



## La Retraite Roman Catholic Girls' School

### Policy on Safer Recruitment and Management of Staff

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#### 1. Aim

Our Mission as a Catholic school is to provide the highest possible standards of education for all our students, recognising the value and uniqueness of everyone, delivered in the context of Gospel values and the teachings of the Church. We aim to provide a safe place, where each and every student is nurtured to become capable, independent learners and tolerant, kind, thoughtful and responsible young people, who realise that with Faith, all things are possible.

*To act justly,  
To love mercy,  
And to walk humbly with God*  
**Micah**

From this, we derive the importance of ensuring that school is a safe place to be, where every member of staff has a duty to keep children safe, in order that students can benefit to the maximum from the education they are offered. We are mindful of the tradition of 'la retraite' or 'the retreat', in which the school was intended by its founders to be a safe retreat from the world, where young women could learn to study and pray.

#### 2. Purpose

Following the publication of Sir Michael Bichard's report in June 2004 (the Bichard Inquiry), a series of recommendations was made to ensure robust recruitment, selection and induction procedures in schools and other places where young people are in the care of adults.

The School Staffing (England) (Amendment) Regulations 2013 came into force on 1<sup>st</sup> September 2013 and amend the School Staffing (England) Regulations 2009. These regulations prescribe that Governing Boards of maintained schools must conduct the relevant employment checks when appointing new members of staff. They should establish candidates' identities, their right to work in the UK and their qualifications.

This school is committed to safeguarding the welfare of children through its systems for recruiting and managing staff. We need to ensure that our recruitment policies and practices are robust and contain the necessary measures to enable us to employ a workforce which will fulfil its roles and responsibilities with full regard to this commitment. For clarity, "children" are defined as those under the age of 18.

This policy will ensure compliance with legislation, and encompass best practice to ensure that we are effective in attracting, recruiting and retaining an appropriately skilled and talented workforce. It recognises that the welfare of the child is paramount and takes seriously its responsibility to safeguard and promote the welfare of the children and young people in its care.

The policy outlines the Bichard recommendations and the School Staffing (England) (Amendment) 2013 Regulations and seeks to clarify the processes and judgements required within the employment context.

This policy applies to all staff (including supply and peripatetic staff), volunteers, governors or anyone working on behalf of the school

The school will undertake to:

- Recognise that the welfare of the child is paramount
- Ensure that at least one person is involved in any appointment e.g. SLT member, HR Manager, Governors etc. at the school has received the appropriate training, in accordance with safeguarding guidance
- Take seriously its responsibility to safeguard and promote the welfare of the children in its care
- Ensure that all appointments to posts that include working with children/vulnerable adults will be subject to the Enhanced Disclosure regime through the Disclosure & Barring Service (DBS)
- Revise all recruitment forms to ensure that they meet the Bichard Recommendations Standards
- Assist managers, and others who are responsible for recruitment and selection, with safe and robust recruitment systems

### **3. Assessment & Selection Processes**

It is essential that the assessment and selection of candidates for posts working with, or having regular contact with, children or vulnerable adults is robust and directly addresses matters relating to the client group in question.

The following checklist provides the minimum essential requirements when recruiting to such positions, including voluntary and unpaid positions as referred to above:

- That all shortlisted applicants have face-to-face interviews;
- Applicants are asked specific questions at interview examining attitudes towards children, young people, or vulnerable adults (as applicable);
- There is effective scrutiny of the information provided by applicants, such as references, gaps in employment or educational history;
- At least two professional references from the applicants current or former employer are taken up;
- That any capability history that the applicant may have had in the last two years is considered;
- That the applicant's fitness to teach is considered (in the case of teachers);
- That the applicant is not subject to a prohibition order or an interim prohibition order;
- Discrepancies and qualifications are checked and followed up;
- With regard to overseas staff, the same checks will be made as for all other staff, but should additionally include a certificate of good conduct from their home police force or embassy, as well as from other countries where they have worked. DBS disclosures do not detail offences committed abroad.
- Applicants receive an induction and appropriate training in Child Protection issues;
- Applicants' attitudes and behaviour should continue to be monitored or supervised post-appointment.

### **4. The Pre-Employment Checking Process**

Following the offer and acceptance of employment, employees should not commence working for the School until full clearances have been received and checked by the employer. This relates not only to DBS clearance, but also to qualification checks, Children's Barred List checks, medical clearance,

verification of entitlement to work in the UK (Asylum & Immigration Act) and receipt of satisfactory references.

There would need to be exceptional and justifiable circumstances for employment to commence prior to DBS clearance. Such a decision can only be taken by a Head Teacher, following risk assessment. There must be a record of this process and decision, including “sign off” by the Head Teacher to ensure audit and accountability of the judgement. The judgement is an assessment of the risk versus the consequences of the decision. For positions covered by Children’s Barred List provisions, employment must never commence prior to the Children’s Barred List check being completed. Furthermore, the employee must never commence prior to the submission of their completed disclosure application to the DBS.

A pro-forma is attached at Appendix 1, to act as an auditable record of the decision made following risk assessment, and should contain the signature of the accountable Head Teacher or Head of Service. This responsibility cannot be delegated.

If a decision is taken to commence an employee prior to receiving clearance, their contract of employment should remain subject to this condition being met. The employee must have completed and submitted their completed disclosure application to the DBS. The application’s progress within the DBS system should be checked and monitored on a regular basis using the DBS tracking service.

As referred to above, robust and reliable supervision arrangements must be put into place during the “waiting period”. The employee must be clearly notified of the supervision arrangements that are in place. The situation must be checked and monitored at least every two weeks. The Head Teacher remains accountable during this time, until the clearance is received, checked and suitability confirmed.

## **5. Portability**

As Portability carries a risk and should only be considered as part of an overall risk assessment process, and reserved for exceptional circumstances e.g. contractors, all new staff will require DBS enhanced clearance carried out by the school before commencement of employment (with the exceptions below), unless transferring from another school in the same Local Authority when their current DBS clearance will remain valid. Further information on the limitations and risks of portability can be obtained from the DBS.

The following guidelines are given as part of the risk assessment process as outlined in part 5 on page 3 (the Pre-Employment Checking Process):

- In relation to permanent appointments, or those expected to last in excess of six months, an employee may commence employment with relevant risk-control measures, upon sight of an enhanced disclosure that is less than two years’ old. A new disclosure must be applied for, and the contract will remain subject to this requirement.
- For short-term appointments, such as the use of agency staff, the enhanced disclosure should not be accepted if it is more than one year old. If the use of the individual is expected to recur, a new disclosure should be applied for.

Staff or prospective staff may wish to use the DBS update service if they are likely to require another check in the future (outside of the school e.g. as a volunteer). Applicants may sign up to the service if their check was issued after 17<sup>th</sup> June 2013, for a registration fee of £13 per annum, which is payable by them.

## **6. Checking and Re-checking of Existing Employees**

There are various elements to the process of checking and re-checking existing employees. The School has determined that the following will apply:

- 6.1. All existing employees who transfer from a post that does not require clearance, to one that does, will be subject to an enhanced DBS check.
- 6.2. Any employee employed within a post that has been identified as requiring DBS clearance, who since 2002 has been subject to a standard disclosure, should now be subject to an enhanced disclosure.
- 6.3. Ensure that any employee who has been subject to an enhanced disclosure since 2002, but where that disclosure is now more than three years old, should be rechecked for a further enhanced disclosure (provided that they remain employed within a post that has been identified as requiring clearance).
- 6.4. That a rolling programme is put in place to capture all re-checking, as described at 5.3. above, at three-yearly intervals.
- 6.5. The Head Teacher may deem at any time that an employee should be subject to an enhanced DBS check, provided that they can justify that the employee has “given cause for concern” and is employed in a position that meets the criteria for working with, or having contact with, children or vulnerable adults.

It is not mandatory for an employee to undergo a DBS check, if they have been and remained in a post identified as requiring clearance, since prior to 2002 (with the exception of circumstances arising under 6.5. above). The School will, however, encourage and facilitate such checks on a voluntary basis, to ensure maximum management of risk in the protection of children and vulnerable adults.

## **7. Positive Disclosure**

The term “positive disclosure” refers to a disclosure containing information relating to convictions, cautions, reprimands, etc., plus “soft information” relating to non-convictions, but which police forces deem relevant. If a positive disclosure is received for an employee who has already commenced work, the individual should be immediately withdrawn pending further enquiries.

It is essential that the school follows a consistent process for considering such disclosures and for making subsequent judgements regarding an applicant’s suitability for employment.

The following key stages must occur in the process:

- 7.1. Positive disclosure should be passed to the Head Teacher.
- 7.2. The Head Teacher (or Senior Member of staff this is delegated to) will do an initial assessment of whether the offence(s) listed are sufficiently serious to cause concern. This assessment will be in accordance with the following checklist:
  - 7.2.1. The seriousness and nature of the offence(s)
  - 7.2.2. The nature of the appointment
  - 7.2.3. Length of time since the offence(s) occurred
  - 7.2.4. Number and pattern of offences
  - 7.2.5. The applicant’s age at the time
  - 7.2.6. Any explanation of the circumstances that may have already been given
  - 7.2.7. Concealment of offences at application stage
- 7.3. If offences were not declared, this will automatically warrant an interview with the applicant.
- 7.4. Judgements at this stage will often err on the side of caution.
- 7.5. If it is recommended that the offence(s) is not sufficiently serious to warrant an interview, the decision to employ will be signed off by the Head Teacher.

- 7.6 If it is judged that an interview is necessary, this should be undertaken between the relevant Head Teacher and the prospective employee. Another officer should be present, such as an appropriate senior manager or an HR representative.
- 7.7 The meeting is an essential part of the process, as it is necessary to verify that the information contained on the disclosure does indeed relate to the individual concerned. This verification must be sought prior to any judgements being made. There have been occasions where DBS system errors have occurred and information supplied has been wrongly attributed to individuals.
- 7.8 The disclosure should be discussed with the prospective employee. The discussion will aid the decision-making process, and should again broadly focus around the following:
- 7.8.1. The seriousness and nature of the offence(s)
  - 7.8.2. The nature of the appointment
  - 7.8.3. Length of time since the offence(s) occurred
  - 7.8.4. Number and pattern of offences
  - 7.8.5. The applicant's age at the time, circumstances/explanation
  - 7.8.6. Concealment of offences at application stage
- 7.9 Based upon the findings of the interview, the Head Teacher will undertake a risk assessment with regard to the suitability of the employee. Judgements regarding suitability are not wholly confined to the disclosure revealing offences against children or vulnerable adults. Other types of offences may render a prospective employee unsuitable. In addition to convictions or cautions, this may also include having harmed or placed children or vulnerable adults at risk of harm; or having exhibited behaviour, which leads to the belief that there may be a child or vulnerable adult at risk of harm in the future.
- 7.10 The Head Teacher should not take the decision in isolation, but will be accountable for it. There should be a clear record made of the decision, bearing the judgement and signature of the accountable Head Teacher (see "Record Keeping" and Appendix 2). This judgement should not contain details of the offences.

## **8. Record Keeping**

The Disclosure and Barring Service no longer issues Disclosure Certificates to employers, therefore employees/applicants should bring their Certificate to the HR Manager at the school before they commence work at the school or if they are subject to a 3 year renewal.

The school must keep a Single Central Record (SCR) collating when and by whom checks on the identity, qualifications and outcomes of Children's Barred List and DBS checks on staff were made (See Appendix 3). The SCR will be subject to regular review by the Headteacher .

There is a requirement to request full details of DBS checks carried out on staff supplied through an agency and the need for the school to keep a record that checks have been verified, when and by whom.

Information disclosed as part of a DBS check must be treated as confidential. A copy of the disclosure must be kept in secure conditions and must be destroyed, by secure means, as soon as it is no longer needed. It should not normally be kept more than six months after the decision is taken.

However, before the disclosure is destroyed, records need to be kept detailing the date the disclosure was obtained, who obtained it the level of the disclosure and the unique reference number. The Head Teacher will also record the information that was used to assess suitability, together with a record of the judgement and decision reached.

## **9. Accusations against staff**

Please refer to the School's Disciplinary and Safeguarding policies for action needed if an accusation is made against a member of staff.

## **10. Monitoring**

It is the duty of the Governing Board to ensure that this policy is properly upheld. A (named) governor will visit the school at least once a year to inspect the Single Central Record and to ask questions about other aspects of the policy, bearing in mind the necessity for data protection. At least one member of the Governing Board should have 'Safer Recruitment' training and may be involved on the selection panels for teaching and support staff posts.

### Risk Assessment – Consideration of Commencement of Employment Prior to DBS Clearance

<b>Name of Prospective Employee:</b>		<b>Name of Head Teacher:</b>	
<b>Proposed Post Title:</b>		<b>Date of Risk Assessment:</b>	
<b>School:</b>			

Reasons for considering commencement of employment prior to receiving clearance:	Consequences of waiting for clearance to service delivery:	Level of access during 'waiting period':
Supervision arrangements during 'waiting period' and any other control measures:	<b>Pre-employment checklist:</b> Has the employee left employment?                      Y/N Medical clearance received?                                      Y/N Asylum & Immigration check completed?                      Y/N Qualifications verified?    Y/N Children's Barred List checked (if applicable)                      Y/N Satisfactory References    Y/N Satisfied with general background & employment history checks                      Y/N Prohibition order check (teachers with QTS)                      Y/N	<b>Previous DBS clearance:</b> Is a previous disclosure available? Y/N Has it been seen by you? Y/N What is its date? _____ (see section of 'Portability' in policy)
Assessment of Risk following control measures:                      LOW                      MEDIUM                      HIGH (please circle accordingly)		
<b>Options:</b> i)                      The prospective employee will not commence work prior to satisfactory clearances ii)                      Following risk assessment, I have determined that the above named may commence employment with the identified control measures. I undertake to personally review this situation at intervals of not less than every two weeks		
Signed _____ Date _____ Review dates _____		

**Appendix 2**

The attached DBS Disclosure Form has been returned with a positive trace.

<b>Disclosure No. :</b>	<b>Date obtained :</b>
<b>Obtained by (directorate school, agency) :</b>	
<b>Name :</b>	<b>DOB :</b>
<b>Proposed position :</b>	
<b>Status (employed, self employed, voluntary, etc. :</b>	
<b>Directorate/Establishment/School :</b>	

**Interview date:** \_\_\_\_\_ **Interviewed by:** \_\_\_\_\_

*Brief details of interview - focus upon applicant's response, and the judgements you made (see checklist in paragraph 24 of policy), rather than disclosing details of the offences*

**Please confirm whether the above named person is approved to be employed in the position stated above. It is crucial to note that this approval to proceed is isolated to this position and the circumstances as judged by the above-named Headteacher. This judgement is therefore not transferable to other recruitment decisions.**

**Proceed**

**Not Proceed**

Signed ..... Date .....  
(Headteacher)

DOCUMENTS RELATING TO CONVICTIONS SHOULD BE RETURNED TO YOUR NAMED HUMAN RESOURCES OFFICER FOR CONFIDENTIAL STORAGE PENDING ANY APPEAL AND FOR SECURE DISPOSAL THEREAFTER.

**THIS TRACE MUST BE KEPT SAFE AND NOT DISCLOSED TO A THIRD PARTY**

**SCHOOL GUIDANCE ON RECORD KEEPING FOR SAFER RECRUITMENT AND VETTING**

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

Schools must have a record of the following people:

- All staff who are employed to work at the school providing education;
- All staff who are employed as supply staff to the school whether employed directly by the school or local authority or through an agency;
- The record should include all others who have been chosen by the school to work in regular contact with children. This will cover volunteers, governors who also work as volunteers within the school, contractors, and people brought into the school to provide additional teaching or instruction for pupils but who are not staff members, e.g. a specialist sports coach or artist.

It is vitally important a record of checks are is in place and is readily available for Ofsted.

For the purposes of creating the record of checks for supply staff provided through a supply agency (whether local authority or commercial), the school will need written confirmation from the supply agency that it has satisfactorily completed the checks. The school does not need to carry out or see the checks itself except where there is information contained in the DBS Disclosure. However, identity checks must be carried out by the school to confirm that the individual arriving at the school is the individual that the agency intends to refer to them. Information disclosed as part of a DBS Disclosure must be treated as confidential. It is an offence for DBS Disclosure information to be passed to anyone whom does not need it in the course of their duties. Disclosure information may be passed from agency to agency, between local authorities and agencies and between schools/colleges and agencies if the subject give written consent. The Disclosure information must be kept in secure conditions and must be destroyed, by secure means, as soon as it is no longer needed.

Records need to be kept detailing the date the Disclosure was obtained, whom obtained it (i.e. school, local authority, supply agency, college), the level of Disclosure, and the unique reference number. The headteacher and/or local authority will keep a note of what other information was used to assess suitability.

**SINGLE CENTRAL RECORD**

The SCR must indicate whether or not the following have been completed:

Identity checks;

Qualification checks for any qualifications legally required for the job e.g. those posts where a person must have QTS, NPQH, PGCE, Cert Ed;

Prohibition order checks

Checks of permission to work in the United Kingdom;

Children's Barred List checks;

DBS Enhanced Disclosure;

Further overseas criminal records checks where appropriate.

Where the governing board provides services or activities directly under the supervision or management of schools staff, the school's arrangements for staff appointments will apply. Governors need to be aware that it is their responsibility to ensure that proper records are kept.