. Unless the interviews are carefully considered and based on objective criteria they will be prone to subjectivity, for example:

- own image recruiting - this is where selection decisions are influenced by the fact that an applicant displays attitudes and characteristics similar to that of the interviewer or previous post holder
- fitting in - this is where selection decisions are influenced by concerns about whether a candidate's race, colour, gender, sexual orientation, age, disability is likely to be acceptable to existing employees
- stereotyping - this is where selection decisions or questions during interviews are based on pre-conceived assumptions about the capabilities of a person because of that person's race, colour, culture, gender, sexual orientation, age or disability. Applicants stereotyped in this way may be seen unfairly as performing badly in the interview. Alternatively, interviewers may be more apt to test such applicants more rigorously than others.

Summary

The desire to appoint someone quickly should never take priority over the need to ensure that references, medical questionnaires (these should only be required once an offer of employment is made), DBS disclosure etc, are acceptable. This is of absolute paramount importance where the candidate is likely to be working with vulnerable groups.

18. Offer of Appointment

18.1. Oral offer

18.1.1. An oral offer of appointment can be made subject to medical clearance, satisfactory references and DBS if applicable. These issues are covered separately in other sections. However, care must be taken when making offers of appointment as anything said may be contractually binding.

18.1.2. Candidates offered appointments, subject to medical clearance and satisfactory references, must be advised that they should not resign from their current employer until they have received confirmation that satisfactory reports/references have been received. This offer should be confirmed in writing.

18.1.3. All appointments are subject to an Enhanced Disclosure check.

18.2. Start Date

18.2.1. Once the candidate has formally accepted the post, the start date can be agreed. At present, new appointments can begin work without DBS clearance providing the school has risk assessed the situation and is confident that they can arrange for the employee to work under constant supervision and if every other check has been completed. However this is not considered best practice and is not something that is recommended.

18.2.2. The unsuccessful candidates should be notified in writing as soon as the interview panel has made its decision and the successful candidate has accepted the offer of appointment. The

unsuccessful candidates should be offered feedback as to why they failed to be appointed. See Feedback section.

18.2.3. All employees should be supplied with a written statement of particulars of employment within 8 weeks of commencement of service, in accordance with employment legislation.

18.2.4. There should be no discrimination in the terms offered to disabled applicants, but reasonable adjustments can be made to the contract, e.g. standard hours may be reduced or rearranged where the disabled person has difficulty with public transport.

19. Pre Employment Checks

All checks should be confirmed in writing and documented on the personnel file (subject to the DBS Code of Practice and data protection arrangements) before a contract of employment is issued.

19.1. References

All references should ideally be sought and received prior to interview on all shortlisted candidates. In any event, at least two references (one being the most recent employer) should have been sought and scrutinised prior to confirming the appointment. For more information on references, please refer to section 15. Further to the introduction of the Equality Act, references sought prior to a conditional offer of employment being made, can no longer request information regarding sickness absence.

A second reference should be sought after a conditional offer has been made to request information on absences, number of days and reasons for the past two years.

19.2. Verification of identity and right to work in UK

19.2.1 It is important to be sure that the person is who he or she claims to be. The employee must be asked for proof of identity such as birth certificate, driving licence or passport, combined with evidence of address, before an appointment is made. Some form of photographic identity is required in connection with an application for a DBS enhanced Disclosure. In summary, the proof should include name, date of birth, address and photographic identity.

19.2.2. If an employee is provided by a third party, such as an Employment Agency, the school must check that the person who comes to the interview is the person referred by the employment business or agency by carrying out the identity checks as above.

19.3. Certificate of Sponsorship

19.3.1. Any teacher who is a British Citizen, a Swiss National or a National of a country in the European Economic area does not need sponsorship to work as a teacher in UK. All other teachers including those from Bulgaria and Romania need to have valid IED (Immigration Employment Documentation) in order to work as a teacher in the UK.

19.3.2. As part of the recruitment process schools must check that the teacher has the right to work by asking them to provide their IED. This can be any of the following: a Tier 2 Certificate of Sponsorship, a Work Permit, a Tier 5 Youth Mobility Scheme Document, a Working Holiday Maker Visa, an Ancestral Visa or a residence permit that allows them to work in the UK. There

will be an endorsement in their passport or they will have written documentation from the Home Office which you need to take copies of and provide to Schools' HR.

Certificates of Sponsorship cannot be issued to any school based employees other than teachers.

19.3.3. If you are in any doubt about their legal status in the UK, you must check with Education HR on: 01708 433901.

19.3.4. We are unable to issue permanent contracts to these teachers as their right to stay in the UK is not definite. This is the case even if they have QTS.

19.4. Medical clearance

19.4.1. Anyone appointed to a post involving regular contact with children or young people must be medically fit (see the Education (Health Standards) (England) Regulations 2003). It is the statutory responsibility of employers to satisfy themselves that individuals have the appropriate level of physical and mental fitness before any appointment is confirmed.

19.4.2. The Equality Act October 2010 has made it illegal to ask for medical or sickness absence data prior to an offer of employment being made nor can information around sickness absence cannot be requested from current or previous employers. Therefore, a medical questionnaire must be completed by successful candidates once they have been made an offer of employment – including verbal. From this questionnaire the Medical Officer for the school's Occupational Health provider will decide whether a medical examination is necessary.

19.4.3. A second reference should be requested from current or previous employers regarding absence after the conditional offer has been made.

19.4.4. When a candidate is offered a post they must be told that they should not resign before being informed that they have been medically cleared.

19.4.5. Letters of appointment may be issued prior to medical clearance providing it is made plain that the offer of appointment is "subject to a satisfactory medical report" but new employees must not commence employment before such a report is received.

19.4.6. It is essential that candidates with disabilities are not singled out for an examination because of a disability, if that disability is not related to their ability to do the job. Clearly there will be circumstances where a particular disability is relevant to the job and in such cases an examination will be required.

19.5. Verification of qualifications and/or professional status (where required)

19.5.1. Employers must always verify that the candidate has actually obtained any qualifications legally required for the job and claimed in their application e.g. asking to see the relevant certificate or diploma, or a letter of confirmation from the awarding institution. If original documents are not available, employers should see a properly certified copy. Employers can now 'claim' teachers working at their school for ease of regularly monitoring the DfE Prohibition list via the Employer Access Service.

19.5.2. Please note, if a candidate has a DFE reference number this does not necessarily mean that they have QTS.

19.5.3. For those candidates applying for teaching posts, Education HR is able to check their status with the Teaching Agency. Alternatively, schools can check their status with the Teaching Agency. Alternatively, you can access the portal using the link below.

<https://education.gov.uk/employeraccess/>

19.5.4 *Employers in England can now use NCTL Teacher Services (also known as employer access online) to check for restrictions/sanctions that have been imposed by regulators of the teaching profession in other EEA member states. This information will help employers when making recruitment decisions and should be carried out in addition to all other safer recruitment pre-appointment checks as detailed in part 3 of [Keeping Children Safe in Education](#) (KCSIE) statutory guidance. Paragraphs 63-64 of KCSIE provide specific information about obtaining criminal record information and references for individuals who have lived/worked abroad.*

EEA regulator restrictions do not prevent an individual from taking up teaching positions in England, however, employers should consider the circumstances leading to the restriction when assessing a candidate's suitability to be employed. The employer access service explains how to obtain more detail about EEA restrictions. Please note, only EEA restrictions that are determined after 18 January 2016 will be displayed.

Employers will need to access the "Teachers sanctioned in other EEA member states list" to identify restrictions in force. Where the employer holds a teacher reference number and date of birth the general search function can now be used.

19.6 DfE Childcare Disqualification Regulations

19.6.1 If the post is deemed by the school to be covered by the DfE Childcare Disqualification Regulations, then the candidate must be made aware of the requirement to disclose either by use of the declaration form (Appendix 2 & 2A) or by another means. This information must be included on the Single Central Record and a confirmation that the check has been undertaken kept on the file.

20. Disclosure of Criminal Background

20.1. **All new school based staff** must undergo a DBS enhanced Disclosure check which **includes a Barred list check**. There are now two levels of Enhanced Disclosure that school staff and volunteers are eligible for. The first being, Enhanced check with Barred list of which all paid employees should hold, including all teachers, support staff, applicants for teacher training courses and trainee teachers (NQTs and GTPs).. The second is Enhanced check without Barred List which is applicable to 'supervised volunteers' only. Unsupervised volunteers should have the Enhanced Check with Barred List Check, see 20.4.

20.2. Staff that move between Havering schools will not be subject to a DBS recheck so long as they satisfy the criteria;

- Their current DBS check (undertaken by their previous LBH School) is less than three years old.
- They have not had a break in service between schools.

- They are moving to a role of similar responsibility. Head Teachers moving between schools will need to be re-checked.
- Their previous Head Teacher has raised no specific concerns in relation to their conduct.

This will include GTP staff that have been appointed to a different school (other than where their placement has been) at the end of their training.

It is, however, at the discretion of the Head Teacher if they wish to re-check a member of staff who is transferring from another Havering school, though it is not a requirement of LBH.

20.3. Supply Staff and Invigilators

It is recommended that all internal supply staff and invigilators should be subject to an **annual** DBS check. With regard to agency supply staff, schools should make sure they see evidence that these have an up to date DBS check. It is strongly recommended that supply agencies are used with the Government Charter Mark. This Quality Mark is only awarded to supply agencies that have undergone rigorous vetting to ensure their policies and procedures meet quality safeguarding standards set by the DFE. It is an Ofsted requirement that schools employing supply teachers through an agency must obtain a letter from that relevant agency, confirming that all relevant checks, including up to date DBS checks have been undertaken.

20.4. Volunteers

Recent changes introduced by the Government include the change to the DBS Enhanced check. The DBS enhanced disclosure is now split into with and without Barred list check. All volunteers are eligible for the Enhanced disclosure without Barred List check, however, only unsupervised volunteers who have regular unsupervised access to children must however have an Enhanced DBS disclosure with Barred List check undertaken.

Those volunteers who help with one off events and are infrequent visitors to schools, who do not have unsupervised access to children, should not be asked to apply for a disclosure. It is recognised that some volunteers can fall between these categories and therefore Head teachers must apply their professional judgement as to whether a disclosure is required.

Volunteer applicants will not be checked against the barred if they are supervised and it is the responsibility of the Headteacher to ensure appropriate supervision at all times for volunteers that do not have a Barred List check, even if they have an Enhanced DBS Disclosure. Please see link below for more information.

<http://www.education.gov.uk/aboutdfe/statutory/g00213160/working-together-to-safeguard-children>

20.5. Contractors

The Headteacher must ensure that a contractor has carried out a DBS check on all their staff that has contact with pupils. Such checks can be carried out through a registered 'umbrella body'.

Wherever possible, contract work should be arranged so that the contract workers have no direct contact with children. Discussions should take place with the management of the company contracted to carry out the work. The company should assume the responsibility for ensuring that their staffs is aware of the guidelines set within the school about contact with the pupils and that they do not have an unsuitable criminal background. The contractor will need to agree not to use anyone the authority or establishment advises to be unsuitable. Particular

attention should be given to the monitoring of access of such visitors who are undertaking work on the site.

20.6. Overseas Candidates

The DBS does not generally have access to overseas criminal records although some limited data may be held in respect of people who have substantial periods of overseas residence. However some countries do provide their citizens with certificates of good conduct to give to prospective employers.

The DBS can only access criminal records (convictions, cautions, reprimands and warnings) held on the Police National Computer in England, Wales and those recorded from Scotland. If an individual is recruited from overseas, a DBS Disclosure may not provide a complete picture of their criminal record that may or may not exist. The DBS has set up a dedicated advice service to help in these cases. Overseas Enquiry Line **Phone** 08700 100 450, **Email** overseas@DBS.gsi.gov.uk

The government has recently announced that they will be implementing mandatory DBS checks for Overseas Trained staff. This advice will be updated once the government has issued further guidance on this matter.

20.7. Governors

At present it is not a statutory requirement that Governors are subject to a DBS disclosure, although some who also work or volunteer in schools will be required to obtain a check because of the nature and duration of their contact with children. It is recommended that Governors should be asked to make a formal declaration of any convictions that they have incurred that meet the conditions of disclosure under the new filtering rules (see <https://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates>), including any that have become spent under the Rehabilitation of Offenders Act, and they are not otherwise disqualified from serving as a governor. Governors are eligible for an Enhanced DBS check without Barred list check, however are only eligible for the Enhanced check with Barred List check if they meet the qualifying conditions (same as volunteers).

20.8. As of 29th May 2013 the DBS will be removing certain specified old and minor offences from the DBS enhanced certificate. Listed below are the filtering rules applied.

For those aged 18 + at the time of the offence an adult conviction will be removed from the DBS disclosure certificate if:

- 11 years have elapsed since the date of the conviction; and
- It is the persons only offence, and
- It did not result in a custodial sentence.

Even then it will only be removed if it does not appear on the list of offences relevant to safeguarding. If a person has more than one offence then the details of all convictions will always be included. An adult caution will be removed after 6 years have elapsed since the date of the caution and if it does not appear on the list of offences relevant to safeguarding.

With effect from 17th June 2013, the DBS will no longer send the Registered Bodies a copy of the individual's disclosure certificate. The change to the process is part of the government's aim to put the individual in greater control of their own data. Individuals will now be able to challenge the information released before it is seen by their current or prospective employer. You will be notified that the check has been completed after which the candidate should present

their certificate. Ensure that the certificate is sighted, the validity and the name and data recorded on the SCR.

20.9. In the event that the disclosure shows additional information, HR will discuss this with the Headteacher/ Recruiter. The Headteacher/ Recruiter will need to make a decision as to whether to confirm a job offer or to invite the applicant for further discussion.

20.10. A check as to the existence and content of a criminal record should generally be requested after a person has been selected for appointment, but before he or she takes up a position.

20.11. A period of at least 4 weeks can be expected before the completed DBS is received, which will be returned to the candidate after which they should present it to their new employer.

20.12. Normal recruitment procedures, i.e. taking up of references etc., should not be held up because of the requirement to undertake a DBS check.

20.13. The candidate should be advised that if the DBS check reveals any conviction, caution or charge which has not been disclosed, or where offences have not been honestly or correctly disclosed, this could lead to their summary dismissal. All information on the returned DBS disclosure should be checked against the self disclosure on the application form.

20.14. While any conviction etc. disclosed by the DBS check will be discussed with the individual concerned, the actual DBS Check, whether positive or negative, should not be retained on the individual's personal file, although reference to a DBS Check having been undertaken should be recorded. It should be noted that the Police are indemnified against any liability or civil claim arising from the provision of such information, and, in any event, they will only confirm that the subject of the check appears to be identical with the person whose record of previous convictions has been supplied.

20.15. Confirmation of an appointment may be made once a satisfactory DBS disclosure has been received

20.16. All information on the self disclosure (requested on the application form) and the returned DBS disclosure should be compared. Ultimately, it is down to professional judgement as to whether the contract of employment is confirmed, however, all information should always be considered in terms of:

- the nature of the offence
- how long ago it occurred
- circumstances surrounding the offence
- whether it was a 'one off' or part of a history
- changes in the candidates circumstances
- remorse
- de-criminalisation
- country of conviction/caution

- whether it was an allegation or conviction

20.17. Current DFE guidance states that the Headteacher is still able to exercise their discretion to allow a member of staff to start in school prior to the receipt of a satisfactory DBS Disclosure. This is as long as all other pre-employment recruitment checks have been carried out and an appropriate risk assessment undertaken. This should only be in situations where the DBS has not been able to process the disclosure prior to the staff members' appointment date. It is, however, strongly recommended that no member of staff commences work until a satisfactory DBS Disclosure has been received.

21. DBS

21.1. The DBS has been formed by the merger of Independent Safeguarding Authority & the CRB. The DBS will carry out all of the previous activities undertaken by the two aforementioned organisations.

- The three current barred lists (POCA, POVA and List 99) are replaced by two new barred lists administered by the DBS 'Children's List' and the 'Vulnerable Adults List'.
- Employers have a duty to refer information about individuals who may pose a risk to children and vulnerable adults to the DBS.
- We will be able to request a check of the two new barred lists when requesting a DBS if the applicant /volunteer is unsupervised.
- A DBS check should be completed before a member of staff starts work. Volunteers and helpers should undertake a DBS or be supervised at all times.
- There will be criminal penalties for barred individuals who seek or undertake work with vulnerable groups and for employers who knowingly take them on.

22. Feedback

22.1. Feedback should be offered to all candidates, those who have been successful and those who have not. The feedback should be factual and objective, and should explain to the candidate where he/she did or did not meet the criteria and requirements in the person profile.

22.2. Feedback can be offered either on the telephone where candidates are being advised of the decision or when letters are sent confirming the decision. The letter must indicate the name and number of the person who should be contacted to give the feedback. The onus is then on the candidate, if they want feedback, to make contact. It is important that if feedback has been offered that the member of the interview panel, who will be giving it, is not only prepared to give it, but also that they are available to give it.

22.3. For internal candidates it is useful, for their own development, to receive feedback but the decision to pursue feedback should be with the candidate. A meeting should be organised for the candidate and the Chair of the recruitment panel, to discuss the areas where the criteria was not met or demonstrated. This may highlight training requirements or areas for development that can be incorporated within an individual's personal/career development plan. It has to be however, within the existing and future substantive job context.

22.4. The successful candidates should also be given feedback as part of their induction programme, for the same purpose.

23. Induction & Probation

23.1 Induction

23.1.1. Teachers who obtained QTS after May 1999 must have successfully completed a statutory induction period within the set time period. Candidates' status with regards to induction can be confirmed via the Employer Access Service.

23.1.2. The purpose of the induction process is to:

- confirm the conduct expected of staff within the school
- support individuals in a way that is appropriate for the role for which they have been engaged
- provide training and information about the school's policies and procedures
- provide an opportunity to recognise any concerns or issues of or about the new member of staff at the outset and act on them immediately

23.1.3. Each school should have an induction policy in which their procedures are clearly laid out. There is likely to be some variation in these procedures according to the post, since the induction of teaching staff, teaching assistants, office staff, midday supervisors and manual staff would need to be tailored to requirements. Safeguarding children would, however, be a prominent feature in all cases.

23.1.4. All newly appointed staff, coming from within the agency or another agency, or newly qualified, should receive personalised induction and support, training and appraisal with respect to their new role.

The programme of induction should include:

- A full explanation of their role and responsibilities and the standard of conduct and behaviour expected;
- A full explanation of the school's personnel procedures relating to disciplinary issues;
- Information about the school's complaints, conflict resolution and whistle-blowing policies;
- Information about safe practice and the arrangements in place to support staff in their work;
- An introduction to the school's child protection policies and procedures;
- A introduction to the role and activities of the Local Safeguarding Children Board (LSCB);
- An introduction to the schools' nominated safeguarding children adviser/s and an explanation of their role;

- Child protection training at a level appropriate to the member of staff's contact with children (as required by the LSCB);
- A full explanation of who the staff member is accountable to within their school and also externally, within partner agencies, in relation to the safeguarding of children and young people.
- New staff members should be required to sign declaration that they have read and agree to abide by the school's code of conduct.
- Every new member of staff shall be assigned a mentor (separate from the senior teacher/manager who will be supervising).
- New staff members will be required to familiarise themselves with safeguarding policies e.g. child protection, anti bullying, anti racism, physical intervention, intimate care, internet safety and any local child protection/safeguarding procedures.

23.1.5. Senior managers should ensure that their staffs are adequately and appropriately supervised and that they have ready access to advice, expertise and management support in all matters relating to safeguarding and child protection.

23.1.6. Regular review meetings between the appointee and responsible manager should be convened, by the manager, throughout the induction period ensuring that the appointee has ready access to advice, expertise and management support in all matters relating to safeguarding and child protection.

23.2 Probation - Support staff

23.2.1. New employees who are employed on a permanent contract are subject to a six month probationary period, fixed term/temporary employees who have a contract for more than six months are required to serve a probationary period. Employees who have six months continuous service with local government are excluded.

23.2.2. During the probationary period detailed monitoring should be carried out regularly and performance should be formally assessed after two and four months.

Summary

Seen overall, the induction process supports new staff by exploring the issues of child protection so that they do not place themselves at risk. It will confirm that the individual fully understands what the school expects of them, leaving no room for any claim that they were unsure of the boundaries of acceptable and unacceptable behaviour, or were unaware of established procedures.

By inducting new staff properly and monitoring those during their probationary period, safeguarding issues and concerns, amongst other issues, can be identified early and dealt with accordingly. If the employee fails their probationary period, as stated in their terms and conditions, their contract of employment may not be confirmed.

24. Monitoring & Documentation

24.1. The Council is striving towards equality of opportunity in its employment practices and selection procedures. To ensure that we achieve this, the online application form has a section asking candidates for equal opportunities' information.

24.2. This information is to be used solely for monitoring purposes. As such, when viewing applications for short listing, this information should not be attached to the forms, or considered at any stage of the recruitment process.

24.3. The recruitment and selection process must be documented; this information should be held and access to it should only be to that staffs who was involved in the recruitment process, on a confidential basis. A decision made in the recruitment process can be challenged so it is important that the paper work supports the decisions made and shows that all candidates have been treated fairly.

24.4. Within Havering it is recommended that documentation is kept in accordance with the Data Protection Act 1998 for at least 6 months, ideally a year, after the appointment of candidate, as unsuccessful candidates can register complaints during this period.

25. Single Central Record of Recruitment and Vetting Checks

In addition to the various staff records (see Data Protection Guidance document) which are kept as part of normal business, schools must also keep and maintain a single central record of recruitment and vetting checks.

25.1. Under section 5 of the September 2009 Ofsted framework, schools will be inspected on their Single Central Record of Recruitment and Vetting checks.

25.2. Schools and FE colleges must have a record of the following people:

- All staff who are employed to work at the school and those staff in FE colleges providing education; and
- All staff who is employed as supply staff to the school or as supply staff providing education to the FE College, whether employed directly by the school, FE College or local authority or through an agency.

25.3. The record should also include all others who have been chosen by the school to work in regular contact with children. This will cover volunteers, governors who also work as volunteers within the school, and people brought into the school to provide additional teaching or instruction for pupils but who are not staff members, e.g. a specialist sports coach or artist.

25.4. For the purposes of creating the record of checks for supply staff provided through a supply agency (whether local authority or commercial), the school will need written confirmation from the supply agency that it has satisfactorily completed the checks. The school does not need to carry out or see the checks itself except where there is information contained in the CRB Disclosure. However, identity checks must be carried out by the school to confirm that the individual arriving at the school or FE College is the individual that the agency intends to refer to them.

25.5. The central record must indicate whether or not the following have been completed:

- Identity checks
- Qualification checks for any qualifications legally required for the job e.g. those posts where a person must have QTS and/or NPQH. Additionally, for those applying for teaching posts, check against the prohibition list via the Employer Access Service
- Checks of right to work in the United Kingdom;
- Bared List check
- DfE 2009 Childcare Disqualification Declaration & Clearance
- DBS Enhanced Disclosure
- Further overseas records checks where appropriate

The record must also show the date on which each check was completed or the relevant certificate obtained, and should show who carried out the check.

26. Notification to HR & Payroll

26.1 Setting the candidate up as an employee

Schools must notify the Education HR and or Payroll Section where relevant (dependent on individual school agreements).

26.1.1. New Starter Checklist

For each new teacher appointment – permanent, temporary or supply, we will need the following:

- ED439 Appointment form
- New Starter Details form
- Application Form (copy acceptable)
- Completed DBS on line log in details.
- Completed medical questionnaire (to be sent directly to Occupational Health)

26.1.2. Notes for completing ED439 Appointment Form

- For new staff please complete all sections of the form.
- For existing staff – only complete relevant sections of the form that relate to the changes e.g. change of house/promotion/change of location.
- Fixed Term Contracts – if issued – need to state reason for temporary nature of contract.
- For TLR posts please attach the Job Profile.
- If the candidate has worked for the authority before, please state where they were last employed and include dates.
- If the candidate has not worked for the authority before, it is important that we know where they were last employed (should be on application form).
- Please note that candidates must be given medical and DBS on line log in details to complete if they are coming from another Local Authority or if they are joining from another school in Havering. In the case of a staff member joining your school from another Havering school please refer to section 20.2.

26.2. Supply Teachers employed by the school

Please be aware of the following – your supply teachers will also need to know this information:

26.2.1. Timesheets must be completed each time work is completed at the school. Copies of timesheets should be kept in the school office.

26.2.2. Timesheets must be signed by the Headteacher or by another authorised signatory for the school.

26.2.3. Timesheets must be sent direct to the Payroll Department and a copy taken for the supply teachers own records.

26.2.4. Timesheets must be received in Payroll between the 4th and the 6th of each month in order to receive payment between the 16th and 18th of that month. If it is now possible to meet this deadline i.e. you do not work until the 10th for example, payment will be made the following month.

26.2.5. All new supply teachers, who have not been employed by the Borough as teachers during the last contractual year. Regardless of their age, please send them a Pre-Employment Health Questionnaire, and this will then be processed in the usual manner.

27. Pensions

27.1 Teachers Pensions

27.1.1. All teachers are eligible to join the Teachers Pensions Scheme. This includes overseas teachers, GTTPs supply teachers and unqualified teachers.

27.1.2. With effect from 01st January 2007, all new teachers or teachers with new contracts issued on or after this date are automatically entered into the Scheme.

27.1.3. If teachers do not want to be in the Scheme they can opt out by completing a form available from The Teachers Pensions website www.teacherspensions.co.uk.

Once the form is completed please send it to Cathy Smith at Education HR01708 433901. Teachers can opt back in if they have previously opted out by making an election to that effect. Speak to Education HR about this.

27.1.4. More information about the Teachers' Pensions scheme can be found on their website www.teacherspensions.co.uk. Alternatively they/you can contact Cathy Smith for advice about the Scheme.

27.2. Support Staff Pensions

27.2.1. All support staff on permanent or temporary contracts are eligible to join the Local Government Pensions Scheme. A pension form and short guide will be sent out with a new contract of employment and should be completed and returned to the Pensions Office, Mercury Gardens. If a person fails to complete the pension form they will automatically be brought into the Local Government Pension Scheme.

27.3 Casual Employees

27.3.1. Casual employees have an option to join the Local Government Pension Scheme, but will not be brought into the scheme unless a pension joiner's form has been completed and returned to the Pensions Office, Mercury Gardens.

27.3.2. Further information on pension schemes and forms can be obtained from the Pension Office, Mercury House. Telephone no: 01708 432274.

28. Supporting Documentation

There are supporting documents accessed through the Education HRwebsite at <http://haveringeducationhr.org/> that may give further clarification and information on the areas contained within this procedure. This list is not exhaustive.

- Keeping of personal files – please see the Data Protection Guidance Document
- Single Central Record guidance
- DBS – E Guide and guidance for school staff
- Guidance on avoiding age discrimination
- All recruitment forms, e.g. ED439, PAMS99, etc
- Medigold Occupational Health provider information and forms
- Induction Guidance

Headteacher Reference Appendix 1A

PERSONAL

Referee Name

Address

Postcode

Date: Friday, 12 05 17

Dear Referee name

Appointment of: (Job title)

Applicant: (Applicant name)

I refer to the above named, who has applied for the position of **(Job title here)** at **(Recruiting Organisation)**. Your name has been given as a referee to support their application and I would, therefore, be grateful if you could let me have your views on their suitability for the position.

To assist you in this, I have listed (on the attached sheet) a reference form. Please record your responses in as much detail as possible and return this to me. I also attach a copy of the Job Description/Person Specification, which broadly outlines the requirements of the position and the skills and experience required to fulfil it.

As part of our commitment to Safer Recruitment practice, I would very much appreciate a reply within the next 5 days, as your reference is required prior to interview. You may respond to this request in writing or by email at the following address: (enter email address)

Please note the **(Recruiting Organisation)** operates a policy of open references in line with best practice under the Data Protection Act 1998. Please be advised that any reference you supply will be made available to the individual concerned upon request.

May I take this opportunity to thank you in advance for your assistance in this matter.

Yours sincerely

REFERENCE REQUEST PRO FORMA

Applicant:

Post title:

Interview date:

Name of referee:

Telephone number for referee:
(We may call you to verify your reference)

Relationship to applicant:

Please return the reference by

Section 1: Please rate the applicant in terms of their level of competence in relation to each of the Headteacher Standards of Excellence 2015. Please consider the standards in terms of the applicants current performance as an indicator of their performance against these standards.

Headteacher Standards	Poor	Satisfactory	Good	Outstanding	Not required in their current role
Qualities and knowledge					
Pupils and staff					
Systems and process					
The self-improving school					

Please add additional comments here:

Section 2: Disciplinary and Capability issues

Has the applicant had any previous formal disciplinary or capability action taken against the which is still 'live', (for capability issues, schools have a statutory obligation to disclose any action taken within the previous two years).

Please delete as appropriate

- Not to my knowledge

- If yes, please give further details:

Section 3: Safeguarding

Are you completely satisfied that the applicant is suitable to work with children?

If not, please provide specific details of your concerns and the reasons for your doubt

To the best of your knowledge has the applicant ever had an allegation made against them, or been under investigation, in regard to his/her behaviour towards children? Please note unfounded allegations do not legally have to be disclosed.

If yes, please give details of the nature and date(s) of the allegation(s), by whom they were investigated, what conclusion was reached as a result of the investigation, whether any actions was taken and if so what that was?

If you would like to make any further comments in relation to the candidate's suitability for this post, please use this box:

Signed:

Please print name:

Job Title:

Date:

In the interests of economy, your reply will not be acknowledged, but I take this opportunity of thanking you in advance for your assistance in this matter.

Headteacher Standards for Reference when completing ratings in section 1.

1. Excellent headteachers: qualities and knowledge

1. Hold and articulate clear values and moral purpose, focused on providing a world-class education for the pupils they serve.
2. Demonstrate optimistic personal behaviour, positive relationships and attitudes towards their pupils and staff, and towards parents, governors and members of the local community.
3. Lead by example - with integrity, creativity, resilience, and clarity - drawing on their own scholarship, expertise and skills, and that of those around them.
4. Sustain wide, current knowledge and understanding of education and school systems locally, nationally and globally, and pursue continuous professional development.
5. Work with political and financial astuteness, within a clear set of principles centred on the school's vision, ably translating local and national policy into the school's context.
6. Communicate compellingly the school's vision and drive the strategic leadership, empowering all pupils and staff to excel.

2. Excellent headteachers: pupils and staff

1. Demand ambitious standards for all pupils, overcoming disadvantage and advancing equality, instilling a strong sense of accountability in staff for the impact of their work on pupils' outcomes.
2. Secure excellent teaching through an analytical understanding of how pupils learn and of the core features of successful classroom practice and curriculum design, leading to rich curriculum opportunities and pupils' well-being.
3. Establish an educational culture of 'open classrooms' as a basis for sharing best practice within and between schools, drawing on and conducting relevant research and robust data analysis.
4. Create an ethos within which all staff are motivated and supported to develop their own skills and subject knowledge, and to support each other.
5. Identify emerging talents, coaching current and aspiring leaders in a climate where excellence is the standard, leading to clear succession planning.
6. Hold all staff to account for their professional conduct and practice.

3. Excellent headteachers: systems and process

1. Ensure that the school's systems, organisation and processes are well considered, efficient and fit for purpose, upholding the principles of transparency, integrity and probity.
2. Provide a safe, calm and well-ordered environment for all pupils and staff, focused on safeguarding pupils and developing their exemplary behaviour in school and in the wider society.
3. Establish rigorous, fair and transparent systems and measures for managing the performance of all staff, addressing any under-performance, supporting staff to improve and valuing excellent practice.
4. Welcome strong governance and actively support the governing board to understand its role and deliver its functions effectively – in particular its functions to set school strategy and hold the headteacher to account for pupil, staff and financial performance.

5. Exercise strategic, curriculum-led financial planning to ensure the equitable deployment of budgets and resources, in the best interests of pupils' achievements and the school's sustainability.
6. Distribute leadership throughout the organisation, forging teams of colleagues who have distinct roles and responsibilities and hold each other to account for their decision making.

4. Excellent headteachers: the self-improving school system

Headteachers:

1. Create outward-facing schools which work with other schools and organisations - in a climate of mutual challenge - to champion best practice and secure excellent achievements for all pupils.
2. Develop effective relationships with fellow professionals and colleagues in other public services to improve academic and social outcomes for all pupils.
3. Challenge educational orthodoxies in the best interests of achieving excellence, harnessing the findings of well evidenced research to frame self-regulating and self-improving schools.
4. Shape the current and future quality of the teaching profession through high quality training and sustained professional development for all staff.
5. Model entrepreneurial and innovative approaches to school improvement, leadership and governance, confident of the vital contribution of internal and external accountability.
6. Inspire and influence others - within and beyond schools - to believe in the fundamental importance of education in young people's lives and to promote the value of education.

Teacher Reference Appendix 1B

(Recruiting organisation letterhead)

PERSONAL

Referee Name

Address

Postcode

Date: Friday, 12 05 17

Dear Referee name

Appointment of: (Job title)

Applicant: (Applicant name)

I refer to the above named, who has applied for the position of **(Job title here)** at **(Recruiting Organisation)**. Your name has been given as a referee to support their application and I would, therefore, be grateful if you could let me have your views on their suitability for the position.

To assist you in this, I have listed (on the attached sheet) a reference form. Please record your responses in as much detail as possible and return this to me. I also attach a copy of the Job Description/Person Specification, which broadly outlines the requirements of the position and the skills and experience required to fulfil it.

As part of our commitment to Safer Recruitment practice, I would very much appreciate a reply within the next 5 days, as your reference is required prior to interview. You may respond to this request in writing or by email at the following address: (enter email address)

Please note the **(Recruiting Organisation)** operates a policy of open references in line with best practice under the Data Protection Act 1998. Please be advised that any reference you supply will be made available to the individual concerned upon request.

May I take this opportunity to thank you in advance for your assistance in this matter.

Yours sincerely

Safeguarding Children and Keeping Children Safe in Education

All employers in education should be committed to supporting a safer working environment for Children; the principles of which are outlined in 'Keeping Children Safe in Education 2014'.

Can you please respond in full to the following questions.

London Borough of Havering - School Based Staff Recruitment Policy

Q1. What is (was) your relationship with the candidate e.g. did you have a working/ professional/ personal relationship etc?

Q2. Can you also confirm how long you have know the candidate and in what capacity and details of the applicant's current post, salary.

Q3. Are you satisfied that the person has the ability and is suitable to undertake the job in question? Please provide some specific questions about the applicant's suitability for the post and how s/he has demonstrated that they meet the person specification.

Q4. As a referee are you completely satisfied that the candidate is suitable to work with children, and, if not, please provide specific details of the your concerns and the reasons why you believe the person might be unsuitable;

Q5. Please give a judgement on the applicants performance with regards to each of the Teacher Standards.

Teacher Standard	Inadequate	Requires Improvement	Good	Outstanding
Set high expectations which inspire, motivate and challenge pupils				
Promote good progress and outcomes				

London Borough of Havering - School Based Staff Recruitment Policy

by pupils				
Demonstrate good subject and curriculum knowledge				
Plan and teach well structured lessons				
Adapt teaching to respond to the strengths and needs of all pupils				
Make accurate and productive use of assessment				
Manage behaviour effectively to ensure a good and safe learning environment				

Q5. Please give any additional information about the applicant’s performance history, such as their performance in a leadership or management post if relevant, and general conduct, including relationships with other members of staff and parents:

Q6. In addition to the questions above regarding the person’s suitability to work with Children can you also confirm:

- details of any disciplinary procedures the applicant has been subject to in which the disciplinary sanction is current;

- details of any allegations or concerns that have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, and the outcome of those concerns e.g. whether the allegations or concerns were investigated, the conclusion reached, and how the matter was resolved.

- Details of any Capability Procedures evoked in relation to the applicant in the preceding two years.

Reference Provided by:

Relationship with the candidate:

Date:

Support Staff Reference - Appendix 2C

(Recruiting organisation letterhead)

PERSONAL

Referee Name

Address

Postcode

Date: Friday, 12 05 17

Dear Referee name

Appointment of: (Job title)

Applicant: (Applicant name)

I refer to the above named, who has applied for the position of (Job title here) at (Recruiting Organisation). Your name has been given as a referee to support their application and I would, therefore, be grateful if you could let me have your views on their suitability for the position.

To assist you in this, I have listed (on the attached sheet) a reference form. Please record your responses in as much detail as possible and return this to me. I also attach a copy of the Job Description/Person Specification, which broadly outlines the requirements of the position and the skills and experience required to fulfil it.

As part of our commitment to Safer Recruitment practice, I would very much appreciate a reply within the next 5 days, as your reference is required prior to interview. You may respond to this request in writing or by email at the following address: (enter email address)

Please note the (Recruiting Organisation) operates a policy of open references in line with best practice under the Data Protection Act 1998. Please be advised that any reference you supply will be made available to the individual concerned upon request.

May I take this opportunity to thank you in advance for your assistance in this matter.

Yours sincerely

Safeguarding Children and Safer Recruitment in Education

All employers in education should be committed to supporting a safer working environment for Children; the principles of which are outlined “Safeguarding Children and Safer Recruitment in Education (Jan 2007) “.

The questions and information requested below is required to help the recruiter make an assessment that the person, who is making application of employment, is suitable to work with children. Failure to provide all the information requested may delay or potentially jeopardise the person’s application so your full support would be gratefully appreciated.

Please note that as a referee that you have a responsibility to ensure that the reference is accurate and does not contain any material misstatement or omission; and that the relevant factual content of the reference may be discussed with the applicant.

Can you please respond in full to the following questions.

Q1. What is (was) your relationship with the candidate e.g. did you have a working/ professional/ personal relationship etc?

Q2. Can you also confirm how long you have know the candidate and in what capacity and details of the applicant’s current post, salary.

Q3. Are you satisfied that the person has the ability and is suitable to undertake the job in question? Please provide some specific questions about the applicant’s suitability for the post and how s/he has demonstrated that they meet the person specification.

Q4. As a referee are you completely satisfied that the candidate is suitable to work with children, and, if not, please provide specific details of the your concerns and the reasons why you believe the person might be unsuitable;

Q5. Please give specific verifiable comments about the applicant’s performance history and conduct.

In addition to the questions above regarding the person’s suitability to work with Children can you also confirm:

- details of any disciplinary procedures the applicant has been subject to in which the disciplinary sanction is current;
- details of any allegations or concerns that have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people, and the outcome of those concerns e.g. whether the allegations or concerns were investigated, the conclusion reached, and how the matter was resolved.

Reference Provided By: (Please print clearly)

Signature:

Date:

Occupation:

London Borough of Havering - School Based Staff Recruitment Policy

Appendix 1D

Reference Request – No experience working with children

Dear [name of referee]

[name of applicant] – application for post of [job title]

I am writing to seek a reference in respect of [name of applicant], who has applied for the post of [job title] at [name of organisation].

I am enclosing a copy of the job description and the person specification for the post, and I shall be grateful for your views on [name of applicant]'s suitability for this position. Please indicate your knowledge of his or her qualifications and ability to carry out the duties specified in the job description and how he or she meets the requirements of the person specification.

(where appropriate) [Name] states that he or she is currently employed by [you/name of employing organisation] as a [...] with responsibility for [...] and during his or her employment with [you/name of organisation] has also gained experience in [...]. I shall be grateful if you will let me know whether those statements are accurate along with details of [name]'s current salary, and details of any absences from work due to illness in the last two years.

Please also state whether [name]'s performance of his or her duties while in your employment has been satisfactory. If [name]'s performance has not been satisfactory in all respects please provide details of the areas needing improvement and any remedial action taken.

As [name] is applying for a post that involves working with children, please state whether you know of any reason why he or she might be considered unsuitable to work with children or whether you have any concern about his or her suitability for such work. If you do know of any reason or concern, please give details.

Finally please say how long you have known [name] and in what capacity. I shall be grateful if you will let me have your reply by [date] to help us avoid delaying the selection process.

Please note that our school operates a policy of open references in line with best practice under the Data Protection Act 1998. Please be advised that any reference you supply will be made available to the individual concerned upon request.

Kind regards

Signed

Dear Colleague

CHILDCARE (DISQUALIFICATION) REGULATION 2009

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

In April 2014 the Department for Education published “Keeping Children Safe in Education” which sets out what schools and colleges must do to safeguard and promote the welfare of children and young people under the age of 18. Under additional guidance recently published by the Department for Education, schools have been informed that they must undertake an additional safeguarding check on current and future staff to ensure that no one who is disqualified is employed in connection with:

- Early Years provision (including education or any supervised activity outside of school hours) or:
- Later years childcare outside of school hours for children who have reached 5 years but have not yet reached 8 years, which includes before and after school care

The disqualification criteria includes:

1. Caution or conviction for certain criminal offences
2. Certain grounds relating to the care of children (e.g. supervision order or care order)
3. Having registration refused or cancelled in relation to childcare, children’s homes or disqualification from private fostering
4. Living in the same household where another person who is disqualified lives or works

The full list of relevant offences, orders and determinations can be located in tables 2-5 of the Compliance, Investigation and Enforcement handbook, section 5.1 “Disqualification” which can be access using this link:

<https://www.gov.uk/government/publications/compliance-investigation-and-enforcement-handbook-childcare>

If you believe that you or a householder may meet one of the four disqualification criteria set out above, you must check the complete list in order to determine whether or not you must disclose the information.

This check is separate from a DBS check. Any of the above criteria disqualify staff from providing this childcare and this includes “disqualification by association” (i.e. if someone in the same household is disqualified). Staff who either have a relevant offence / order or have

someone living or working in their home who has a relevant offence must immediately apply to Ofsted to request a waiver in order to allow them to continue to work in these areas.

We have carefully considered the statutory guidance and have determined which posts in our school may be involved in the provision of early years care during the school day (including supervision at break and lunch times) and later years childcare and we believe that your post falls into this category.

As a result, I have a legal obligation to make you aware that you have a duty to report any relevant information to me either about yourself (even if the information has previously been considered in relation to a DBS check) and / or, to the best of your knowledge, about anyone living or working in the same household as you. This latter requirement does not mean you are required to specifically make enquiries of householders but you must declare any relevant information you are aware of or can reasonably be expected to be aware of. Please be assured that any information disclosed will be treated in the strictest of confidence and in line with Data Protection requirements.

In summary, the “certain criminal offences” include a caution or conviction for:

- Any offences by an adult against or involving children
- Any sexual offence by an adult or child against an adult or child
- Murder, manslaughter, kidnapping, false imprisonment, assault occasioning grievous bodily or actual bodily harm

For cautions, you are only required to disclose those issues on or after 6th April 2007. This does not apply to convictions which must be declared irrespective of date.

All relevant staff are required to complete and return the attached declaration form, by no later than 7 days from receipt of this letter. You are required to sign the signature sheet in the school office to confirm that you have read and understood the content of this letter.

School will update the Single Central Record to show that your declaration form has been returned, but no other details will be recorded.

Please note that this is an ongoing requirement and so, if you do not have any relevant information to disclose at this point but do in the future, you must make me aware of any relevant information immediately.

I understand that a disclosure may be difficult and stressful. Professional Associations and Unions are aware of this new guidance and the requirements and you may wish to make contact with them if you are a member for further support and guidance.

Finally I would like to thank you for your cooperation and support in implementing this legally required process. If you have any questions or concerns, please do not hesitate to speak with me.

Yours sincerely

Appendix 2A

Childcare Disqualification Declaration Form (April 2015)

Staff information

Name	
Role	

After assessing your role, we have determined that your role is covered by the Childcare Disqualification Regulations 2009.

As part of our duty to safeguard pupils, we are required to check whether you, or the persons you live with, have been disqualified from caring for children. Please answer the questions and sign both of the declarations below.

Self-declaration

Are you disqualified from caring for children?	Yes/No
Have you been barred from working in regulated activity with children?	Yes/No
Do you have any convictions, cautions, reprimands or final warnings that are not 'protected' as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)?	Yes/No
Have your own children been subject to a child protection order?	Yes/No
Are you disqualified from private fostering?	Yes/No
Have you committed an offence overseas which would have resulted in disqualification if it had occurred in the U.K.?	Yes/No
Please provide further information where you have answered 'Yes' to any of the questions above.	

I will make the school aware of any changes in my circumstances, including any cautions or convictions that affect my suitability to care for children.

Signed:.....
 Date:.....

Association declaration

<p>To the best of your knowledge, are you living in a household where another person who has been disqualified from caring for children lives or works?</p> <p>Please note that any spent convictions or cautions do not have to be declared for those living with you. This does not apply for the direct employee.</p>	<p>Yes/No</p>
<p>Please provide further information where you have answered 'Yes' to the question above.</p> <p>I will make the school aware of any changes in these circumstances, and will notify the school where I become aware that a person who lives or works in my household is disqualified from caring for children.</p> <p>Signed:..... Date:.....</p>	

Useful Forms

Appendix 1 - Risk Assessment Guidance – Key Questions for Consideration

1. What are the reasons for considering commencement of employment prior to receiving DBS clearance?

This should not be a natural default position and should be exceptional and clearly linked to the circumstances identified in response to question 2 below.

2. What would be the consequences to service delivery of waiting until clearance is received?

Again, these should be exceptional and have a demonstrable substantial impact on service users (e.g. partial school closure). You should be able to demonstrate how you have used effective planning to avoid/minimise this disruption, and clearly show where this has been unavoidable.

3. If the employee commenced in their role, what would be their normal level of access to children / adults?

- Unsupervised access one-to-one
- Unsupervised access to a group
- Neither of these would be acceptable arrangements under any circumstances during this “waiting period”.
- Supervised access one-to-one
- Supervised access to a group
- No direct access, but based within premises
- If an employee does commence employment prior to clearance being received, their access must be supervised at all times. The level of risk declines as the list progresses however, there continues to be a risk with each of these scenarios.

4. Has the employee left their current/last employment to take up the post?

The employee themselves runs a risk if they leave existing employment to take up a post that remains subject to clearance. This should be made clear to them.

5. Is their previous satisfactory DBS clearance documentation available?

If a previous disclosure/verification of clearance is available, consider how recent it is and whether the employee has continued working for that employer continuously since then. This does not offer any guarantee of current clearance, however, it may reduce the likelihood of convictions, complaints, investigations, etc., having occurred in the intervening period.

6. Are the other checks and clearances in place?

Again the existence of the other checks and clearances does not eliminate risk, or conclusively verify a candidate's suitability to commence employment. However, a candidate for whom we have verified qualifications, reliable references from existing employer, and has provided a complete employment history, etc, is potentially less of a risk than someone for whom we have not yet completed any checks with regard to identity or background, or who has gaps in employment/education history.

Appendix 1a - Risk Assessment: Commencement of Employment without DBS Clearance

This form is to be completed by the Head Teacher to request a DBS exemption for a prospective new employee. Should you have any queries regarding the completion of this form, please contact Education HR.

Name of Prospective Employee*
Job Title*
Proposed Start Date*
Head Teacher*
Contact No.*
Date of Risk Assessment*

Record of Findings - should be completed in conjunction with the Risk Assessment Key Questions

1. Reasons for considering commencement of employment prior to receiving DBS clearance:
2. Consequences, to service delivery, of waiting for DBS clearance:
3. Level of access during "waiting period"
4. Supervision arrangements during "waiting period":
5. Pre-Employment Checklist
Has the prospective employee left their last employment?
Medical Clearance received? Date and Verified by?
Barred List Required and Checked? Date and Verified by?

Criminal History Declared and Checked on Application form? Date and verified by?
Has the current DBS Application been sent to the DBS? Date and Verified by?
Previous DBS Disclosure Sighted? Date and Verified by?
Right to Work in the UK verified? Date and Verified by?
Qualifications Sighted? Date and Verified by?
At least 2 years Work Reference, satisfactory references received . Date and Verified by?
History and any gaps explained and verified? Date and Verified by?
Satisfied with general background?
Assessment of Risk following Control Measures
High Medium Low
Following this Risk Assessment, I have determined that the above named individual is suitable to commence employment subject to approval, with the identified control measures.
Name
Date
Signature

Appendix 2 - Guidance on Disclosure and Barring Service (DBS) Checks for Contractors

1. When is a DBS Disclosure required for contract staff/volunteers ?
- 1.1 Employee/volunteers of contractors must hold a DBS disclosure.

1.2 The types of check available to contractors are: .

- Enhanced DBS and ISA Barred List check (Adults and/or Childrens) – used when someone is undertaking regulated activity relating to children (post September 2012 criteria)
- Enhanced DBS without Barred List check – used when someone meets the definition of the pre September 2012 regulated activity.

2. Contractor Responsibilities

2.1 Contractors must comply with the principles set out in:

- DFE guidance: „Safeguarding Children and Safer Recruitment in Education. (January 2007).
- Disclosure and Barring Service (DBS) Checks: Policy and Guidance for service providers and CQC staff (October 2008).
- Statutory guidance issued by the Independent Safeguarding Authority
- Similar guidance as issued from time to time.

2.2 Where the contractor will be providing services for establishments or schools where children are present the contractor must provide a list of its direct employees (and those of any sub-contractors where applicable) at least 20 days before they start work on site. In addition:

2.2.1 The contractor must, throughout the contract, keep the school

informed of any staff changes before they start work.

2.2.2 Where staff/volunteers require a DBS check the contractor must supply

written confirmation that a satisfactory check has been undertaken.

2.2.3. Where a DBS check is required, if the contractor is unable to provide an employee who has received the results of their disclosure and there is a need for emergency repairs then the contractor must notify the Establishment/School in advance of assigning a DBS non-vetted individual to the contract. The contractor must receive approval from the Line Manager/Headteacher before committing such an employee to work and the school / establishment / service provider must be made aware that the individual does not have a DBS check so that the required safeguards can be put in place. To safeguard themselves, contract staff should not agree to be unsupervised if they have not been DBS checked.

If a contractor wishes to assign an employee who has received a DBS that discloses a criminal background or history, then they must refer the matter to the school and sign off prior to the contractor starting work. The decision to allow the individual to commence work ultimately lies with the host school(s).

Before agreeing to a contractor, the school must have written confirmation that the contractor will follow this procedure. The contractor is not permitted to give a copy of the DBS certificate to the school, however the contractor starting work will be required to show their certificate. This is to ensure safeguards can be put in place if necessary.

2.4 Where a contractor does not require a DBS checks ie. where they do not meet the pre- or post-criteria for regulated activity then the schools should ensure that robust supervision is in place.

2.5 Contractors must supply contract staff with a company identity card which should, as a minimum, contain the following information: .

- Full Name (except in cases with special dispensation).
- Photo (where the card does not have a photo, the individual must have photo identification with them to enable the receiving establishment/school/service provider to verify identity).

This information should be kept on the Single Central Record, including the date and the person of who checked the identity. It would be advisable to record that the contract agency has also supplied the school with confirmation of required checks.

2.6 Contractors must clearly display their identity card at all times. Failure to display an identify card when presenting to work may result in the contract staff not being able to work on that day.

2.7 School representatives must inspect the identify card and if required, supporting photo identification of contractors and sub- contractors before they commence work.

Appendix 3 - Template letter for Contractors confirming list of employees and outcome of DBS.

Dear []

As stipulated in para [contract paragraph number] of our contract, I am writing to confirm in advance, those staff employed by [contract organisation's name and / or any sub contractor organisations to be used], that may be used to provide / deliver services to xx School/Academy in accordance with our contract.

Please also accept this letter as written notice and confirmation that where a DBS clearance is required, the names listed below have received a satisfactory DBS clearance.

Where a positive disclosure has been received I can confirm that the School/Academy has been alerted to this and that I have received authorisation that it is acceptable for this individual to work on the contract.

Name

Date Expected to Start

Satisfactory DBS Clearance

Name

Date Expected to Start

Satisfactory DBS Clearance

Name

Date Expected to Start

Satisfactory DBS Clearance

In writing this letter [contractor organisation name] are confirming that they have read and are working in accordance with the guidelines in accordance with DFE Safer Recruitment Guidelines (schools only) in relation to DBS checks for contractors / sub contractors.

Yours Sincerely

[Name]

[Contractor Organisation Name]

Appendix 4 - Positive DBS Certificate – Schools Risk Assessment

This form should be completed by the Appointing Manager/Head Teacher where a positive disclosure certificate includes additional information with regard to convictions and/or cautions, warnings, reprimands.

The completed Risk Assessment may be held on record.

Name of Employee:

Post Title:

School:

Start Date:

1. Please describe the nature of the work and the general duties of the job role? (Please also include amount of contact with vulnerable parties, frequency of contact and intensity of contact).
2. To what extent is the individual supervised?
3. Have 2 satisfactory references been received? (including present or most recent employer and similar employment)
4. Has the individual previously declared any convictions /cautions reprimands/ warnings?
5. Are the offences relevant to the post and the proposed contact with the vulnerable parties?
6. Is there a pattern of convictions?
7. How long ago did the offences occur?
8. Have the individual's circumstances changed? (If so, please explain)
9. Will any additional safeguard arrangements have to be put in place? If so please describe

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Decision following the Risk Assessment, is this individual suitable to continue employment?
(Overall assessment and comment required)

Risk Assessment conducted by:

Signature..... Date

(Appointing Manager/Officer/Head Teacher):

Signature

(Employee) Date:.....

Appendix 5 - Governor DBS checks

As from 2012, the criminal record checks previously referred to as CRB's were known as **DBS checks**. The Criminal Records Bureau (CRB) no longer exists, as it has merged with the Independent Safeguarding Authority (ISA) to become the Disclosure and Barring Service (DBS).

1. Should governors be checked under the new DBS system?

Although there is no statutory requirement for checks to be carried out on all governors, unless they are in regular, unsupervised contact with children, the Havering Local Safeguarding Children Board (HSCB) **expects that all governors should have at least the enhanced DBS disclosure without Barred List check** (as this is the highest level of check governors are eligible for).

All Governors are eligible for an enhanced DBS disclosure. The difference to the old CRB disclosure is that an enhanced DBS disclosure will no longer automatically include a check against the barred list (i.e. barred from working with children). All paid employees and unsupervised volunteers are entitled to the full check with barred list, however supervised volunteers, including governors, are not entitled to the barred list check in their specific governor role.

With this in mind, governors that have an enhanced DBS check but have not been checked against the barred list, **cannot** have any unsupervised access to children, and it is for the Headteacher to ensure the appropriate level of supervision, as determined by the school, is in place at all times.

If a governor refuses to have a check undertaken they would be disqualified from continuing as a governor.

2. What if governors help out in school or have unsupervised access to children?

Strictly speaking, the role of a governor would not have unsupervised access to children. If this is the case, their role in which they would have unsupervised access to children has essentially become that of an unsupervised volunteer and they should have an enhanced DBS WITH barred list check. In this instance, schools should ensure that an enhanced DBS has been received and undertake a barred list check. This can be requested separately from Education HR.

3. Do governors that currently hold a CRB disclosure, that is still within the three years of checking need to rechecked?

No. The previous CRB disclosure is still valid and will include the barred list check. Any governor with a valid CRB disclosure (i.e. applied for via the school or within Havering), pre June 2013 has the appropriate checks to volunteer unsupervised.

4. How much do the standard and enhanced checks cost?

An enhanced check is free for volunteers, including governors. For schools using the Capita service, there will be an admin fee charged, currently £7.50 for each check. Governors are able to register with the update service on receipt of their new check which is free of charge. If this free registration is kept up to date annually, there should be no additional cost to the school.

5. How long is a DBS check valid for?

The Havering Local Safeguarding Children Board (HSCB) requires that all checks should be renewed on a three year rolling basis.

6. Who sees the personal information that is collected in the DBS application form?

Your personal information will only be seen by those whose jobs require them to do so. In Havering schools, applications are administered online and only those with the delegated authority to do so, will see your personal information.

In practice, this means the DBS staff conducting the various checks that are necessary to issue you with a DBS check and with relevant organisations.