

SAFER RECRUITMENT POLICY

Issue Number: 2.0
Issue Date: 29 April 2016
Review Date: 29 April 2018
Reference: SR/CA
Approved By: Board of Directors
Approval Date: 18 April 2016

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Relevant legislation and guidance

- Keeping children safe in education (DfE 2015)
- Safeguarding Vulnerable Groups Act 2006
- Equality Act 2010
- Protection of Freedoms Act 2012
- DBS Code of Practice (amended 2016)
- Rehabilitation of Offenders Act 1974 (exceptions order 1975) [as amended 2013]

Introduction

School Partnership Trust Academies (SPTA) has at its core a commitment to deliver outstanding education across its academies.

1. Purpose, Scope and Principles

1.1 Purpose

The purpose of this Safer Recruitment Policy is to set out the School Partnership Trust Academies recruitment process. SPTA recruitment processes aim to:

- Recruit and develop outstanding practitioners
- To ensure that the recruitment of both permanent and fixed-term staff (including voluntary) is conducted in a fair, effective and efficient manner.
- To ensure that all relevant equal opportunities legislation is adhered to.
- To ensure that staff deal professionally with both external and internal candidates at all stages of the process.

1.2 Scope

This Safer Recruitment Policy applies to all employees and members of the Education Advisory Bodies throughout SPTA including the Core Team, who are responsible for and involved in the recruitment and selection of all staff.

All Principal posts must be agreed by the Chief Executive Officer and the Executive Leadership Team (ELT) before any formal recruitment process commences as the ultimate responsibility for the appointment of a Principal lies with the CEO of School Partnership Trust Academies. When the appointment of Vice Principal and Assistant Principals is required, the CEO must be formally advised of this requirement.

Any recruitment requests for **new posts** and **additional temporary posts** must be approved by ELT after submission via jobssouth@schoolpartnershiptrust.org.uk, jobswest@schoolpartnershiptrust.org.uk or jobseast@schoolpartnershiptrust.org.uk. Any **replacement posts** must be sent to the relevant recruitment email address, for approval by the Regional Director. Please see **Appendix 1** for the SPTA Recruitment Process.

1.3 Principles

The following principles are encompassed in this policy:

- All applicants will receive fair treatment and a high quality service
- The job description and person specification are essential tools and will be used throughout the process
- Employees will be recruited on the knowledge, experience and skills needed for the job
- Selection will be carried out by a panel with at least two members. At least one panel member will have received Safer Recruitment training on the recruitment and selection process as recommended by the Department for Education (DfE).
- Selection will be based on a minimum of a completed application form, short listing and interview, and receipt of at least two suitable references.
- Monitoring and Evaluation are essential for assessing the effectiveness of the process
- All posts will be advertised
- The Equality Act (2010) makes it a requirement to make reasonable adjustments to the recruitment process if an applicant makes the employer aware that they have a disability. This applies to the entire recruitment process, from advertisement to appointment.

2. Equal Opportunities

SPTA is committed to providing equality of opportunity for all applicants ensuring that at all stages of recruitment and selection are fair. Recruitment and Selection procedures will be reviewed on a regular basis to ensure that applicants are not discriminated against on the grounds of race, nationality, gender, religion, age, disability, marital status, or sexual orientation. SPTA acknowledges that unfair discrimination can arise on occasion and therefore will ensure that the Equal Opportunities Policy is the foundation for all its activities.

There is a significant body of employment legislation which impacts on the SPTA Recruitment and Selection process. This includes The Equality Act 2010.

2.1 Discrimination against applicants

An applicant can allege discrimination against an employer even though there is no direct employment relationship. This is particularly pertinent in the recruitment process whereby a potential applicant, applicant, or selected candidate may claim discrimination on the grounds of age, race, religion/belief, gender, sexual orientation, marital status or disability. All actions and documents involved in the process must be free of any criteria that could be interpreted as being discriminatory within the terms of legislation.

For more information please refer to the SPTA Equality and Diversity Policy.

2.2 Types of Discrimination

Direct Discrimination: This occurs when someone is treated less favourably than others would be treated in the same, or similar, circumstances on the grounds of their age, race, religion/belief, gender, sexual orientation, marital status or disability.

Indirect Discrimination: This occurs when a requirement or condition is applied which has a disproportionately adverse effect on a group of people due to their age, race, religion/belief, gender, sexual orientation, marital status or disability. Examples include:

- Insistence on British qualifications without consideration of equivalents may disadvantage those born in another country.
- A requirement that candidates must have 10 years continuous employment/service would exclude more women than men due to the likelihood of women taking time away from work to raise a family.

2.3 Liability for Discrimination

Liability for unlawful discrimination rests with the employer and/or any workers who are found to have discriminated. For example, anyone participating in the recruitment process, including panel members, could be liable if an allegation of discrimination is proven.

NB: Applicants have up to 3 months, following the recruitment process, to make a complaint.

The fact that a person may not have intended to discriminate against someone is irrelevant and would not constitute a defence.

2.4 Dealing with Complaints

If a complaint is received by the school it should be dealt with in line with the Academy's Complaints Procedure. Advice can be sought from the HR Adviser. It is important to bear in mind that a complaint of discrimination may lead to a claim against an individual or a claim to an employment tribunal and should the employment tribunal decide that the complaint is well founded; damages may be awarded against the employer.

In cases of discrimination the amount awarded is unlimited.

2.5 Burden of Proof

It is important to note that if a complainant establishes facts that she or he was treated less favourably on the grounds of age, race, religion/belief, gender, sexual orientation, marital status or disability, the employer will have to prove that the difference in treatment was not due in any way to unlawful discrimination. If the employer cannot do this, the employment tribunal will uphold the claim.

2.6 Genuine Occupational Requirements (GOR)

As a general rule it is unlawful to specify that you require somebody of a particular sex or race, however, in exceptional circumstances there may be a genuine occupational requirement (GOR) for the position. Such requirements are acceptable in instances, for example:

- where the job needs to be held by a man or woman to preserve privacy and decency.
- where the essential nature of the job calls for a man or woman by reason of his or her physiology.
- where being of a particular racial group is a genuine occupational qualification e.g. providing care/welfare services to a racial group and those services can be best provided by a member of that racial group.
- the religious character of the school

In the event of the GOR rule applying, this must be stated on the advertisement and job details.

GORs are always open to challenge and if an employer is challenged, the burden of proof lies with the employer to show that a GOR applies to the job at issue. But it is only an Employment Tribunal who can give an authoritative ruling as to whether or not a GOR is valid.

Advice should be sought from the SPTA Recruitment Team before proceeding with any plans to advertise a post using the GOR provisions.

3. Pre-recruitment Process

The objective of the recruitment process is to attract, select and retain staff who will successfully and positively contribute to the future development of the academy. The first experience an individual has is important, therefore all those responsible for recruiting will:

- Engage professionally and positively with all applicants
- Ensure applicants are provided with a clear outline of the post and what is expected of them
- Ensure the process provides a high quality of candidates

4. Advertising Posts

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

“The Academy is committed to safeguarding the welfare of its students and the successful applicant will be subject to an enhanced Disclosure and Barring Service certificate and checks of the relevant barred list / prohibition lists”.

5. Application Form

A standard SPTA application form will be used to obtain a common set of core data for all applicants.

All prospective applicants must complete, in full, an application form. CVs alone will not be accepted.

If adverts are placed internally in an Academy and existing employees apply for the position, applicants must write an 'Expression of Interest' letter at least one side of A4 long explaining why they believe they are suitable for the role. This must then be submitted to the recruitment team before an interview takes place.

Where agency staff are successful in applying for an internal post, a fully completed application form must be received before they commence in post.

6. Job Description and Person Specification

6.1 Job description

An accurate job description is required for all posts. A person specification is also required for all posts. Before any post is advertised, an up-to-date job description should be prepared. It should describe fully and in plain, non-discriminatory language, the responsibilities and duties of the post.

A job description should also include:

- The job title
- The job purpose – why the job exists
- Main duties
- Salary band
- Grade
- The duty to safeguard and promote the welfare of children, and responsibility under the Prevent duty, should be incorporated in all job descriptions
- Where a post is in regulated activity, this must be stated in the job description.
- If the post falls within the Childcare Regulations, this will be stated in the job description

This will be based on the needs of the Academy and include a review of any previous job description in place for the post. This process will then be validated by the following people:

- The HR Manager
- The Regional Director of Education.

A range of Job descriptions for support staff, which meet thorough Equal Pay criteria, are available from the Recruitment Team.

6.2 Person Specification

Person Specification should include:

- the knowledge, skills, experience and qualifications, 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; and
- detail the method of assessment, for example, application form, test, or interview.

Care should be taken to ensure that the person specification is free of any criteria that could be interpreted as being discriminatory such as age limits, physical requirements etc.

An up-to-date person specification is an essential feature of the recruitment process and should be produced for all vacancies. It is essential in enabling a shortlist of applicants to be drawn up and a final selection to be made, based on fair, equitable and consistently applied criteria. It will ensure, as far as possible, that the right person is appointed to the position.

7. References

The purpose of seeking references is to obtain objective and factual information to support appointment decisions. They will always be sought and obtained from the referee.

References will be sought on all short listed candidates, including internal ones, and will be obtained before interview, if possible, so that any issues of concern they raise can be explored further with the referee, and taken up with the candidate at interview. Where it is not possible to obtain two references, the recruitment team will seek to obtain one personal reference. Referees will always be asked specific questions about:

- The candidate's suitability for working with children and young people
- Any disciplinary action, including time-expired warnings, that relate to the safeguarding of children and young people;
- The candidate's suitability for the post.

All appointments must be made subject to appropriate references and DBS checks.

8. Short listing

Short-listing of candidates will be against the job description and person specification for the post. There must be consistency between members of the interview panel and those involved in the shortlisting process. All materials for short-listing exercises for both successful and non-successful shortlisted candidates must be completed and stored securely in the event of successful and non-successful candidates requesting feed-back.

Unsuccessful candidates' feedback must be stored securely within the Academy for six months before being destroyed.

9. Invitation to Interview

Candidates called to interview will receive:

- A letter confirming the interview and any other selection techniques
- An opportunity for candidates to ask any questions prior to the interview.

10. The Selection Process

Selection techniques will be determined by the nature and duties of the post but all vacancies will require an interview of short-listed candidates.

All interviews questions asked by the academy will be recorded on an SPTA Interview question and scoring matrix template. Please see appendix 2 for the template.

Scoring will be carried out objectively, with the highest scoring candidate being appointed. Please see appendix 2 for the scoring matrix.

Interviews will always be face-to-face.

During the interview, the panel will ask candidates to:

- Explain satisfactorily any anomalies or discrepancies in the information available to the panel which has not been explained already on their application form
- Declare any information that is likely to appear on the DBS disclosure, which has not been disclosed already on their application form
- Discuss any information they have provided to the Chair of panel in relation to relevant cautions / convictions
- Demonstrate their ability to safeguard and protect the welfare of children and young people. This will include safeguarding questions asked by the interview panel.
- All candidates will be subject to the same interview questions and assessment tasks specific to the role. Candidates may also be asked individual questions relating to gaps in their employment history, relevant criminal history or information in their references that requires clarification
- Confirm whether they are content with the selection process followed.

11. Pre-Employment Checks

An offer of appointment will be conditional and all successful candidates will be required to:

- Provide proof of identity
- Complete an enhanced DBS application with barred list check and receive satisfactory clearance
- Present the original DBS certificate within 28 days of issue
- Provide proof of professional status
- Provide actual certificates of qualifications
- Complete a confidential health questionnaire (teaching staff)
- Provide proof of eligibility to live and work in the UK
- If successful candidates have worked/lived abroad they must provide a certificate of good conduct from the foreign country they worked. For more information on this, please refer to <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>
- Teachers that have taught abroad will be checked via Employer Access to ensure that no teaching restriction has been placed on them in another EEA country
- If the post falls within the Childcare Regulations, confirm that they are not disqualified from early- or later-years childcare, or disqualified by association

All checks will be:

- Confirmed in writing
- Documented and retained on the personnel file
- Recorded on the Academy's Single Central Record
- Core Team staff will be recorded on the Core Team Single Central Record
- Followed up if they are unsatisfactory or if there are any discrepancies in the information received.

Employment will commence subject to all checks and procedures being satisfactorily completed.

11.1 Tier 2 Workers

Tier 2 workers are people who must be a skilled worker from outside the European Economic Area and have a certificate of sponsorship from a UK employer who holds a valid Tier 2 sponsorship license.

To be eligible for a Tier 2 (General) Visa, applicants must prove the following:

- certificate of sponsorship reference number
- an 'appropriate' salary
- £900 in savings - this is to prove you can support yourself and you must have had this in your bank account for 90 days before you apply
- can prove their knowledge of English by either:
 - passing an [approved English language test](#) with at least CEFR level B1 in reading, writing, speaking and listening; or
 - having an academic qualification that was taught in English and is recognised by [UK NARIC](#) as being equivalent to a UK bachelor's degree

If an applicant indicates that they think they are eligible as a Tier 2 worker and are seeking sponsorship from SPTA to work in one of our academies, please contact the Recruitment Team

for further information.

12. Induction

All staff and volunteers who are new to the academy or core team will receive information on the relevant child protection policy and procedures, safeguarding policies, whistleblowing policy and guidance on safe working practices as part of their induction training.

All successful candidates will undergo a period of monitoring and will:

- Meet regularly with their induction tutor
- Meet regularly with their line manager
- Attend any appropriate training

13. Supply Staff

Academies in SPTA will only use those agencies which operate Safer Recruitment procedures and supply written confirmation that all relevant checks have been satisfactorily completed. Any information disclosed as part of the DBS checks will be treated confidentially.

Academies in SPTA will carry out identity checks when the individual arrives at school. Academies must notify their HR Manager immediately if there are any safeguarding issues with supply staff.

14. Peripatetic Staff

Academies in SPTA require confirmation from the employer that all necessary checks and DBS requirements have been satisfactorily completed for peripatetic staff.

15. Volunteers

All voluntary recruited staff must complete a Volunteer Application form explaining the reasons behind why they would like to complete voluntary work and why they feel they would be suitable to do so. In addition, Academies in the School Partnership Trust Academies group will require that all necessary checks and DBS requirements have been satisfactorily completed for voluntary staff.

Any volunteers whose role would fall within the Childcare Regulations will be asked to confirm that they are not disqualified from early- or later-years childcare, or disqualified by association.

Volunteers that have not been checked against the relevant DBS barred list will not be permitted to undertake regulated activity.

16. Recruitment of Apprentices

If there is a requirement for an apprentice within SPTA, the usual internal recruitment process must be followed before contacting apprenticeship firms or agencies. Once approval has been given, the appropriate manager in the Academy must liaise with the SPTA Recruitment Team.

17. Redeployment

In the event of any restructuring exercise in SPTA, redeployment of redundant staff should always be considered before looking at other options for filling the vacancy. This is in line with the employer's obligation to support members of staff who are displaced from their substantive posts. The process that must be followed to ensure that redeployed staff are made aware of vacancies within SPTA is:

- Following discussions with SPTA HR, Academies must inform the Recruitment Team via email, of staff who are eligible for redeployment within the group.
- If the member of staff applies for a relevant alternative job within SPTA, the recruitment team will liaise with the Academy and ensure that the member of staff who has applied is given an interview (if they meet the requirements of the job) before external candidates are considered for interview.
- If the candidate is judged to be suitable for the role then they should be appointed to that position.

18. Teach First and School Direct

The recruitment process for initial teacher training through Teach First and School Direct are completely separate to the internal SPTA recruitment process. For more information on the recruitment process for Teach First trainees and School Direct trainees please contact SPTA Head Office.

Appendix 1: School Partnership Trust Academies Recruitment Process

SPTA operate a Safer Recruitment Policy, this should be reflected in all job adverts, person specifications and job descriptions.

Process	Notes	Responsibility
Vacancy arises	<p>Following staffing analysis identify the need for the appointment. Review job description, person specification.</p> <p>The following recruitment protocols have now been adopted:</p> <p>Like for Like replacement posts: These posts do not need approval by Executive Leadership Team, unless the Academy is undertaking a managed staff reduction or the replacement has budgetary implications. They must however be approved by the Regional Director. However these vacancies should be advertised via SPTA recruitment as normal. Please complete a new vacancy request form and send to your recruitment adviser.</p> <p>Temporary post up to one year or arrangements involving a variation of contract in a temporary arrangement: These posts should be discussed with Regional Directors and cleared by Core Team Finance, before being forwarded to SPTA recruitment. Therefore please make acknowledgement that the Regional Director and Core Team have been consulted when forwarding your advert request to recruitment.</p> <p>Posts that require permanent change to staffing structure and/or SLT appointments: All changes/vacancies must be approved by the Executive Leadership Team.</p> <p>A new vacancy form needs to be completed and sent to the Recruitment Team by Thursday 12 noon which will then be authorised by the Executive Leadership Team on a Monday.</p>	Academy
Recruitment pack	Pack drafted by SPTA Recruitment Team following consultation with the Academy. Input from Academy on draft wording for advert.	SPTA/Academy
Advertisement	<p>Advert placed in consultation with Recruitment Team. All vacancies will be advertised on the SPTA recruitment website. The cost of all other advertisements will be the responsibility of the academy.</p> <p>All calls taken and packs to be sent out by the Recruitment Team.</p>	SPTA
Applications Submission	<p>All applications are submitted to the Recruitment Team via your recruitment adviser at jobseast@schoolpartnershiptrust.org.uk, jobssouth@schoolpartnershiptrust.org.uk or</p>	SPTA

Appendix 1: School Partnership Trust Academies Recruitment Process

	jobswest@schoolpartnershiptrust.org.uk	
Shortlisting	Senior member of academy staff/EAB Members undertake shortlisting in line with person specification/job description criteria. If needed, with large volume submissions, Recruitment Team can undertake a first sift on request.	SPTA/Academy
	Inform Recruitment Team of candidates shortlisted for interview. Provide recruitment team with details of interview panel, assessments, etc. Collate shortlisting notes and provide copy to Recruitment Team.	Academy
	Candidates invited to interview and provided with details of the day in writing via email or verbally dependent on timescales.	SPTA
References	References sought by the Recruitment Team and will be forwarded to the Academy on the morning of the interviews. References checked and any issues to be discussed with candidate during interview	SPTA
Interview	One member of interview panel must be Safer Recruitment trained – record on interview notes who this is. Development of interview questions. (Model questions can be provided by the SPTA Recruitment Team)	Academy
	References checked once panel decision has been finalised. Any queries should be discussed with your HR Adviser.	Academy
	Successful candidate informed by telephone, verbal conditional offer of employment including pay scale, hours, and other details of offer. Be clear that offer is subject to satisfactory DBS, references and other pre-employment checks.	Academy
	Unsuccessful candidates informed by telephone. Advise feedback available from Recruitment Team.	Academy
Post Interview Administration	Academy to complete new starter form and send to the Recruitment Team to generate the conditional offer letter with the following: <ul style="list-style-type: none"> • Health questionnaire (Statutory for Teachers) • DBS Application Form • New Starter Form • Request to contact academy to check documentation of CRB application <p>If current employer reference was not sought prior to interview, this must be received and checked prior to confirming offer of employment</p>	Academy/SPTA
	Document checks, completion of DBS Forms and forward to Protocol Education for processing.	Academy
Contract of Employment	Copy of offer letter and New Starter Form should be forwarded to SPTA Payroll. Completed health questionnaires need to be returned to your recruitment adviser at SPTA Head Office.	Academy
	Employment contract issued by SPTA within 8 weeks of commencement of post.	SPTA

Appendix 2: SPTA Interview question and scoring matrix template

SPTA Interview Template and Scoring Matrix

Academy:	Panel Members:					
Post interviewing for:	Chair of Panel:					
Interview panel member:	Example scoring method 0 = does not answer question at all 1 = unable to give specific answers/examples, uses theoretical examples 2 = answers question and gives weak example(s) 3 = answers question and gives some good examples 4 = answers question thoroughly and gives detailed examples					
Safer Recruitment Trained in the last 5 years? Y/N:						
CANDIDATE NAME:						
Interview Question based on post specification criteria:	0	1	2	3	4	Comments
1a. What is your understanding of safeguarding young people in relation to education? THIS QUESTION OR SIMILAR MUST BE INCLUDED IN ALL INTERVIEW QUESTIONS 1b. A question about the Prevent duty and/or promoting fundamental British values will be asked of all candidates						
2. Are you related to a person: - on this panel - currently employed within SPTA ? Are you aware of any other conflict of position or interest that should be considered as part of this recruitment process?						

Appendix 1: School Partnership Trust Academies Recruitment Process

3.						
4.						
5						
6.						
7.						
8.						

Appendix 1: School Partnership Trust Academies Recruitment Process

9.						
10.						
Select reason: 1. Appointable 2. Reserve (ok to have more than one appointable) 3. Not Appointable						
Any additional comments:						

Guidance Notes

- Use one Matrix per candidate.
- Write the Interview questions in the left hand column
- Fully complete the form for each candidate
- Circle the reason/outcome (Select reason) for each candidate
- Store and file interview evidence for 6 months in a safe and secure place.

Appendix 3: Disclosure and Barring Service (DBS) and other checks SPTA Guidance 2016

Disclosure and Barring Service (DBS) & other vetting checks SPTA Guidance 2016

This guidance document provides Academies with an outline of what policy and process should be followed in terms of DBS and other vetting checks.

DBS Checks and the Update Service

- All new employees when joining an SPTA academy either on a temporary, permanent, casual, or volunteering basis should all have DBS checks done through the SPTA approved supplier – Protocol Education. The DBS Update Service has been introduced which allows new starters to register for a portable DBS service. This allows Academies to check online, using the DBS service, the status of an employee's DBS certificate at any point. It also means that any new employees, who have already signed up to the DBS Update Service at their previous employment, will no longer need an Enhanced DBS check (as long as they are working within the same type of workforce i.e. working with children and the correct level of checks has been completed), as Academies will now be able to check online whether the employee has any convictions, cautions or reprimands.
- It must be noted that every time the nominated member of staff in the Academy checks an employee's DBS through the Update Service, a notification is sent to the employee. The consent of the employee must be sought prior to checking their status online.
- The employee must register on the Update Service within 19 days of receiving their DBS certificate. If they do not register within this time then they will not be able to access the Update Service.
- In order for staff within our Academies to be able to check the status of an employee's DBS certificate, at the point of the employee completing the DBS form, a consent slip should also be filled in by the employee. This will be sent to the employee with the offer of employment letter. If an employee does not grant consent, then Academies must not access the Update Service for this employee. If Academies do so, they will be breaching the terms of the employee's contract.
- To check an employee's status online, the checker must have the original DBS certificate in front of them along with evidence of the person's identity. The spelling of the employee's name and their DOB must be identical on the certificate and the identity documents. The DBS certificate must:
 - be at enhanced level,
 - state that it was conducted for the children's workforce and
 - indicate that the barred list has been checked
- When an online status check is completed, the confirmation screen should be printed and retained in the employee's personnel file
- All completed consent forms must be filed.

Appendix 3: Disclosure and Barring Service (DBS) SPTA Guidance 2016

- For employees who have signed up to the Update Service and their DBS certificate has not been checked online, a Barred List check must still be obtained. Please contact your recruitment adviser about this and they will arrange for this to be completed.
- There is a £13 annual charge for signing up to the DBS Update Service. This £13 is the responsibility of the employee.
- For Academies that would like existing staff to be part of the Update Service, new DBS checks would have to be completed.
- This is something that individual Academies can decide whether to conduct – however, requiring existing staff to register with the update service may constitute a change in their employment contract. Seek advice from HR
- There is no rule that DBS checks should be renewed every 3 years. Ofsted do not stipulate that this has to happen and SPTA do not expect DBS checks to be renewed every 3 years.

Safer Recruitment Training

- At least one member of a recruitment panel must have undergone safer recruitment training. This training is held centrally on a minimum basis of every term. It is advised that this training is renewed every 5 years,
- To see when safer recruitment training will be held, please log into Bluesky.
- For more details on safer recruitment training, please contact SPTA Head Office .

Supply Agency staff and contract staff

- All contractors and supply agency staff must be able to provide evidence of their identity to the Academy they are working in. The Academy also needs to receive written confirmation either in the form of an email or letter that all the necessary checks, including an enhanced DBS certificate if relevant, have been carried out by the Employer of the contractor or supply agency staff.
- DBS checks only need to be carried out through Protocol Education, if the person is going to be an employee of SPTA. If they are from an agency or contracted company then it is the responsibility of the agency / company / individual to provide confirmation of any DBS certificate or other checks prior to their first day at the Academy.

Disclosures on DBS Certificates

If a DBS certificate discloses a conviction / caution / reprimand please contact your SPTA HR Manager so that a decision can be made as to whether a risk assessment needs to be carried out. Your SPTA HR Manager will discuss with you what process to take depending on the nature of the conviction / caution / reprimand. As part of the decision making, it will be important to clarify what information the candidate disclosed at interview, and what discussions took place between the candidate and interview panel as a result.

Appendix 3: Disclosure and Barring Service (DBS) SPTA Guidance 2016

Disqualification from early- or later-years childcare

Early years childcare – includes employment (paid or unpaid) to care for children in Reception and below during the normal school day

Later-years childcare – includes employment (paid or unpaid) to care for children up to the age of 8 years before or after school, in wrap-around care or in holiday clubs.

People may be disqualified from providing these types of childcare if they meet certain criteria including conviction for a serious offence, having previously had their childcare registration removed, or where a court order has been made against them in relation to a child in their care. An individual is also disqualified from childcare if a person who lives or works in their household is disqualified – this is referred to as disqualification by association.

Where the academy identifies that a post falls within either early- or later-years childcare, the successful applicant will be provided with detailed information about the Childcare Regulations and will be asked to confirm that neither they nor anyone in their household is disqualified. This must be completed before the person is permitted to commence in post.

Overseas checks

If you appoint anyone who has lived or worked abroad in the last five years, then you must complete the following checks:

- a) enhanced DBS certificate
- b) DBS Barred list check
- c) check of the National College for Teaching and Leadership (NCTL) Prohibited list (only if they are employed as a teacher)
- d) a police check or 'certificate of good conduct' from the country where they have been living or working
- e) for teachers that have worked in EEA nations, a check that they have not been subject to sanctions in that country
- e) at least one reference must be from that country
- f) if it is a country with no availability of police checks and/or a reference is not possible, you must risk assess and put in place additional safeguards (such as a more specific induction, shadowing, being supervised for longer than you perhaps would normally, thinking about whether some pupils are more or less vulnerable).

More information about overseas checks can be found on the Home Office website <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants> about the police checks available for each country in the world, which also identifies those where there are no appropriate arrangements. Please note that 'overseas checks' also apply to new recruits from the Republic of Ireland.

Appendix 3: Disclosure and Barring Service (DBS) SPTA Guidance 2016

The 'overseas checks' column on the Single Central Record (SCR) should be completed. Academies should enter 'Yes' for any relevant staff, with the date & type of additional checks undertaken.

For teaching posts only, checks for sanctions in other EEA nations should be undertaken via Employer Access website (Feb 2016 onwards)

Barred list checks

- a) If you allow someone to start work pending their Enhanced DBS certificate you MUST undertake a Barred list check before their first day
- b) if you like the supply person and offer them a permanent or temporary contract, and allow them to continue in school while waiting for a new enhanced DBS certificate, you MUST do your own Barred list check BEFORE the first day that they are employed by you rather than the agency
- c) if you appoint someone who is registered with the DBS update service and you do an online check (don't forget to print the screen and retain in their personnel file) you MUST confirm by viewing the paper certificate that a children's Barred list check was done at the time the certificate was printed.

National College for Teaching and Leadership (NCTL) Prohibited List

The law changed during the summer of 2013. All teachers recruited since 02/09/2013 must be checked against the NCTL prohibited list accessed via the Employer Access Online website. The legislation also states that schools must record this check on their SCR.

- A column on the SCR must be added immediately.
- There is no requirement to check teachers whose start date was on or before the 1st September 2013. NB Neither an enhanced DBS certificate nor a DBS Barred list check includes a check of the NCTL prohibited list.
- For teachers that have previously worked in an EEA nation, the academy must also verify via Employer Access that no overseas sanctions are in place (from Feb 2016)

The Single Central Register (SCR)

Each academy will maintain a single central record in line with DfE guidance. SPTA provides a standard template to be used by all SPTA Academies. Please contact your SPTA HR Manager with any queries.

Appendix 3: Disclosure and Barring Service (DBS) SPTA Guidance 2016

Safe Handling of DBS employee information

Storage and Access

Disclosure information should be kept securely, in lockable, non-portable, storage containers, with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Usage

Disclosure information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

Once a recruitment (or other relevant) decision has been made, we do not keep Disclosure information for any longer than is necessary. This is generally for a period of up to six months, to allow for the consideration and resolution of any disputes or complaints. If, in very exceptional circumstances, it is considered necessary to keep Disclosure information for longer than six months, we will consult the DBS about this and will give full consideration to the data protection and human rights of the individual before doing so. Throughout this time, the usual conditions regarding safe storage and strictly controlled access will prevail.

Disposal

Once the retention period has elapsed, we will ensure that any Disclosure information is immediately destroyed by secure means, i.e. by shredding, pulping or burning. While awaiting destruction, Disclosure information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack). We will not keep any photocopy or other image of the Disclosure or any copy or representation of the contents of a Disclosure. However, notwithstanding the above, we may keep a record of the date of issue of a Disclosure, the requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.