



Safer Recruitment Policy

Review Date: July 2023

Next review Date: July 2026

Adopted by the Governing Body on 10th July 2023

Review

The governing body reviews this policy every three years. The governors may, however, review the policy earlier than this, if the government introduces new regulations, or if the governing body receives recommendations on how the policy might be improved.

VERIFICATION CERTIFICATE

Document Title:	Safer Recruitment Policy
Issue:	3
Reviewer:	Zoe Fleckney
Position:	Business Manager
Signature:	
Date:	
Approver: (on behalf of the Governing Body)	Nicolas Dowler
Position:	Chair of Resources Committee
Signature:	
Date:	

DOCUMENT ISSUE/AMENDMENT HISTORY

(previous versions not numbered nor amendments noted)

Issue	Date	Amendment
1	7 October 2019	Policy review and updated for full governor ratification changes highlighted in <i>italics</i>
2	1 June 2022	Policy review and updated for full governor ratification changes.
3	10 July 2023	Policy review and updated to take into consideration the Rehabilitation of Offenders Act 1974 for full governor ratification changes.

Please read this policy alongside our school Safeguarding Policy as well as other relevant policies.

1 INTRODUCTION

The purpose of this policy is to set out the minimum requirements of a recruitment process that aims to:

- attract the best possible applicants to vacancies;
- deter prospective applicants who are unsuitable for work with children or young people;
- identify and reject applicants who are unsuitable for work with children and young people.
- comply with the relevant legislation and guidance relating to the rehabilitation of offenders.

2 STATUTORY REQUIREMENTS

There are some statutory requirements for the appointment of all staff in schools with additional checks needed for all teaching roles. These requirements may change from time-to-time and must be met.

3 IDENTIFICATION OF RECRUITERS

The school will have at least one recruiter that has successfully received accredited training in safe recruitment procedures.

4 INVITING APPLICATIONS

4.1 Advertisements for posts – whether in newspapers, journals or on-line – will include the statement:

“The school is committed to safeguarding children and young people. All post holders are subject to a satisfactory enhanced Disclosure and Barring Service Check”.

4.2 Prospective applicants⁶ will be supplied, as a minimum, with the following:

- job description and person specification;
- the school’s safeguarding policy;
- the school’s safer recruitment policy (this document);
- an application form.

4.3 All prospective applicants must complete, in full, an application form.

5. REHABILITATION OF OFFENDERS.

5.1 The Rehabilitation Offenders Act 1974 is aimed at helping people who have been convicted of a criminal offence and have not-re-offended since.

5.2 The Act applies to anyone who has been convicted of a criminal offence and received a sentence of less than two and half years and has not been convicted of an offence during the rehabilitation period.

- 5.3 The rehabilitation period is the specified period after the original conviction. The length of time depends on the sentence the individual was originally given for the offence and runs from the date of the conviction.
- 5.4 If the individual does not re-offend during the rehabilitation period, their conviction is considered to be 'spent'. Custodial sentences over two and a half years are not considered to be spent and always have to be revealed.
- 5.5 Once a conviction is spent, it remains spent and an applicant is not required to reveal it to an employer, even if convicted of a further offence later. However, there is an exemption to this which relates to posts involving working with vulnerable groups including children.

5.6 Further offences during rehabilitation period

- 5.7 If a rehabilitation period is still running and a further minor offence is committed then the individual only needs to reveal convictions that are unspent. A minor offence will be tried in a magistrate's court.
- 5.8 If the further offence is one that is tried in the Crown Court, then neither conviction, even if the first one is minor, will become spent until the rehabilitation periods for both offences are over. If the further conviction leads to a custodial sentence of over two and a half years, neither conviction will become spent.

5.9. Working with vulnerable groups including adults

- 5.10 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 overrules the employment rights that ex-offenders would have when employed in certain exempted occupations. The Exceptions Order 2013 amends the Exceptions Order 1975 by removing most "protected convictions" and "protected cautions" from the exceptions to rehabilitation under the ROA 1974.
- 5.11 With limited exceptions, protected convictions and protected cautions will not be required to be disclosed in a DBS certificate and employers will not be legally entitled to ask questions about such convictions or cautions or to rely on them to refuse employment or to dismiss an employee.

5.12 Protected Convictions

- 5.13 A conviction is a "protected conviction" if:
- 5.14 It does not relate to a "listed offence", such as violent and sexual offences
- 5.15 No custodial sentence was imposed
- 5.16 The individual has no other convictions. Where the individual has more than one conviction, all convictions will be included on the certificate
- 5.17 It was received by a person aged under 18 at the time of the conviction and five and a half years or more have elapsed
- 5.18 It was received by a person aged 18 or over at the time of the conviction and 11 years or more have elapsed.

5.19 During the Interview

- 5.20 As part of the interview paperwork the recruiting manager will have the application form which indicates if the candidate has unspent convictions.

- 5.21 The interview panel should interview with an open mind and focus on the ability and merit of the candidate to do the job but should be prepared to discuss convictions revealed with the candidate to be able to make an objective recruitment decision.
- 5.22 Be sure to make the best use of the interview to discuss the nature of convictions with the candidate if they have disclosed a criminal record. This information is essential to any risk assessment.

5.23 If the candidate is successful:

- 5.24 Ensure they understand the content of this document and not discuss spent protected convictions or Spent Convictions.
- 5.25 Ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position
- 5.26 Advise the candidate that all information is dealt with in the strictest confidence
- 5.27 Not to share any information revealed with anyone who is not entitled to see it
- 5.28 Advise the candidate that failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment
- 5.29 Respect the right of candidate to conceal any convictions that are spent unless they are applying for a job that is subject to a DBS check
- 5.30 Explain to the candidate that, where the job applied for is subject to a DBS check, that they are required to disclose all unspent criminal convictions and cautions unless they are 'protected' .
- 5.31 Explain the DBS Panel process for unclear disclosures – please refer to the Disclosure and Barring Service Policy.

5.32 Risk Assessments

5.33 Assessing the risk of employing a person with a criminal record means comparing an applicant's skills, experience and conviction circumstances against risk criteria that have been identified for the job. For example, some violence offences would be relevant to positions involving unsupervised contact with the public. But it is also important to remember that no two offences are exactly alike.

5.34 In assessing for risk, a number of factors need to be taken into account as follows:

Issues ^α	Reasons ^α
Exemption status under the Rehabilitation of Offenders Act 1974 [¶] Duties under the Police and Children's Acts regarding one-to-one contact with children, vulnerable adults or the elderly [¶] Requirements of the Safeguarding Vulnerable Groups Act 2006 ^α	It is illegal to employ certain offenders in some occupations ^α
To what extent is the school bound by other legal constraints? ^α	For example, those with motoring convictions employed as drivers ^α
Does the post involve and direct responsibility for finance or items of value? [¶] Does the post involve any direct responsibility for finance or items of value? [¶] Will the nature of the job present any realistic opportunities for the post holder to re-offend in the place of work? ^α	What could happen and how serious would that be? [¶] What factors would increase or decrease the perceived risk? [¶] For example, the nature of the offence and impact of rehabilitation since then. Consider whether the offence would create unacceptable risks for other employees, customers, suppliers, clients, service users, etc. ^α

5.35 The school will also consider:

- 5.36 The level and closeness of supervision that might be needed early on in the employment
- 5.37. The extent to which procedures, such as audits or the involvement of others in the work process, would be a form of indirect supervision

- 5.38 Whether any training or briefing would be useful to enable the school to manage the post-holder in the work context
- 5.39 What precautions already exist in the organisation or could be put in place? Consider direct or indirect supervision, progress reviews involving the ex-offender, etc.

6. SHORT-LISTING AND REFERENCES

- 6.1 Short-listing of candidates will be against the person specification for the post and will be carried out by at least two members of staff (it is recommended that those who shortlist carry out the interview for a consistent approach).
- 6.2 As part due diligence an online search will be carried out on shortlisted candidates.
- 6.3 Where possible, references will be taken up before the selection stage, so that any discrepancies can be probed during the selection stage.
- 6.4 References will be sought directly from the referee. References or testimonials provided by the candidate will never be accepted.
- 6.5 Where necessary, referees will be contacted by telephone or email in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.
- 6.6 Where necessary, previous employers who have not been named as referees will be contacted in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.
- 6.7 Referees will always be asked specific questions about:
- the candidate's suitability for working with children and young people;
 - any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children;
 - the candidate's suitability for this post.
- 6.8 School employees are entitled to see and receive, if requested, copies of their employment references.

7 THE SELECTION PROCESS

- 7.1 Selection techniques will be determined by the nature and duties of the vacant post, but all vacancies will require an interview of short-listed candidates.
- 7.2 Interviews will always be face-to-face. Telephone interviews may be used at the short-listing stage but will not be a substitute for a face-to-face interview (which may be via visual electronic link).
- 7.3 Candidates will always be required:
- to explain satisfactorily any gaps in employment;
 - to explain satisfactorily any anomalies or discrepancies in the information available to recruiters;
 - to declare any information that is likely to appear on a DBS disclosure;
 - to demonstrate their capacity to safeguard and protect the welfare of children and young people.

8 EMPLOYMENT CHECKS

8.1 All successful applicants are required:

- to provide proof of identity
- to complete a enhance Disclosure and Barring Service check application (including children's barred list information) and receive satisfactory clearance
- to provide actual certificates of qualifications
- to complete a confidential health questionnaire
- to provide proof of eligibility to live and work in the UK
- to undertake further checks if lived or worked outside the UK