

## **Newham Community Learning - Safer Recruitment Policy**

Last updated: May 2024 as v2.1

Applies to: Newham Community Learning

Approved by: Trust Board, December 2023 [minor subsequent updates approved by the Trust Director of Safeguarding and republished]

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# 1. Overview of the Policy Management Process

## 1.1. Document history

| Date      | Revision   | Version number<br>(substantive revisions are allocated a new whole number; minor revisions are designated by the addition of a consecutive decimal point) |
|-----------|--|---|
| Sept 2022 | <p>Released as a Newham Community Learning Policy; supports the Trust's Safeguarding Policy</p> <p>Reviewed by safeguarding leads across both primary and secondary schools</p> <p>Reviewed against the September 2022 version of KCSiE and updated accordingly</p>  | v.1.0   |
| Nov 2022  | <p>Added Self-declaration Form (criminal records) and linked to Staff Page</p> <p>Added 2 x appendices re (a) online search documentation and (b) reference completion documentation</p>   | v.1.1   |
| Jan 2023  | <p>Update to section 2.12 to clarify arrangements regarding information held on the Trust level SCR</p>  | v.1.2   |
| Sep 2023  | <p>Reviewed against the September 2023 version of KCSiE and updated accordingly</p> <p>Update to section 2.20.1 reference made to <a href="#">Better Hiring Institute's Education Supply Chains A better Hiring Toolkit' advice.</a></p> <p>Added 2x appendices re (a) missing references - risk assessment<br/>(b) disclosure of criminal convictions - risk assessment</p> | v.1.3   |
| Dec 2023  | <p>Updated in line with the further development of consistent safer recruitment practices across the Trust:</p>  | v2.0  |

| Date | Revision   | Version number<br>(substantive revisions are allocated a new whole number; minor revisions are designated by the addition of a consecutive decimal point) |
|------|--|---|
|      | <ul style="list-style-type: none"> <li>- Appendix 4 now updated to reference the suite of Trust wide supporting documentation, which includes a Safer Recruitment and Onboarding Checklist, various record forms and risk assessments as listed in the Appendix 4 - all designed to support the processes detailed in this policy</li> <li>- All added to the Trust Google Docs Template Gallery for ease of use</li> <li>- Whole policy reviewed to ensure that it reflects the arrangements agreed at the Safer Recruitment, HR and Staff Wellbeing Working Group in November 2023</li> </ul> <p>NOTE - policy reviewed and updated to reflect all changes to the new listing of 4 appendices.</p> <p>Section 2.9 - includes a section referencing the checks that are listed on the Safer Recruitment Checklist and how this can be used at our schools.</p> <p>Section 2.9.1 - paragraph added re the Trust’s approach to Enhanced DBS checks</p> <p>Section 2.9.2 - reference to the Better Hiring Toolkit for Education in terms of triangulation of data sources.</p> <p>Section 2.15 - confirmation of list of documentation that is retained on file; also noted that the DBS certificate will NOT be retained on file, as per KCSiE.</p> <p>Appendix 6 - added: outlines Trust’s rolling management of DBS renewal and criminal record declarations</p> <p><i>To follow:</i> Appendix 5: clarification re the carrying out of <b>s128 Direction checks</b> as per KCSiE and legal guidance received in November 2023</p> <ul style="list-style-type: none"> <li>- implementation required by Protocol - feedback not clear</li> <li>- additional guidance sought from DBS service - November 2023</li> </ul> |   |

| Date     | Revision  | Version number<br>(substantive revisions are allocated a new whole number; minor revisions are designated by the addition of a consecutive decimal point) |
|----------|---|---|
| May 2024 | Update of section 2.21, Appendix 4<br>- Confirmation of revision of various safer recruitment forms | v2.1  |

## 1.2. Review and approval

The Safer Recruitment Policy applies to the whole Trust. It is reviewed by the Executive Team (and/or their delegates) and is then presented to the Trust Board for approval (via a relevant board committee if appropriate).

It is reviewed in line with the Trust Policy Review Schedule.

## 2. Newham Community Learning - Safer Recruitment Policy

### 2.1. Introduction and purpose

The trustees of the Newham Community Learning are committed to safeguarding and promoting the welfare of children and young people, and require all staff and volunteers to demonstrate this commitment in every aspect of their work.

Across all our schools, all members of our school community work every day to maintain an ethos where pupils feel secure, are encouraged to talk, are listened to and are safe. Students at our schools will be able to talk freely to any member of staff at school if they are worried or concerned about something.

Everyone who comes into contact with students and their families has a role to play in safeguarding children. We recognise that staff at our schools play a particularly important role as they are in a position to identify concerns early and provide help for children to prevent concerns from escalating. **All staff are advised to maintain an attitude of 'it could happen here' where safeguarding is concerned.** When concerned about the welfare of a child, staff members must always act in the **best interests** of the child.

Our approach to safeguarding children is detailed in our *Safeguarding Policy*, which is published on the Trust and our school websites, as well as being available to all staff in Google Drive. This policy has recently been updated to reflect the most up to date guidance from the Department for Education. At all times we will work in partnership and endeavour to establish effective working relationships with parents, carers and colleagues from other agencies in line with Working Together to Safeguard Children (2018) and [Newham Safeguarding Children Partnership procedures](#).

The safer recruitment of staff at Newham Community Learning is the first step to safeguarding and promoting the welfare of the children in education. We recognise that this can only be achieved through sound procedures, good inter-agency cooperation, and the recruitment and retention of competent, motivated employees who are suited to, and fulfilled in, the roles they undertake. Sound recruitment procedures help deter, reject or identify people who might in any way not be suitable to work with children.

Recruitment and selection of staff who share our commitment to keeping children safe in education is a key part of our approach to safeguarding. The appointment of all employees will be made on merit and in accordance with the provisions of Employment Law, Keeping Children Safe in Education and the Trust's Equal Opportunity and Diversity policy.



We will ensure that people are treated solely on the basis of their abilities and potential, regardless of race, colour, nationality, ethnic origin, religious or political belief or affiliation, trade union membership, age, gender, gender reassignment, marital status, sexual orientation, disability, socio-economic background, or any other inappropriate distinction.

We will comply with the requirements of Keeping Children Safe in Education with regard to DBS and other pre-employment checks (full details of which are provided in this policy).

We will ensure compliance with the Data Protection regulations and the more stringent requirements specified by the UK General Data Protection Regulations (GDPR), and in the Data Protection Act 2018. The UK GDPR encompasses the core principles of the DPA and provides more onerous responsibility and accountability for fair and transparent collection, storage and retention of personal data. Our compliance with the principles of the UK GDPR is detailed in our *Data Protection Policy*, which is published both on Google Drive and on our website. In all elements of our Safer Recruitment Policy and processes, we ensure that we comply with the UK GDPR's five data protection principles applicable to our status as a public body as we carry out the necessary data collection, processing, storage and retention. These are provided in Appendix 1 to this document.

## 2.2. Aims

The purpose of this policy is to set out the minimum requirements of a recruitment process that aims to:

- attract the best possible applicants to vacancies and that applicants are recruited on the basis of their merits, abilities and suitability for the position;
- ensure that our processes and procedures are robust and clearly understood by all involved in recruitment and selection decisions across our Trust;
- 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 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 that the Trust meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks which are held on the Trust and individual School Single Central Records;
- deter prospective applicants who are unsuitable for work with children or young people;
- identify and reject applicants who are unsuitable for work with children and young people; and
- provide comprehensive details of our safer recruitment, selection and appointment checks, both for appointment of staff, and for all other categories of workers at our Schools - i.e. agency staff, contractors, self-employed workers, trainee/student

teachers, volunteers, governors, trustees, adults who supervise pupils on work experience and pupils staying with host families. Note that details of our recruitment and selection policy and processes regarding all these categories of workers is provided in Appendix 3 to this document.

## 2.3. Roles and responsibilities

**It is the responsibility of Newham Community Learning trustees to:**

- Ensure the Trust has effective policies and procedures in place for the safe recruitment of all staff and volunteers in accordance with DfE guidance and legal requirements, through its review and approval of this policy; and
- Monitor compliance with the policy and its effectiveness in ensuring that Newham Community Learning maintains the highest standards of safety and welfare for all students attending our schools.

**It is the responsibility of the the CEO, our Headteachers and and all members of the school and Trust leadership teams and the staff bodies involved in recruitment to:**

- Ensure that our Trust and our Schools operate safe recruitment and selection procedures, and makes sure all appropriate pre-employment checks are carried out on all staff and other categories of workers, as described in detail in both the body of this policy and in Appendix 3;
- Promote welfare of young people at every stage of the recruitment procedure;
- To manage the recruitment and selection process in line with each School's detailed operational safeguarding arrangements, as specified in the Trust's *Safeguarding Policy*, which is available in Google Drive and on the Trust and school websites;
- to attract and recruit suitably skilled and motivated staff to help raise standards and reduce the risk to young people;
- to ensure that those that are responsible for each stage of the recruitment process demonstrate a professional approach by dealing honestly, efficiently and fairly with all applicants; and
- 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.

It is the responsibility of all potential and existing staff and workers (as described in Appendix 3), to comply with all the provisions contained in this document.

It is the responsibility of the Trust Director of HR, HR Leads and Business Managers at our Schools to manage the School Single Central Record of Recruitment and Vetting Checks; the

Trust SCR is overseen by the CEO's PA, with support from suitably qualified colleagues as required.

## 2.4. Identification of recruiters

Newham Community Learning will maintain a position in which at least one recruiter attending any Trust or School interview panel has successfully received accredited training in safer recruitment procedures.

## 2.5. Advertising for posts

Newham Community Learning will ensure equality of opportunity in that we will advertise all vacant posts to encourage as wide a field of candidates as possible. This will usually entail an external advertisement. However, where there is a reasonable expectation that there are sufficient qualified internal candidates, or where staff are at risk of redundancy, an internal advertisement may be considered appropriate.

All advertisements will include the following statement:

*Newham Community Learning is committed to safeguarding and promoting the welfare of children and young people, and expects all staff and volunteers to share this commitment. The post is subject to an enhanced Disclosure Application to the Disclosure and Barring Service and check against the ISA Barred List for children.*

Job descriptions are provided with all advertised vacancies.

Adverts for vacancies will demonstrate the Trust'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 Trust and School where the vacancy has arisen
- post title
- grade or scale
- salary (actual salary for part time)
- permanent or fixed term (stating duration if fixed term).
- brief details about what the job entails and the type of skills and experience required, including responsibility for safeguarding children
- confirmation that an Enhanced DBS Disclosure will be required

- contact details
- closing date

Prospective applicants will be supplied with, as a minimum, the following:

- job description and person specification;
- the selection procedure for the post (eg. interview);
- an application form; and
- notification that both this policy and the Trust's Safeguarding Policy are available on the website.

All prospective applicants must complete, in full, an application form. This is provided via an online form which forms part of the application process. As part of this process, monitoring information is also collected online. A CV is only acceptable in addition to (NOT instead of) an application form.

As part of our selection process, we download all the application forms received. In line with best practice in this area, monitoring information is not downloaded or held on file. However, aggregate reporting is possible via the online system as and when required.

### 2.5.1. Records retention

The Trust has a comprehensive Records Retention Policy. All applications and associated personal data are retained for the stated period of 6 months and are then destroyed. Systems are in place to manage this process across all the Trust's schools.

## 2.6. Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975

Due to the nature of the work, the Trust applies for criminal record certificates from the Disclosure and Barring Service ("DBS") in respect of all prospective staff members and volunteers.

The type of check that may be requested from the DBS will depend on the nature of the position. If the individual is applying for a position that may provide them with an opportunity to engage in *regulated activity* with young people, then an Enhanced Check *with Barred List (Children)* will be required. This check will contain details of all convictions, adult 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 and amended in 2020) held on the Police National Computer. Appendix 2 provides further details.

The Enhanced Check with Barred List will also reveal whether the individual is barred from working with children by virtue of their inclusion on the lists of those considered unsuitable to work with children or young people.

An Enhanced Check may also contain non-conviction information from local police records and/or protected information (as defined above) which the police consider may be relevant to the work the individual will be undertaking.

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). The Trust's procedures include querying whether applicants have lived or worked overseas in the past 5 years; if they have, further checks and/or a risk assessment as deemed necessary may be required based on the information provided.

The Trust's policy requires shortlisted applicants for all posts (including volunteers) to declare all criminal convictions whether "spent" or "unspent" (except those which are "protected" as defined in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 and amended in 2020, and *includes any cautions and pending prosecution*).

The Trust's internal application forms<sup>1</sup> include the following statement (italicised) regarding this legislation:

***[To note] - Disclosure of criminal convictions: please note that preferred candidates will be asked to complete a Self-Disclosure Form to disclose whether they have:***

- *any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974; or*
- *any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended (the "Exceptions Order")*

*The amendments to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, as amended (the "Exceptions Order") mean that when applying for certain jobs and activities, certain convictions and cautions are considered 'protected'. This means that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account. Details are provided in the Trust's Safer Recruitment Policy, which is published on the [Policies Page](#) of our website. Any information disclosed will be treated in the strictest confidence.*

*Where appropriate for the role, a disclosure/status check will be sought from the Disclosure and Barring Service (DBS) in the event of a successful application. A person's criminal record will not in itself be a bar to obtaining employment, save in the case of management positions where a S128 Direction issued by the Secretary of State will prohibit employment.*

The disclosure of convictions, cautions or pending cases will not necessarily prevent employment, but will be considered in the same way as positive DBS disclosures. Our application form process

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<sup>1</sup> The Trust also uses a number of external providers, all of whom have standard, online application forms in place, which are compliant with KCSiE (most recent edition).

states that all shortlisted/preferred candidates are required to notify the Trust of any unspent convictions.

The Trust ensures that the most up to date government guidance - [available here](#) is always adhered to. For the purposes of ALL roles at Newham Community Learning and its schools, the appropriate in the summary table below (available on page 11 of the guidance linked to) is the highlighted row:

| Where the job or activity is. ...                              | I can be asked and must disclose.       |   |   |
|--|---|---|---|
|  | <i>Unspent cautions and convictions</i> | <i>Unprotected spent cautions and convictions</i> | <i>Protected spent cautions and convictions</i> |
| Not listed in the Exceptions Order                             | Yes                                     | No  | No  |
| Listed in the Exceptions Order but not one of utmost integrity | Yes                                     | Yes   | No  |
| Listed in the Exceptions Order and of utmost integrity         | Yes                                     | Yes   | Yes   |

As stated in our application forms, Newham Community Learning is committed to ensuring people who have been convicted are treated fairly and given every opportunity to establish their suitability for positions. Having a criminal record will not necessarily be a bar to obtaining a position.

Should DBS clearance be delayed and employment commence before it is received, the Trust may agree to the individual commencing work but before doing so shall obtain a *barred list check (Children)* (where required), 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 staff who has received DBS clearance. Such new members of staff will not be added to the Trust's or school's SCR Tracker system until all the checks have been completed.

A failure to disclose a previous conviction or adult caution 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.

Under the relevant legislation, it is unlawful for Newham Community Learning to employ anyone who is included on the lists, maintained by the DfE and the Department of Health, of individuals who are considered unsuitable to work with children. In addition, it will also be unlawful for Newham Community Learning to employ anyone who is the subject of a disqualifying order made on being convicted or charged with the following offences against children: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence.

It is a criminal offence for any person who is disqualified from working with children to attempt to apply for a position within Newham Community Learning. If:

- Newham Community Learning receives an application from a disqualified person;
- is provided with false information in, or in support of an applicant's application; or
- Newham Community Learning has serious concerns about an applicant's suitability to work with children,

it will report the matter to the Police, DBS and/or the DfE.

### 2.6.1. Assessment criteria

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 and barring check, Newham Community Learning 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.

If the post involves regular contact with children, it is Trust's normal policy to consider it high risk to employ anyone who has been convicted at any time of any the following offences:

- against adults: murder, manslaughter, rape, other serious sexual offences, grievous bodily harm or other serious acts of violence;
- against children or adults: serious class A drug-related offences, robbery, burglary, theft, deception or fraud.

If the post involves access to money or budget responsibility, it is the Trust's normal policy to consider it a high risk to employ anyone who has been convicted at any time of robbery, burglary, theft, deception or fraud.

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

### 2.6.2. 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 Trust will carry out an NCL Disclosure of criminal convictions risk assessment (see Appendix 4) by reference to the criteria set out above. The assessment form must be signed by the Headteacher of the relevant Trust school before a position is offered, and retained on file.

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, Newham Community Learning will, where practicable, defer a final decision about the appointment until the applicant has had a reasonable opportunity to challenge the disclosure information.

### 2.6.3. Retention and Security of Disclosure Information

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

In particular, Newham Community Learning will:

- not retain Disclosure information or any associated correspondence for longer than is necessary. As per guidance in Keeping Children Safe in Education, the Trust does NOT retain copies of DBS certificates on file. In most cases, the will not retain such information for longer than 12 months although the Trust will keep a record of the date of a Disclosure, the name of the subject, the type of Disclosure, the certificate issue date, the position in question, the unique number issued by the DBS and the recruitment decision taken. The Trust's Records Retention Policy describes all records that it retains, as well as when they are destroyed;
- Ensure that all identity verification documents and any other associated correspondence is scanned and filed on the Trust's/relevant schools' systems.

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

## 2.7. Short listing and reference checks

Short-listing of candidates will be against the person specification for the post. A complete log of all activity undertaken, from short-listing to appointment and induction, will be noted as part of the recruitment process and will be retained on file.

As per guidance in Keeping Children Safe in Education (September 2023 version), the Trust carries out a basic online search for all candidates who are shortlisted for interview. Where this is not possible for any reason, the search will always be carried out pre any offers being made. Appendix 4 makes reference to the form used.



Wherever possible, references will be taken up *before* the selection stage, so that any discrepancies can be probed during the selection stage. The only exception to this is where candidates have indicated on the application form that they do not wish their current employer to be contacted. In such cases, references will be taken up immediately after the interview and prior to any offer of employment. Trust references are taken up using an NCL Reference Request Form for organisational consistency.

References will be sought directly from the referee. References or testimonials provided by the candidate will never be accepted. References must be in writing and be specific to the job for which the candidate has applied. The Trust will not accept references from relatives or people writing solely in the capacity as a friend; in all cases, only references from a trusted authoritative source (including, for example, from a school or college) will be acceptable.

Where necessary, referees will be contacted by telephone or email in order to clarify any anomalies or discrepancies. This requirement is detailed in our Safer Recruitment Checklist - see Appendix 4 for additional information.

Where necessary, previous employers which *have not* been named as referees will be contacted in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.

Referees will always be asked specific questions about the candidate's suitability to work with children as follows:

- the referee's relationship to the candidate;
- the candidate's suitability for working with children and young people;
- details only of any *substantiated* (for further information see our *Managing Allegations against Staff Policy*) allegations or concerns that have been raised in connection with the candidate that relate to the safety and welfare of children, together with the outcome of any associated investigatory process;
- any disciplinary warnings, including time-expired warnings, that relate to the safeguarding of children; and
- the candidate's suitability for this post.

Referees will additionally be asked to confirm the following in respect to the candidate:

- the applicant's current post, salary and attendance record;
- the applicant's performance history;
- details of any disciplinary procedures in which the sanction is current; and
- any disciplinary procedures involving issues related to the safety and welfare of children, including any for which the sanction has expired.

School employees are entitled to see and receive, if requested, copies of their employment references. All information will remain confidential and will be filed on the appropriate Trust/School filing system.

## 2.8. The selection process

Selection techniques will be determined by the nature and duties of the vacant post, but all vacancies will require an interview of short-listed candidates. The interview will assess the merits of each candidate against the job requirements and will explore their suitability to work with young people.

Interviews will always be face-to-face unless exceptional circumstances apply. The interview panel will consist of a minimum of **two** interviewers, one of whom will be the safeguarding representative who will have completed their safer recruitment training in the last three years.

Telephone interviews may be used at the short-listing stage, but will not be a substitute for a face-to-face interview. In exceptional circumstances, interviews via video conferencing may take place. Such interviews will not be recorded or stored other than under exceptional circumstances. The interviewee should be informed of this in the invitation to interview.

Candidates should be sent a request for ID (including photo ID) prior to the video interview to ensure that the person who is applying is the person who is interviewed.

*At interview, candidates will always be required:*

- to explain satisfactorily any gaps in employment;
- to explain satisfactorily any anomalies or discrepancies in the information available to recruiters;
- to declare any information that is likely to appear on an enhanced DBS check;
- to demonstrate their capacity to safeguard and protect the welfare of children and young people in line with the requirements of the DfE Guidance Keeping Children Safe in Education 202;
- to bring their identification documentation such as passport, birth certificate, driving licence etc. with them as proof of identity *and* eligibility to work in UK in accordance with those set out in the Immigration, Asylum and Nationality Act 2006 and DBS Code of Practice Regulations (electronic copies will be taken, and will be retained as per our Records Retention Policy and in line with guidance in KCSiE);
- to provide documented proof of their qualifications and professional status; (should originals not be available, a certified copy will suffice. If the qualification was obtained outside the UK, an overseas degree equivalence check will also be required, which the applicant will need to undertake at their own cost).

## 2.9. Pre-employment checks

In addition to the documentation provided at interview, any offer of employment with Newham Community Learning will be conditional on the satisfactory completion of the following (confirmation of sight of agreed documentation is retained on the Trust/Schools' SCR [Single Central Record] Evidence Tracker or appropriate similar tool/electronic or paper filing system):

- the receipt of at least two satisfactory references (information provided in Appendix 4 signposts a risk assessment where this is not possible);
- satisfactory Enhanced DBS Disclosure and where the appointee has lived outside the United Kingdom, a certificate of good conduct (or equivalent) if applicable;
- confirmation of the candidate's mental and physical fitness to carry out their work responsibilities (through a pre-employment health check);
- verification of qualifications by the individual by providing original certificates;
- verification of professional status where required;
- verification that the candidate has not been prohibited from teaching or carrying out teaching work by the Teaching Regulation Agency where relevant;
- verification that the candidate has not been prohibited from carrying out management work where relevant (Section 128 Direction Check; guidance is available in Appendix 5);
- letter of professional standing from the overseas professional regulating authority where relevant;
- verification of the candidate's identity;
- verification of the candidate's right to work in the UK; and
- declaration that the candidate has not lived or worked outside the UK in the last 5 years (this period determined by the Trust) in which case additional checks may need to be undertaken/a risk assessment completed, using the Trust's template paperwork. The decision to pursue additional checks/complete a risk assessment is a matter of professional judgement by the recruitment team.

Each Trust school retains their SCR of the range of pre-employment recruitment and vetting checks required for all roles. At the Trust level, the CEO's PA oversees the Trust's SCR. All SCR records include volunteers as well as members of staff and other paid personnel working in various ways as outlined in Appendix 3.

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 young people;
- an applicant has provided false information in, or in support of, their application; or
- there are serious concerns about an applicant's suitability to work with young people from other legitimate information sources (e.g. references).

The Trust has developed a Safer Recruitment Checklist which is available, along with all other supporting documentation listed in Appendix 4, in the Google Docs template gallery. All checks listed on the form must be completed; our schools either use this format to record the checks, or use their own local arrangements.

### 2.9.1. Disclosure and Barring Service checks

As stated above, all advertisements state that successful candidates will be subject to an enhanced Disclosure and Barring Services check.

In all cases, the Trust will apply for the certificate, which will include a Children's Barred List Check, where the member of staff will be undertaking regulated activity.

The only exception to this rule is where:

- The candidate has a certificate from Teach First; OR
- The candidate has a certificate from a PGCE provider

Appendix 6 provides details of how the Trust continues to manage DBS checks to ensure the highest standards of safeguarding and child protection at all our schools.

### 2.9.2. Criminal Records Self-declaration (includes Childcare Act 2006 Declaration) form

At Newham Community Learning, our safeguarding practices include a robust safer recruitment policy and associated processes, which this form is part of. The form, hosted on the [Staff page](#) (password protected) of the Trust website, asks candidates to self-declare in a number of key categories, the purpose of which are all explained. The results are stored securely on Google Drive in a designated account.

As part of the declarations on the form, we ask that candidates state whether their role will be at one of our primary settings. If so, it will then ask for an *additional self-declaration*, under the Childcare Act 2006, since anyone working in our primary provision could be requested to be deployed *anywhere* within our pre-school/nursery/primary provision.

We ask all staff employed across our primary provision to complete this declaration, since it applies to:

- *relevant staff* who work in a childcare capacity, whether paid, volunteer or are on work placements;

Where:

- *relevant staff* are those working in childcare, or in a management role because they are: working with reception age children at any time; or working with children older than reception until age eight, outside school hours.

As per the [Better Hiring Toolkit for Education](#), we also collect this information as part of the DBS application. This additional collection via the Trust form allows for triangulation of data sources to help identify any anomalies which can then be further examined.

Appendix 6 provides details of how the Trust continues to manage disclosure of any additional unprotected criminal records information and disqualification under the Childcare Act information.

### **2.9.3. Fitness to undertake the role - health questionnaire**

A confidential pre-employment health questionnaire must be completed to verify the candidate's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role.

### **2.9.4. Individuals who have lived or worked outside the UK**

As part of our safer recruitment procedures, we ask that at the time of offer, successful candidates complete a form which advises us as to whether they have lived or worked outside the UK within the last 5 years.

The information collected is reviewed by Trust staff. The outcome of this review will denote the follow-up actions to be taken and recorded; this may include further checks and/or a risk assessment as deemed necessary based on the information provided.

### **2.9.5. Prohibition from teaching check - Secretary of State Prohibition Orders (teaching roles)**

In all cases where an applicant is to undertake a teaching role of any kind a Prohibition Order check will be made using the Employer Access Online Service. This will be made post interview, before any offer of employment is made.

Prohibition orders prevent a person from carrying out teaching work in schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England. A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting.

Prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the National College for Teaching and Leadership (NCTL) and can be accessed here via the [DfE's Secure Access Portal](#). Pending such consideration, the

Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so.

The following details are extracted from the gov.uk page which describes the various [teacher status checks](#): 'If you don't know their Teacher Reference Number, you'll be able to access alphabetical lists of those teachers and others with current prohibitions, restrictions, sanctions, or who have failed induction/probation. If you identify any sanction, prohibition or restriction, you'll need to consider how this might affect your decision to employ or engage them. Further information about the effect of the various sanctions, prohibitions, restrictions or failure to successfully complete induction or probation is set out in the Teacher Services restrictions' lists and in keeping children safe in education statutory guidance.'

This check is done by Newham Community Learning, and is in addition to the enhanced DBS check.

### 2.9.6. Barred list check

The barred list is held by the DBS. There are 2 lists: the first is a list of individuals who are barred from working with children (which has replaced List 99, the POCA list and the list of individuals with disqualification orders); and the second is a list of individuals who are barred from working with vulnerable adults. Everyone involved with recruitment and selection at Newham Community Learning understands that it is a criminal offence for a barred individual to work with a group from which they are barred, and an offence for an employer to hire a barred individual to work with such a group in a regulated activity.

To be eligible for an enhanced DBS with a barred list check (see Appendix 2 for further information regarding the types of DBS checks available) - a role must be included in the ROA Exceptions Order and be specifically included in the Police Act 1997 (Criminal Records) regulations as able to check the appropriate barred list(s). This is the case for most roles at school - but every role is considered on an individual basis, as per the detailed guidance in Keeping Children Safe in Education.

## 2.10. Offer of appointment

The appointment of all new employees is subject to the receipt of a satisfactory enhanced DBS Certificate, overseas checks (where applicable), references, medical checks, prohibition checks, copies of qualifications, proof of identity and proof of the right to work in the UK - all of which are detailed above.

In some cases, it may be possible to negotiate a provisional start date with the preferred candidate; however, with the exception of DBS disclosures, the checks detailed above must all be completed *before* a person's appointment is confirmed. In the case of DBS disclosures, the

certificate must be obtained before or as soon as practicable after appointment, and a risk assessment around the particular duties of the role must be carried out.

Offers of employment are conditional, and are made subject to the receipt of satisfactory outcomes further to the checks detailed in this policy (including satisfactory reference checks). Offer letters and the Trust's Written Statement of Employment Particulars (which together make up the individual's contract of employment with the Newham Community Learning) will be issued electronically, signed electronically, and filed on the new starter's file - in either digital or paper format, as per local arrangements in place. The contract will be issued as soon as possible but in all circumstances within 8 weeks of employment commencing, as required by the Employment Rights Act 1996.

For governor and trustee appointments, letters of appointment are issued electronically and signed copies are retained on the Trust's digital files. All are conditional on the receipt of satisfactory outcomes to the checks detailed in this policy.

### **2.10.1. Movement from a post that does not include regulated activity to one that does**

As per KCSiE, when any employee of the Trust moves from a position that does NOT include regulated activity to one that does, checks commensurate with the nature of the new post are undertaken.

## **2.11. Probationary period**

At Newham Community Learning, we ensure that all staff who join us, in whatever capacity that might be, are supported and made to feel welcome from the moment they start work with us.

Every member of staff receives a job description, which contains a Safeguarding statement. This ensures that they are aware of their role and responsibilities, and that they are committed to safeguarding the young people in their care.

We support and encourage all staff to further their own professional development whilst working with us. All staff are also subject to ongoing assessment, as per the Newham protocols.

Support staff are also subject to the provisions of the Newham Probation Arrangements for Support Staff in Schools (2016), which are adopted by the Trust, and a copy of which is published on the Trust's website for all staff to review. The document specifies that all support staff are subject to a 5 month probationary period, after which their employment with Newham

Community Learning may or may not be confirmed. This is preceded by an interim review after 2 months. This process is managed by a member of the Senior Leadership Team.

## 2.12. Single Central Record (of recruitment and vetting checks)

Both the Trust and all Schools keep a single central record (SCR) of all recruitment and vetting checks, referred to in the regulations as the Register (or Single Central Record - often abbreviated to SCR). The single central record must cover all staff (including supply staff and all other categories of workers as detailed in Appendix 3) who work at the school. The record is available to designated staff, and is held on a designated spreadsheet (all Trust secondary schools use the same format from The Key; the Trust's primary schools use a cloud-hosted platform designed for this purpose).

The record details a range of checks as set out by the DfE, via Keeping Children Safe in Education (KCSiE - updated annually). The responsibility for the maintenance of this SCR at each of the Trust's schools is with the relevant Headteacher, but this function can be delegated.

The Trust's COO is responsible for oversight of the Trust level SCR. This contains:

- Records of the relevant checks for all company members;
- Records of the relevant checks for all trustees;
- Records of the relevant checks for all Central Team permanent staff, agency staff and consultants; and,
- On a separate tab, a COPY of the school-held records of Trust staff who regularly require access to a school other than the one at which they are based.

ALL other staff, engaged in any capacity will be listed on the SCR of the relevant school.

The single central record will indicate whether or not the following have been completed:

- Identity checks
- Barred List checks (where applicable)
- An enhanced DBS check/certificate
- A Prohibition from teaching check
- Further checks on people living or working outside the UK
- A check of professional qualifications
- A check to establish the person's right to work in the UK
- A Section 128 Direction Check (for management and leadership roles)

Note that SCR is simply a log of whether or not these checks have been undertaken - i.e. only the date and the outcome. The DBS certificate is retained by the person who underwent the check.



## 2.13. Record retention and data protection - the recruitment and selection process

Our Trust Records Retention Policy details all the types of records that we retain and the length of time we retain them for.

Newham Community Learning will retain all interview notes on all applicants for a 6 month period, after which time the notes will be confidentially destroyed (i.e: shredded by an external third party). This retention period will allow us to deal with any data access requests or recruitment complaints or in any legal proceedings.

Under the UK GDPR and Data Protection Act 2018, applicants have a right to request access to notes written about them during the recruitment process (i.e. a subject access request may be made). Applicants who wish to access their interview notes must make a subject access request in writing to the Headteacher within 12 months of the interview date.

## 2.14. Record retention and data protection - the appointment decision

Newham Community Learning will retain the following information, which will make up part of the personal file, for all successful candidates; the listing below follows the statutory guidance in Keeping Children Safe in Education:

- Application form
- References
- Disclosure of convictions form
- Proof of identification
- Proof of academic qualifications
- Proof of registration with General Teaching Council (for teaching staff)
- Certificate of Good Conduct (where applicable)
- Evidence of medical clearance from Occupational Health
- Evidence of the DBS clearance (i.e. the notification form or the DBS certificate reference number, NOT the actual DBS form or certificate which is not retained, as per guidance in KCSiE)

At Newham Community Learning, we use the services of a third party provider - [Newham Partnership Working](#) (NPW) - to support our recruitment, selection and appointment processes. In order to fulfil this role, under the terms of the SLA, NPW acts as a Data Processor. Our Data Protection Officer (DPO) ensures that data processed by NPW on behalf of the Newham Community Learning is collected, processed, retained and destroyed in accordance with the

provisions of the UK GDPR. This assurance is provided by ensuring that we hold a copy of the supplier's Data Processor Agreement (as is the case for all Data Processors engaged by the Trust) on file.

As per the Trust's Records Retention Policy, all appointment information is stored securely on staff digital or paper files, as applicable to the school setting. Digital and paper files are stored, managed and destroyed as per the Trust's Records Retention Policy.

## 2.15. Onboarding and induction process

Across Newham Community Learning, we recognise that safer recruitment and selection is not just about the start of employment/work, but is part of a larger policy framework around keeping children safe in education. All staff and other adults working in various ways across our Trust are thus given a detailed onboarding and induction (as appropriate to the nature of the role they are undertaking), and ongoing training and support.

Onboarding and induction arrangements for all new Trust staff are detailed via the Trust's Onboarding Platform and online Induction Programme (in place at the Trust's primary schools) which are published on the Trust's internal systems, and regularly updated. Completion of a number of elements of training and reading is interspersed with working with colleagues. Local onboarding and induction arrangements are in place at the Trust's secondary schools.

All staff who are new to the school will receive onboarding and induction training that will include both the Trust's Safeguarding Policy as well as local School-specific policies.

Regular meetings will be held during the first 6 months of employment between the new employee(s) and the appropriate manager(s), as per Newham Community Learning's induction and on-boarding arrangements. In the case of the appointment of Support Staff, the probationary arrangements as outlined in the Trust's Policy are followed. In the case of ECTs (early career teachers), each teacher has a mentor with whom they meet regularly to ensure that the necessary support and guidance is provided (all Trust schools have an agreed Early Career Framework Induction Policy in place). In the case of all other new appointments of teaching staff, monitoring and observations are an integral process of ensuring that new members of staff are supported and developed: at Newham Community Learning, we have an open, supportive ethos, where feedback is regularly given and received to ensure continual improvement in our teaching and learning practices across our Trust.

## 2.16. Duty to notify the DBS and/or the TRA

The Trust has a published Managing Allegations Against Adults Policy in place, which is published on the [Staff Page](#) (password is provided to all staff) of the website.

As per KCSiE, the Trust ensures that, where applicable, referrals are made to (a) the DBS (Disclosure and Barring Service) and/or (b) the TRA (Teaching Regulation Agency).

## 2.17. Alternative provision - checks undertaken

The Trust has a Suspension and Exclusion Policy in place (published on the [Policies page](#) of the website) which ensures that exclusions are managed in clear and consistent manner across all schools which are part of the Trust.

The Trust understands its duty to safeguard any children on roll in any of its schools, and thus ensures that it has the necessary assurances in place from any AP providers that suitable checks on staff have been undertaken.

## 2.18. Appendix 1 - GDPR - Data Processing Principles

At Newham Community Learning, we ensure that all personal data is processed according to the GDPR's six data protection principles which are as follows:

**Lawfulness, fairness and transparency** – data must be processed lawfully, fairly and in a transparent manner.

**Purpose limitation** – data must be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

**Data minimization** – data must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

**Accuracy** – data must be accurate and, where necessary, kept up to date.

**Storage limitation** – data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which personal data are processed.

**Integrity and confidentiality** – data must be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage by using appropriate technical or organisational measures.

It is compliance with these principles that underpins the design of all our data collection, processing and retention, as detailed in our various policies and procedures. As per our School Information Guide, copies of all this documentation are available on our Trust website/on request from our school offices.

## 2.19. Appendix 2 - Regulated Activity and DBS checks

This extract is taken from the DfE Guidance - Keeping Children Safe in Education.

Within this document, the following paragraphs explain what is meant by 'regulated activity':

For *most appointments*, an **enhanced DBS certificate**, which *includes* barred list information, will be required as the majority of staff will be engaging in regulated activity.

In summary, a person will be considered to be engaging in regulated activity if, as a result of their work, they:

- will be responsible, on a regular basis in a school or college, for teaching, training, instructing, caring for or supervising children; or
- will carry out paid, or unsupervised unpaid, work regularly in a school or college where that work provides an opportunity for contact with children; or
- engage in intimate or personal care or overnight activity, even if this happens only once.

For all other staff who have an *opportunity for regular contact with children who are not engaging in regulated activity*, an enhanced DBS certificate, which *does not include* a barred list check, will be appropriate. This would include contractors who would have the opportunity for contact with children and who work under a temporary or occasional contract.

In a school or college, a supervised volunteer who regularly teaches or looks after children *is not in regulated activity*. The department has published separate statutory guidance on supervision and regulated activity which schools and colleges should have regard to when considering which checks should be undertaken on volunteers. This is set out at Annex F.

In addition to obtaining the DBS certificate described, anyone who is appointed to carry out teaching work will require an additional check to ensure they are not prohibited from teaching.

Note that there are [3 types of DBS checks](#) which we may wish to carry out:

- a *standard check* shows spent and unspent convictions, cautions, reprimands and final warnings
- an *enhanced check* shows the same as a standard check plus any information held by local police that's considered relevant to the role
- an *enhanced check with barred lists* shows the same as an enhanced check plus whether the applicant is on the list of people barred from doing the role

## 2.20. Appendix 3 - Arrangements for the recruitment and selection of non-staff roles at Newham Community Learning

As well as recruiting and selecting staff posts, Newham Community Learning makes use of a large number of workers who do not fall into this category in order to deliver its objectives.

### 2.20.1. Agency and third-party staff

We will obtain written notification from any agency or third-party organisation that it has carried out the necessary safer recruitment checks that we would otherwise perform. We will also check that the person presenting themselves for work is the same person on whom the checks have been made.

Further advice on safer recruitment for schools and colleges using recruitment and supply agencies can be found within the [Better Hiring Institute's Education Supply Chains A better Hiring Toolkit' advice](#).

### 2.20.2. Contractors

We will ensure that any contractor, or any employee of the contractor, who is engaged to work at our Trust or any of our Schools has had the appropriate level of DBS check. This will be:

- An *enhanced DBS check with barred list information* for contractors engaging in regulated activity
- An *enhanced DBS check, not including barred list information*, for all other contractors who are not in regulated activity but whose work provides them with an opportunity for regular contact with children.

We will obtain the DBS check for self-employed contractors. We will not keep copies of such checks for longer than 6 months, after which period they will be shredded confidentially.

Contractors who have not had any checks will not be allowed to work unsupervised or engage in regulated activity under any circumstances.

We will check the identity of all contractors and their staff on arrival at the school. Our Schools have a signing-in process and a system of different coloured lanyards in which the visitors hold their badges, to ensure that they are easily identifiable to all school staff and children.

### 2.20.3. Trainees and student teachers

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

Where trainee teachers are fee-funded, we 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 young people.

#### **2.20.4. Volunteers**

We will:

- Never leave an unchecked volunteer unsupervised or allow them to work in regulated activity
- Obtain an enhanced DBS check *with barred list information* for all volunteers whose roles include working in regulated activity
- Obtain an enhanced DBS check *without barred list information* for all volunteers who are not in regulated activity, but who have an opportunity to come into contact with children on a regular basis, for example, supervised volunteers

#### **2.20.5. Trustees and local governors**

All trustees and local governors will have an enhanced DBS check *without barred list information*, given that the nature of their roles means that they do not undertake 'regulated activity'.

All trustees, proprietors and local governors will ALSO have the following checks:

- Section 128 Direction Check;
- Right to work in the UK confirmation;
- Ascertain whether they have lived or worked outside the UK in the last 5 years (time period selected by Trust); and
- Other checks deemed necessary if they have lived or worked outside the UK

#### **2.20.6. Adults who supervise pupils on work experience**

When organising work experience, we will ensure that policies and procedures are in place to protect young people from harm.

We will also consider whether it is necessary for barred list checks to be carried out on the individuals who supervise a pupil under 16 on work experience. This will depend on the specific circumstances of the work experience, including the nature of the supervision, the frequency of the activity being supervised, and whether the work is regulated activity (see Appendix 2).

#### **2.20.7. Pupils staying with host families**

In any cases where we might make arrangements for pupils to be provided with care and accommodation by a host family to which they are not related (for example, during a foreign exchange visit), we will request enhanced DBS checks with barred list information on those people.

Where we are organising such hosting arrangements overseas and host families cannot be checked in the same way, we will work with our partner schools abroad to ensure that similar assurances are undertaken prior to any visit which might be arranged.








## 2.21. Appendix 4 - Listing of checklists, record forms and risk assessments in use

All the forms listed below are available in the Trust's Google Docs Template Gallery for ease of use.

All safer recruitment checks in the CHECKLIST are carried out by all Trust schools; these are either recorded on the Checklist itself or on similar local forms in use as per local arrangements.

Listing as updated in May 2024. Template gallery contains all the forms listed below in template format, available to all NCL staff.

|   |   |
|---|---|
|    | NCL - Safer Recruitment risk assessment - disclosure of convictions via self-declaration OR via Enhanced DBS - April 2024  |
|    | NCL - Safer recruitment - CHECKLIST - November 2023    |
|    | NCL - Safer Recruitment record form - reference follow up - September 2023   |
|    | NCL - Safer recruitment risk assessment - disclosure of lived or worked overseas - November 2023                           |
|   | NCL - Safer Recruitment risk assessment - missing references - September 2023    |
|  | NCL Safer Recruitment guidance - retention of documentation as per KCSiE - November 2023  |
|  | NCL Safer Recruitment record form - online checks and guidance - March 2024   |

## 2.22. Appendix 5 - Guidance regarding the undertaking of s128 Direction Checks

*<<Further to guidance from solicitors, we are awaiting feedback from Protocol re the additional workforce option that has been recommended to us>> - November 2023*

## 2.23. Appendix 6 - Ongoing management of DBS checks and criminal record declarations

*Certificate review process:* the Trust will manage a rolling programme of review of Enhanced DBS certificates, based on their issue date (where this is held)/view date (where issue date is not held). The Trust will aim to ensure that all schools manage their review process to ensure that no certificates listed on the SCR/other Trust systems as appropriate have an issue date/view date more than 36 months prior to the current date at any time.

*Annual declaration of (a) convictions and (b) under the Childcare Act 2006:* the Trust collects these declarations via a Google Form that staff are required to complete confirming that they have read and understood all aspects of the September Refresher training, including the Staff Code of Conduct, which advises staff of their responsibilities in relation to declarations.

*Note:* in its structuring of the questions on the annual declaration form, the Trust ensures that the most up to date government guidance - [available here](#) is always adhered to. For the purposes of ALL roles at Newham Community Learning and its schools, the appropriate in the summary table below (available on page 11 of the guidance linked to) is the highlighted row:

| Where the job or activity is. ...                              | I can be asked and must disclose.       |   |   |
|--|---|---|---|
|  | <i>Unspent cautions and convictions</i> | <i>Unprotected spent cautions and convictions</i> | <i>Protected spent cautions and convictions</i> |
| Not listed in the Exceptions Order                             | Yes                                     | No  | No  |
| Listed in the Exceptions Order but not one of utmost integrity | Yes                                     | Yes   | No  |
| Listed in the Exceptions Order and of utmost integrity         | Yes                                     | Yes   | Yes   |

