**Safer Recruitment Policy**

**Adopted**: February 2022 **Review Date**: February 2024 **Reviewer**: Su Plant

**Relevant Legislation**

* Education Act 2011
* Equality Act 2010
* Safeguarding and Vulnerable Groups Act 2006
* The Protection of Freedoms Act 2012
* The Rehabilitation of Offenders Act 1974
* Section 142 of the Education Act 2002
* Section 15 of the Teaching and Higher Education Act
* Keeping Children Safe in Education 2021
* Part V of the Police Act 1997 Sections 35 and 36 of the Criminal Justice and Court Services Act 2000
* Education and Skills Act 2006

**Rationale**

Everyone working with children and young people in education settings shares an objective to help keep children safe by contributing to:

* Providing a safe environment for children to learn in education settings
* Identifying children who are suffering or likely to suffer significant harm and taking appropriate action to make sure that they are kept safe and free from harm both at home and in the educational setting.

**Policy Statement**

Successful and thorough recruitment and selection has a fundamental role to play in ensuring the people with the right combination of knowledge, competencies and personal attributes are appointed as Associate Teachers.

Under section 175 of the Education Act 2002, Governing Bodies of maintained schools are required to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children. It is vital that West Midlands Consortium adopts recruitment and selection procedures that help deter, reject or identify people who might abuse children or are otherwise unsuited to work with them in order to safeguard young people.

**Roles and Responsibilities**

It is the responsibility of the Governing Body to:

* Ensure that WMC has effective policies and procedures in place for recruitment of all staff and Associate Teachers in accordance with DfE guidance and legal requirements
* Monitor WMC’s compliance with them

It is the responsibility of the Accounting Officer and Course Leader involved in recruitment to:

* Ensure that WMC operates safer recruitment procedures and makes sure that all appropriate checks are carried out on all Associate Teachers who join
* Promote the welfare of children and young people at every stage of the procedure

**Definition of Regulated Activity and Frequency**

Any position undertaken at, or on behalf of WMC, will amount to ‘regulated activity’ if it is carried out:

* Frequently, meaning once a week or more or
* Satisfies the ‘period condition’ meaning four times or more in a 30-day period and provides the opportunity for contact with children and young people

WMC is not permitted to check the Children’s Barred List unless an individual will be engaging in regulated activity.

WMC is required to carry out an enhanced DBS for all Associate Teachers and staff who will be engaging in regulated activity.

**Safer Recruitment and Selection Procedure**

Advertising:

* All teacher training positions are advertised on DfE Apply
* All documentation relating to applicants will be treated confidentially in accordance with GDPR regulations
* All applications for a trainee teacher position must be made through DfE Apply. CVs will not be accepted
* It is unlawful for WMC to recruit anyone who is barred from working with children
* It is a criminal offence for any person who is barred from working with children to apply for a position at WMC or in a school
* All applicants will be made aware that providing false information is an offence and could result in the application being rejected or withdrawal of an offer and/or summary dismissal if the applicant has been selected. Referral to the police and or the DBS may be made.

References:

* One of the references must be from the applicant’s current or most recent employer
* No questions will be asked about health or medical fitness prior to any offer being made. Any discrepancies or anomalies will be followed up
* WMC does not accept open references, testimonials or references from relatives
* The authenticity of references will be followed up with referees

Interviews:

* Where possible, there will be a face-to-face interview and a minimum of two interviewers will be present. Please note that current circumstance may mean that interviews will be held online
* The interview process will explore the applicant’s ability to carry out the role of a trainee teacher. It will enable the panel to explore any anomalies or gaps that have been identified in order to satisfy themselves that the applicant can meet the safeguarding criteria (in line with Safer Recruitment Training)
* Any information in regard to past disciplinary action or allegations, cautions or convictions will be discussed and considered in the circumstance of the individual case during the interview process if it has been disclosed during the application process
* At least one member of any interviewing panel will have undertaken Safer Recruitment Training, or refresher training, as applicable
* All applicants who are invited to interview will be required to share evidence of their identity, address and qualifications. Original documents will only be accepted and photocopies will be taken
* Unsuccessful applicant documents will be destroyed

Offer

WMC carries out a number of pre-course checks in respect to all prospective Associate Teachers. If it is decided to make an offer following the formal interview, any such offer will be conditional on the following:

* Verification of the applicant’s identity
* WMC being satisfied that the applicant it not, and has never been, the subject of a sanction, restriction or prohibition issued by the TDA or any predecessor or successor body or by a regulator of the teaching profession in any other EEA country which prevents the applicant from training with WMC, or which, in WMC’s opinion, renders the applicant unsuitable to work in a school
* Where the position amounts to ‘regulated activity’, the receipt of an enhanced disclosure from the DBS which WMC considers to be satisfactory and confirmation is received that the applicant it not named on the Children’s Barred List
* Confirmation that the applicant is not subject to a direction under section 142 of the Education Act 2002 which prohibits, disqualifies or restricts them from providing education at a school, taking part in the management of an independent school or working in a position which involves regular contact with children and young people
* Any further checks which are necessary as a result of the applicant having lived or worked outside of the UK
* Verification of professional qualifications which WMC deems a requirement for the post
* Declaration of Health questionnaire to confirm fitness to work in the role

**The Rehabilitation of Offenders Act 1974**

The Rehabilitation of Offenders Act 1974 does not apply to positions which involve working with, or having access to, children and young people. Therefore, any convictions and cautions that would normally be considered ‘spent’ must be declared when applying for any position, training or otherwise.

**Disclosure and Barring Service Check (DBS)**

WMC applies for an enhanced disclosure from the DBS and a check of the Children’s Barred List (known as an Enhanced Check for Regulated Activity) in respect of all positions at WMC which amount to ‘regulated activity’ as defined in the Safeguarding Vulnerable Groups Act 2006. The purpose of carrying out an Enhanced Check is to identify whether an applicant is barred from working with children by inclusion on the Children’s Barred List and to obtain other relevant suitability information. It is WMC’s policy that the DBS disclosure must be obtained before the commencement of the course for any Associate Teacher. Where this is not possible, the school where the Associate Teacher is based will carry out a risk assessment and ensure that they are supervised. Any trainee taking leave for more than three months must be re-checked before they return to training.

**Dealing with Convictions**

WMC operates a formal procedure if a DBS certificate is returned with details of convictions. Consideration will be given to the Rehabilitation of Offenders Act 1974 and also:

* The nature, seriousness and relevance of the offence
* How long ago the offence occurred
* One-off or history of offences
* Changes in circumstances
* Decriminalisation and remorse

A formal meeting will take place to establish the facts with the Chair of WMC and Director of ITT. A decision will be made following this meeting. 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 Director of ITT will evaluate all of the risk factors above before a position is offered or confirmed.

If an applicant wishes to dispute any information contained in a disclosure, they may do so by contacting the DBS. In cases where the applicant would otherwise be offered a position were it not for the disputed information, WMC may, where practicable and at its discretion, defer a final decision until the applicant has had a reasonable opportunity to challenge the disclosure information.

**Proof of Identity, Right to Work in the UK and Verification of Qualification and/or Professional Status**

All applicants invited to attend an interview with WMC will be required to share identification documentation such as passport, birth certificate, driving licence etc. as proof of identity/eligibility to work in the UK in accordance with regulations set out in the Immigration, Asylum and Nationality Act 2006 and DBS identity checking guidelines. WMC does not discriminate on the grounds of age.

Where an applicant claims to have changed their name by deed poll or any other means, e.g. marriage, adoption, statutory declaration, they will be required to provide documentary evidence of the change. In addition, applicants must be able to demonstrate that they have actually obtained any academic or vocational qualifications legally required for the position and claimed in their DfE Apply application.

**Single Central Register**

In addition to the various Associate Teacher records kept, a single centralised record of recruitment and vetting checks is kept. The Single Central Record will contain details of the following all Associate Teacher who are part of West Midlands Consortium.

**Record Retention and Data**

For any applicant successful in their application, WMC will retain in their personnel files any relevant information provided as part of the application process. This will include copies of documents used to verify identity, right to work in the UK and qualifications.

This documentation will be retained by WMC for the duration of a successful applicant’s training and for a further 6 years at which time it will be confidentially destroyed. All information retained on Associate Teachers is kept centrally in the WMC office in a locked and secured cabinet.

WMC will retain all interview notes for unsuccessful applicants for a period of 6 months after which time the notes will be confidentially destroyed. The 6-month retention period is in accordance with the privacy statement which is available on our website.

**Data will be processed in line with the requirements and protections set out in the UK General Data Protection Regulation.**

**Referral to the DBS**

Despite the best efforts to recruit safely, there may be occasions when allegations of serious misconduct or abuse against children and young people are raised. This policy is primarily concerned with the promotion of safer recruitment and details the pre-course checks that will be undertaken prior to the offer of a place on a course being confirmed. Whilst these are pre-course checks, WMC also has a legal duty to make a referral to the DBS in circumstances where an individual:

* Has applied for a position at WMC despite being barred from working with children; or
* Has been removed by WMC from working in a regulated activity (whether paid or unpaid) or has resigned prior to being removed because they have harmed, or pose a risk of harm to, a child