

# Saint Christina's School: Recruitment and Selection Policy Statement

Reviewed by: ASG
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Next Review: Summer 2022

*(To be read in conjunction with the School's Child Protection Policy)*

*Distribution: For Staff Only via the Policy Library on the network.*

*The Recruitment Vetting Procedures forms an appendix to this policy and should be used in conjunction with this policy.*

## 1. Purpose

1.1. The purpose of this policy statement is to serve the principles below.

## 2. Principles and Relevancy

- 2.1. The School is committed to promoting and safeguarding the welfare of children and young people and expects all staff and volunteers to share this commitment. The School is committed to employing the best staff for each given job and to ensuring that pupils' welfare is promoted and safeguarded throughout. (The principles set out in the School's Child Protection Policy underpin all recruitment and selection procedures). This policy refers to the key safeguarding requirements. The more detailed guidance in the School's Vetting Procedure must be followed. These two documents together form the core of safeguarding children through the meticulously careful appointment of staff.
- 2.2. Relevance is defined by reference to whether a person is or will be engaged in regulated activity. In practise, the vast majority of adults working in and around Saint Christina's are in regulated activity which means that most will be subject to both enhanced DBS and Barred list (children) checks at appointment.
- 2.3. All processes and vetting will be recorded within the SCR.

## 3. Procedures

- 3.1. These will vary, depending upon, amongst other factors, the nature of the position in question. **Regulated activity** is defined within the ISI Commentary on the Regulatory Requirements September 2018, Part 4 as:
1. ALL **REGULAR** WORK FOR SCHOOLS WITH OPPORTUNITY FOR CONTACT WITH CHILDREN IS REGULATED ACTIVITY, except:
    - Work by supervised volunteers (except where the definitions in section 2 are true)
    - Work by occasional/temporary contractors (except where the definitions in section 2 and 3 are true)
    - Work by pupils for other pupils
  2. Relevant personal care, or health care is regulated activity –

- Personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;
  - Health care in this context means care for children provided by or under the direction or supervision of, a regulated health care professional.
  - Note that 'care' within this definition is always regulated; considerations of regularity and supervision do not apply.
3. Regular, unsupervised teaching, training, instructing, caring for or supervising children is regulated activity and so is regularly:
- providing advice or guidance for children on well-being, or
  - driving a vehicle only for children.

*The definition of **staff** includes any person working at the school, whether under a contract of employment, under a contract for services or otherwise than under a contract, but does not include supply staff or a volunteer. The following are included: teachers, peripatetic teachers and coaches, part-time staff, administrative staff, caretakers and other ancillary staff, staff appointed from overseas.*

### 3.2. Deciding whether a person is engaging in regulated activity:

1. Is the activity they will do 'work'? (A person, for example, visiting the head or their own child would not be working.)
2. Is the work regular? (See definition of 'regular' below)
3. Does it give rise to opportunity for contact with children? (This applies whether or not that contact is required by the work and whether or not it actually takes place. The issue is whether there is 'opportunity'.)
4. Is the work for the purposes of the school? (This would not include, for example, those working for bodies hiring premises for other purposes out of school hours.)

If the answer to all these questions is 'yes', the person is working in regulated activity unless an exception as below applies:

1. Is the person a volunteer?
  - a If so, does their work involve personal care of pupils? (See definition of personal care, in 3.1 above.) If so, the volunteer is engaged in regulated activity because personal care work is always regulated activity.
  - b If their work does not involve personal care of pupils, are they supervised (See Appendix 1, 'DfE Guidance on Supervision')? If so, the volunteer is not engaged in regulated activity.
2. Is the person a contractor?
  - a If so, are they administering personal care or health care (See definition of personal care, in 3.1 above.) If so, the contractor is engaged in regulated activity because personal care work is always regulated activity.
  - b If not, are they teaching pupils? (**Regular** teaching is always regulated activity.)

- c If not teaching work, is the contract for occasional or temporary non-teaching work (such as a quick plumbing task)? (See the definition of ‘regular’ below.)
- d If so, the contractor is not in regulated activity as non-teaching work by occasional or temporary contractors is not regulated activity. Contractors in this category will be supervised (See Appendix 1, ‘DfE Guidance on Supervision’).

*The definition of regular:*

*For the purpose of assessing whether a person is working in regulated activity, ‘regular’ includes ‘frequent’ and these are defined together as follows:*

1. *frequently (once a week or more often),*
2. *or on 4 or more days in a 30-day period,*
3. *or overnight (between 2am and 6am).*

3.3. Broadly speaking, the procedure will include (but not necessarily be limited to) the following stages:

- a Planning (including specifying requirements, advertising and establishing a person to be in charge of the recruitment (Lead Recruiter)).
- b Sending enquirers/applicants full information, and making clear the School’s policy on Child Protection, the importance to the job of promoting child welfare and of candidates’ suitability for working with children. This includes enclosing a copy of the Child Protection Policy with applicant’s packs, and ensuring that specific notices are included about the safeguarding and promotion of child welfare (from the initial advertisement to subsequent correspondence) e.g.. *Saint Christina’s is committed to safeguarding and promoting the welfare of children and applicants must be willing to undergo child protection screening appropriate to the post, including checks with past employers and the DBS.* Applications must be made on Saint Christina’s School’s standard application form.
- c Scrutinising and short-listing with appropriate reference to all safeguarding issues.
- d Interviewing and assessing, with a written record of the outcome. It is recognised that the panel carrying out an interview should include colleagues with training in safer recruiting, and that interviews should include specific reference to child protection issues, including questioning on confidentiality and reportage (as described in more detail in *Interviewing*, below)
- e Requiring at least two written professional references (depending on the appointment), including one from the current or most recent employer.
- f Completing background, identity and health checks as well as checks on the right to work in the UK, qualifications and overseas checks must, in line with Paragraph 18 – the Appointment of Staff (ISI commentary on the Regulations 2019), be completed before appointment. In practice Saint Christina’s will complete all checks at the earliest possible opportunity. Detailed procedures are contained in the School’s Vetting Procedures document.

- g* Recording (by the Lead Recruiter or a member of administrative staff with specific responsibility) the vetting checks completed e.g. ID, references, medical, right to work, qualifications, employment history, by whom and the date completed.
- h* Making any offer of employment conditional upon the satisfactory completion of statutory checks, references and confirmation of medical fitness. All staff are required to sign to say that they have read and understand Part 1 of KCSIE and Appendix A.
- i* Post-appointment induction, including familiarisation with safeguarding and child protection procedures and processes, as exemplified in staff handbooks, for example, and will include amongst other key matters an introduction to the appropriate Designated Safeguarding Lead, and the Child Protection Policy and the Staff Behaviour Policy.
- j* Monitoring, which will include a probationary period, typically of up to one year, which can be extended at the School's discretion

3.4. As described above and as outlined in the ISI commentary on the regulatory requirements, the following will always be taken into consideration:

- a* Whether or not the activity is 'work' – a person visiting the Head or their own child is not working
- b* Whether or not the work is regular, according to the definition
- c* Whether or not the activity gives rise to opportunity for contact with children.

3.5. To demonstrate compliance with regulations, the following items or processes will be checked, with persons needing to have completed, or to be checked against each item as relevant:

- a* Children's Barred list
- b* Prohibition from teaching orders (operated on behalf of the Secretary of State for Education by the Teaching Regulation Authority (TRA))
- c* Prohibition from management positions (Section 128), as appropriate
- d* Identity checked (using photo-identification such as passport)\*
- e* Medical fitness (with due regard to implications arising from Equality Act)\*
- f* Right to work in the UK\*
- g* Qualifications, using original documentation or evidence including QTS\*
- h* Enhanced disclosure (DBS), with certification
- i* Overseas checks, where appropriate, with regard to guidance issued by the Secretary of State\*
- j* History of previous employment (checking the record to account for 'gaps')
- k* References (required through *Keeping Children Safe in Education*) checked and followed up as necessary
- l* EEA teacher sanctions or restrictions checks\*
- m* Disqualification from Childcare (having regard to Childcare Act 2006)

*\*It is a statutory responsibility to complete all of these checks (bearing in mind paragraph 18 sub-paragraph 4 in the ISI Commentary on the Regulations) before appointment.*

#### **4. References**

1. The Lead Recruiter will oversee the process of issuing requests for at least two professional references, including one from the current or most recent employer and reviewing the returned documents to ensure that the response is satisfactory, following up where necessary to investigate periods unaccounted for or other anomalies
2. The Lead Recruiter will ensure that someone within the recruitment process (usually the Lead Recruiter themselves) is Safer Recruitment trained.
3. A minimum of two references will be sought for all short-listed candidates (including internal applications for substantial posts), and referees will be sent relevant details about the School, the post and the person being sought. One reference should be from the current or most recent employer. Where an applicant is not working with children now but has done in the past, it is important that a reference is sought from the last employer with whom the applicant worked with children, although it is recognised this may not be practicable if a great deal of time has passed.
4. The School uses a standard reference form available from the Headmaster's PA and the School's Public Directory / Vetting Procedures.
5. Referees will be specifically asked if they are aware of any reason why the applicant would be unsuitable for work with children.
6. Referees will, specifically, be asked to provide a general comment on the candidate's performance history and conduct and make specific comment on their suitability to work with children and any child protection concerns the candidate has been subject to, with the outcome of any enquiry. Reasons for the candidate's leaving that employ will be sought.
7. Referees will be advised of their legal liability for the references they provide. When received, references will be checked by the Lead Recruiter to ensure that they are complete and that the content is satisfactory. If the reference is vague or incomplete, the referee will be asked for clarification. If the references appear satisfactory they should then be followed up with a call to the referee to validate the documentation. A record should be kept of the person making the call (normally the Bursar's PA) and the date.

#### **5. Interviews**

- 5.1. Interviewees will be required to provide a full set of documents confirming identity (including, where possible, one showing a recent pictorial likeness), (where appropriate) qualifications, and medical fitness for work. The Vetting Procedure contains detailed guidance on the conduct of these checks. Once these are completed, the Lead Recruiter or their representative, should initial and date the relevant box on the application form.
- 5.2. All such documents will be copied and these copies filed.
- 5.3. Interviewers will always follow the best advice current at the time.
- 5.4. Key personnel likely to be involved in interviewing undertake safer recruitment training and the School seeks to ensure that at least one such person is involved in all selection processes. Key points from this training have been cascaded down by

those who have been trained to other personnel involved in the interview process so as to ensure as full awareness as possible at interview of relevant CP matters.

- 5.5. Standard questions will form the core of each interview in order to ensure fairness and that all issues relating to the appointment and, in particular, safeguarding are covered, though it is expected that any interview will develop naturally within that framework.
- 5.6. A satisfactory explanation for any gaps in CVs will be sought at interview and the box on the application form initialled and dated to show that there are no gaps or that all such gaps have been satisfactorily explained. A written record should be kept of any explanations provided.

## **6. Formal, Statutory Procedures, and the Rehabilitation of Offenders**

- 6.1. All the statutory safety checks, at the appropriate level (outlined in the Recruitment Vetting Procedures document that accompanies this policy), will be conducted on all relevant persons including employees (prospective and current, including any from overseas) and all Governors (with the Chairman of Governors being checked via the DfE).
- 6.2. Where the outcome of the check shows a past offence and before the School takes a decision about the individual's employment/appointment, due consideration will be given to all relevant factors, including (but not limited to): the nature of the offence; when the offence was committed; whether or not it was a sole instance; whether or not the person declared this offence beforehand when given the opportunity to do so; and the perceived relevance of the offence to the position applied for.
- 6.3. Once appointed, there is a period of probation, which may be extended at the School's discretion.
- 6.4. If the School were to have any 'gap' or work experience students, checks (including DBS) would be undertaken on those students.
- 6.5. Overseas criminal record checks will be undertaken where it is necessary and appropriate to be expected to do so. It is recognised that some countries will not keep complete records or maintain the same safeguarding infrastructure as the UK, for which shortcomings the School will be vigilant.
- 6.6. Candidates will be required to complete and return a declaration of suitability.
- 6.7. The School has a statutory duty to report to the DBS and DfE when it has ceased to use a person's services, or when a person has ceased to provide their services, on grounds that they are unsuitable to work with children, on grounds of misconduct, or on grounds relating to the person's health where issues are raised about the safety or welfare of children.
- 6.8. A newly-appointed member of staff will not begin work before satisfactory completion of DBS checks except where, provided the DBS application has already been made, and with specific measures taken (including risk assessments, reviewed appropriately) this is allowed within the regulations (ISI Commentary para. 373-4). Refer to the Recruitment and Vetting Procedures that accompany this policy. As schools no longer receive a copy of a DBS certificate, prospective members of staff will be given 28 days from the date a check is initiated, to present their DBS certificate to the school. The school may, subject to the reason for any

delay in this regard, withdraw its offer of employment, if a prospective employee fails to comply with this.

- 6.9. Separate arrangements are in place for the employment of supply staff and volunteers (refer to the Recruitment Vetting Procedures).
- 6.10. For supply staff, there is a formal understanding which exists between the School and the agencies which guarantees the processes, as described for other members of staff, have been followed against a check list supplied for our setting; thus ensuring that the same required staff checks have been carried out. The identity of supply teachers is then checked at School against a nationally recognised form of photo-identity (e.g. a Passport).
- 6.11. As far as supply teachers are concerned, regulatory requirements for checks are met, including the additional requirements from the 1 May 2007, amendments to the Education (Independent School Standards) (England) Regulations 2003, as well as the section of the September 2013 version of the same regulations [DfE Standard 20] in all its particulars. The Lead Recruiter must act in accordance with the regulatory requirements as outlined within the Recruitment Vetting Procedures document.

## **References**

- Commentary on the Regulatory Requirements September 2019
- Keeping Children Safe in Education: Statutory Guidance for Schools and FE Colleges September 2019.
- Safeguarding Children: Safer Recruitment and Selection in Education Settings – DfE Guidance 2007, updated March 2013.
- DBS.
- DfE and Teachernet child protection websites.
- National Association for the Care and Rehabilitation of Offenders (NACRO).
- Guidance as issued from time to time by the Secretary of State, and by Governmental bodies.
- Guidance for Safer Working Practice (2015)

*Note: 'DBS check' refers to the 'enhanced' check, unless otherwise stated.*

## APPENDIX 1: Guidance on Supervision (2013)

### Statutory guidance: Regulated Activity (children) - supervision of activity with children which is regulated activity when unsupervised

1. This document fulfils the duty in legislation<sup>1</sup> <sup>2</sup>that the Secretary of State must publish statutory guidance on supervision of activity by workers with children, which when unsupervised is regulated activity. This guidance applies in England, Wales and Northern Ireland. It covers settings including but not limited to schools, childcare establishments, FE colleges, youth groups and sports clubs.
2. For too long child protection policy has been developed in haste and in response to individual tragedies, with the well-intentioned though misguided belief that every risk could be mitigated and every loophole closed. The pressure has been to prescribe and legislate more. This has led to public confusion, a fearful workforce and a dysfunctional culture of mistrust between children and adults. This Government is taking a different approach.
3. We start with a presumption of trust and confidence in those who work with children, and the good sense and judgment of their managers. This guidance applies when an organisation decides to supervise with the aim that the supervised work will not be regulated activity (when it would be, if not so supervised). In such a case, the law makes three main points:
  - there must be supervision by a person who is in regulated activity<sup>3</sup>
  - the supervision must be regular and day to day; and
  - the supervision must be “reasonable in all the circumstances to ensure the protection of children”.

**The organisation must have regard to this guidance that gives local managers the flexibility to determine what is reasonable for their circumstances.** While the precise nature and level of supervision will vary from case to case, guidance on the main legal points above is as follows.

4. Supervision by a person in regulated activity / regular and day to day: supervisors must be in regulated activity themselves<sup>4</sup>. The duty that “supervision must take place “on a regular basis” means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter,

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<sup>1</sup> Safeguarding Vulnerable Groups Act 2006, amended by Protection of Freedoms Act 2012: Schedule 4, paragraph 5A: guidance must be “for the purpose of assisting” organisations “in deciding whether supervision is of such a kind that” the supervisee is not in regulated activity.

<sup>2</sup> Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Schedule 2, paragraph 5A, is as above on guidance on “supervision” for Northern Ireland.

<sup>3</sup> If the work is in a specified place such as a school, paid workers remain in regulated activity even if supervised.

<sup>4</sup> From 2013-14, the Government plans to commence a statutory duty on an organisation arranging regulated activity (under the 2006 Act or 2007 Order, both as amended) to check that a person entering regulated activity is not barred from regulated activity; and plans to commence a stand-alone barring check service by the new Disclosure and Barring Service.

becoming the exception not the rule. It must take place on an ongoing basis, whether the worker has just started or has been doing the activity for some time.

5. The level of supervision must be reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Organisations should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:
  - ages of the children, including whether their ages differ widely;
  - number of children that the individual is working with;
  - whether or not other workers are helping to look after the children;
  - the nature of the individual's work (or, in a specified place such as a school, the individual's opportunity for contact with children);
  - how vulnerable the children are (the more they are, the more an organisation might opt for workers to be in regulated activity);
  - how many workers would be supervised by each supervising worker.
  
6. In law, an organisation will have no entitlement to do a barred list check on a worker who, because they are supervised, is not in regulated activity.

## **EXAMPLES**

### **Volunteer, in a specified place**

Mr Jones, a new volunteer, helps children with reading at a local school for two mornings a week. Mr Jones is generally based in the classroom, in sight of the teacher. Sometimes Mr Jones takes some of the children to a separate room to listen to them reading, where Mr Jones is supervised by a paid classroom assistant, who is in that room most of the time. The teacher and classroom assistant are in regulated activity. The head teacher decides whether their supervision is such that Mr Jones is not in regulated activity.

### **Volunteer, not in a specified place**

Mr Wood, a new entrant volunteer, assists with the coaching of children at his local cricket club. The children are divided into small groups, with assistant coaches such as Mr Wood assigned to each group. The head coach oversees the coaching, spends time with each of the groups, and has sight of all the groups (and the assistant coaches) for most of the time. The head coach is in regulated activity. The club managers decide whether the coach's supervision is such that Mr Wood is not in regulated activity.

### **Employee, not in a specified place**

Mrs Shah starts as a paid activity assistant at a youth club. She helps to instruct a group of children, and is supervised by the youth club leader who is in regulated activity. The youth club managers decide whether the leader's supervision is such that Mrs Shah is not in regulated activity.

In each example, the organisation uses the following steps when deciding whether a new worker will be supervised to such a level that the new worker is not in regulated activity:

- consider whether the worker is doing work that, if unsupervised, would be regulated activity. If the worker is not, the remaining steps are unnecessary;
- consider whether the worker will be supervised by a person in regulated activity, and whether the supervision will be regular and day to day, bearing in mind paragraph 4 of this guidance;
- consider whether the supervision will be reasonable in all the circumstances to ensure the protection of children, bearing in mind the factors set out in paragraph 5 of this guidance;

and, if it is a specified place such as a school:

- consider whether the supervised worker is a volunteer<sup>5</sup>

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<sup>5</sup> A volunteer is: in England and Wales, a person who performs an activity which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives; in Northern Ireland, a person engaged, or to be engaged, in an activity for a non-profit organisation or person which involves spending time unpaid (except for travel and other approved out-of-pocket expenses) doing something which amounts to a benefit to some third party other than, or in addition to, a close relative.

## APPENDIX 2: SAMPLE OF MASTER LETTER OF AGREEMENT WITH SUPPLY AGENCIES

### Agreement between [Name of Agency] and Saint Christina's School

Dear [Name of person with authority to make this agreement],

You will know that in order to allow Supply Staff to work within our School we are obliged to have an agreement within which you, as the Supply Agency, confirm that you have fulfilled your statutory responsibilities regarding the checks / vetting of the personnel that you offer to us. This letter outlines the responsibilities that are laid out within the 'ISI Commentary on the Regulatory Requirements' (September 2019) which is an exposition of what is required in law. Without this agreement and without the following confirmed as complete in all respects, we are unable, as a matter of legal compliance, to accept staff within the School.

1. **Check of identity** against an official document such as a passport or birth certificate.
2. **Disclosure and Barring Service check at enhanced level.** Written confirmation that the certificate was clear or whether it contained disclosures and the date the certificate was received by you. If the check disclosed anything that might affect the school's decision to allow the supply member of staff to have privileged access to children this should, in accordance with section 113B of the Police Act 1997, be disclosed and supplied to the School in writing.
3. A check has been made of the person's **right to work in the UK.**
4. Confirmation that a **Children's Barred List** check has been completed.
5. A check has been made for **Prohibition from Teaching Orders including Interim Prohibition Orders** (section 142 of the 2002 Act) (operated on behalf of the Secretary of State for Education by the Teaching Regulation Authority (TRA))
6. A **Section 128 check** has been made for Prohibition from Management of an Independent School Positions 2008 (Section 128), as appropriate.
7. A **qualifications check** has been made and that they are genuine.
8. Checks have been made in relation to **criminal records if the person has worked overseas** and therefore outside the UK, **including if the person has worked in the EEA.**
9. A statement that the person was employed within three months of the proposed start date at Saint Christina's in:
  - i* A school or a maintained school in England in a position which brought the person regularly into contact with children or young persons.
  - ii* A maintained school in England in a position to which the person was appointed on or after 12 May 2006 and which did not bring the person regularly into contact with children or young persons.

iii An institution within the further education sector or in a 16-19 Academy in England in a position which involved the provision of education or which brought the person regularly into contact with children or young persons.

**Or**, that an enhanced DBS certificate is held and dated within 3 months of the start date at Saint Christina's.

10. At least two professional references (written), including the most recent employer, with a reference request letter *that specifically asks all referees to state any known reason why the person should not be employed to work with children and disclose information about past and current disciplinary action or allegations.*
11. A check has been made regarding **disqualification from childcare**, as appropriate.
12. A check has been made regarding **Medical fitness** (with due regard to implications arising from Equality Act).
13. A check has been made regarding the person's **previous employment history** and an **explanation has been received of any gap**, with a written record by the agency that explanations for any gaps have been sought and are satisfactory.

Supply Staff selected to work at Saint Christina's will be instructed to bring their **criminal record certificate** and a **form of identity** (preferably a passport or driving licence) so that the School can fulfil its statutory duties as laid out in KCSIE (September 2019) and related safer recruitment legislation to ensure that they are the same person on whom the above checks have been made.

We regret that failure to do this will mean that an individual will be unable to take up a role within the School. In addition, no member of Supply Staff will be able to commence work at Saint Christina's School if they are deemed to be unsuitable for the role we are seeking to fill.

I would be grateful if you would sign and return this letter. Please keep a copy of this letter for your records.

Agency Name:.....

Signed ..... DATE .....

Name (Block Capitals).....

Position (Block Capitals).....

### APPENDIX 3: FLOWCHART OF DISCLOSURE AND BARRING SERVICE CRIMINAL RECORD CHECKS AND BARRED LIST CHECKS

