

Safer Recruitment Policy

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1 Statement of intent

Leaders and managers have implemented this policy to assist with recruitment and employee selection. It outlines the recruitment procedure and how we consider safer recruitment at all levels of recruitment. This helps ensure that:-

- We minimise risk to students
- Our safeguarding policy and procedures are maintained
- We recruit the most suitable candidate; selected for their skills, experience and qualifications and match the requirements for the post
- We ensure effective and consistent recruitment practices to ensure that all applicants are treated fairly

2 Legal frameworks

This policy has due regard to all relevant legislation (Appendix A) and operates in conjunction with the following policies:

- Safeguarding Policy - Child Protection and Vulnerable Adults
- Complaints Procedures Policy
- Disciplinary Policy and Procedure
- Data Protection Policy
- Equality and Diversity Policy
- Online Safety Policy

3 Roles and responsibilities

The Managing Director in collaboration with the Advisory Board are responsible for:

- Agreeing and monitoring effective policies to ensure safer recruitment is in accordance with the legislation.
- Ensuring that staff recruitment is as safe as possible, as well as fair and compliant with the relevant legislation.
- Ensuring appropriate checks have been carried out on staff, volunteers, contractors and agency workers working.
- Appointing an appropriate recruitment panel, ensuring that at least one member of the recruitment panel has undergone safer recruitment training within the past 2 years.
- Ensuring that members of the recruitment panel understand their role, i.e. advisory or decision making and they are familiar with this policy.
- Ensuring that all members of the recruitment panel are familiar with their obligations with regards to safer recruitment, as set out in KCSIE.

- Monitoring the Single Central Record to ensure it is accurate and up to date and that the necessary vetting checks for employees are carried out before they commence work on site.
- Ensuring that equal opportunities are established and implemented throughout the recruitment process.
- Ensuring timely reviews of this policy and that any recruitment data is kept in accordance with the Records Management Policy and GDPR.
- Ensuring whilst on site, appropriate supervision of candidates and volunteers is organised, and for promoting the safety and wellbeing of students generally and throughout the recruitment process.

The HR department is responsible for:

- Creating the advert and ensuring it meets all the necessary requirements to source appropriate candidates. The job description and person specification will be provided within any advertisement or on application.
- Acting as a point of contact for the candidates.
- Initial sifting of applications with the aim identifying those with the potential to effectively undertake the role.
- Where possible, ensuring that the shortlisting panel and interviewing panel are comprised of the same people.
- Appropriately delegating responsibility for recruitment to the appropriate manager.
- Accommodating the needs of interviewees and arranging for reasonable adjustments when necessary.
- Ensuring that the interview addresses essential requirements of the job description, understanding of SWRAC's ethos and vision, and why the candidate believes they would be a good fit within the organisation.
- Ensuring that the interview addresses safeguarding practices and attitude to working with students with special educational needs.
- Identifying an appointing officer who will be responsible for the entire management of the recruitment process in collaboration with HR.
- Ensuring that references have been received where requested; properly scrutinised, and that information is not contradictory, unclear, or incomplete, with clarification requested when appropriate.
- Checking the authenticity of references.

The appointing officer is responsible for:

- The entire management of the recruitment process in collaboration with HR.
- Reviewing and scrutinising candidates' applications and identifying any employment gaps or missing information.

- Briefing the recruitment panel to conduct interviews.
- Organising interviews with HR for shortlisted candidates.
- Ensuring the recruitment process is carried out in line with the relevant policies.
- Ensuring that the candidate chosen to fill a vacancy is suitable for the role.
- Ensuring the interview panel fully complete all documentation.

The interview panel is responsible for:

Ensuring the recruitment process, and especially during the initial stages, that interviewers are watchful for candidates displaying the following characteristics:

- No understanding or appreciation of students with SEN needs
- Expressing that they want the role to meet their needs at the expense of the students
- Using inappropriate language in relation to young people or people with SEN
- Expressing extreme views or views that do not support safeguarding practices
- Displaying potential unclear boundaries with working with young people
- Providing vague answers when asked about their experience and unable to explain gaps in their employment

The Safeguarding Lead is responsible for:

- Deciding when it is appropriate or necessary to disclose any safeguarding concerns or allegations as part of a reference, in line with KCSiE.
- Discussing with the Managing Director the suitability of a candidate when a reference has disclosed safeguarding concerns or prior allegations.

4 Planning, advertising and shortlisting

When a vacancy has been identified an appropriate amount of time will be scheduled for planning and structuring the recruitment process.

SMT will:

- Agree the recruitment timeframe.
- Decide who will be involved in the process and what their roles will be, e.g. who forms the recruitment panel and who will lead interviewing.
- Identify a manager to prepare the documents that will be provided to candidates, including the job description and person specification - ensuring information employment vetting is clear, such as DBS, barred list checks and that a minimum of 2 references will be sought.

The recruitment panel will comprise an appointing officer, who is responsible for the management of the entire recruitment process, and at least one other member of staff. At least one member of the recruitment panel will have successfully completed safer recruitment training within the last 2 years.

5 Advertising

Leaders and managers will consider the following information when advertising a vacancy:

- The skills, abilities, experience, attitude and behaviours required for the post
- The safeguarding requirements, including to what extent the role will involve contact with students and whether the appointed staff member will be engaging in regulated activity (see Appendix B definition of terms)

Advertisements will include:

- A statement of SWRAC's commitment to safeguarding and promoting the welfare of students whilst making clear that safeguarding checks will be undertaken.
- The safeguarding responsibilities of the post as per the job description and person specification.
- Information on whether the post is exempt from the Rehabilitation of Offenders Act 1974 and the amendments to the Exceptions Order 1975, updated 2013 and exceptions list 2020.

Vacancies will be advertised externally to reach a wide range of groups. Sites such as Indeed and other social media sites will be used, with due consideration to Equality and Diversity Policy. Advertisements will contain a statement of commitment to ensuring equal rights. Advertisements will detail the closing date. The contact number and details of the application process. The HR department will ensure that all candidates applying, who meet the job specification criteria, receive the application pack.

6 Application form

Applicants will be reminded in the application form that it is an offence to apply for the role if they are barred from engaging in regulated activity relevant to children. The application form will also notify applicants that if shortlisted, an on-line search will be made as part of our background checks for suitability.

Applicants will be required to provide the following:

- Personal details, e.g. their current and former names, current address, and national insurance number
- Details of their current or most recent employment, including the reason for leaving
- Full employment history, including explanations for any gaps in their employment since leaving full time education
- Qualifications relevant to the role, the awarding body and the date of the award
- Details of three references, one should be their most recent employer
- A statement of their personal skills and qualities and an explanation of why they meet the person specification to be a suitable candidate for the role
- A declaration form outlining whether they are barred from teaching or working with children and confirm that the information they have provided in their application is true.

A CV will be accepted together with a completed application form; a CV on its own will not be accepted. When shortlisting candidates for an interview, all application forms will be considered. Shortlisting criteria will be agreed in advance by the recruitment panel and consider the essential criteria from the person specification. Candidates will be assessed against the same shortlisting criteria to ensure a fair process. Panel members will read through all applications prior to the candidate interviews.

Each member of the panel will create their own shortlist based on the outcomes of the interview and application information; these will be collated and discussed to inform a final decision.

7 Shortlisting

Shortlisted candidates will be asked:

- To complete a self-declaration of their criminal record or disclosure of any information making them unsuitable to work with children.
- For information of any criminal offences committed.
- If they are known to the police and/or children's social care services.
- Whether they have been disqualified from providing childcare in any setting.
- For any relevant overseas information, eg working overseas or travelling for prolonged periods.

When shortlisting candidates, we will:

- Ensure that a minimum of two people carry out the shortlisting process – ideally, these two people will also conduct the interview.
- Assess whether there are any inconsistencies or gaps in the candidate's employment or information provided and consider the reasons given for them.

Requests for further information from candidates will be made promptly and before the interview takes place to enable panel members to review the responses.

All applicants will receive a letter or email notifying them of whether they have been shortlisted or not.

8 Invitation to interview

Shortlisted candidates will be contacted by HR Department to arrange date and time for interview and provide them with information about the interview arrangements, who will be interviewing, how the interview will be conducted, the areas to be explored and what documents they should bring. This will include proof of identification and qualifications will be viewed and checked by the interview panel. For some job roles a skills test may be part of the interview process.

9 Interview procedures

During the interview process, candidates will be asked pre-agreed standard questions, and responses recorded by panel members. The recruitment panel will ask open questions to assess the candidate's experience and suitability for the post, and to explore the candidate's motivation towards safeguarding and their suitability to work with children.

Interview questions seek to:

- Find out what attracted the candidate to the post being applied for and their motivation for working with children.
- Exploring their skills and asking for examples of experience of working with children.
- Clarifying any gaps in employment or where the candidate has changed employment or location frequently and asking about the reasons for this.
- Seek examples of the candidate's previous experience.
- Verify the candidate's mental and physical fitness to carry out their work responsibilities relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role.

- Explore any concerns raised through references.

Interviews will also be used to explore the potential areas of concern to determine the applicant's suitability to work with children. Areas that may raise concerns and lead to further enquiry include:

- Implication that adults and children are equal.
- Lack of recognition or understanding of the vulnerability of children, especially those with SEN.
- Inappropriate idealisation of children.
- Inadequate understanding of appropriate boundaries between adults and children.
- Indicators of negative safeguarding behaviours.
- Attempts to push or overstep boundaries.
- Consistent rule-breaking behaviour.

The candidate will be given the opportunity to discuss any concerns or ask any questions. The process will always comprise a face-to-face interview, this might be in the form of an online meeting.

After the interview has been completed, the recruitment panel will:

- Assess all candidates' performance using the same agreed criteria.
- Agree on suitable applicant(s) to appoint and contact successful candidate to verbally offer the post. Check if they are on DBS update service.
- Ask HR to complete the DBS check as soon as possible on the successful candidate. (See Appendix B re different DBS checks).
- Contact and provide feedback to unsuccessful candidates – feedback will be verbal and based on evidence of their performance against the person specification for the role.

Interview notes and assessment materials will be held securely for a minimum period of 2 years after the interviews in case any aspect of the recruitment process is challenged.

After the successful candidate has verbally accepted the post, HR will:

- Make a conditional offer of employment to the candidate.
- Complete the relevant pre-appointment checks.

Any spent or filtered convictions declared on the candidate's self-declaration form, or declared at interview, will not affect the offer of employment if already made. However, relevant risk assessments to determine whether the candidate is suitable will be completed.

10 Remote recruitment

The procedures and requirements set out in this policy will apply when recruiting remotely online. Online interviews may be necessary when staff across sites are part of the interview panel and are unable to travel to one site. Online interviews will be always conducted in line with the Online Policy and Data Protection Policy. Staff members conducting an online interview will ensure they understand how to operate the various relevant functionalities of the online interview platform effectively, e.g. how to share their screen, prior to the interview commencing. Staff members conducting an online interview will ensure privacy settings are adjusted appropriately on the provider's site or application.

Interviewing staff will be aware of, and have due regard for, the potential risks associated with online communication, e.g. ease of anonymity, and will ensure it takes suitable precautions, e.g. checking identity, encrypting data where possible. Staff will ensure that any tasks set for candidates during the interview are compatible with the online nature of the interview.

HR Department will communicate its expectations to candidates regarding the use of the online platform in good time prior to the interview. These expectations will include, but will not be limited to, the following:

- The candidate will participate in the interview with both the video camera and microphone features enabled at all required times
- The candidate will participate in the interview in a suitable setting – a quiet area with a neutral background
- The candidate will keep personal information, which is not relevant to the recruitment process private, e.g. their email password, and will not ask the staff members conducting the interview to share any such private information
- Where necessary, the candidate will be aware that the online interview will be recorded. If recording an online interview, prior permission will be acquired from the candidate in writing via email and all members of the interview will be notified before the interview commences via email, and a reminder once they have joined the interview before recording commences. If the candidate does not provide consent to recording the interview, the panel will consider whether the online interview can still take place, or whether an in-person interview is possible.

Panel members will not discriminate against candidates who are recruited remotely; they will be considered fairly alongside any candidates who are not recruited remotely.

11 Requesting references

Once a candidate has verbally accepted an offer of employment, references will be requested, with candidates permission, and scrutinised by HR Department. Any concerns will be resolved satisfactorily prior to confirming an appointment. References will always be requested directly from the referee, and from a person with appropriate authority, not a colleague.

The standard request form will be used for references. References will be requested in written form from the candidate's current or most recent employer. Wherever possible, at least one reference will be from employment through which the candidate worked with children.

If the candidate is a school leaver a reference will be requested from their education provider and a character reference will be requested. A person completing a character reference should be someone with the authority to sign a passport application.

When a candidate is applying for a teaching role, information will be requested from their current or former employer about the details of any capability procedures in the previous two years that they may have been subject to, and the reasons for these.

12 Checking references

References will be checked upon receipt to ensure that all questions have been answered satisfactorily, and that information is not contradictory or incomplete. The referee will be contacted to provide further clarification where appropriate, e.g. if some answers are vague or insufficient, or contradictory information has been provided. The reference will be compared for consistency with the information on the candidate's application form. Discrepancies between the reference and the application form will be discussed with the candidate at interview.

The HR Department will ensure that any past disciplinary action or allegations disclosed as part of a reference are considered carefully when assessing the candidate's suitability for the role. If this involves safeguarding or potential safeguarding concerns, the Safeguarding Lead will be consulted to help assess the candidate's suitability.

Before deciding not to appoint a candidate based on an unsatisfactory reference, the HR Department will consider if external HR advice is necessary.

Once the decision is made, the Managing Director will record this on the recruitment file as the reason for non-appointment.

Open references, e.g. 'to whom it may concern' testimonials, and unverified information provided by the candidate as part of the application process, will not be relied upon.

All references will be checked to ensure that they are authentic and originate from a legitimate source.

13 Pre-appointment checks

All appointments will be conditional on satisfactory completion of the necessary pre-appointment checks. These checks seek to identify whether there is anything that would make the candidate an unsuitable appointment for working with children or as a teacher. Any offer of employment is subject to successful completion of these checks.

When appointing new staff we will:

- Verify the candidate's identity, e.g. checking the name and birth date on a birth certificate and verifying any name changes.
- Obtain an enhanced DBS check and, for candidates engaging in regulated activity, barred list information. Staff may not commence on site until these checks have been completed.
- For staff undertaking teaching roles check for prohibition order, or any sanction or restriction on teaching using the secure access portal on the Teacher Services' [web page](#)
- Verify the person's right to work in the UK by either conducting a manual document-based check, or by using the government's online portal.
- Make further checks as appropriate on any individual who has lived or worked outside the UK.
- Verify qualifications required for the job role.
- Check individuals taking up management positions or Advisory Board roles are not subject to a section 128 direction.
- Online search to identify any incidents or issues that have happened, are publicly available online. Candidates will be made aware that an online search will be completed.

This information will be stored on the Single Central Record together with the date and name of staff completing the checks.

Once the pre-employment checks have been completed, the HR Department will:

- Agree a start date with the candidate.
- Submit contractual paperwork, including the completed DBS check, copies of identification, references, proof of qualifications, P45, application/equal opportunities and emergency contacts.

The appointing manager and MD will consider the following when assessing any disclosed information on a DBS certificate:

- The seriousness and relevance to the post which they have applied to
- How long ago the offence occurred
- The country where the offence occurred
- Whether it was a one-off incident or a history of incidents
- The circumstances around and at the time of the incident
- Whether the individual accepted responsibility for what happened
- Whether the offence has been decriminalised

If there is any reason to believe that an individual is barred, it is an offence under section 9 of the Safeguarding Vulnerable Groups Act (SVGA) 2006 to allow the individual to carry out any form of regulated activity.

We will not require candidates to have an enhanced DBS certificate or undergo checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the candidate has worked in England in a post:

- In a school which brought them into regular contact with children or young people; or
- In a school since 12 May 2006 which did not bring the person into regular contact with children or young people; or
- In an institution within the FE sector, or in a 16 to 19 academy, in a post which involved the provision of education which brought the person regularly into contact with children or young people.

This is because the candidate will have already undergone this process in their previous position, an updated DBS will be required as soon as possible.

14 Volunteers and work experience students

For all volunteers and work experience students aged 16 plus a DBS check will be required and for those working unsupervised with students a barred list check will be made.

15 Candidates who have lived outside the UK

For candidates who have lived outside the UK, all mandatory checks outlined in this policy will be carried out, along with additional checks where necessary, including an enhanced DBS certificate with barred list information for those engaging in regulated activity, even if they have never been to the UK before.

Further appropriate checks will be completed so that any relevant events occurring outside the UK can be considered, e.g. obtaining proof of past teaching conduct for any candidate for a teaching position from the professional regulating authority in the country in which they worked, where available. If a candidate is unable to provide the necessary documentation, they cannot submit a DBS check. This is because the right to work in the UK cannot be established. They cannot be appointed as a member of staff or volunteer.

Following the UK's exit from the EU, schools and colleges should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether it was in an EEA country or the rest of the world.

16 Agency, supply and third-party staff

In the case of staff sourced from an agency or third-party organisation, HR Department will obtain written notification from the organisation confirming that they have carried out the same checks would otherwise have been completed for employed staff. This includes any individual working at the college, or who providing education on SWRAC's behalf such as enrichment, including online delivery. Confirmation will also be obtained that the individual who presents for work is the same person on whom all checks have been completed. A copy of photographic identification will be required and retained on file.

HR Department will obtain confirmation from the third party that an enhanced DBS check has been completed, whether there is a disclosure and record the certificate number on the SCR.

17 Existing staff

If a member of staff moves from a post that was not regulated activity to one that is, the relevant checks will be carried out. For example, if a member of staff moves from one role that did not involve the provision of education to one that does, the college will treat it as if the individual were a new member of staff and all required pre-appointment checks will be carried out.

Where an existing member of staff is moving to regulated activity, the recruitment panel will carry out further checks where there is a concern about a

member of staff's suitability to work with children. An investigation will be carried out to gather enough evidence to establish if an allegation has a foundation. Concerns will be referred to the DSL who will ensure they have sufficient information to meet the relevant referral duty criteria, as outlined in the DBS's barring referral guidance.

Safeguarding Lead will refer to the DBS anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult where:

- The harm test is satisfied in respect of that harm.
- The individual has received a caution or conviction for a relevant offence, or if there is reason to believe that the individual has committed a listed relevant offence.
- The individual is deployed to another area of work not in regulated activity, or where they have been suspended.

Referrals to the DBS will be made on conclusion of an investigation where an individual has been removed from regulated activity. Referrals to the DBS will be made by the DSL as soon as possible after the resignation, removal or redeployment of the staff member.

18 Contractors

Leaders and managers will ensure that any contractor, or any employee of the contractor, has been subject to the appropriate level of DBS check. Contractors engaging in regulated activity will require an enhanced DBS certificate (including barred list information). For all other contractors who are not engaging in regulated activity, but whose work provides them with an opportunity for regular contact with children, an enhanced DBS check (not including barred list information) will be required.

Under no circumstances will a contractor in respect of whom no checks have been obtained be allowed to work unsupervised or engage in regulated activity. The appointing manager will set out safeguarding requirements in the contract between the contractor's organisation and SWRAC.

If a contractor is self-employed, SWRAC will consider obtaining the DBS check, as self-employed people are not able to make an application directly to the DBS on their own account. The identity of contractors and their staff will always be checked on arrival.

19 Adults who supervise students on work experience

For all students undertaking work experience or internships, checks will be made by staff organising placements. They will ensure that the placement provider has policies and procedures in place to protect children from harm and a named point of contact who is aware of safeguarding requirements.

20 Advisory Board Members

The Advisory board will request an enhanced DBS certificate with a barred list check on an individual as part of the appointment process for governors. This is because all board members may have unsupervised contact with students as part of the duties.

21 Single central record (SCR)

The HR Department staff will maintain and regularly update the SCR. All new employees will be added to the record, which will include all:

- staff (including supply, agency and volunteer staff)
- others who work in regular contact with children, including volunteers
- members of the Advisory Board

The minimum information that will be recorded in respect of staff members (including teacher trainees on salaried routes) on the SCR is:

- An identity check (Appendix C provides more information)
- A barred list check
- An enhanced DBS check
- A prohibition from teaching check
- Further checks on people living or working outside the UK, including checks for European Economic Area (EEA) teacher sanctions and restrictions
- A check of professional qualifications
- A check to establish the person's right to work in the UK (Appendix C provides more information)
- For those in management, trustee or governor roles, a section 128 check
- Whether the staff is working in regulated activity or not.
- Date of check and name of staff completing the check.

Records of mandatory and optional staff training will also be maintained separately.

22 Safer recruitment training

At least one member of the recruitment panel will have completed formal safer recruitment training; training is renewed every two years.

Staff and board members involved in the recruitment process will have an awareness of information regarding the following:

- The recruitment and selection process as detailed in this policy
- Pre-appointment checks, regulated activity and recording of information
- Other checks that may be necessary for, staff, volunteers and others
- How to ensure the ongoing safeguarding of children and legal reporting duties on employers

23 Safeguarding

References provided will include the assessment of the candidate's suitability to work with children. The DSL will be consulted where appropriate. The DSL will recognise the duty to disclose safeguarding concerns overrides any other duties to an employee and ensure compliance with safeguarding obligations. The DSL will ensure records are kept of all allegations against staff in line with the most up-to-date version of KCSIE. Investigations into allegations against staff will follow the Allegations Against Staff Policy.

For all safeguarding allegations, excluding those proven to be malicious, a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of any action taken, and decisions reached, will be kept on the confidential personnel file of the accused member of staff.

Accurate information based on these records will be given in response to future requests for a reference, where appropriate. Safeguarding information will not be given in circumstances where the allegation was found to be false, unsubstantiated, or malicious – this includes if it is a history of repeated concerns or allegations which have been found to be false, unsubstantiated or malicious. The member of staff providing the reference will make no comments about their own personal views on the veracity of allegations.

24 Exceptionality

Under exceptional circumstances, we may consider making an appointment whilst checks are being made on a prospective member of staff. However, the decision to do so will only be authorised by the Safeguarding Lead in consultation with the HR department, and the appointing officer. Such an appointment shall be made subject to satisfactory background checks being completed, an individual risk assessment prepared and that the individual shall not be permitted to work unsupervised with students. Any such staff member will have their employment terminated if background checks are not satisfactorily completed by the end of their first period of probation.

25 Providing References

References will only be provided in response to written requests.

The HR Department will co-ordinate reference requests and work with appropriate staff to collate the necessary information. Details of any capability procedures in the previous two years for a teacher, or former teacher, and the reasons for these, will be provided if requested.

References can only be provided by HR. References will only be made in writing and contain factual and verifiable information, including dates of employment and job role title. References must not include speculation, e.g. about a former employee's suitability for a job, opinion or hearsay. The person providing the reference will ensure all comments have a factual basis and that an impression is not given which is misleadingly positive or negative.

If, as part of a settlement agreement, SWRAC has agreed to provide a reference for a member of staff, the Managing Director will ensure it is provided in line with the agreement and this policy. In circumstances where new evidence emerges that indicates information provided in the reference is incorrect, the Managing Director will decide if the reference is changed or withdrawn, with legal advice sought where necessary, and will notify the employee of any decision first.

The Managing Director will decide in exceptional circumstances if a reference cannot be provided or if certain questions asked by the prospective employer cannot be answered, with HR advice sought when appropriate.

HR Department will ensure that any information provided confirms whether they are satisfied with the applicant's suitability to work with children and only provide the facts of any substantiated safeguarding concerns or allegations, including a group of low-level concerns about the same individual, that meet the harm threshold. Any repeated concerns or allegations which do not meet the harm threshold which have been found to be false, unfounded, unsubstantiated, or malicious will not be included in any reference.

Information from DBS checks or regarding criminal offences will not be included in references provided unless the Managing Director deems it appropriate and HR advice has been sought.

When providing references, the disclosure of information about past disciplinary action or allegations not relating to safeguarding will be provided where it is deemed appropriate, e.g. it is relevant to the staff member of former staff member's suitability for the role. Information relating to disciplinary action will generally only be disclosed if penalties or sanctions remain in place for the employee.

Allegations which were proven to be false, unsubstantiated or malicious, e.g. relating to misconduct, will not be included in a reference – this includes if it is a history of repeated concerns or allegations which have been found to be false, unsubstantiated or malicious. The member of staff providing the reference will make no comments about their own personal views on the veracity of allegations. If an allegation exists which has yet to be investigated or an investigation is incomplete, the Managing Director will seek HR advice, and legal advice where necessary, on what information, if any, should be provided to the prospective employer.

Under the Data Protection Act, staff are entitled to know what information is contained in a reference, in most cases this would be carried out by providing them with a copy of reference.

Staff members will make the Managing Director aware when they have been asked to provide a personal reference, e.g. for a current or former colleague. The staff member will make it clear within the reference that it is a personal one and is not written for or on behalf of SWRAC. The staff member will use their own paper or an email address unaffiliated with SWRAC and ensure that the reference is not linked to SWRAC in any way.

26 Monitoring and review

This policy is reviewed annually in line with KCSiE, or when legislation changes. Any changes made to this policy will be communicated to all members of staff and relevant stakeholders. A copy is available on the SWRAC website.

Appendix A – Legal framework

This policy has considered the legislation including, but not limited to, the following:

- Rehabilitation of Offenders Act 1974
- Children Act 1989
- Education Act 2002
- Sexual Offences Act 2003
- Children Act 2004
- Safeguarding Vulnerable Groups Act 2006
- Education and Skills Act 2008
- Equality Act 2010
- The UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Amendments to the Exceptions Order 1975, 2013 and 2020

This policy has due regard to guidance including, but not limited to, the following:

- DfE (2020) 'Governance handbook'
- DfE (2021) 'Staffing and employment advice for schools'
- DfE (2022) 'ID checking guidelines for standard/enhanced DBS check applications from 1 July 2021'
- DfE (2021) 'Right to work checks: employing EU, EEA and Swiss citizens'
- DfE annual update 'Keeping children safe in education'
- DfE (2023) 'Recruiting teachers from overseas'
- Disclosure & Barring Service (2018) 'Regulated activity with children in England'
- Home Office (2022) 'Employer's guide to right to work checks'
- Safer Recruitment Consortium (2022) 'Guidance for safer working practice for those working with children and young people in education settings'

Appendix B – Definition of terms used

“Regulated activity” includes:

- Being responsible, on a regular basis, for teaching, training, instructing, caring for or supervising children if the person is unsupervised, or providing advice or guidance on physical, emotional or educational wellbeing, or driving a vehicle only for children.
- Working for a limited range of establishments (known as ‘specified places’, which include schools and colleges), or in connection with the purposes of the establishment, with the opportunity for contact with children, but not including work undertaken by supervised volunteers.
- Engaging in intimate or personal care or healthcare or any overnight activity, even if this happens only once.

Regulated activities do not include:

- Paid work in specified places which is occasional and temporary and does not involve teaching or training.
- Supervised activities which are paid in non-specified settings.
- A supervised volunteer who regularly teaches or looks after children.

“Teaching role” refers to a role involving planning and preparing lessons and courses for students; delivering lessons to students; and assessing and reporting on the development, progress and attainment of students. These activities are not teaching work for the purposes of KCSIE if the person carrying out the activity does so (other than for the purposes of induction) subject to the direction and supervision of a qualified teacher or other person nominated by the Managing Director to provide such direction and supervision.

“Standard DBS” provides information about convictions, cautions, reprimands and warnings held on the Police National Computer, regardless of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out.

“Enhanced DBS” provides the same information as the standard DBS, plus any additional information, e.g. interviews and allegations, held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed.

“Enhanced DBS with barred list check” check is required for when people are working or seeking to work in regulated activity with children. This check allows

for additional checks to be made as to whether the person appears on the children's barred list.

"Children's barred list" is a list maintained by the DBS which covers individuals who are unsuitable to work with children and vulnerable adults. In addition, where an enhanced DBS including a barred list check is obtained, the certificate will also detail whether the candidate is subject to a direction under section 128 of the Education and Skills Act 2008 or section 167A of the Education Act 2002.

"Section 128 check" provides for the Secretary of State to direct that a person may be prohibited or restricted from participating in the management of an independent school (which includes academies and free schools). A person prohibited under section 128 is also disqualified from holding or continuing to hold office as a governor of a maintained school.

"Safer recruitment" is the safeguarding and protection of students during the recruitment and selection process. The overall purpose is to help identify and deter or reject individuals who are deemed to be at risk of abusing children.

Appendix C – Identification and Right to Work checks

Identification check

When checking the validity of identifying documents, we will ensure that this is done in the presence of the holder, e.g. in person or via a live video link. In both cases, staff will be in physical possession of the original documents. Only valid, current and original documentation in its physical form will be accepted. We will not accept photocopies or documentation printed from the internet, e.g. internet bank statements.

We will request documents with photographic identity, such as a passport, and compare this against the candidate's likeness. Documents that are not in the candidate's current name as recorded on the application form cannot be accepted

Candidates declaring name changes will be asked to provide documentary evidence to support the name change. If the candidate is unable to provide evidence to support the name change, we will hold a discussion with the candidate about the reasons why. We will always aim to check the name on the candidate's birth certificate to validate their identity.

Candidate's address history will be compared with any other information the candidate has provided, such as their CV.

All letters and statements provided as evidence by the candidate must be dated within the last three-month period.

A dated record of every document that has been checked will be maintained for the duration of the candidate's employment and for a further 6 years after they have left employment with SWRAC. This will be either as a hard copy or in a scanned format which cannot be manually altered, such as JPEG or PDF document, and will be made available to the appropriate authorities if and when requested.

In line with the UK GDPR and Data Protection Act 2018, we will only retain copies of DBS certificates where there is a valid reason for doing so, and only for as long as is needed to consider the information provided – this will not be for longer than six months. The DBS certificate number and date will be recorded on the SCR.

When information is destroyed, we may keep a record of the fact that vetting was carried out, the result of this vetting, and the recruitment decision taken. Identification Document Validation Technology (IDSP) may be used to secure DBS checks on candidates.

Right to Work check

Evidence will be obtained that candidates have the right to work in the UK by either conducting a manual document-based check, or by using the government's online portal. This will be done before a candidate is offered a position.

HR will verify the person's right to work in the UK, including EU nationals. If there is uncertainty about whether an individual needs permission to work in the UK, then the advice on the GOV.UK website will be followed.

Leaders and managers will not make assumptions about a person's right to work in the UK, or their immigration status, based on their race, ethnicity, nationality, length of residence in the UK or background. All candidates, including British citizens, will have their right to work in the UK checked. Where a candidate's right to work is time limited, a follow-up check will be made in advance of its expiry.

Staff may use a certified digital identity service provider (IDSP) to conduct right to work checks on candidates.