

The Good Shepherd Multi Academy Trust

**Safe Recruitment, Selection and
Pre-Employment Vetting Policy
and Procedures for Schools**

March 2016



**The Good Shepherd
Multi Academy Trust**

Review March 2017

Values

Every member of the Trust family of schools will be valued and encouraged to fulfil their potential. In our Trust we believe:

- Everyone has something to offer
- Trust, honesty, empathy and social responsibility are the Christian values that frame our work
- We are here for the whole person, spiritually, morally, educationally and socially
- In working with transparency and openness

Appendix A - Disclosure and Barring Service check requirements flow chart

Appendix B - DfE Statutory Guidance – Regulated Activity (Children) – Supervision of activity with children which is regulated activity when unsupervised

Appendix C - Model Risk Assessment for Volunteer (including work experience)

Policy Statement

The Good Shepherd Multi Academy Trust has created a culture of safe recruitment and adopted recruitment procedures that help deter, reject or identify people who might pose a risk of harm to children and vulnerable adults. This policy is supported by procedures which describe in detail those checks that are, or may be, required for any individual working in any capacity (paid or unpaid), or visiting the Trust's schools

The Trust and Local Governing Bodies will act reasonably in making decisions about the suitability of the prospective employee or other individual based on checks and evidence including: criminal background (via the Disclosure and Barring Service), barred list, prohibition status (in the case of teachers), Disqualification Declaration (where required) and other necessary checks together with references and interview information. Some or all of the aforementioned checks will apply to those recruited to a volunteer role.

All recruitment will be in line with this policy and procedures and will, without exception follow the process of safer recruitment. All offers of employment (whether paid or unpaid) will be subject to school staff and Local Governing Bodies being satisfied that the applicant or volunteer is a suitable person to work with children and young people and in the Trust in respect of centrally employed staff.

Statutory guidance *Working Together to Safeguard Children* (DfE March 2015) states that schools should have in place a number of arrangements as part of their duty to safeguard and promote the welfare of children. In relation to safer recruitment, these arrangements include having safer recruitment practices for individuals whom the organisation will permit to work regularly with children. This policy and supporting procedures fulfil that statutory requirement.

All those involved with recruiting individuals to our schools will be familiar with and fully understand the statutory guidance *Keeping Children Safe in Education* (DfE, September 2016) and the Trust Child Protection Policy and procedures.

All recruitment will be planned to ensure that there is adequate time and resources available to ensure that an individual is recruited safely.

Once an individual has been appointed, contracted or accepted as a volunteer, schools will ensure that a full induction takes place which will include our Child Protection Policy and procedures and provision of other related safeguarding documents both statutory and non-statutory (see induction procedures).

The Trust is committed to ensuring that throughout our recruitment and selection process, no applicant is disadvantaged or discriminated against as a result of their age, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy or maternity status.

Any person who becomes or is made aware that the recruitment process set out in this policy and accompanying procedures are not being followed must inform the headteacher or Chair of the Local Governing Body immediately.

The procedures supporting this policy do not constitute a legal representation of **all** HR issues relating to Recruitment and Selection and as such will be used in conjunction with any other Recruitment and Selection guidance issued by the Trust.

Procedures

1. Planning and Advertising

Sufficient time and resources will be allowed to enable appropriate and full planning to take place prior to a post being advertised. This includes ensuring that a job description and person specification is current and in place. Volunteer posts may require a generic job description which would cover a number of voluntary roles in school.

Those involved in the recruitment process will be identified at this stage including those who will be responsible for shortlisting and those involved in the formal interview process.

In order to convey that the Trust views safeguarding children as paramount, the following statement will be included in all advertisements:

XXXX School, a member of The Good Shepherd Multi Academy Trust, (hereinafter referred to as the School) is committed to safeguarding and promoting the welfare and well-being of its pupils, engages with young people and staff in policy and practice developments, proactively encourages feedback and expects all staff and volunteers to share this commitment.

The above statement will also be included in:

- Publicity materials
- The school website
- Recruitment partner websites
- Applicant information packs
- Job descriptions
- Person Specifications
- Induction programmes

So that individuals can make an informed decision about whether or not they wish to apply for a particular post, the advert and information will make reference to the requirement to obtain a suitable Enhanced Disclosure for Regulated Activity and, where appropriate to the post, a requirement to complete a Childcare Disqualification declaration.

All advertisements will make reference to the school's ethos in relation to equality of opportunity for all. Copies of all advertisements will be sent to the Trust Chief Executive Officer.

2. Job Description/Person Specification

The job description will include and clearly state:

- the main duties and responsibilities of the post;
- the extent of contact/responsibility for pupils;
- the school's expectations and the post-holder's individual responsibility for promoting and safeguarding the welfare of the children the individual will be responsible for or come into contact with;
- line management accountability for supervision and performance.

The person specification will:

- clearly convey the selection criteria against which the applicant's ability to do the job will be assessed;
- contain selection criteria which specifies the experience, skills, qualifications and personal qualities required;
- explain how these requirements will be tested and assessed during the selection process e.g. by interview, tests, presentations, observation of group exercises etc.

It is vital that applicants are aware that, in addition to their ability to perform duties of the post, selection will consider their personal suitability for the role. This includes their:

- motivation and suitability to work with children;
- attitude towards the use of authority and control;
- integrity and ability to form and maintain appropriate professional relationships with children;
- emotional resilience when working with challenging behaviours and situations.

3. Information Pack to Applicants

All information provided to interested applicants will highlight the importance of the rigorous selection processes and the duty to safeguard and promote the welfare of children and young people. Information in the pack will make clear to applicants that proof of identity will be required as well as a DBS Disclosure of the appropriate level (where applicable).

The Information Pack will also include a copy of:

- the application form and explanatory notes about completing the form;
- the job description and person specification;
- relevant information about the organisation and the recruitment process
- the Trust's Child Protection Policy Statement
- a statement of the terms and conditions relating to the post

4. Application Form

CVs are not accepted in place of an application form since this will generally contain only the information the applicant wishes to present. The application form allows for a common set of core data that can then be used as a part of the full vetting and verification of short-listed applicants.

The application form makes reference to changes brought about as a result of legislation which came into force on 29 May 2013. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013) allows certain old and minor cautions and convictions to no longer be subject to disclosure. In addition, employers are no longer able to take an individual's old and minor cautions into account when making decisions.

In relation to requests for details about previous convictions, the Trust application form states:

Do you have any convictions, cautions, reprimands or final warnings that are not "protected" as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013)?

As recommended by the Ministry of Justice, the application form also includes the following statement:

The amendments to the Exceptions Order 1975 (2013) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account. Guidance and criteria on the filtering of these cautions and convictions can be found on the Disclosure and Barring Service website.

The application form also includes requests for the following essential information:

- Full identifying details including current and former names, date of birth, current address and National Insurance Number.
- Academic and vocational qualifications, including awarding body, name of institution

and date achieved.

- Full employment chronology including any voluntary or part-time work with start dates, explanations for periods not in employment or education/training and reasons for leaving employment
- Details of all post education training including dates and awarding bodies
- A statement of the skills and abilities, and the competencies/experience that the applicant believes are relevant to his/her suitability for the post and how s/he meets the person specification
- Declaration of any family or close relationships to existing employees or employers including Local Governing body members, trustees etc.
- Details of at least two referees. One from current or from most recent employer. In addition, where an applicant is not currently working with children, but has done so in the past, a reference will be requested from the employer by whom the person was most recently employed in work with children. References will not be accepted from relatives or friends.
- Signed statement indicating that the person is not on the DBS Barred List¹ or is not disqualified from work with children or subject to any sanctions imposed by a regulatory body or professional association.

5. Scrutinising and Short Listing

Individuals will be shortlisted equally against the requirements of the person specification. In all cases of those who are applying for paid employment, the same selection panel will both short-list and interview the applicant. In the case of volunteers applying to work in the school, a more informal approach will be taken which will generally involve only a Senior Member of staff.

At least one member of the 'panel' will have undertaken accredited safe recruitment and selection training. Although not applicable to academies, the Trust considers this as good practice which should be followed.

The outcome of the short-listing process will be recorded and retained.

The equal opportunities/diversity monitoring form will be removed from the application pack prior to the short-listing process beginning.

The shortlisting panel is responsible for scrutinising the application forms and identifying any gaps in employment or other areas that may affect an applicant's suitability to work with children and young people. All application forms will be scrutinised to ensure:

- they are fully and properly completed - incomplete application forms will not be accepted;
- the information is consistent and does not contain any discrepancies;
- any anomalies, discrepancies or gaps in employment/training and the reasons for this, or a history of repeated changes of employment are identified.

A satisfactory explanation for any concerns will be obtained from the applicant during the interview process.

6. References

Our schools will always ask for written references. Each request will be accompanied by the job description and person specification. One of the references will be requested from

¹ Special Schools/Units with pupils up to and including the age of 19 should ensure that application forms make reference to both the Childrens and Adults Barred Lists.

the most recent employer. If an applicant for a teaching post is not currently employed as a teacher, the school will check with the school, college or local authority at which they were most recently employed to confirm details of their employment and their reasons for leaving. The purpose of seeking references is to obtain subjective and factual information to support appointment decisions.

All offers of employment will be conditional upon receipt of at least two satisfactory written references. References received will be scrutinised and any concerns resolved satisfactorily before the appointment is confirmed. References will always be requested directly from the referee. Any provided by the applicant or open references i.e. those prefixed by 'To whom it may concern' will not be accepted under any circumstances.

References will be sought on all shortlisted applicants including internal ones. Wherever possible, these will be obtained prior to the interview so that any issues of concern they raise can be explored further with the referee and taken up with the individual at interview.

Reference requests will specifically ask:

- about the referee's relationship with the applicant;
- whether the referee is completely satisfied that the individual is suitable to work with children and, if not, for specific details of the concerns and the reasons why the referee believes that the person might be unsuitable

Referees will also be asked, where relevant, to confirm details of:

- how the person meets the requirements of the specification and his or her capacity to carry out the duties set out in the job description;
- the applicant's current post, salary, attendance record;
- effectiveness of the applicant's interactions with children and other adults;
- performance history and conduct;
- any disciplinary procedures in which the sanction is current;
- any disciplinary procedures involving issues related to the safety and welfare of children, including any in which the sanction has expired and the outcome of those;
- whether, in the case of an applicant for a teaching post, that teacher has been in capability procedures during the previous two years;
- any outstanding complaints or investigations against the applicant that could bring the school into disrepute at a later stage;
- details of any allegations or concerns that have been raised that relate to the safety and welfare of children or behaviour towards children and the outcome of these concerns whether founded or unfounded;
- whether they would re-employ the applicant and if not, why not.

Where a reference has not been received on the preferred applicant before the interview, once received it will be scrutinised and any concerns resolved satisfactorily before the individual's appointment is confirmed.

On receipt of references, they will be checked to ensure all questions have been answered satisfactorily and prior to confirmation of an appointment, referees will be telephoned to confirm their views on the applicant and to ensure any information provided by the applicant is accurate.

A character reference will be sought for volunteers as if they were to be employed

7. Qualifications and Employment History

Qualifications will be validated only on receipt and sight of original certificates.

Qualifications required will be those which are listed as being a pre-requisite of the post

advertised.

Schools will always ask for written information about previous employment history and check that information is not contradictory or incomplete. Full employment history is required. Where there are gaps of unemployment, this must be explained on the application form.

8. Health

DfE statutory guidance Keeping Children Safe in Education – July 2015 emphasises the importance of anyone appointed to a post involving regular contact with children or young people must be medically fit to do so. There is a statutory duty on employers to satisfy themselves that individuals have the appropriate level of physical and mental fitness before the appointment is confirmed. Any offer of employment will, therefore, be subject to satisfactory health checks. Assessment of physical fitness will, however, be considered within the context of the Equality Act 2010 which allows for reasonable adjustments to be made.

9. Interviews

A face to face interview will take place for all applicants to all posts including volunteering roles. Wherever possible, the interviewing panel will consist of at least 2 people. At least one member of the panel will have successfully completed an accredited safer recruitment training course. Volunteers will be interviewed by either the headteacher or a member of the School Leadership Team.

Members of the panel will:

- have the necessary authority to make decisions about the appointment;
- meet before the interview to agree their assessment criteria in accordance with the person specification and to prepare a list of questions they will ask all interviewees relating to the requirements of the post;
- identify any issues they wish to explore with each applicant based on the information provided in their application form and in the references;
- allocate specific question sets to each member of the panel which will ensure that someone asks the questions and another member of the panel can at the same time record the applicant's answers. A copy of the notes and any scoring sheets will be collated by the Chair of the Panel and retained.

Those whose application forms provide information that best meets the criteria of the job description, person specification, experience and qualifications are invited for interview.

All applicants will be asked to bring with them documentary evidence of their 'right to work in the UK' and their identity. Evidence can include a current driving licence or passport including a photograph, or a full birth certificate and a document such as a utility bill or financial statement that shows the applicant's current name and address (no more than 3 months old) and, where appropriate change of name documentation. Rarely, where some form of photographic ID is not available, a copy of the applicant's birth certificate and national insurance card will be required.

Applicants must also bring:

- documents confirming any educational and professional qualification(s). If this is not possible, written confirmation must be obtained from the awarding body; and,
- documentation of registration with any appropriate professional body.

A copy of the documents used to verify the successful applicant's identity and qualifications will be retained on their personnel file.

Where an individual has submitted an electronic application form, they will be asked to sign the form prior to the interview.

10. Other Selection Methods

In addition to a face to face interview with an Interview Panel, a variety of other selection methods may be used, such as:

- observation of teaching practice either in the proposed school or in the applicant's current setting;
- one or more additional panel interviews e.g. a panel made up of pupils from the school;
- a presentation;
- in-tray exercises;
- psychometric testing

Those involved in the recruitment process for a specific post will determine the selection method(s) to be used. The methods will be relevant and appropriate to the role and will be based on the requirements for the particular post as set out in the job description and person specification.

Applicants will be informed in advance if any selection methods are to be used in addition to a face to face interview and the format these will take.

11. Involving of Children and Young People

We have developed a culture of listening to children. Children and young people can make a valuable contribution to the recruitment process and their participation may be considered for key strategic and managerial posts as well as posts where staff will have a high level of responsibility for children's day to day care.

12. Conditional Offer of Employment – pre-employment checks

An offer of appointment to the successful applicant will be conditional upon:

- the receipt of at least two satisfactory references. Where possible, these will also be confirmed by telephone;
- verification of the individual's identity (if that could not be verified at interview) preferably from current photographic ID and proof of address except where, for exceptional reasons, none is available;
- verification and/or evidence of the individual's right to work in the UK (if that could not be verified at interview);
- receipt of a satisfactory enhanced DBS Disclosure Certificate for Regulated Activity. Where the individual is registered, this may be via a check with the DBS Update Service;
- a separate children's Barred List check² for those with a 'portable' DBS Enhanced Certificate for Regulated Activity or who start work in regulated activity before the DBS Certificate is available. Such individuals will be subject to reasonable supervision until the Barred list has been checked or a new Enhanced Disclosure for Regulated Activity is received;
- These further checks should include a check for information about any teacher sanction or restriction that an EEA professional regulating authority has imposed, using the NCTL Teacher Services' system;
- verification of the individual's mental and physical fitness to carry out their work

² Special Schools/Units with pupils up to and including the age of 19 should ensure that application forms make reference to both the Children's and Adults Barred Lists for those staff likely to be working with over 18's

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 (S60 Equality Act 2010 refers);

- verification of qualifications (if not verified at interview). For teachers this will include checking that the individual has the required teaching qualification;
- verification of professional status where required e.g. QTS (unless properly exempted);
- verification of previous employment history and experience, including exploration of any gaps and anomalies;
- (for teaching posts) verification of successful completion of statutory induction/probationary period;
- (for teaching posts) verification that the individual is not subject to either a Prohibition Order or an Interim Prohibition Order (using the NCTL Teacher Service System also known as Secure Access on-line)
- verification that a person taking up a management position as described below is not subject to a section 128 direction made by the Secretary of State;
- where required, verification that the individual is not disqualified from caring for children under the Childcare Disqualification Regulations 2009 – Childcare Disqualification declaration.

All checks will be:

- confirmed in writing;
- documented and retained on the personnel file (subject to data protection and DBS requirements);
- followed up where they are unsatisfactory or there are discrepancies.

13. Recruitment Checks

13.1 Disclosure and Barring Service (DBS) Checks

The DBS is responsible for administering three types of check insofar as they relate to the education sector:

- **Standard Disclosure:** a check of the Police National Computer (PNC) records of convictions, cautions, reprimands and warnings. This type of check is not normally requested in educational settings;
- **Enhanced Disclosure:** a check of the PNC records as above, plus other information held by the Police that is considered relevant by the Police; and
- **Enhanced Disclosure with barred list information (aka Enhanced Disclosure for Regulated Activity):** for people working in 'regulated activity' with children. This adds a check of the DBS Children's Barred List³ to the enhanced disclosure.

More information is available on the [DBS website](#), and in Annexe G of DfE statutory guidance *Keeping Children Safe in Education* (September 2016).

A DBS Disclosure Certificate will be obtained from the successful applicant before or as soon as practicable after appointment. There is **no requirement** to obtain an enhanced DBS Disclosure for Regulated Activity if, in the three months prior to beginning work in their new appointment, the applicant has worked:

- in a school in England in a post which brought them into regular contact with children or in any post in a school since 12 May 2006; or

- in an institution within the FE sector in England or in a 16-19 Academy in a post which involved the provision of education which brought the person regularly into contact with children or young persons.

All other pre-appointment checks must still be completed, including where the individual is engaging in regulated activity, a barred list check³.

The School **may** request an enhanced DBS Disclosure for Regulated Activity should there be concerns and bearing in mind the duty the School is under not to allow a barred person to work in regulated activity.

The School **may not** request an enhanced Disclosure with barred list check for anyone working in the school or college who is not in regulated activity, but may request an enhanced DBS check **without** a barred list check.

A flow chart of Disclosure and Barring Service Checks and Barred List Checks can be found at Appendix A.

The level of DBS check required will depend on the role and duties of an applicant to work in a school as outlined in this Policy.

A person will be considered to be in 'regulated activity' if as a result of their work they:

- will be responsible, on a regular basis, in any setting for the care or supervision of children; or
- will regularly work in a school at times when children are on school premises (where the person's work requires interaction with children, whether or not the work is paid (unless they are a supervised volunteer), or whether the person is directly employed or employed by a contractor); or

A supervised volunteer who regularly teaches or looks after children is not in regulated activity. The Department for Education (DfE) has published separate statutory guidance on supervision and regulated activity to which we have regard to when considering which checks should be undertaken on volunteers. This is replicated at Appendix B.

The full legal definition of regulated activity is set out in Schedule 4 of the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012. HM Government have produced a [factual note on Regulated Activity in relation to Children: scope](#).

Regulated activity includes:

- a) teaching, training, instructing, caring for (see (c) below) or supervising children if the person is unsupervised, or providing advice or guidance on well-being, or driving a vehicle only for children,
- b) work for a limited range of establishments (known as 'specified places', which include schools and colleges), with the opportunity for contact with children, but not including work done by supervised volunteers;

Work under (a) or (b) is regulated activity only if done regularly⁴. Some activities are always regulated activities, regardless of their frequency or whether they are supervised or

³ Currently, the only way to access the Children's Barred List separately from an Enhanced Disclosure is via TP On-line. <https://www.teacherspensions.co.uk/employers/training-and-resources/references/tp-online.aspx>. There is an annual subscription to this service of £60.00.

⁴ Regular is generally defined as working (paid or unpaid) once per week but every week for a period of time; more than 4 times or more in any 30 day period or overnight between the hours of 2.00 a.m. and 6.00 a.m.

not. This includes:

- c) relevant personal care, or health care provided by or provided under the supervision of a health care professional:
- personal care includes helping a child, for reasons of age, illness or disability, with eating or drinking, or in connection with toileting, washing, bathing and dressing;
 - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

When the DBS has completed its check(s) of an applicant, the relevant information is recorded on a certificate (the DBS Disclosure Certificate) that is sent to the applicant. The applicant must show the DBS Certificate to the School (their potential employer) before they take up post or as soon as practicable afterwards. Where we allow an individual to start work in regulated activity before the DBS Certificate is available we will ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed.

If we know or have reason to believe that an individual is barred, we commit an offence if we allow the individual to carry out any form of regulated activity. There are penalties of up to five years in prison if a barred individual is convicted of attempting to engage or engaging in such work.

13.2 DBS Update Service

If the applicant has subscribed to it and gives permission, the School will undertake an online update check through the DBS Update Service. Individuals can join the DBS Update Service when applying for a new DBS check or within 19 days of the Disclosure Certificate being issued; this will allow portability of a Certificate across employers when applying for similar jobs or where it is anticipated that they will have a break from working in regulated activity for 3 months or more. With the individual's consent, the School can go online and carry out a free, instant check to see if there has been any change to the information recorded since the initial Certificate was issued and advise whether the individual should apply for a new Certificate. [DBS Update Service](#).

Before using the Update Service, schools must:

- (a) obtain consent from the applicant to do so;
- (b) confirm the Certificate matches the individual's identity; and
- (c) examine the original Certificate to ensure that it is for the appropriate workforce and level of check e.g. Enhanced Certificate/Enhanced Certificate for Regulated Activity

13.3 DBS Checks for those living or who have lived abroad

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in school. In addition, schools will make any further checks we think appropriate so that any relevant events that occurred outside the UK can be considered.

Overseas checks will generally be sought in the following circumstances:

- The applicant has been resident in the UK for most of his or her adult life and has spent a period of three months or longer in an overseas country within the last 5 years. This only applies where the applicant has lived continuously in at least one country for three months or longer.
- The applicant has moved to the UK within the last 10 years having previously lived abroad for most of his or her adult life.

It is the responsibility of the applicant to ensure that the appropriate checks in the country where they lived are sought.

Advice on the criminal record information which may be obtained from overseas police forces, published by the Home Office, is on [GOV.UK](#). The Department for Education has also issued [guidance on the employment of overseas-trained teachers](#). This gives information on the requirements for overseas-trained teachers from the European Economic Area to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the United States of America.

13.4 Prohibition Orders/Interim Prohibition Orders

Prohibition Orders (which may be conferred on teachers only) prevent a person from carrying out teaching work in schools, sixth form colleges or 16 to 19 academies. A person who is prohibited from teaching will not be appointed to work as a teacher in our setting. A check of any prohibition can be carried out using the [Teacher Services System](#). Prohibition orders are described in the National College for Teaching and Leadership's (NCTL) publication [Teacher misconduct: the prohibition of teachers](#).

Prohibition Orders are made by the Secretary of State following consideration by a professional conduct panel convened by NCTL. Pending such consideration, the Secretary of State may issue an Interim Prohibition Order if he considers that it is in the public interest to do so.

Schools will check the prohibition status of any teacher prior to appointment either permanently or on a temporary supply basis (where the supply teacher is not appointed via a Supply Agency). No teacher who is prohibited or has an interim prohibition order made against them will be employed to teach in this school. It is the responsibility of Supply Agencies to ensure that supply teachers used in this school are similarly checked to ensure that they are not prohibited from teaching.

13.5 EEA Teacher Sanctions

EEA regulators of the teaching profession will share details of any sanction or restriction that they impose on a teacher on or after 18 January 2016, with all other EEA teacher regulators. Teacher Services' system sets out how to obtain additional information about any EEA sanction/restrictions identified.

Schools will use the [Teacher Services' system](#) to identify any restrictions imposed by **all authorities** in the European Economic Area (EEA) for those applying for teaching posts who are new or returning to the UK.

This service is in addition to the teacher prohibition pre-appointment checks. Restrictions imposed by another EEA authority do not prevent an individual from taking up teaching positions in England. However, where a restriction on an individual exists, schools will consider the circumstances leading to the restriction when assessing an individual's suitability. The EA online service explains how to get further information about EEA restrictions.

No similar scheme is available for non-teaching staff.

13.6 Section 128 direction

A Section 128 direction prohibits or restricts a person from taking part in the management of an independent school, including academies. A person who is prohibited is unable to participate in any management in an academy such as:

- a management position in as an employee;

- a trustee of an academy or free school trust;
- a Local Governing Body member that retains or has been delegated any management responsibilities.

A check for a section 128 direction can be carried out using the Teacher Services' System (also known as Secure Access online). It is also possible to check the status of individuals who are not or have never been teachers via this system.

13.6 DBS Update Service

If the applicant has subscribed to it and gives permission, the School will undertake an online update check through the DBS Update Service. Individuals can join the DBS Update Service when applying for a new DBS check or within 19 days of the Disclosure Certificate being issued; this will allow portability of a Certificate across employers when applying for similar jobs or where it is anticipated that they will have a break from working in regulated activity for 3 months or more. With the individual's consent, the School can go online and carry out a free, instant check to see if there has been any change to the information recorded since the initial Certificate was issued and advise whether the individual should apply for a new Certificate. [DBS Update Service](#).

Before using the Update Service, schools must:

- (a) obtain consent from the applicant to do so;
- (b) confirm the Certificate matches the individual's identity; and
- (c) examine the original Certificate to ensure that it is for the appropriate workforce and level of check e.g. Enhanced Certificate/Enhanced Certificate for Regulated Activity

13.8 DBS Checks for those living or who have lived abroad

Individuals who have lived or worked outside the UK must undergo the same checks as all other staff in school. In addition, the School will make any further checks we think appropriate so that any relevant events that occurred outside the UK can be considered.

Overseas checks will generally be sought in the following circumstances:

- The applicant has been resident in the UK for most of his or her adult life and has spent a period of three months or longer in an overseas country within the last 5 years. This only applies where the applicant has lived continuously in at least one country for three months or longer.
- The applicant has moved to the UK within the last 10 years having previously lived abroad for most of his or her adult life.

It is the responsibility of the applicant to ensure that the appropriate checks in the Country where they lived are sought. Checks for sanctions and restrictions made against an EEA teacher are described in paragraph 13.5 above.

Advice on the criminal record information which may be obtained from overseas police forces, published by the Home Office, is on [GOV.UK](#). The Department for Education has also issued [guidance on the employment of overseas-trained teachers](#). This gives information on the requirements for overseas-trained teachers from the European Economic Area to teach in England, and the award of qualified teacher status for teachers qualified in Australia, Canada, New Zealand and the United States of America.

14. Single Central Record

The School will keep and maintain a Single Central Record (SCR). The SCR is a record of **all pre-appointment checks** which have been carried out in order to verify, as far as is

reasonably practicable, that the individual is an appropriate person to work within the setting. The SCR will include details of pre-employment checks carried out for the following people:

- all staff (including supply staff, apprentices and teacher trainees on salaried routes) who work at the school: in colleges, this means those providing education to children under the age of 18;
- all others who work in regular contact with children in the school or college, including volunteers;
- contractors (where appropriate); and
- all directors.

For students, written confirmation will be sought confirming that the host school, college or University of the individual has carried out the relevant checks and obtained the appropriate certificates, whether any enhanced DBS check certificate has been provided in respect of the individual, and the date that confirmation was received.

The information that must be recorded in respect of staff members (including teacher trainees on salaried routes) is whether the following checks have been carried out or certificates obtained **prior to appointment**, and the date on which each check was completed/certificate obtained:

- an identity check;
- a barred list check;
- an enhanced DBS check/certificate;
- a prohibition from teaching check (where applicable);
- a section 128 check (for management positions);
- further checks on people living or working outside the UK. This would include recording checks for those EEA teacher sanctions and restrictions described in paragraph 13.3 above;
- a check of professional qualifications; and
- a check to establish the person's right to work in the United Kingdom.

For supply staff, we will also include whether written confirmation that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, whether any enhanced DBS check certificate has been provided in respect of the member of supply staff, and the date that confirmation was received. See also paragraph 15 below.

Schools do not keep copies of DBS certificates in order to fulfil the duty of maintaining the SCR. To comply with the requirements of the Data Protection Act, where the school chooses to retain a copy of the DBS Certificate, they will not be retained for longer than six months. A copy of the other documents used to verify the successful applicant's identity, right to work in the UK and required qualifications will be held on the personnel file.

15. Agency and Third Party Staff

Schools will obtain written notification from any agency, or third-party organisation the school uses that the organisation has carried out the necessary checks on an individual who will be working at the school that the school would otherwise perform. This will include, as necessary, confirmation that the following checks have been carried out prior to appointment:

- DBS Enhanced Disclosure for Regulated Activity;

- Prohibition check (teachers only);
- Disqualification under the Childcare Act 2006 declaration. This should include confirmation that the agency or organisation providing the staff has informed them that they will be committing an offence if they are deployed to work in relevant childcare settings if they are disqualified under legislation.

The School will ensure that the person presenting themselves for work is the same person on whom the checks have been made and will record the date this ID check was carried out (usually the first day the individual presents in school).

Part 4 of the Schedule to the Education (Independent School Standards) Regulations 2014 requires that Education Businesses who supply staff to Academies supply those settings with a copy of an individual's DBS certificate prior to placing the supply staff member. The date this Certificate was received must be recorded on the Single Central Record.

16. Trainee / Student Teachers

Where applicants for initial teacher training are salaried by the school, the school will ensure that all necessary checks are carried out as if the trainee were an employee including, where necessary, a Childcare Disqualification Declaration. As trainee teachers can undertake regulated activity, sometimes unsupervised, an enhanced DBS Disclosure for Regulated Activity check will be obtained. Where trainee teachers are fee-funded it is the responsibility of the initial teacher training provider to carry out the necessary checks, with written confirmation that the appropriate checks have been carried out, being given to the school in advance of the placement. We will not request copies of the Certificates, but will ensure that the person presenting themselves for work is the same person on whom the checks have been made.

17. Volunteers

Under no circumstances will a volunteer in respect of whom no checks have been obtained be left unsupervised or allowed to work in regulated activity. Such volunteers will be subject to reasonable supervision by a person who themselves are in regulated activity.

For new volunteers in regulated activity who will regularly teach or look after children on an unsupervised basis or provide personal care on a one-off basis the school will obtain an enhanced DBS Disclosure with a barred list check. In addition, the headteacher will determine whether a Childcare Disqualification declaration is required to be completed.

For new volunteers not in regulated activity the school will undertake a risk assessment and use their professional judgement and experience when deciding whether to seek an enhanced DBS check.

In undertaking the risk assessment, we will take the following into consideration:

- the nature of the work with children;
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and
- whether the role is eligible for an enhanced DBS check.

A model risk assessment is provided at Appendix C.

The Protection of Freedoms Act 2012 amended the Safeguarding Vulnerable Groups Act 2006, removing supervised volunteers from regulated activity and applying a duty on the

Secretary of State to issue guidance to assist regulated activity providers such as schools and colleges, to decide what level of supervision is required so that this exclusion would apply. If the volunteer is to be supervised while undertaking an activity which would be regulated activity if it was unsupervised, the statutory DfE guidance will be followed. This is replicated at Appendix B. The guidance issued following this change requires that:

- there must be supervision by a person who themselves are in regulated activity;
- the supervision must be regular and day to day; and
- the supervision must be “reasonable in all the circumstances to ensure the protection of children”.

Employers are not legally allowed to request a barred list check on a volunteer who, because they are supervised, is not in regulated activity and the DBS cannot provide barred list information on any individuals, including volunteers, who are not in regulated activity.

18. Individuals engaged in management roles

18.1 Local Governing Body Members

Local Governing Body members who are volunteers are required to have an Enhanced Disclosure as a minimum. Where a Local Governing Body member has unsupervised access to children on a regular basis, they will be required to hold an Enhanced Disclosure for Regulated Activity i.e. with a Children’s Barred List check.

18.2 Individuals engaged in management roles in academies

The Independent School Standards which also apply to Academies and Free Schools require that checks be made prior to appointment for the existence of directions made by the Secretary of State under s.128 of the Education and Skills Act 2008 barring individuals from taking part in the management of an Independent School.

The scope of the barring directions covers membership of proprietor bodies including directors, Local Governing Body members, and **all** staff positions as follows:

- headteacher
- any teaching positions on the senior leadership team
- any teaching positions which carry a department headship
- non-teaching staff which are part of the senior leadership team

19. Others with the potential for contact with children

19.1 Contractors

Schools will ensure that any contractor, or any employee of the contractor, who is to work at the school has been subject to the appropriate level of DBS check. Contractors who are engaging in regulated activity will require an Enhanced DBS check for regulated activity. 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 will be required. In considering whether the contact is regular, it is irrelevant whether the contractor works on a single site or across a number of sites.

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. Schools are responsible for determining the appropriate level of supervision depending on the circumstances and risks to children involved. See Appendix C for Model Risk Assessment.

If a contractor working in school is self-employed, the school will consider obtaining a DBS

check as self-employed people are not able to make an application directly to the DBS on their own account.

Schools will, however, always check the identity of contractors and their staff on arrival at the school.

19.2 Visitors

Schools do not have the power to request DBS checks and barred list checks, or ask to see DBS certificates, for visitors to the school who are not working directly with children. Staff in this School will use their professional judgement about the need to escort or supervise visitors.

19.3 Adults who supervise children on work experience

When organising work experience placements, schools will ensure that policies and procedures are in place at the host employer to protect children from harm.

Consideration will be given to whether a barred list check is required for an individual who supervises a child under the age of 16 on a work experience placement. In forming a view, the school will consider the specific circumstances of the work experience, in particular the nature of the supervision and the frequency of the activity being supervised, to determine what, if any, checks are necessary. These considerations would include whether the person providing the teaching/training/instruction/supervision to the child will be:

- Unsupervised; and
- Providing the teaching/training/instruction frequently (at least once a week or on more than 3 days in a 30 day period, or overnight).

If the person working with the child is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity and we may ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

Schools are no longer legally entitled to request an enhanced DBS check with barred list information for staff supervising children aged 16 to 17 on work experience

If the activity undertaken by the child on work experience takes place and gives the opportunity for contact with children, this may itself be considered to be regulated activity. In these cases, and where the child is 16 years of age or over, schools will undertake a risk assessment (see Appendix C) and consider whether an Enhanced DBS Disclosure will be required for the child/young person in question. It is unlawful for us to request, or to apply for, a DBS check for children/young people under the age of 16. Such individuals will always be supervised in the setting.

19.4 Children staying with host families

Schools may make arrangements for pupils to have learning experiences where, for short periods, the pupils may be provided with care and accommodation by a host family to which they are not related. This might happen, for example, but not only, as part of a foreign exchange visit or sports tour. Such arrangements could amount to “private fostering” under the Children Act 1989 or the Safeguarding Vulnerable Groups Act 2006, or both. Annexe E of ‘Keeping Children Safe in Education (DfE September 2016) provides further details of this situation and the checks which may need to be carried out by the school in order to safeguard its pupils.

Statutory Guidance – Regulated Activity (Children) – Supervision of activity with children which is regulated activity when supervised

This statutory guidance on the supervision of activity with children which is regulated activity when unsupervised is also published separately on GOV.UK.

This document fulfils the duty in legislation that the Secretary of State must publish statutory guidance on supervision of activity by workers with children, which when unsupervised is regulated activity. This guidance applies in England, Wales and Northern Ireland. It covers settings including but not limited to schools, childcare establishments, colleges, youth groups and sports clubs.

For too long child protection policy has been developed in haste and in response to individual tragedies, with the well-intentioned though misguided belief that every risk could be mitigated and every loophole closed. The pressure has been to prescribe and legislate more. This has led to public confusion, a fearful workforce and a dysfunctional culture of mistrust between children and adults. This Government is taking a different approach.

We start with a presumption of trust and confidence in those who work with children, and the good sense and judgment of their managers. This guidance applies when an organisation decides to supervise with the aim that the supervised work will not be regulated activity (when it would be, if not so supervised). In such a case, the law makes three main points:

- there must be supervision by a person who is in regulated activity;
- the supervision must be regular and day to day; and
- the supervision must be “reasonable in all the circumstances to ensure the protection of children”.

The organisation must have regard to this guidance. That gives local managers the flexibility to determine what is reasonable for their circumstances. While the precise nature and level of supervision will vary from case to case, guidance on the main legal points above is as follows.

1. Supervision by a person in regulated activity/regular and day to day: supervisors must be in regulated activity themselves. The duty that supervision must take place “on a regular basis” means that supervision must not, for example, be concentrated during the first few weeks of an activity and then tail off thereafter, becoming the exception not the rule. It must take place on an ongoing basis, whether the worker has just started or has been doing the activity for some time.
2. Reasonable in the circumstances: within the statutory duty, the level of supervision may differ, depending on all the circumstances of a case. Organisations should consider the following factors in deciding the specific level of supervision the organisation will require in an individual case:
 - ages of the children, including whether their ages differ widely;
 - number of children that the individual is working with;
 - whether or not other workers are helping to look after the children;
 - the nature of the individual’s work (or, in a specified place such as a school, the individual’s opportunity for Contact with children);
 - how vulnerable the children are (the more they are, the more an organisation might opt for workers to be in regulated activity);
 - how many workers would be supervised by each supervising worker.
3. In law, an organisation will have no entitlement to do a barred list check on a worker

who, because they are supervised, is not in regulated activity.

Some example scenarios are provided below

EXAMPLES

Volunteer, in a specified place

Mr Jones, a new volunteer, helps children with reading at a local school for two mornings a week. Mr Jones is generally based in the classroom, in sight of the teacher. Sometimes Mr Jones takes some of the children to a separate room to listen to them reading, where Mr Jones is supervised by a paid classroom assistant, who is in that room most of the time. The teacher and classroom assistant are in regulated activity. The headteacher decides whether their supervision is such that Mr Jones is not in regulated activity.

Volunteer, not in a specified place

Mr Wood, a new entrant volunteer, assists with the coaching of children at his local cricket club. The children are divided into small groups, with assistant coaches such as Mr Wood assigned to each group. The head coach oversees the coaching, spends time with each of the groups, and has sight of all the groups (and the assistant coaches) for most of the time. The head coach is in regulated activity. The club managers decide whether the coach's supervision is such that Mr Wood is not in regulated activity.

Employee, not in a specified place

Mrs Shah starts as a paid activity assistant at a youth club. She helps to instruct a group of children, and is supervised by the youth club leader who is in regulated activity. The youth club managers decide whether the leader's supervision is such that Mrs Shah is not in regulated activity.

In each example, the organisation uses the following steps when deciding whether a new worker will be supervised to such a level that the new worker is not in regulated activity:

- consider whether the worker is doing work that, if unsupervised, would be regulated activity. If the worker is not, the remaining steps are unnecessary;
- consider whether the worker will be supervised by a person in regulated activity, and whether the supervision will be regular and day to day, bearing in mind paragraph 4 of this guidance;
- consider whether the supervision will be reasonable in all the circumstances to ensure the protection of children, bearing in mind the factors set out in paragraph 5 of this guidance above; and if it is a specified place such as a school;
- consider whether the supervised worker is a volunteer.

The Good Shepherd Multi Academy Trust – Risk Assessment for Volunteer (including work experience in the setting)

✓	REASON FOR RISK ASSESSMENT
	Volunteer will be working in a classroom or other specified area of the school
	Volunteer will be supporting a class on a school trip or visit – may be responsible for a small group
	Volunteer transports children to events organised by school staff
	Other (please specify):

Risk assessment for – Name: Date of Birth: Volunteer Role:		Risk Assessed by: Position: Signed: Date:		
✓	Specify significant hazards or risks that arise	Identify individuals potentially at risk	Control Measures and Mitigation to be put in place to minimise the risk	Additional Control Measures required
	Volunteer working with children on a regular basis, unsupervised for significant periods of time. Volunteer providing personal care for a child e.g. changing or feeding	Pupils	Volunteer generally known to the school. Both formal and informal knowledge of the individual is taken into account Satisfactory reference received along with face-to-face interview with a member of senior management team. DBS Enhanced Disclosure for Regulated Activity required i.e. with a children's barred list check.	
	Volunteer working with children on a regular basis with direct unsupervised contact e.g. takes children for one to one or group work isolated from a member of staff but with remote supervision	Pupils	Volunteer generally known to the school. Both formal and informal knowledge of the individual is taken into account. Satisfactory reference received along with face-to-face interview with member of senior management team. DBS Enhanced Disclosure required. Room will have viewing panel and will never be	

✓	Specify significant hazards or risks that arise	Identify individuals potentially at risk	Control Measures and Mitigation to be put in place to minimise the risk	Additional Control Measures required
			secured	
	Volunteer will be working occasionally in a classroom or other specified area in the school with children, supporting groups and individuals under the general guidance and direct supervision of the class teacher or another member of school staff	Pupils	Satisfactory reference received along with face-to-face interview with member of senior management team. Volunteer will not be left alone with children. Class will always have an employee of the school or other volunteer present or working in the immediate vicinity who holds an Enhanced Disclosure for Regulated Activity.	
	Volunteer will be supporting a class on an off-site visit and may be responsible for a small group under the general guidance and full supervision of the class teacher	Pupils on the off-site visit	Volunteer will not be left alone with pupils. Overall supervision will rest with the visit leader on the trip. Teacher will take groups to the toilet, organise for two adults to take the pupils, allow pupils to access in pairs or supervise from outside the toilet areas.	
	Volunteer for an off-site visit. Volunteer often supports trips and activities and during the visit, takes responsibility for leading a small party of pupils with minimum or remote supervision	Pupils on the off-site visit	Volunteer generally known to the school. DBS Enhanced Disclosure required	
	Volunteer for an off-site visit transporting a pupil in a car to a school or other organised event	Pupils being transported	Volunteer generally known to the school. Where possible, driver to take their own child in addition to others. Volunteer known to the school and parental permission of children being transported required. All children to be seated appropriately in the rear of the car.	
	Volunteer on off-site visit staying overnight in same accommodation as pupils – not on duty during the night whilst pupils are sleeping	Pupils on the off-site visit	Volunteer generally known to the school. Volunteer is not permitted to have face to face contact with pupils during the night and will not be considered to be 'on duty'.	

✓	Specify significant hazards or risks that arise	Identify individuals potentially at risk	Control Measures and Mitigation to be put in place to minimise the risk	Additional Control Measures required
			Arrangements made for school staff to be 'on-duty' during sleeping hours. Should the fire alarm be activated and the building evacuated, volunteer will not be in charge of a group unless supervised.	
	Volunteer on off-site visit staying overnight in same accommodation as pupils – same responsibility for welfare of pupils as a member of school staff	Pupils on the off-site visit	DBS Enhanced Disclosure for Regulated Activity required i.e. with a children's barred list check	
	Contractor in school while pupils are present – not a regular contractor, one off event	Pupils in school	Contractor without DBS clearance will be supervised by an employee who has been appropriately checked or never given unsupervised access to children i.e. pupils are appropriately supervised	
	Regular contractor attendance in school whilst pupils are present and has unsupervised access or significant potential for being alone with a child or group of children	Pupils in school	DBS Enhanced Disclosure for Regulated Activity required	

Comments: