



**Walkwood**  
Church of England  Middle School

# Walkwood CE Middle School Academy Trust

## Safer Recruitment Policy 2026 – 2027

This policy is reviewed and updated by the Walkwood CE Middle School and SIPS HR. This policy is approved on a biennial basis by The Trust

**This policy will be subject to ongoing review. It may be amended prior to the scheduled date of the next review in order to reflect changes in legislation where appropriate. This policy will also be reviewed immediately following any significant safeguarding or statutory guidance updates.**

Reviewed: Summer 2026  
Ratified: Summer 2026  
Next Review Date: June 2027



### **Our Vision:**

In our inclusive community,  
Each valued individual is taught self-belief  
We are resilient and optimistic,  
Caring for ourselves and our peers.  
We are Children of God, with hope,  
Awe and wonder in our hearts.

### **Our Bible verse:**

Be kind to one another, tender-hearted, forgiving one another, as God in Christ forgave you. *Ephesians 4:32*

*Respect - Believe - Succeed*

### **Our Values**

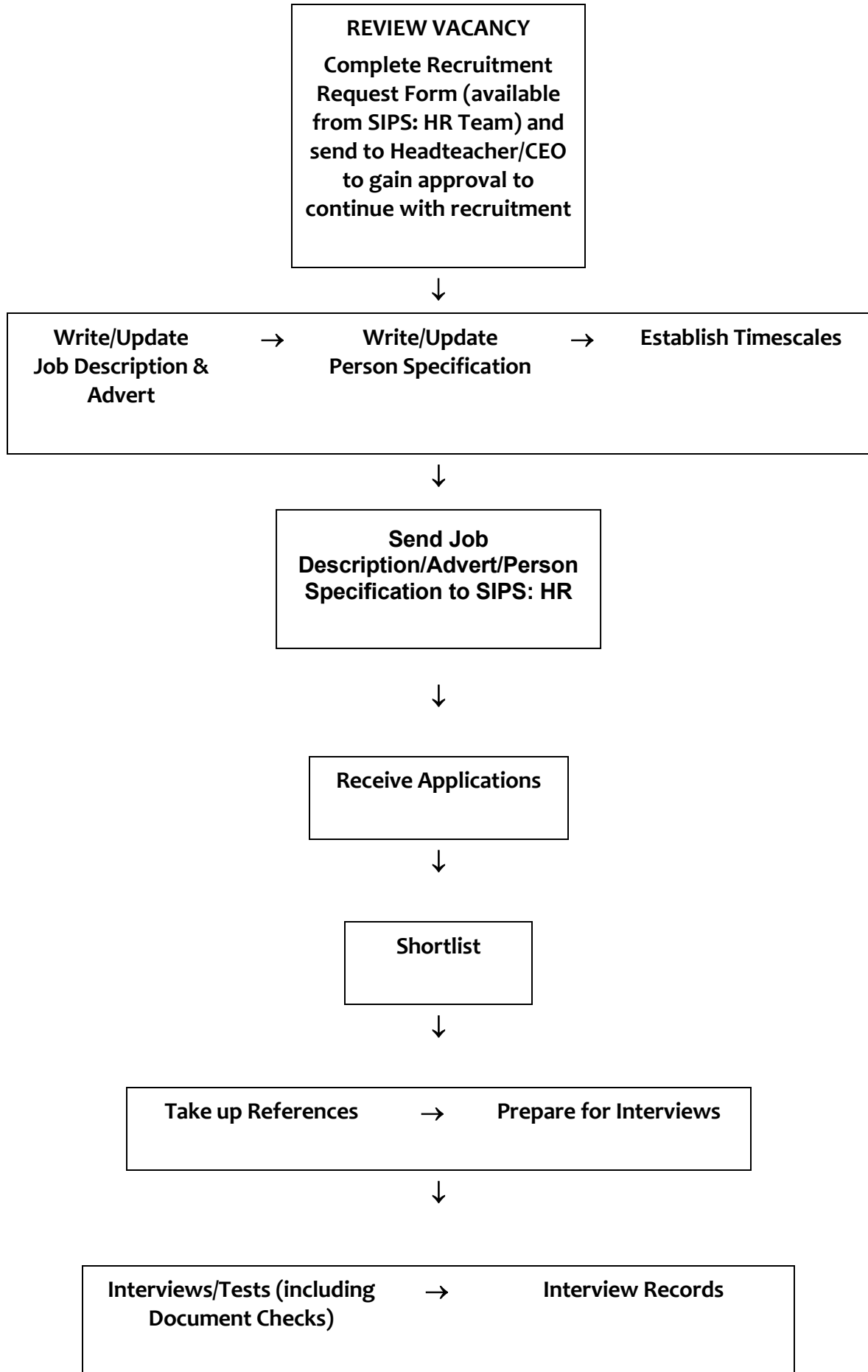
Respect – Friendship - Honesty - Kindness

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## Recruitment and Selection Activity Flowchart





**Verbal Provisional Offer (subject to Pre-employment Checks) → Feedback to Unsuccessful Candidates**



**School to Send appointment form to SIPS HR along with references. SIPS HR to arrange formal offer and written particulars.**



**Complete all pre-employment checks including DBS and Right to Work checks (example of pre-employment check list in appendix A)**



**Induction**

## 1. Introduction and scope

This document provides guidance on Safer Recruitment practices and applies to all staff within the Trust, including volunteers Trustees/Local Governing Bodies, Headteacher/CEO. Support and advice are available from SIPs - HR. This policy should be read in conjunction with the following statutory frameworks:

- Keeping Children Safe in Education 2025
- Working Together to Safeguard Children 2023
- Children Act 1989 and 2004
- Data Protection Act 2018 and UK GDPR
- Teachers' Standards
- Equality Act 2010

## 2. Safeguarding and Safer Recruitment

Walkwood CE Middle School Academy Trust is committed to safeguarding and promoting the welfare of children and young people and expects all employees and volunteers to share this commitment.

The safeguarding of children and young people must be central to every stage of the recruitment and selection process.

Those responsible for recruitment need to have received Safer Recruitment training and hold a current certificate and ensure that:

- time is set aside for planning the process;
- there are clear Job Descriptions and Person Specifications for every post within the Trust, which state the boundaries and expectations of the role and include a statement of the post holder's responsibility for safeguarding;
- clear messages about safeguarding are sent to candidates from the outset. All recruitment documentation, starting with the job advert, **must** include an explicit statement confirming the Trust's commitment to the safeguarding of children and young people, as well as the requirement for successful applicants to undertake an Enhanced Disclosure & Barring Service (DBS) check. The following example may be used:

**The school is committed to safeguarding, the well-being of children and young people and the promotion of fundamental British values and expects all staff to share this commitment. This post is subject to a DBS Enhanced Disclosure, satisfactory references and pre-employment checks. Shortlisted applicants will also be asked to provide a self-declaration form.**

- only application forms are used, not CVs;

- references are obtained, before interview wherever possible, which include specific enquiries about the applicant's background in relation to safeguarding, and ensure that references are given proper weight and consideration in the selection process;
- online searches will be conducted on those selected for interview and any concerns discussed during interview;
- those attending an interview will be required to complete a self-disclosure form to bring along to the interview;
- as a minimum, the selection process involves a face-to-face interview and where possible another appropriate method (role-play, presentation, teaching a lesson, participating in activities with children under observation, etc.);
- probing questions are asked at interview to assess candidates' motives, attitudes and behaviours, as well as skills and experience, including questions that cover safeguarding issues;
- there is an ongoing culture of vigilance in the schools through effective induction and regular discussion;
- ensure that panel members are familiar with the principles of Safer Recruitment. At least one person on every appointment panel will have successfully completed safer recruitment training compliant with KCSIE requirements.
- Please speak to SIPS: HR if you need further advice or assistance.

### 3. **Equal opportunities and avoiding discrimination**

You should ensure that every applicant, whether internal or external, is treated fairly throughout the recruitment process and that they are assessed against selection criteria which relate **only** to the requirements of the job. Selection criteria must comply with the Equality Act 2010 and relevant codes of practice and should not be unnecessarily restrictive in terms of other factors, e.g. qualifications.

The Equality Act 2010 prohibits:

- direct discrimination
- indirect discrimination
- harassment
- victimisation.

A robust and clear recruitment and selection process will give all applicants a fair opportunity to be considered for the post, irrespective of his/her age, disability,

gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation. These are known as 'protected characteristics'.

If you include photographs or images in your advert or recruitment literature, review them to ensure that they could not be considered discriminatory.

### 3.1 Age

Care must be taken to avoid terminology which implies that you are looking for candidates who fit a particular age profile, for example 'young', 'mature' or 'energetic', which may be discriminatory.

You should describe the particular experience you are seeking, (e.g. must have experience as a middle leader) rather than the number of years.

### 3.2 Gender

Very occasionally you may see job adverts which specify that the post holder must be male or female (for example, to provide personal care to a service user). Such instances are very rare and unlikely to arise in a school setting. If you believe that one of the protected characteristics is central to a particular job, please seek advice from the SIPS: HR at an early stage.

### 3.3 Disability

It is discriminatory to reject applicants solely because of a disability. Consideration must be given to making 'reasonable adjustments' to the workplace and working practices to enable a person with a disability to take up employment. Under the Equality Act 2010, with limited exceptions, employers are prevented from asking applicants (including questions on reference request forms) about their health **before** making a job offer.

The exceptions are as follows:

- to find out whether an applicant is able to participate in an assessment to test their suitability for the role;
- to establish whether there is a duty to make reasonable adjustments to enable an applicant to take part in the recruitment process;
- to establish whether the applicant will be able to carry out a function that is intrinsic to the work concerned;
- to monitor the diversity of applicants;

- to take positive action in supporting employment for disabled people
- to establish that a person has a disability where this is an occupational requirement.

#### **4. Recruitment and Selection Process**

To ensure suitable people are recruited, the school will ensure that those involved in the recruitment and employment of staff to work with children have received appropriate safer recruitment training.

Any members of the Trust Board, Local Governing Body and/or Trust/school staff who are personally related to or have a close connection with any job applicant must formally declare this and remove themselves from the recruitment process or any elements of the process where the conflict might arise.

The following steps have been put in place during the recruitment and selection process to ensure the school is committed to safeguarding and promoting the welfare of children.

##### **4.1 Reviewing the vacancy**

Any vacancy or new post provides the opportunity to review the role and the way it fits into the overall staffing structure of the school. When someone resigns, you should review the role to decide whether a 'like for like' replacement is necessary and consult with the Headteacher/CEO if required.

The Headteacher is required to complete a request to recruit form outlining all details of the vacancy and send to SIPS: HR

Once agreed, the Job Description, Advert and Person Specification should be reviewed to ensure they accurately reflect the key purpose and responsibilities of the role.

If you are considering a fixed-term or variable hours contract, you may wish to discuss the implications of such an appointment with SIPS: HR.

##### **4.2 Job Description**

As a minimum, the Job Description should include the following information:

- Job title.

- Title of post to which this post reports.
- Title and number of any posts directly supervised.
- The main purpose of the job.
- The main duties and responsibilities of the post.
- The individual's responsibility for promoting and safeguarding the welfare of children and young people he/she is responsible for, or comes into contact with. (The extent of the responsibility or contact will vary depending on the specific role.)

As most jobs tend to develop over time, it is advisable to include a section headed "Other Duties", which may include the following:

The post holder may be required:

- to undertake such other duties and training and/or hours of work as may be reasonably required to be consistent with their general level of responsibility;
- to maintain personal and professional development to meet the changing demands of the job, participate in appropriate training activities and encourage and support staff in their development and training."

It is also advisable to include a statement that "Walkwood CE Middle School Academy Trust reserves the right to vary the content of the Job Description, after consultation, to reflect changes to the job without changing the general character of the post or level of responsibility".

Job Descriptions for all teaching posts, including leadership roles, should be based on the Teachers Standards and the relevant sections of the School Teachers' Pay & Conditions Document currently in force.

Job descriptions should be signed by the successful candidate with one copy being sent to the SIPS HR for the electronic file and another copy saved on their school personnel file.

#### **4.3 Person Specification**

The Person Specification describes the skills, experience and qualifications which the post holder must have in order to carry out the job effectively. The Person Specification must include:

- the qualifications and experience, and any other requirements needed to perform the role in relation to working with children and young people;

- the competences and qualities that the successful candidate should be able to demonstrate;
- a clear explanation of how these requirements will be tested and assessed during the selection process.

The Person Specification should distinguish between the essential requirements and any criteria which are viewed as desirable, that is, those skills, experience or qualifications which would enhance job performance. Desirable criteria can be used during the shortlisting stage if you need to distinguish between a number of candidates who meet the essential criteria.

On 21st November 2016 the Code of Practice on the **English Language Requirement for Public Sector Workers** (part 7 of the Immigration Act 2016) came into force.

This places a duty on public authorities (including all state-funded schools) to ensure that individuals in customer-facing roles have the necessary level of fluency in English as appropriate for their role. This duty covers both existing and potential post holders.

Fluency relates to the ability to speak with confidence and accuracy but **does not** relate to regional or international accents, dialects, speech impediments or the tone of the conversations.

The code refers to Teaching Assistants as an example of a customer facing role in schools but this would extend to all roles within schools which require regular interaction with pupils, parents and/or other members of the public as an integral part of their role. It also specifically refers to the Teachers Standards which already ensures that the fluency duty is being assessed and fulfilled for teachers:

- Teachers must "demonstrate an understanding of and take responsibility for promoting high standards of literacy, articulacy and the correct use of standard English, whatever the teacher's specialist subject".

You will not need to change your practices to meet this duty **provided that**:

- Person Specifications relate to the standard of fluency in English required, e.g. "the ability to support pupils/respond to parents through fluent and accurately spoken English";
- all individuals are subject to a face to face interview to assess their fluency in English, panel members are aware of the duty and the assessment is recorded on your interview assessment form;

- capability procedures are used to address situations where it is found that an employee does not meet the necessary standard.

If you need further guidance or advice please contact SIPS HR

#### **4.4 Advertising**

Advertisements should be clear and state briefly:

- the job title;
- grade and salary;
- for teaching posts, the salary range;
- the number of hours and/or full-time equivalent;
- job requirement, if not explicit in the job title;
- essential criteria for job applicants;
- a brief description of the school;
- nature of the contract (e.g. permanent, fixed-term: include duration);
- how to apply, i.e. clear instructions on what the applicant must do to apply for the job;
- closing date;
- a named person at the school with a telephone number and/or email/website address for applicants to contact if they need further information or clarification;
- the Trust's commitment to safeguarding and promoting the welfare of children
- inform candidates that online searches will be taking place for shortlisted candidates to help identify any incidents or issues that are publicly available online.

Occasionally a situation may arise where a vacancy needs to be filled at short notice, for example when a pupil with a Statement of Special Educational Needs joins the school mid-term. You may feel that you have existing temporary or part-time staff

within school who could fulfil the role well. In such circumstances, you may advertise the vacancy within the school, rather than externally. Volunteers and helpers in school should normally be excluded from applying and applications only accepted from substantive staff, except where the vacancy is for a short-term period, i.e. to cover sickness/leave or in order to cover whilst a formal recruitment process is undertaken. In such circumstances necessary clearances are still required.

If you are unsure whether a post should be advertised externally, please contact SIPS HR

Job descriptions, adverts, person specifications and any other accompanying documentation should be sent to SIPS HR

#### **4.5 Application forms**

The Trust application form should be used so you can obtain a common set of core data from all applicants and should include a declaration by applicants that the information they have submitted on the form is true and accurate. CVs and letters of application must not be accepted because these will only contain the information the applicant wishes to present and may omit relevant details.

The application form includes a statement outlining it is an offence to apply for the role if an applicant is barred from engaging in regulated activity relevant to children.

#### **4.6 Information for candidates**

It is important to ensure that potential applicants find the application process straightforward and positive. You can help by providing concise, clear and relevant information so that people can make an informed decision about whether to apply for the post or not.

The pack should include a copy of:

- the application form and any explanatory notes about completing the form if necessary;
- clear instructions on electronic or online applications if appropriate;
- the Job Description and Person Specification;
- information about the school – location, ethos, context, development plan, etc. and a link to the school's website;

- a summary of the recruitment process;
- the school's Safeguarding/Child Protection Policy Statement;
- a summary of the key terms and conditions relating to the post, including hours of work.

Any information made available to job applicants needs to be accurate and clear and contribute towards encouraging suitable individuals to apply to work at the school, and deterring unsuitable people.

#### 4.7 Application forms and shortlisting

At least **three** people should be involved in shortlisting in case agreement cannot be reached. This should include the Headteacher/Line Manager responsible for the post and other(s) taking part in the selection process. All candidates should be assessed equally against the criteria contained in the Person Specification without exception or variation. An example shortlisting grid is available from the SIPS HR

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 identify any gaps in employment. Any such issues, should be noted so that they can be taken up as part of the consideration of whether to shortlist the applicant.

As well as reasons for obvious gaps in employment, the reasons for a history of repeated changes of employment without any clear career or salary progression, or a mid-career move from a permanent post to supply teaching or temporary work, also need to be explored and verified.

**All** shortlisted candidates **must** satisfy the essential requirements of the Person Specification. This can usually be established by looking at the application form. Desirable requirements can then be used as an additional filter to arrive at a manageable shortlist.

There is no minimum or maximum number for a shortlist. However, if only one suitable person applies for the post they can be interviewed and if found suitable for the post they can be appointed. If your shortlist does not produce anyone suitable to appoint, you can re-advertise.

You must record and retain the reasons for rejecting and shortlisting candidates, along with the application forms and interview records. These details **must** be kept for at least 6 months so that if anyone challenges your shortlisting decision on the grounds of unlawful discrimination you will have a written record of your reasons.

An individual has three months after being rejected for the post in which to lodge a complaint of unlawful discrimination.

Online searches will be carried out on all shortlisted candidates in line with KCSIE. Candidates will be informed that online searches may be undertaken as part of the recruitment process.

Once candidates have been shortlisted, they will be invited for interview and asked to complete and bring with them a self-declaration form (SPIREHR2) showing their criminal record or any information that could make them unsuitable to work with children. This will give the candidates an opportunity to share relevant information and discuss any concerns during the interview stage.

## 4.8 References

### Key points:

- Obtaining references for everyone seeking work in a school, including on a voluntary basis, is an essential part of a robust Safer Recruitment process.
- References should be obtained where possible before the interview for all shortlisted candidates including internal ones.
- Reference requests must include the following statement: "As the work of this post involves working with children, other vulnerable groups or in a position of trust it is therefore exempt from the provisions of the Rehabilitation of Offenders Act 1974. To the best of your knowledge, does the applicant have any unspent or unfiltered\* spent criminal convictions, cautions, reprimands or formal warnings?"  
(\*Please see: [www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates](http://www.gov.uk/government/publications/filtering-rules-for-criminal-record-check-certificates) for information regarding filtering of convictions.).
- A request by an applicant to delay seeking references until it is known whether he or she is to be offered the post should only be agreed in exceptional circumstances.
- If an applicant has worked with children previously, whether on a paid or voluntary basis, at least one reference should be obtained from the person or organisation that employed the applicant to work with children, even if that is not the applicant's current or most recent employer. This may mean requesting an extra reference where the person is not currently employed with children.

- Ensure any references are from the applicant's current employer and completed by a senior person. Where the referee is school based, the reference should be confirmed by the Headteacher as accurate.
- Open references or testimonials should not be accepted as you cannot be certain that they come from the specified referee.
- Obtain verification of the applicant's most recent relevant period of employment if not currently employed.
- References should be carefully scrutinised to check the referee has answered all the questions and followed up if there are any vague or ambiguous statements. What a reference doesn't say can be as important as what it does say.
- Any discrepancies between the information supplied by the candidate about him/herself and his/her experience and background and the contents of the reference should be followed up with the referee.
- Steps will be taken to ensure that electronic references originate from a legitimate source (KCSIE requirement)
- Any offer of employment should be conditional upon receipt of satisfactory references (and satisfactory Enhanced DBS check), which should be received before the start of employment.

It is recommended that schools use the Trust's pro-forma template for referees to complete.

If you feel that the main reference is inadequate you should not employ the individual. Please seek advice from SIPS HR if you have concerns about the content of any references you receive.

### **Teachers subject to Capability Procedures**

Since 1st September 2012 there has been a requirement under the School Staffing Regulations (2009), if asked, to confirm whether or not a teacher has been subject to capability procedures within the preceding two years and, if so, to provide written details of the concerns which gave rise to this, the duration of the proceedings and the outcome.<sup>[1]</sup> Schools are only required to do so, if asked by the school or academy to which the teacher has applied. This requirement is also included in funding agreements for Academies which converted after 1st April 2013.

## **4.9 Interview**

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<sup>[1]</sup> The School Staffing (England) (Amendment) Regulations 2012

When interviewing applicants, you must:

1. Probe any gaps in employment or where the applicant has changed employment or location frequently and ask the applicant to explain
2. Explore any potential areas of concern to determine the applicant's suitability to work with children
3. Record all information considered and decisions made

In addition to assessing the candidates' ability to perform the duties of the post, the interview will also need to explore issues relating to safeguarding and promoting the welfare of children including:

- motivation to work with children and young people;
- ability to form and maintain appropriate relationships and personal boundaries with children and young people;
- emotional resilience in working with challenging behaviours and attitudes to use of authority and maintaining discipline;
- any relevant issues arising from his/her application form or references.

Before the interview the panel members must ensure that:

- they are familiar with the Job Description and Person Specification;
- that they have read the application forms of shortlisted candidates, noting any areas of concern and/or particular questions to follow up on anything stated in the application form;
- they have any other documents which may be needed during the selection process, e.g. interview assessment sheet, summary score sheets, information on salary and other terms and conditions of employment if relevant;
- someone at school has clear responsibility for greeting candidates, ensuring that refreshments are available and that there is a suitable waiting area for candidates;
- an appropriate room has been set aside for the interviews, of sufficient size to be comfortable, suitably furnished and free from interruptions;
- the timetable for the day allows time for candidates to move between activities without feeling rushed (breaks for the panel should also be considered);

- candidates are given details of their programme for the day, including timings.

The interviewing panel will need to meet in advance to agree questions, the role of each interviewer and the sequence of the questions. These questions must be asked of every candidate, but interviewers may, and indeed should, ask supplementary questions of any candidate if that is necessary to elicit clear information.

Questions should be clear and use language appropriate to the job role.

Open questions, using what? who?, how?, why?, where?, when?, which? - for example, "how do you promote effective home – school liaison?" will require a fuller answer:

- Tell me about..., Please describe...
- What if...?
- What do you think are the qualities of a good School Administrator...?
- Give some examples which you think reflect these qualities...
- What attracted you to the role of Site Manager in a school...?
- Give examples of situations where you have had to...
- How have you managed a situation where...?

Specific questions must be asked to establish each candidate's awareness of and attitudes to safeguarding of children and young people. The following may be used, according to the role, e.g.:

- Please tell us about a time when you acted to protect a child.
- Describe the procedures that should be in place to protect children.
- Please tell us about a time when you had safeguarding concerns about a child.
- Please give an example of where you have had to deal with bullying behaviour.
- Can you tell us how you have managed poor pupil behaviour?

- What do you think makes a school safe and supportive?

Questioning styles include:

**Open Questions** - these should form a significant part of the interview, e.g. "How did you deal with that behaviour issue?" Open questions are usually prefaced by 'what, where, how, who, why, when?' This questioning style encourages the candidate to talk

and should help to elicit the information you are seeking.

**Closed Questions** - these encourage short responses, like yes/no answers or short factual responses. For example, "Have you worked as a cleaner before?" Such questions can be used to elicit and verify factual information, or as an opening question, following on with an open question (see below) such as "Can you tell us more about that?" or "What were your duties?"

**Multiple Questions** - generally, you should avoid this questioning style, although it may be acceptable to ask multi-part questions, e.g. "Please tell us about a time when an intervention was not successful. What did you learn from the experience, and what would you do differently in the future?" In this example, which has three elements, you should either repeat the question after the candidate has responded to the first part, or, better still, ask the initial question, then follow up with a supplementary question.

**Leading Questions** - These questions should be avoided as the question usually suggests the anticipated answer, e.g. "You are reliable, aren't you?"

Selection tests may be used in conjunction with a formal selection interview but must not be used in isolation as a selection method. You will need to consider the following:

- Which essential selection criteria will be measured using the test?
- Are the criteria more appropriately assessed by other selection methods?
- What will the results of the tests add to the decision-making criteria?

Please note that candidates must be notified in advance that tests will be used as part of the selection process.

As a matter of courtesy, feedback and advice on test results should be given to all candidates who undergo them. Time for this activity should be built in to the recruitment process.

Presentations should only be used as a selection tool where presentation skills are relevant to the role.

Where presentations are used as a selection method, ensure that all candidates are given clear instructions of what is required, sufficient time for preparation (normally this will be in advance) and access to appropriate equipment, e.g. laptop and multi-media projector.

Intray exercises are a helpful way of assessing a number of criteria, for example, organisational skills, the ability to prioritise and decision making skills. They are often used as part of the selection process for administrative or support posts.

This is standard practice when appointing teaching staff and is recommended safer recruitment practice. Teachers can be observed in their current school (if practicable) or in the recruiting school.

#### **4.10 Feedback to unsuccessful candidates**

Be prepared to give the unsuccessful candidates feedback if they ask for it: You may wish to offer feedback as a matter of course, allowing candidates to opt out. Feedback should relate to the requirements of the job and be based on the Person Specification.

Many people value feedback as it can help them address any aspects of their interview performance in readiness for future interviews. Make sure that feedback relates specifically to the job and the person, and try to be specific about areas of weakness or where development is needed.

#### **4.11 Making an offer**

Any offer of appointment made to a successful candidate, including one who has lived or worked abroad, must be conditional on satisfactory completion of the following pre-employment checks, i.e **before** the individual starts work:

1. Verify their identity
2. Obtain an enhanced DBS certificate, including barred list information for those who will be engaging in regulated activity (see definition below). Schools will obtain the certificate before, or as soon as practicable after, appointment, including when using the DBS update service. A copy of the certificate will not be kept for longer than 6 months, but when the copy is destroyed we may still keep a record of the fact that vetting took place, the result of the check and recruitment decision taken
3. Obtain a separate barred list check if they will start work in regulated activity before the DBS certificate is available
4. Verify their mental and physical fitness to carry out their work responsibilities

5. Verify their right to work in the UK. We will keep a copy of this verification for the duration of the member of staff's employment and for 2 years afterwards
6. Verify their professional qualifications, as appropriate
7. Ensure they are not subject to a prohibition order if they are employed to be a teacher
8. Carry out further additional checks, as appropriate, on candidates who have lived or worked outside of the UK. These could include, where available:
  1. For all staff, including teaching positions: criminal records check for overseas applicants.
  2. For teaching positions: obtaining a letter from the professional regulating authority in the country where the applicant has worked, confirming that they have not imposed any sanctions or restrictions on that person, and/or are aware of any reason why that person may be unsuitable to teach.
  3. Recruiters must be extra vigilant when considering an applicant from overseas. Teachers may be able to provide proof of their past conduct .as a teacher issued by the professional regulating authority in the country in which they worked. Where available, such evidence can be considered alongside other information obtained through other pre-appointment checks to help assess their suitability.
9. Check if the candidate taking up a management position\* is subject to a Prohibition from Management (section 128) direction made by the secretary of state. This would most likely include, but not limited to, Headteachers, Heads of Schools and Deputy/Assistant Headteachers.

Schools have a duty to ensure that a relevant activity is only carried out by a person if he/she has the health and physical capacity to carry out that activity.

Employers can make an offer of employment conditional on obtaining satisfactory answers to medical enquiries without being in breach of the provisions in the Equality Act 2010 (see Section 3 above).

## 5 DBS Checks

Amendments to filtering rules for Standard and Enhanced DBS checks means that the Disclosure and Barring Service (DBS) will no longer disclose youth reprimands, youth warnings, or youth cautions. Some minor offences are protected (filtered) in accordance with the Rehabilitation of Offenders Act and may not be disclosed on DBS Certificates and The Trust will not take these offences into account.

**Standard DBS** provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless of whether they are spent under the Rehabilitation of Offenders Act 1974.

**Enhanced DBS** provides the same information as a standard check, plus any approved information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed

**Enhanced DBS with barred list check** is for people who are working or seeking to work in regulated activity with children, this allows an additional check to be made as to whether the person appears on the children's barred list.

As an organisation assessing applicants' suitability for positions which are included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order using criminal record checks processed through the Disclosure and Barring Service (DBS), Walkwood CE Middle School Academy Trust undertakes to treat all applicants for positions fairly and not to discriminate unfairly against any subject of a criminal record check on the basis of a conviction or other information revealed. The Trust selects all candidates for interview based on their skills, qualifications and experience and only asks for information about criminal convictions if an applicant is successfully shortlisted.

The school can only ask an individual to provide details of any relevant convictions, adult cautions or other matters that may affect their suitability to work with children that The Trust is legally entitled to know about. Where a DBS certificate at either standard or enhanced level can legally be requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, and where appropriate Police Act Regulations as amended).

The school will only ask an individual about convictions and cautions that are not protected. All applicants/employees are advised that if they are unsure whether they need to disclose criminal information, they should seek legal advice or may wish to contact NACRO for impartial advice. There is also further information on filtering and protected offences on the Ministry of Justice website.

Nacro – <https://www.nacro.org.uk/criminal-record-support-service> or email [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk) or call 03001231999

In the event that an individual discloses information that they did not need to on their self-disclosure form, the form will be destroyed and the individual will be advised to complete a further form, ensuring they seek impartial advice prior to submitting the form.

An application for a criminal record check is only submitted to DBS if analysis of the role has indicated that one is both proportionate and relevant to the position concerned.

For those positions where a criminal record check is identified as necessary, all job adverts and job descriptions will contain a statement that an application for a DBS certificate will be submitted in the event of the individual being offered the position.

## 5.1 Regulated activity

This includes:

- Teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children.
- Work for a limited range of establishments (known as ‘specified places’, which include schools and colleges) with the opportunity for contact with children, but not including work done by supervised volunteers.

Work under 5.1 is regulated activity if it is carried out frequently by the same person or if the ‘period condition’ is satisfied. The period condition is satisfied if:

- The person carrying out the activity does so at any time on more than three days in any period of 30 days.
- If the activity is done overnight at any time between 2:00am and 6:00am and it gives the person the opportunity to have face-to-face contact with children.

Some activities are always regulated activities, regardless of frequency or whether the person conducting the activity is supervised. This includes the following:

- Relevant personal care, or overnight activity, including helping a child with eating and drinking for reasons of illness or disability or in connection with toileting, washing, bathing and dressing for reasons of age, illness and disability.
- Health care, i.e. care for children provided by, or under the direction or supervision of, a regulated health care professional.

## 5.2 Roles and responsibilities

The Governing Body is responsible for:

- The Trust policies and for ensuring that they are carried out effectively.

- Approving the Headteacher decisions with regards to disclosure information concerning existing and prospective employees.
- Ensuring Safer Recruitment Policy and the Home Office's Code of Practice (CoP) is adhered to at all times.
- Ensuring all agreed DBS procedures are adhered to for both current and prospective employees.
- Monitoring the school's single central records (SCR), ensuring their compliance with requirements.

The Headteacher/Head of School is responsible for:

- Making decisions with regards to disclosure information concerning existing and prospective employees.
- Ensuring that they are aware of any posts in the school that are subject to a DBS check.
- Maintaining an up-to-date SCR.
- Ensuring that any job descriptions and person specifications for any posts within the school indicate whether an individual will require a DBS check, as well as what level of check is required.
- Taking reasonable steps to make sure that any individual who is not an employee, but who is covering an existing post or other work within the school, holds the appropriate level of DBS check.
- Ensuring that all members of staff hold current, acceptable DBS checks according to the appropriate level required, and that upcoming renewals are applied for within two months prior to the renewal date.
- Ensuring that new employees are aware of the DBS update service and encouraging them to subscribe to this.

### **5.3 Procedures for staff**

#### **New members of staff**

Staff who will be in regulated activity are required to obtain an enhanced DBS certificate with a barred list check.

All other staff who have an opportunity for regular contact with children who are not engaging in regulated activity are required to obtain an enhanced DBS certificate, which does not include barred list information.

Staff are required to show the original DBS certificate to the Headteacher before they begin their employment.

There is no requirement for the school to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, during a period which ended not more than three months before the individual's appointment, they have worked in:

A school in England:

- Which brought them regularly into contact with children or young people.
- To which they were appointed on or after 12 May 2006 and which did not bring them regularly into contact with children or young people.

In an institution within the FE sector in England, or in a 16-19 academy, in a post which involved the provision of education which brought them into regular contact with children or young people.

All other pre-appointment checks will be completed, including a barred list check, where an individual is engaging in regulated activity.

For staff who work in childcare provision, or who are directly concerned with the management of such provision, the school will ensure the appropriate checks are carried out to confirm the individuals are not disqualified under the Childcare (Disqualification) Regulations 2018.

### **Existing staff**

All members of staff will have a renewal of their DBS certificate when they have been employed by the school/Trust for 5 years.

Where the school has concerns about an existing staff member's suitability to work with children, all relevant checks will be carried out as if the individual were a new member of staff.

If a member of staff moves from a post that was not in regulated activity into a post involving regulated activity, all the relevant checks will be carried out.

Apart from the circumstances outlined above the school is not required to request a DBS or barred list check for existing staff members.

## **5.4 Procedures for Trustees/Governors**

Enhanced DBS checks are mandatory for Trustees/Governors but not associate members.

A barred list check will only be required for Trustees/Governors who, aside from their Governance duties, are engaged in regulated activity.

A section 128 check will be conducted on all Trustees/Governors as well an identity check, Right to Work in the UK check and any necessary checks if they have lived or worked outside of the UK.

The Chair of the Trust Board will have their DBS check countersigned by the secretary of state.

All members of the Trust Board/Governing Body will have a renewal of their DBS certificate when they have been with the Trust/School for 5 years. The renewal can be completed earlier if there are particular concerns.

### **5.5 Procedures for proprietors**

All governors/trustees are required to obtain an enhanced DBS check – a section 128 check will also be carried out.

The following checks will also be carried out:

- Identity
- Right to Work in the UK
- Other checks deemed necessary if they have lived or worked outside of the UK

### **5.6 Procedures for volunteers**

Under no circumstances will a volunteer who has undergone no checks be left unsupervised or allowed to work in regulated activity.

The Headteacher will obtain an enhanced DBS check, with barred list information, for any unsupervised volunteer who is new to working in regulated activity.

In some circumstances, the Headteacher may obtain an enhanced DBS certificate for volunteers who are not engaged in regulated activity or are not working unsupervised.

All volunteers will have a renewal of their DBS certificate when they have been with the school/Trust for 5 years. The renewal can be completed earlier if there are particular concerns.

The Headteacher will undertake a risk assessment and use the DBS checking tool when deciding whether to obtain an enhanced DBS certificate for any volunteer not engaging in regulated activity. The risk assessment will consider the following:

- The nature of the volunteer's work with children.

- What the school knows about the volunteer, including formal or informal information offered by others.
- Whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability.
- Whether the role is eligible for an enhanced DBS check.

Details of the risk assessment will be recorded.

The Headteacher will determine whether a volunteer is supervised. For a person to be considered supervised, the supervision must be:

- By a person who is in regulated activity.
- Regular and day-to-day.
- Reasonable in all the circumstances to ensure the protection of children.

When allowing any volunteers to work at the school, the Headteacher/Head of School will check that the individual presenting themselves for work is the same person for whom the checks have been made.

### **5.7 Procedures for visitors/agency/third party staff**

The school does not have the power to request DBS checks to be carried out on visitors. The Headteacher will use their professional judgement when considering the need to escort or supervise visitors.

The Headteacher will obtain written confirmation from any agency or third-party organisation that the organisation has carried out all the necessary DBS checks on an individual who will be working at the school that the school would otherwise perform.

Where the position requires a barred list check, this will be obtained by the agency or third party prior to appointing the individual.

The Headteacher will check that the individual presenting themselves for work is the same person for whom the checks have been made.

### **5.8 Procedures for contractors**

Under no circumstances will a contractor who has undergone no checks be allowed to work unsupervised or engage in regulated activity at the school. The Headteacher is responsible for determining the appropriate level of supervision depending on the circumstances.

Contractors who engage in regulated activity will be required to obtain an Enhanced DBS certificate with barred list check.

Any contractors who have the opportunity for regular contact with children, but who would not be in regulated activity, will be required to obtain an Enhanced DBS check. In considering whether contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

If a contractor working at the school is self-employed, the Headteacher will consider if they need to obtain a DBS check on the contractor's behalf.

The Headteacher will check the identity of contractors and their staff upon arrival to the school.

### **5.9 Trainee/Student Teachers**

Where applicants for ITT are salaried by the school or college, the Headteacher will ensure that all necessary DBS checks are carried out. As trainee teachers are likely to be engaging in regulated activity, an Enhanced DBS certificate (including barred list information) must be obtained.

Where trainee teachers are fee-funded, the training provider is responsible for carrying out the necessary checks. The Headteacher will obtain written confirmation that the necessary checks have been carried out, and that the trainee has been judged by the provider to be suitable to work with children.

### **5.10 Staff who have lived or worked outside the UK**

New staff members who have lived or worked outside the UK will be checked in the same way as all other staff, in line with the procedures outlined in this policy.

The DBS cannot obtain police records from overseas; however, a check will be conducted to establish whether the individual has disclosed any criminal convictions during their time in the UK.

As the DBS cannot provide details of police records for overseas applications, the school is aware that the DBS information may not provide a complete picture of a candidate's criminal record.

In relation to the above, the school will conduct additional recruitment checks such as obtaining a certificate of good conduct (COGC) from the candidate. Should there be any costs involved in obtaining the COGC then these will be borne by the applicant.

From 01/01/2021 the Teaching Regulation Agency will no longer maintain a list of EEA teachers with sanction. Schools must continue to carry out safer recruitment checks on all applicants. For applicants that have lived or worked outside of the UK, schools must make any further checks they think appropriate so that relevant

events that occurred outside the UK can be considered, including obtaining an enhanced DBS certificate with barred list information (even if the teacher has never been to the UK)

The school will be extra vigilant when considering an applicant from overseas. Teachers may be able to provide proof of their past conduct as a teacher issued by the professional regulating authority in the country in which they worked. Where available, such evidence can be considered alongside other information obtained through other pre-appointment checks to help assess their suitability.

#### **5.11. Disclosures containing criminal information**

If an applicant declares a conviction as part of their recruitment process, then a measured discussion will take place on the subject of any offences or other matter that might be relevant to the position. A risk assessment will then be completed. This discussion will typically involve the SIPS: HR, the Headteacher and School Safeguarding Lead. Upon completion, the risk assessment will be retained on the individual's personnel file. Please refer to the section on Data Handling for further information.

The Trust undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment.

A DBS check is considered to contain criminal information if it includes details of the following:

- A police record of convictions, cautions, reprimands and final warnings.
- DBS barred list.
- Any other relevant criminal information obtained by the police.

**Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment.**

In the event of a disclosure containing criminal information, the Headteacher will check whether the individual has obtained any previous criminal convictions or cautions by instructing them to complete a disclosure form, if they have not already done so, this will be followed by a meeting.

The Headteacher will discuss the disclosed information with the SIPS: HR and the Governing Body, if appropriate, immediately to agree a course of action regarding any prospective or existing employee.

The individual will be required to attend a meeting with the Headteacher and SIPS: HR if required, who will complete a risk assessment to consider their suitability for the post and any measures that may need to be put in place.

If it is established by the DBS that the convictions do concern the individual, the Headteacher and SIPS: HR if appropriate, will explore the circumstances surrounding these and their suitability to work with children.

For prospective employees, all posts will remain pending whilst meetings and investigations take place.

For current employees, the Headteacher will consider whether adjustments will need to be made whilst meetings and investigations take place, including:

- Whether the employee can continue their practice.
- Whether closer supervision is required of the employee.
- Whether the employee should be temporarily transferred to other duties.
- Whether the employee should be dealt with in accordance with the Disciplinary Policy and Procedure and suspended with entitlement to full pay.

An exception to this is if the Headteacher was already aware of the employee's convictions and had previously discussed with the Governing Body that they were still suitable for their appointment, or, if it is revealed that the convictions do not relate to the individual concerned.

## **5.12 Making a recruitment decision after disclosure**

The Trustees/Governing Body will consider the magnitude of any DBS disclosures.

**Major disclosures** will result in the candidate being automatically unsuitable for the role. These include where the adult is named on the following lists:

- Children's barred list
- Adults' barred list

**Serious disclosures** which involve criminal activity, but do not pose a risk to pupils, will be discussed with the Headteacher prior to the candidate being accepted for the role.

The Headteacher will endeavour to ascertain the relevant facts from the individual and decide upon a conclusion. Following this, the candidate will receive a rejection or acceptance letter.

When considering an applicant who will not be working in regulated activity, the school will not consider any minor or old convictions which are 'protected' from disclosure, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2016).

When deciding to accept or reject a candidate, the Headteacher/Head of School will consider the following information:

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

A risk assessment to consider their suitability for the post and any measures that may need to be put in place, will be conducted by the Headteacher and Chair of Governors with the assistance of SIPS: HR if required, following a positive disclosure.

The Headteacher/CEO will be made aware of all recruitment decisions following positive DBS disclosures and a record kept by the Office Manager.

Depending on the circumstances of each case, the Chair of the Trust may be asked to countersign the form recording the recruitment decision.

### **5.13 DBS update service**

Staff members will be encouraged to join the DBS update service to ensure that their DBS certificates are up-to-date.

The school will only check the status of any DBS certificates if this is legally required for a new role or a change in role. The individual's consent will be gained before the DBS certificate status is checked.

Where consent is given, the school will check the DBS certificate to confirm it matches the individual's identity and examine the original certificate to ensure it is for the appropriate workforce and level of check.

All members of staff will have a renewal of their DBS certificate when they have been employed by the school/Trust for 5 years, the DBS update service supports this 5-year check.

## 5.14 Referral to the DBS

The school has a legal duty to refer to the DBS any member of staff who has harmed, or poses a risk of harm, to a pupil where:

- The harm test is satisfied.
- The staff member has received a caution or conviction for a relevant offence, or if there is reason to believe the staff member has committed a listed relevant offence.
- The staff member has been removed from working in regulated activity, or would have been removed had they not left the school.
- The staff member has been moved to an area of work not in regulated activity.
- The staff member has been suspended.

Referrals will be made as soon as possible after the resignation, removal or redeployment of the staff member.

## 5.15 Single central record (SCR)

The Trust **must** keep a Single Central Record detailing information on all its employees and volunteers. It will do this by each individual school completing their own SCR.

Confirmation that checks have been carried out along with the date the check was undertaken/ obtained must be logged on this record for all employees.

The Single Central Record **must** cover the following people:

- all staff (including supply staff, and teacher trainees on salaried routes) who work at the school, even if they work for one day; and
- all members of the proprietor body.

The SCR indicates whether the following checks have been carried out or certificates obtained, and the date on which each check was completed, or certificate obtained:

- An identity check.
- A barred list check.
- An enhanced DBS check.
- A prohibition from teaching check.
- A section 128 check (for Management positions).
- Further checks on individuals who have lived or worked outside the UK
- A check of professional qualifications.

- A check to establish the individual's right to work in the UK.

For supply staff, the SCR also records whether written confirmation has been received from the agency supplying the member of staff that the relevant checks have been carried out and the appropriate certificates have been obtained, and details of the date on which the confirmation was received and whether any enhanced DBS certificate check have been provided in respect of the member of staff.

There is no requirement for fee-funded trainee teachers to be recorded on the SCR. However, written confirmation should be obtained and recorded from the training provider that the relevant checks have been carried out and the appropriate certificates have been obtained and details of the date on which the confirmation was received and whether any enhanced DBS certificate checks have been provided in respect of the Trainee.

The SCR is securely stored electronically and password protected.

## **5.16 Data handling**

DBS certificate information will only be used for the specific purpose for which it was requested and for which the individual's full consent has been given.

The Trust/school will not keep DBS certificates. Copies of other documents used to verify the applicant's identify, right to work and required qualifications will be kept for the personnel file.

Although the Trust/school will not keep any copy of the certificate, a record will be kept of the following:

- The date of issue of the certificate.
- The name of the subject.
- The type of certificate requested.
- The position for which it applied to.
- The unique reference number .
- The details of the final recruitment decision.

A copy of any risk assessment will be kept on the employee's file for the duration of their employment and 6 years thereafter.

## **6. Further vetting checks**

### **6.1 Right to work in the UK**

Under Sections 15–25 of the Immigration, Asylum and Nationality Act 2006 it is a criminal offence to employ a person who is not entitled to live and work in the United Kingdom. The Trust/school must carry out basic document checks before taking on a new employee. Where employees have restrictions on their entitlement to be in the UK, basic document checks will need to be repeated at least once every 12 months.

During any recruitment exercise all employers are **required to carry out checks on all prospective employees before they start working** to ensure that decimation is avoided. The Trust/school will need to **make a copy of any document(s)** submitted by a job applicant as acceptable evidence of his/her right to work in the UK.

Before or after the interview, the Trust/school must:

- see **either** one original document from List A **or** alternatively an acceptable combination of two original documents from List B (Appendix B)
- satisfy yourself that the document(s) is/are genuine and that the applicant is the rightful holder;
- ensure that photocopies are taken of the document(s) and, **for the successful applicant only**, that they are stored so that they are available inspection by UK Visas and Immigration if required.

To satisfy yourself that a document is genuine, you must carry out the following ‘reasonable steps’ as set out by the Home Office:

**Check that:**

- any photographs are consistent with the appearance of the applicant;
- any dates of birth listed are consistent with the appearance of the applicant and are consistent across the documents;
- where the candidate has permission to work in the UK, check that expiry dates have not passed;
- any United Kingdom Government stamps or endorsements to see if the applicant is able to do the type of work you are offering;
- satisfy yourself that the documents have not been tampered with and that they belong to the holder.

If the applicant gives you two documents from List 2 which have different names, you should ask them for a further document to explain the reason for this. The further document could be a marriage certificate, divorce document, deed poll, adoption certificate or statutory declaration.

**Copies must be taken of each document** and attached to the individual's employment application form, in a format which cannot later be altered, e.g. a photocopy or scan. For each document, a copy should be taken of the front cover and any pages that give the applicant's personal details, including the photograph and their signature. Any page containing a UK Government stamp or endorsement allowing the applicant to do the type of work applied for must also be copied. If an applicant submits a Biometric Residence Permit, ensure that both sides are copied.

UK Visas and Immigration recommends that you **write on all copies the date on which the copy was made**. If you have taken copies of documents for all applicants, then you must ensure that you destroy those provided by the unsuccessful applicants.

## 6.2. Medical clearance process

Once the school have been sent confirmation of offer, this paperwork will then be sent on to SIPS, HR Consultants, who will carry out the medical clearance process on behalf of the Trust/school. They will then confirm as to whether the clearance is satisfactory. If nothing is declared on this form, the applicant will be cleared to start work. If there is a declaration, then you will be informed if the form has been forwarded on to Occupational Health to review. **You should not allow the applicant to start work until the Central HR Team The Office manager confirms that medical clearance has been received from Occupational Health.**

## 7. Record-keeping

Records must be kept of applicants, shortlists and appointed candidates to enable a response to be made to any claims of unlawful discrimination. The selection panel must be able to demonstrate why candidates were or were not shortlisted or appointed by reference to the Job Description/Person Specification, notes taken during the selection process and interview record forms (an example of interview record form is available from the Office manager. All records should be kept for 8 months.

## 8. Employment documentation

### 8.1 Offer letters and contracts of employment

Once you have made a verbal offer (subject to satisfactory references and Enhanced DBS check) to the successful candidate you should inform the SIPS HR and forward a copy of the completed appointment form and application form. The Trust/school can send a provisional offer in writing. Once they have completed all

the pre-employment checks, providing these are satisfactory, SIPS HR will forward a formal offer in writing together with a contract of employment.

References will include confirmation of the applicant's suitability to work with children and whether there have been any safeguarding concerns, disciplinary findings or allegations relating to children.

You will need to provide the following information to the SIPS HR:

- start date
- hours of work
- pay scale
- end date (if the contract is for a fixed-term)
- reason for fixed-term/temporary contract
- a copy of the original application form
- DBS application form and relevant ID documentation
- Probation period (support staff).

Note: A verbal offer is still an offer of employment and needs to be subject to the pre-employment checks detailed above.

## **9. Induction**

The successful candidate should be provided with a Staff Induction Pack, which also should include but not limited to the Staff Code of Conduct, to look through before they start their employment. They will then be able to ask any questions either before they start or at an early stage of employment during their face-to-face induction.

A well-planned and thorough induction programme is a crucial aspect of any recruitment and selection process and should be treated as part of the process. Effective induction should reinforce the messages given to a new employee before and during the selection process and provide him or her with a positive start to working as part of your school team. In addition to highlighting procedures, policies and factual information, induction discussions provide a good opportunity to confirm the conduct expected of staff within the school, share and promote the school ethos and vision and values. The employee should be encouraged to raise any concerns he/she has about the new role, including highlighting training and development needs (which may have been covered at interview).

The precise elements may vary, depending on the role and whether the post holder has worked in a school before. Nevertheless, there are a number of key areas which need to be covered by the Headteacher (or Governors in the case of a new Headteacher) or Line Manager:

- policies and procedures in relation to Safeguarding including child protection, anti-bullying, physical intervention/restraint, intimate care, internet/social media safety and any other local Safeguarding procedures;
- issue the employee with information on Safeguarding and explain how any concerns in relation to safeguarding should be raised and with whom (ensure the employee knows who the Designated Safeguarding Lead in school is). Ensure that he/she is included in safeguarding training appropriate to his/her role;
- copies of (or information on how to access) key school policy documents, e.g. SEND; Behaviour Policy;
- information on key employment policies and procedures such as disciplinary, grievance, capability/performance and sickness absence (e.g. reporting sickness absence).

The school staff handbook is a useful way of capturing this information. Advice is available from the SIPS HR if you wish to update or develop a new staff handbook.

## **10. Probation**

Support staff joining the Trust/school are subject to a 6-month probation period (except staff joining from another school within the Trust).

Staff will have a minimum of 2 assessment meetings (3 months and 6 months) during the probationary period with their Line Manager. More meetings may be required to follow up on actions or targets. Following the final meeting, the Line Manager will either confirm the staff member's employment or extend their probationary period.

During the first assessment meeting, the member of staff must be advised of their performance and progress and be provided with help, guidance and advice as required. Any targets/timescales for improvement must be confirmed in writing.

The main aspects the Line Manager should consider, work performance (for example quality, quantity and technical ability), relationships with colleagues and other stakeholders. The Line Manager should keep a record of the comments (forms are available from the Headteacher if required) and copies sent to the SIPS HR.

Issues identified may require some coaching/training, making individuals aware of the rules, looking at methods of work etc or specific training may be needed to reach the required standard. Staff should be informed as soon as possible during the probationary period if their performance is not considered satisfactory, provided with specific reasons and given the opportunity and support to improve (a probationary support plan template is available from the SIPS HR).

Where there are doubts about a member of staff's suitability or capability for the post, the Headteacher/SIPS: HR must be informed as soon as possible or no later than the member of staff's 20<sup>th</sup> working week of the probationary period to allow sufficient time to implement the appropriate course of action.

Following confirmation of successful completion of probation from the Line Manager, the SIPS HR will confirm this, in writing, to the staff member.

Under normal circumstance, 6 months is adequate to assess all aspects of a members of staff's suitability for the role, however where there are doubts the Line Manager, following conversations with the Headteacher/SIPS: HR, could consider extending the probationary period, if:

- the member of staff has not yet met the standard of performance required to successfully complete the probationary period
- the Line Manager feels that given a further period of probation, the member of staff will achieve a satisfactory standard
- some exceptional or unavoidable circumstances have interrupted the probationary period or prevented a fair assessment to take place.

Exceptional circumstances would include:

- where the member of staff has been absent due to sickness or accidental for a substantial length of time during the probationary period.
- where there has been a substantial change in job circumstances part way through the probationary period
- where there has been a substantial change in personal/domestic circumstances of the individual, notified by the individual to the Line Manager during the probationary period, which may affect work performance
- change in medical circumstances for example a medical condition deteriorates or the member of staff becomes disabled

The maximum period a member staff may have their probationary period extended is for a further 3 months. If the decision is to extend the probationary period, the member of staff must be informed no later than 5 working days prior to the end of the original probationary period and this must be followed up in writing. The probationary period can only be extended with the agreement of the member of staff, if they do not agree, alternative action to dismiss as unsuitable should be implemented before the end of the 6-month period.

During the extended probationary period, the member of staff and the management has the same rights and obligations as they had during the normal probationary period.

Where it is considered the member of staff will not be able to meet the required standards by the end of the probationary period or where the member of staff has declined an extension, it will be necessary to consider termination of employment.

If the decision is to terminate employment, the Line Manager will be required to produce a report clearly stating the reasons for recommending the employee is dismissed and what support and training has been given during the probation period. Following receipt of the report, a probationary hearing, chaired by an independent Manager, must be arranged. The hearing must take place before the end of the 6 month or 9-month probationary period otherwise it would be deemed the member of staff has completed their probationary period.

The member of staff should be given at least 5 working days' notice of the hearing and has the right to be accompanied by a trade union representative or work colleague and provided with a copy of the report. The member of staff must take all reasonable steps to attend the hearing, if the staff member does not attend it may still go ahead.

The Line Manager will present their report and the member of staff will be given the opportunity to respond and state their case (model agenda is available from the Central HR Team).

Following the hearing, the chair must inform the member of staff of the outcome which could be:

- the member of staff's employment is confirmed
- the probationary period is extended for a further 3 months (subject to the staff member's agreement)
- the member of staff is dismissed with appropriate notice

The member of staff must be informed of their right to appeal against the decision. The appeal must be submitted, in writing within 10 working days of the meeting. Any appeal will be heard by an independent Senior Manager.

The period of notice required during the probationary period, including any agreed extension, is 1 working week.

If, for any reason, a member of staff's employment is terminated prior to having completed 4 weeks in employment, no period of notice is required. After consultation with SIPS HR, the member of staff can be dismissed with immediate effect without the need for a probation hearing.

## **11. Appointing a new Headteacher**

All of the above guidance is good practice in all recruitment situations, including appointing a new Headteacher. However, it is worth bearing in mind some important aspects for Headteacher/Head of School recruitment, including:

- An acting Headteacher must be appointed if the outgoing Head leaves before a substantive replacement is in post.
- However, the Governing Body must recruit a new Headteacher as soon as is reasonably practicable so as not to prolong acting arrangements longer than is absolutely necessary.
- Serving Headteachers are subject to a longer notice period than other teachers (3 months in Autumn and Spring; 4 months in the Summer).
- It is a requirement that the Trustees/Governors are involved in the Headteacher selection process and the appointment decision, made by a committee of the Trustees/Governing Body.
- The National Professional Qualification for Headteachers is no longer mandatory; however, it remains a worthwhile qualification and the Trust/Governing Bodies may choose to make it an essential requirement.
- It is good practice for schools within the Trust to invite the relevant Diocese to provide a representative or advice during the appointments process.

The Trust's SIA may also be available to support the recruitment and selection of Headteachers and Deputy Headteachers. This can include attendance at Headteacher interviews in an advisory capacity.

## **12. Appointing a new Executive Headteacher or Executive Headteacher/CEO**

Some important aspects to consider for Executive Headteacher or Executive Headteacher/CEO recruitment:

- An acting Executive Headteacher/CEO must be appointed if the outgoing Executive Headteacher/CEO leaves before a substantive replacement is in post.
- However, the Trust Board must recruit a new Executive Headteacher/CEO as soon as is reasonably practicable so as not to prolong acting arrangements longer than is absolutely necessary.

- Serving Executive Headteachers and Executive Headteacher/CEO are subject to a longer notice period than other teachers (3 months in Autumn and Spring; 4 months in the Summer).
- It is a requirement that the Trust Board are involved in the Executive Headteacher and Executive Headteacher/CEO selection process and the appointment decision, made by a committee of the Trustees. The serving Executive Headteacher/CEO may be invited from the Trust Board.
- The National Professional Qualification for Headteachers is not mandatory; however, it remains a worthwhile qualification and the Trustees may choose to make it an essential requirement along with relevant experience.
- It is good practice for schools within the Trust to invite the relevant Diocese to provide a representative or advice during the appointments process.

## Appendix A

### Pre-Appointment Checklist

Action	Date completed	Requirement to keep copies of document(s)?	Notes
Application scrutinised for gaps in employment		Yes	
Ensure Application form is signed by the candidate if unsigned or electronic signature used		Yes	
References for shortlisted candidates are from their current/most recent employer and the referee is a senior person with relevant authority.		Yes	(If a school the reference is verified with the Headteacher if not currently working with children but they have done so in the past a reference must be sought from the most recent employer where the role involved working with children)
DBA declaration form given to shortlisted candidates if relevant		Yes	
MRF1 given to preferred candidate			
ID check		Yes	
Enhanced DBS check			No requirement to keep a copy but a copy may be kept by the school for a maximum of 6 months

Action	Date completed	Requirement to keep copies of document(s)?	Notes
Barred list check			
Right to work in the UK verified		Yes	
Further checks if preferred candidate has lived or worked outside the UK		Yes	
Qualifications checked		Yes	
QTS		Yes	Teachers
S128 direction check			For management posts in independent schools, including academies and free schools
Prohibition order check			Teachers
On Line Search			An online search will be undertaken on all shortlisted candidates. This search does not form part of the shortlisting process and the candidate should have the chance to discuss any issues of concern that come up during the search at interview. Candidates should be informed online searches will take place on all shortlisted candidates

## Appendix B

You may conduct one of the three checks to establish a right to work:

- If you are conducting a manual check, please see pages 1-4.
- If you are conducting a check via an IDSP, please see page 5.
- If you are conducting an online check, please see page 6.

### Manual Check

Step 1 - Obtain

#### List A

1. A passport<sup>1</sup> (current or expired) showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or passport card<sup>1</sup> (in either case, whether current or expired) showing that the holder is an Irish citizen.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
4. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK<sup>2</sup>.
5. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
6. A birth or adoption certificate<sup>3,4</sup> issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
7. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
8. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

#### List B Group 1

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question<sup>5</sup>.

2. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.

3. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

<sup>1</sup> A clipped passport is a cancelled document (identified by the corners of certain pages in the passport being cut/removed) and therefore is not acceptable proof of right to work.

<sup>2</sup> 'Definition includes those with a document which shows that the holder is entitled to readmission to the UK (RUK endorsement)' and ILR endorsements from a Crown Dependency.

<sup>3</sup> Definition includes a short or long birth certificate.

<sup>4</sup> Definition includes a birth certificate issued by a UK diplomatic mission (British Embassy or British High Commission) and consular birth certificates.

<sup>5</sup> This includes a current passport endorsed with a stamp showing an individual has been granted leave to enter and there are no work-related conditions attached. If, under the conditions of the individual's leave, work was restricted or prohibited the endorsement placed in the individual's passport would explicitly set that out as a condition.

### **List B Group 2**

1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.

2. A Certificate of Application (non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.

3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules together with a Positive Verification Notice from the Home Office Employer Checking Service.

4. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.

5. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

<b>Step 2 - Check</b>			
You must check that the documents are genuine and that the person presenting them is the prospective employee or employee, the rightful holder and allowed to do the type of work you are offering.			
1. Are photographs consistent across documents and with the person presenting themselves for work?	<b>Yes</b>	<b>No</b>	<b>N/A</b>
2. Are dates of birth correct and consistent across documents?	<b>Yes</b>	<b>No</b>	<b>N/A</b>
3. Are expiry dates for time-limited permission to be in the UK in the future i.e. they have not passed (if applicable)?	<b>Yes</b>	<b>No</b>	<b>N/A</b>
4. Have you checked work restrictions to determine if the person is able to work for you and do the type of work you are offering? (For students who have limited permission to work during termtime, you must also obtain, copy and retain details of their academic term and vacation times covering the duration of their period of study in the UK for which they will be employed.)	<b>Yes</b>	<b>No</b>	<b>N/A</b>
5. Have you taken all reasonable steps to check that the document is genuine, has not been tampered with and belongs to the holder?	<b>Yes</b>	<b>No</b>	<b>N/A</b>
6. Have you checked the reasons for any different names across documents (e.g. marriage certificate, divorce decree, deed poll)? (Supporting documents should also be photocopied and a copy retained.)	<b>Yes</b>	<b>No</b>	<b>N/A</b>

### **Stage 3 - Copy**

You must make a clear copy of each document in a format which cannot manually be altered and retain the copy securely: electronically or in hardcopy. You must also retain a secure record of the date on which you made the check. Further information can be found under 'Retaining Evidence' in the employer's guide at Employer's guide to right to work checks. You must copy and retain copies of:

Passports: any page with the document expiry date, the holder's nationality, date of birth, signature, immigration permission, expiry date, biometric details, photograph and any page containing information indicating the holder has an entitlement to enter or remain in the UK (visa or entry stamp) and undertake the work in question (the front cover no longer has to be copied).

All other documents: the document in full, both sides of an immigration status document and an Application Registration Card.

All copies of documents taken should be kept securely for the duration of the worker's employment and for two years afterwards. The copy must then be securely destroyed. We recommend you use our online interactive tool 'Check if someone can work in the

UK', which will take you through the process by asking you a series of questions.

### **Know the type of excuse you have**

If you have correctly carried out the above 3 steps you will have an excuse against liability for a civil penalty if the above named person is found working for you illegally. However, you need to be aware of the type of excuse you have as this determines how long it lasts for, and if, and when you are required to do a follow-up check.

The documents that you have checked and copied are from:

1. List A contains the range of documents you may accept for a person who has a continuous right to work in the UK (including British and Irish citizens). If you conduct the right to work checks correctly before employment begins, you will establish a continuous statutory excuse for the duration of that person's employment with you. You do not have to conduct any follow-up checks on this individual.
2. List B contains a range of documents you may accept for a person who has a temporary right to work in the UK. If you conduct the right to work checks correctly, you will establish a time-limited statutory excuse. You will be required to conduct a follow-up check in order to retain your statutory excuse.

You will not obtain a statutory excuse if:

- it is reasonably apparent that the person presenting the document is not the person referred to in that document, even if the document itself is genuine
- you know that the individual is not permitted to undertake the work in question
- you know that the documents are false or do not rightfully belong to the holder.

### **You must obtain original documents from either List A or List B of acceptable documents for a manual right to work check.**

You may wish to include a declaration in line with the check, such a statement could include:

'I confirm that I have carried out the right to work check above in compliance with the instructions within and I believe a valid statutory excuse is established for this worker.'

### **IDVT Check using an IDSP**

You may wish to include a declaration in line with the check, such a statement could include:

The Home Office recommends that employers only accept checks via an IDSP, that satisfy a minimum of a Medium Level of Confidence. A list of certified providers is available for you to choose from on GOV.UK: Digital identity certification for right to work, right to rent and criminal record checks.

It is not mandatory for you to use a certified provider: you may use a provider not featured within this list if you are satisfied that they are able to provide the required checks.

For the purposes of verifying identity for RTW checks through IDVT, only the following specified

documents can be accepted:

valid British passport

valid Irish passports

valid Irish passport cards

Please see the following steps for an employer to conduct a right to work check via an IDSP:

1. Have you obtained an IDVT identity check which shows that there exists in relation to the employee a relevant IDVT document from an IDVT identity service provider?	<b>Yes</b>	<b>No</b>
2. Are the photograph and biographic details (for example, date of birth) on the output from the IDVT check consistent with the individual presenting themselves for work (i.e., the information provided by the check relates to the individual and they are not an imposter)? <b>This can be done in person or by video call.</b>	<b>Yes</b>	<b>No</b>
3. Have you retained a clear copy of the IDVT identity check output in a format which cannot be subsequently altered? <b>This must be for the duration of employment and for two years after the employment has come to an end.</b>	<b>Yes</b>	<b>No</b>
4. Do you reasonably believe that the IDVT identity service provider has taken all reasonable steps to check the validity of the document?	<b>Yes</b>	<b>No</b>
5. Do you reasonably believe that the IDVT identity service provider recorded the date on which the check was carried out; in a format that cannot be subsequently altered?	<b>Yes</b>	<b>No</b>
6. Do you reasonably believe that the IDVT identity service provider is satisfied that the photograph is of the employee and the date of birth is consistent with the appearance of the employee?	<b>Yes</b>	<b>No</b>
7. Do you reasonably believe that the IDVT identity service provider has taken all reasonable steps to verify that the employee is the rightful holder of the document?	<b>Yes</b>	<b>No</b>
8. Do you reasonably believe that the IDVT identity service provider has retained a clear copy of the following pages of a passport which is not in the form of a card, in a format which cannot be subsequently altered: (i) any page containing the holder's personal details including nationality; (ii) any page containing the holder's photograph; (iii) any page containing the date of expiry;	<b>Yes</b>	<b>No</b>
9. Do you reasonably believe that the IDVT identity service provider has retained a clear copy of the whole of a travel document in the form of a card, in a format which cannot be subsequently altered?	<b>Yes</b>	<b>No</b>

## Home Office online right to work check

A Home Office online right to work check will provide you with a statutory excuse against a civil penalty in the event of illegal working involving the subject of the check, provided the check is carried out before the commencement of employment and at the prescribed intervals.

Currently, the Home Office online service supports checks for a range of individuals, depending on the type of immigration documentation they are issued with.

Those who apply for immigration status are now issued with an eVisa and are no longer issued physical immigration documents as proof of their immigration permission in the UK.

Individuals

with an eVisa are only able to use the Home Office online service to evidence their right to work.

Please see the following steps to conduct an online right to work check:

1. Use the Home Office online right to work checking service <https://www.gov.uk/view-right-to-work> on GOV.UK, enter the 'share code' provided to you by the individual and enter their date of birth.
2. Check that the online check confirms that the employee named in it is allowed to work in the UK and is allowed to carry out the work in question.
3. Satisfy yourself that the photograph on the online right to work check is of the individual presenting themselves for work (i.e. the information provided by the check relates to the individual and they are not an imposter). This can be done in person or by video call.
4. If the employee or prospective employee is a student who has permission to work for a limited number of hours per week during term time whilst studying in the UK, obtain and retain details of the term and vacation dates of the course that the employee is undertaking.
5. Retain evidence of the online right to work check. This should be the 'profile' page confirming the individual's right to work. You should store this securely, (electronically or in hardcopy) for the duration of employment and for two years afterwards. The file must then be securely destroyed. You should also be able to produce these document copies quickly in the event that you are requested to show them to demonstrate that you have performed a right to work check and retain a statutory excuse.

**You may wish to include a declaration in line with the check, such a statement could include:**

'I confirm that I have carried out the right to work check above in compliance with the instructions within and I believe a valid statutory excuse is established for this worker. More information on how to conduct a manual, IDVT and online right to work check can be found in guidance on GOV.UK at:  
<https://www.gov.uk/government/publications/right-to-work-checks-employer>