



SAFER RECRUITMENT POLICY

Aims

The aims of the Academy's Safeguarding in Recruitment Policy are as follows:

- To ensure that the best possible staff are recruited on the basis of their merits, abilities and suitability for the position;
- To ensure safeguarding and promoting the welfare of children and young people is an integral factor at each stage of the recruitment and selection process;
- To adopt a safer recruitment process, which helps to promote a safe culture and compliments other 'safety' elements such as health and safety and Academy security;
- To attract and recruit suitable skilled and motivated staff to help raise standards and reduce the risk to children and young people;
- To ensure those responsible for each stage of the recruitment process demonstrate a professional approach by dealing honestly, efficiently and fairly with all applicants;
- To ensure no job applicant is treated unfairly on any grounds including sex, sexual orientation, marital or civil partner status, pregnancy or maternity, gender reassignment, race, religion or belief, disability or age;
- To ensure compliance with all relevant recommendations and guidance including the recommendations of the DfE in the "Keeping Children Safe in Education" guidance and the Code of Practice published by the Disclosure and Barring Service;
- To ensure the Academy meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

Purpose

Tonbridge Grammar School (the Academy) is committed to safeguarding and promoting the welfare of children in education and expects all staff and volunteers to share this commitment. This policy has been developed to embed safer recruitment practices and procedures throughout the Academy.

In line with the Academy's statutory duties under the Safeguarding Vulnerable Groups Act 2006, the DfE Keeping Children Safe in Education guidance 2020 and the Protection of Freedoms Act 2012 to safeguard children, the Academy is required to carry out a number of checks on all staff, whether they are permanent, temporary, casual, voluntary, Academy-based supply or agency-based supply.

This policy does not form part of any employee's terms and conditions of employment and is not intended to have contractual effect. It is provided for guidance to all members of staff at the Academy who are required to familiarise themselves and comply with its contents. The Academy reserves the right to amend its content at any time.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves, and complying with, the provisions of this policy.

The measures described in this policy will be applied to all who are employed to work at the Academy. Incorporated within the scope of this policy are staff employed by contractors, supply staff, volunteers and the like who work at the Academy.

Equal Opportunities

Fairness in how we recruit and select our employees plays a significant part in creating an equal opportunities environment. Our aim is that every internal and external applicant who applies for a position within the Academy is considered against criteria, which relates only to the requirements of the job.

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Roles and Responsibilities

The Academy Trust Board

The Academy Trust Board is responsible for ensuring the Academy has an approved safer recruitment policy in place that is compliant with statutory requirements

The Academy Trust Board will appoint a Safeguarding Trustee to monitor the effectiveness of this policy in conjunction with the full Academy Trust Board. This is always a different person from the DSL.

The Head Teacher

The Head Teacher is responsible for the implementation of this policy ensuring that:

- selection and recruitment processes meet statutory requirements and are compliant with the approved Safer Recruitment Policy.
- staff receive appropriate training in Safer Recruitment including DBS clearance and maintenance of the Single Central Record where appropriate.
- all necessary checks are conducted as described in this policy and are recorded. This applies to the Academy's employees, peripatetic teachers, Action! Providers, volunteers, agencies and agency staff.
- Any contractors and agencies compliance with this policy is monitored
- personal and confidential data is utilised only for the purposes collected and stored in accordance with retention and destruction policy. The Head Teacher may delegate to members of SG dependent on the appointments begin made.
- The safety and well-being of children and young people is promoted at every stage of this process

The Strategy Group (the Academy's SLT)

Members of the Strategy Group must be fully appraised of this policy and ensure its implementation. They must ensure that they maintain up to date Safer recruitment Training.

The HR Team

The duties of the HR Team are to ensure that:

- To be fully appraised of the policy
- all recruitment administration including advertising and calling for interviews etc are conducted in accordance with the policy
- specific staff with DBS clearance training must undertake checks in accordance with their training
- they maintain an accurate and up to date single central record

A checklist is supplied in Appendix 2 to help ensure that all procedures have been completed

Subject/Team Leaders and other Staff Involved in Recruitment and Selection

Any employee involved in the recruitment and selection process are responsible for familiarising themselves and conducting their recruitment responsibilities in accordance with the provisions within this policy.

Personal Data – Single Central Record

The Academy holds a central record incorporating all employed staff (and others) that have contact with children. The record is available to the Head Teacher, Deputy Head Teachers, the Chair of Trustees and the Trustee responsible for Safeguarding and the Designated Safeguarding Lead with responsibility for compliance.

The record details a range of checks as set out by the DfE, and the responsibility for the maintenance of this record is with the Head Teacher and is delegated to the Designated Safeguarding Lead with responsibility for compliance.

English Fluency

Teachers or other staff working in any role that requires them to communicate with students, parents, guardians, staff and / or members of the community, must be able to speak fluent English to enable the effective performance of the role and to ensure that they are able to abide by their safeguarding responsibilities.

The fluency duty does not create a higher standard than already required for teachers at the Academy who are already annually appraised against the Teachers Standards.

Rehabilitation of Offenders Disclosure

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to children. Therefore, any convictions and cautions that would normally be considered 'SPENT' or 'PENDING' must be declared when applying for any position at the Academy. Criminal conviction data will not be requested on the Academy's application form. This information will be sought confidentially at application stage of the process, but will not be taken into account in the recruitment decision

Any disclosure of a conviction at this stage, will be discussed on a one-to-one basis with someone who has received safer recruitment training as set out in Part 3 of the Keeping Children Safe in Education guidance. If appointed, the conviction information provided by the individual will be checked against the Disclosure and Barring Service (DBS) certificate.

A failure to disclose a previous conviction, caution, reprimand or warning may lead to an application being rejected or, if the failure is discovered after employment has started, may lead to summary dismissal on the grounds of gross misconduct. A failure to disclose a previous conviction may also amount to a criminal offence.

The Academy will not unfairly discriminate against any applicant for employment on the basis of conviction or other details revealed. The Academy makes appointment decisions on the basis of merit and ability. If an applicant has a criminal record this will not automatically debar them from employment within the Academy. Instead, each case will be decided on its merits in accordance with the objective assessment criteria.

Assessment Criteria following a Disclosure

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Head Teacher in consultation with key Strategy Group safeguarding staff and the Safeguarding Trustee / Chair of Trustees as appropriate will consider the following factors before reaching a recruitment decision:

- whether the conviction or other matter revealed is relevant to the position in question;
- the seriousness of any offence or other matter revealed;
- the length of time since the offence or other matter occurred;
- whether the applicant has a pattern of offending behaviour or other relevant matters;
- whether the applicant's circumstances have changed since the offending behaviour or other relevant matters; and
- the circumstances surrounding the offence and the explanation(s) offered by the convicted person.

The Academy will not employ anyone who has been convicted at any time of any offences that contradict this approach such as murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence, serious class A drug related offences, robbery and burglary.

If the post involves access to money or budget responsibility, the Academy will not employ anyone who has been convicted at any time of theft, deception or fraud.

If the post involves some driving responsibilities, it is the Academy's normal policy to consider it a high risk to employ anyone who has been convicted of drink driving within the last 10 years.

Assessment Procedure

In the event that relevant information (whether in relation to previous convictions or otherwise) is volunteered by an applicant during the recruitment process or obtained through a disclosure check, the Academy will carry out a risk assessment by reference to the criteria set out above. The assessment form must be signed by the Head Teacher before a position is offered.

If an applicant wishes to dispute any information contained in a Disclosure, they can do so by contacting the DBS directly. In cases where the applicant would otherwise be offered a position were it not for the disputed information, the Academy will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the Disclosure information.

Retention and Security of Disclosure Information

The Academy's policy is to observe the guidance issued or supported by the DBS on the use of Disclosure information.

In particular, the Academy will:-

- store Disclosure information and other confidential documents issued by the DBS in locked, non-portable storage containers, access to which will be restricted to members of the Academy's senior leadership team and the Head Teacher's Executive Assistant;
- not retain Disclosure information or any associated correspondence for longer than is necessary. In most cases, the Academy will not retain such information for longer than 6 months although the Academy will keep a record of the date of a Disclosure, the name of the subject, the type of Disclosure, the position in question, the unique number issued by the DBS and the recruitment decision taken;
- ensure that any Disclosure information is destroyed by suitably secure means such as shredding; and
- prohibit the photocopying or scanning of any Disclosure information.

The Academy complies with the provisions of the DBS Code of Practice, a copy of which is available on request.

Retention of Records

If an applicant is appointed, the Academy will retain any relevant information provided on their application form (together with any attachments) on their personnel file. The personnel file is held in line with our Data Retention policy and will be stored by the Academy for up to 6 years following termination of employment.

If the application is unsuccessful, all documentation relating to the application will usually be confidentially destroyed after 6 months, unless the applicant specifically requests the Academy to keep their details on file.

Link Policies /documents

Safeguarding and Child protection
Staff Discipline Conduct and Grievance
Guidance on Contractors Working in Academy
Keeping Children Safe In Education 2020

Appendix 1

The Recruitment and Selection Procedure

Prior to the Recruitment Process:

i) Documents confirming Identification and qualifications

In accordance with the recommendations of the DfE, the Academy carries out a number of pre-employment checks in respect of all its prospective employees to ensure effective safeguarding.

All applicants who are invited to an interview will be required to bring the following evidence of identity, address and qualifications in order for the Academy to verify their name, date of birth and current address:

- current driving licence (including photograph) or passport or full birth certificate
- one utility bill or statement less than 3 months old showing their name and home address
- documentation confirming their National Insurance number (P45, P60 or National Insurance card)
- documents confirming any educational and professional qualifications referred to in their application form

These identification documents will also be sufficient to enable a Disclosure and Barring Service (DBS) check to be carried out.

Where an applicant claims to have changed their name by deed poll or any other mechanism (e.g. marriage, adoption, statutory declaration) he/she will be required to provide documentary evidence of the change. In all cases original (not photocopy) documents must be provided.

Original documentation in respect of any specific qualifications relevant to the post (e.g. academic qualifications, vocational qualification such as the QTS or in relation to a specific subject field, First Aid or Food Hygiene) that has been entered on the application will also be required.

ii) Reference Requests

In the case of teaching staff and many support staff roles, references will have been sought prior to interview and in other cases shortly thereafter. This applies to all internal applicants as well as external applicants. Where an applicant for a Support Staff role has requested that their first referee is not contacted prior to interview, their second reference will be sought and the reference from the current employer will be sought immediately following a conditional offer of employment.

iii) Advertising

Advertisements for vacancies will demonstrate the Academy's commitment to safeguarding in recruitment and vetting procedures, protecting every potential applicant from unfair practice and ultimately safeguarding children as much as possible. Promoting commitment to safeguarding and child protection can act as a deterrent to would-be abusers. Thought will be given to wording, pictures and images used to ensure that they could not be considered discriminatory.

The following information will usually be included within the text of the advert:

- Name of Academy

- Post Title
- Whether the post is a Full time or Part time position
- Salary (actual salary for part time)
- Permanent or Fixed term stating duration if fixed term.
- Brief details about what the job entails and type of skills and experience required including responsibility for safeguarding children.
- Statement of commitment to safer recruitment
- Contact details
- Closing date

iv) Job Profiles & Person Specification

Job Profiles will define the purpose, duties and responsibilities of the post, as well as the qualifications and experience needed to perform the job, with particular attention to working with vulnerable groups. The Job Profile and Person Specification will make reference to the Academy's commitment to the safeguarding of students.

All posts at the Academy will require an Enhanced DBS Disclosure where an individual is likely to come into direct contact with pupils.

v) Application Pack

The importance of safeguarding and protecting children at the Academy will be promoted throughout the recruitment process in order to deter unsuitable candidates. The Academy's Application Pack will normally include the following: Application Form, Job Profile and Person Specification, information about the Academy, an Equal Opportunities statement with reference to requesting reasonable adjustments, the Academy's Child Protection Policy Statement with links to the full policy on the Academy's website and information on an Enhanced DBS check.

During the Recruitment Process

The interview will assess the merits of each candidate against the job requirements and will explore their suitability to work with children. A face-to-face interview will always be carried out as part of the recruitment process.

The Interview panel will consist of a minimum of **three** interviewers (with the exception of interviews for Invigilators and Peripatetic Teachers where the minimum is two interviewers) one of whom will have undergone safer recruitment training. Either the Head Teacher, a Deputy Head Teacher or an Assistant Head Teacher will form part of any interview panel.

Conditional Offer of Employment

Any offer of employment with the Academy will be conditional on the satisfactory completion of the following: -

- The receipt of at least two satisfactory references, the first being from the current or most recent employer. See "References" section for more detail.
- Satisfactory Enhanced DBS Disclosure and where the appointee has lived outside the United Kingdom, a certificate of good conduct (or equivalent) if applicable.
- Verification that the candidate has not been prohibited from teaching or carrying out teaching work by the Teaching Regulation Agency (TRA) where relevant.
- Verification that the candidate has not been prohibited from carrying out management work where relevant (Section 128 check for Strategy Group, Subject Leaders and Trustees).
- Verification of qualifications by the individual by providing original certificates.

- Verification of professional status where required.
- Confirmation of the candidate's medical fitness (through a pre-employment health check).
- Verification of the candidate's identity.
- Verification of the candidate's right to work in the UK.

A record will be kept to show that the above checks have been carried out for all employees (See Appendix).

The details of checks will be reported to the police and/or the Disclosure and Barring Service (DBS) if:-

- The DBS disclosure shows that an applicant has been disqualified from working with children.
- An applicant has provided false information in, or in support of, his or her application.
- There are serious concerns about an applicant's suitability to work with children gained from other legitimate information sources (e.g. references).

Pre-employment Checks

i) References

The purpose of obtaining a reference is to ensure that the Academy has objective and factual information to support appointment decisions. References will normally be taken up on short listed candidates prior to interview including staff who may already be employed by the Academy.

References on short listed candidates will normally be taken up prior to interview. All offers of employment will be subject to the receipt of a minimum of two satisfactory references, one of which must be from the applicant's current or most recent employer. If the current/most recent employment does/did not involve work with children, then the second referee should be from the employer with whom the applicant most recently worked with children. Neither referee should be a relative or someone known to the applicant solely as a friend.

All referees will be asked whether they believe the applicant is suitable for the job for which they have applied and whether they have any reason to believe that the applicant is unsuitable to work with children. All referees will be sent a copy of the Job Profile and Person Specification for the role that the applicant has applied for. If the referee is a current or previous employer, they will also be asked to confirm the following:-

- the applicant's dates of employment, salary, job title/duties, reason for leaving, performance and disciplinary record.
- whether the applicant has ever been the subject of disciplinary procedures involving issues related to the safety and welfare of children (including any in which the disciplinary sanction has expired).
- whether any allegations or concerns have been raised about the applicant that relate to the safety and welfare of children or young people or behaviour towards children or young people.
- The Academy will only accept references obtained directly from the referee and it will not rely on references or testimonials provided by the applicant or on open references or testimonials.
- The Academy will compare all references with any information given on the application form. Any discrepancies or inconsistencies in the information will be taken up with the applicant before any appointment is confirmed.

ii) Criminal Record Check

The type of check that may be requested from the DBS depends on the nature of the position. If the individual is applying for a position that may provide them with an opportunity to have contact with children an Enhanced Check with Barred List will be required. This check will contain details of all convictions, cautions, reprimands or warnings (except those which are “protected” as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013) held on the Police National Computer. The Enhanced Check with Barred List will also reveal whether the individual is barred from working with children by virtue their inclusion on the lists of those considered unsuitable to work with children.

An Enhanced Check may also contain non-conviction information from local police records which a chief police officer thinks may be relevant in connection with the matter in question.

Applicants with recent periods of overseas residence and those with little or no previous UK residence may also be asked to apply for the equivalent of a Disclosure, if one is available in the relevant jurisdiction(s).

In the exceptional circumstance where DBS clearance is delayed and employment commences before it is received, the Academy will undertake a Risk Assessment on the prospective member of staff concerned and make arrangements as appropriate for the member of staff to be paired with or supervised by another member of staff who has received DBS clearance. The Safeguarding Trustee will be informed.

There is no requirement for routine DBS check renewals on existing staff members, however, a new DBS check will be carried out if:

- There are concerns about a staff member, service provider or volunteer's suitability to work with children
- A person moves from a post that was not regulated activity into work that is regulated activity

iii) Trainee/student teachers

Where applicants for initial teacher training are salaried by the Academy, the Academy will ensure that all necessary checks are carried out.

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

iv) Members and Trustees

All Members and Trustees will have an enhanced DBS check with barred list information.

The Chair of Trustees will have their DBS check countersigned by the Secretary of State.

All Trustees will also have the following checks:

- A section 128 check (to check prohibition on participation in management under section 128 of the Education and Skills Act 2008). [Section 128 checks are only required for local trustees if they have retained or been delegated any management responsibilities.]
- Identity
- Right to work in the UK
- Other checks deemed necessary if they have lived or worked outside the UK

v) Volunteers, Service Providers, Agencies and Agency Staff

The Academy expects supply/temporary worker agencies that are used by the Academy to register with the Enhanced DBS Disclosure on their own account and to follow this policy or their own comparable policy. **Proof of registration will be required before the Academy will commission services from any such organisation.**

The agency must provide evidence of the checks carried out on their central record.

The agency must also ensure that the supply staff member is aware that they have to bring in their DBS Certificate and identification documents (proving their name, date of birth and address) on the first day of their supply work for the Academy.

The agency must inform the Academy should they receive a Safeguarding or child protection alert or update on any of their employees working at the Academy.

The Academy will carry out DBS checks for a service provider such as peripatetic teachers and Action! providers who work with students at the Academy in regulated activities.

The Academy reserves the right to terminate the contract with the agency and send home an agency staff member without notice should these terms of safer recruitment practice be breached by the agency or the member of agency staff. In this instance the Academy will not be liable for any charges connected to the booking.

All Volunteers who have direct contact with children on a regular basis will be required to have a DBS check. The Head Teacher will assess the need on an individual basis.

vi) Self-Employed Contractors

The Academy expects self-employed contractors that are used by the Academy e.g. cleaners, grounds maintenance workers, canteen facilities, summer holiday clubs to register with the Enhanced DBS Disclosure on their own account and to follow this policy or their own comparable policy. **Proof of registration will be required before the Academy will commission services from any such organisation.**

Such regular contractors must provide evidence of their DBS Certificate along with identification documents (proving their name, date of birth and address) on their first day of work. Their DBS information will be stored on the Academy's Single Central Record.

The Academy's Single Central Record is reviewed termly to ensure that is current and accurate.

One-off contractors e.g. lift engineers, not having a DBS certificate, are monitored by a member of the Estates team, and are escorted to and from their area of work.

Appendix 2

RECRUITMENT CHECK LIST (ALL STAFF)

Title and Name	
Teacher number	
NI number and DoB	
Post appointed to	

Contract (FT/PT/Temp/Perm/Fixed)	
Start date	

Interview panel (highlight panel member who is safer recruitment trained)		
Application form completed		
References requested		
Hard copy references received		
Offer letter sent		
Acceptance letter received		
Contract issued with job profile		
Eligibility to work in the UK seen Adjusted check undertaken due to COVID-19		
Date became resident in the UK? (if relevant)		
Visa details (if relevant)		
DBS process undertaken		
DBS clearance received		
Single Central Record updated		
Section 128 check completed (SG, Management, Governors)		
Letter of professional conduct received if arriving after 1 January 2021 from EEA (EU, Iceland, Liechtenstein and Norway) (Teaching staff inc. Learning Supervisors)		
TRA (prohibition) check completed (Teaching staff only)		
QTS verified (Teaching staff only)		
Qualifications verified		

Staff Information sheet, bank details + pre-employment health questionnaire issued		
Staff Information sheet/bank details returned		
Occupational Health Clearance received		
Full details entered on SIMS		
Details added to Staff Absence Insurance		

Payroll advised		
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Request ParentPay login (Finance)		
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Contract returned signed		
Job Profile returned signed		
Privacy notice returned signed		

PENSION – SUPPORT STAFF - LGPS

Joiner letter sent		
Joiner forms sent to LGPS		

PENSION – TEACHING STAFF – TEACHERS’ PENSION

Joiner email sent with links to TP		
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PROBATION

Probation due		
Probation completed		

From Gov.UK

Conducting a right to work check during the temporary COVID-19 measures

- Ask the worker to submit a scanned copy or a photo of their original documents via email or using a mobile app
- Arrange a video call with the worker – ask them to hold up the original documents to the camera and check them against the digital copy of the documents
- Record the date you made the check and mark it as “adjusted check undertaken on [insert date] due to COVID-19”
- If the worker has a current Biometric Residence Permit or Biometric Residence Card or status under the EU Settlement Scheme you can use the [online right to work checking service](#) while doing a video call - the applicant must [give you permission to view their details](#)

From Judicium

Right to Work Checks (for EEA/Swiss Citizens) Post Brexit

EEA/Swiss citizens who were resident in the UK by 11:00pm on 31 December 2020 are entitled to apply for settled/pre-settled status under the EU Settlement Scheme as set out in our November 2020 [newsflash](#).

Although the deadline for having commenced residence for eligibility under the Scheme was 11:00pm on 31 December 2020, the deadline for making an application is 30 June 2021. The period between 11:01pm on 31 December 2020 and 30 June 2021 is known as the “[grace period](#)”.

For EEA/Swiss citizens who commenced residence in the UK after 11:00pm on 31 December 2020, the new immigration system will apply, and they will require a visa in order to work (and, usually, their school will require a sponsor licence).

- From 1 July 2021, the right to work check will depend on when the individual became resident in the UK.
- Individuals will either need to evidence their status under the EU Settlement Scheme or that they have a visa under the new immigration system.
- We will provide further advice on this once the Home Office has released its guidance.

Appendix 3

Privacy Notice for Applicants for Employment at Tonbridge Grammar Academy

Tonbridge Grammar Academy is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during the application process until you either become an employee or the application process has been completed. We are required to notify you of this information, under data protection legislation.

Why Do We Collect This Information?

Once you have submitted an application form, the Academy use this information in order to take a decision on recruitment and to take steps to enter into a contract. There is no automated decision making in our application process.

What Information Do We Collect?

We collect the following information from the application form in order to take a decision as to recruitment:

- Name, address and contact details
- Confirmation of your right to work in the UK
- National Insurance number
- Education history and qualifications
- Employment history
- Reasons for application
- Referees
- Self-declaration of criminal offences
- Professional and development training
- Additional information in support of your application including professional associations, hobbies and interests

Before confirming an appointment, we may collect the following information:

- Information about you from your referees
- Information regarding your academic and professional qualification from your education provider or relevant professional body
- Information regarding your professional registrations
- Information regarding your criminal record from Disclosure and Barring Service (DBS)
- Your nationality and immigration status
- A copy of your driving licence
- Information regarding your occupational health from our occupational health provider

How we may share the information

The information will be shared with members of staff and trustees directly involved in the application process. In exceptional circumstances we may also need to share some of the above categories of personal information with other parties, such as HR consultants and professional advisers. Usually, information will be anonymised but this may not always be possible. The recipient of the information will be bound by confidentiality obligations. We may also be required to share some personal information as required to comply with the law.

How long we keep your information

We keep the personal information that we obtain about you during the recruitment process for no longer than is necessary for the purposes for which it is processed. If you are successful and become an employee of Tonbridge Grammar Academy your information will be retained and process in line with our Privacy Notice for Staff. If you are unsuccessful your data will be retained for no longer than 6 months from the date of interview unless we have expressly asked for your consent to keep your information on file.