

ISLAMIYAH SCHOOL SAFER RECRUITMENT POLICY 2017

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SAFER RECRUITMENT POLICY FOR ISLAMIYAH SCHOOL

1. INTRODUCTION

1.1 This policy has been developed to embed safer recruitment practices and procedures throughout Islamiyah School and to support the creation of a safer culture by reinforcing the safeguarding and well-being of children and young people in our care. This policy complies with guidance outlined in *Keeping Children Safe in Education – July 2016- see Appendix 1 and Dealing with allegations of abuse against teachers and other staff – DfE 2015* and has been ratified by the Governing Body on 29st December 2016 and will be reviewed in September 2018.

1.2 This policy reinforces the conduct outlined in the Government Office North West '*Guidance for Safer Working Practice for Adults who Work with Children and Young People*' as well as the school's whistle blowing policy all staff are expected to be familiar with. All successful candidates for paid or volunteer employment will be made aware of these documents.

1.3 This policy is an essential element in creating and maintaining a safe and supportive environment for all pupils, staff and others within the school community and aims to ensure both safe and fair recruitment and selection of all staff and volunteers by:

- attracting the best possible candidates/volunteers to vacancies
- deterring prospective candidates/volunteers who are unsuitable from applying for vacancies
- identifying and rejecting those candidates/volunteers who are unsuitable to work with children and young people

1.4 Islamiyah School is committed to using disciplinary procedures that deal effectively with those adults who fail to comply with the school's safeguarding and child protection procedures and practices.

1.5 As an employer we are under a duty to refer any allegation of abuse against a member of staff to the Local Authority Designated Officer within one working day of the allegation being made. A referral will be made if a teacher or member of staff (including volunteers) has:

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates he or she would pose a risk of harm if they work regularly or closely with children
- conducted an act which is deemed inappropriate and may impact on the school's reputation or confidence in staff's ability to safely work with children.

1.6 As an employer we are under a duty to refer to the Disclosure and Barring Service (DBS), any member of staff who, following disciplinary proceedings, is dismissed because of misconduct towards a pupil and we may refer any concerns we have before the completion of this process.

1.7 The school will check for updated relevant information about staff every 3 years. De-barring check (teachers' pension website) will be carried out annually

2. ROLES and RESPONSIBILITIES

2.1 The Governing Body of the school will:

- ensure the school has effective policies and procedures in place for the safe and fair recruitment and selection of staff and volunteers in accordance with Department for Education guidance and legal requirements – (see Appendix 1 Safer recruitment guidance from KCSIE Sept 2016)
- monitor the school's compliance with them

2.2 The Headteacher will:

- ensure that the school operates safe and fair recruitment and selection procedures which are regularly reviewed and up-dated to reflect any changes to legislation and statutory guidance
- ensure that all appropriate checks have been carried out on staff and volunteers in the school
- monitor any contractors and agencies compliance with this document
- promote the safety and well-being of children and young people at every stage of this process

3. INVITING APPLICATIONS

3.1 All advertisements for posts of regulated activity, paid or unpaid, will include the following statement;

"Islamiyah School is committed to safeguarding children and young people. All post holders are subject to appropriate vetting procedures and a satisfactory Disclosure and Barring Service Enhanced with barred list information check".

3.2. All applicants will receive a pack containing the following when applying for a post:

- A statement of the school's commitment to ensuring the safety and well being of the pupils
- Job description and person specification
- The school's Safeguarding Policy
- The school's Safer Recruitment Policy
- The selection procedure for the post
- An application form

3.3 Prospective applicants must complete, in full, and return a signed application form. Incomplete application forms must be returned to the applicant where the deadline for completed forms has not passed.

3.4. Candidates submitting an application form completed on-line will be asked to sign the form application form if called for interview.

3.5 A curriculum vitae cannot be not be accepted in place of a completed application form.

4. IDENTIFICATION OF THE RECRUITMENT PANEL

4.1 Although no longer a statutory requirement, good practice suggests that at least one member of the Selection and Recruitment Panel to have successfully completed training in 'Safer Recruitment'.

5. SHORTLISTING

5.1 Candidates will be short listed against the person specification for the post.

5.2 Where deemed necessary, a reference will be taken up before the selection stage so that any discrepancies may be probed during this stage of the procedure.

6. REFERENCES

6.1 Two references will be sought, one of which must be from the applicant's current/most recent employer.

6.2 At minimum, candidate may be able to commence employment with only one reference (whilst second reference is being sought) after Risk Assessment completed and risk identified is not high enough and all other checks are clear.

6.3 References will be sought directly from the referee, and where necessary, will be contacted to clarify any anomalies or discrepancies. Detailed written records will be kept of such exchanges.

6.4 Where necessary, previous employers who have not been named as referees may be contacted in order to clarify any such anomalies or discrepancies. Detailed written records will be kept of such exchanges.

6.5 Referees will be asked specific questions about the following:

- The candidate's suitability to work with children and young people
- Any disciplinary warnings, including time-expired warnings, relating to the safeguarding of children and young people
- The candidate's suitability for the post

6.6 Reference requests will include the following:

- Applicants current position and salary
- Sickness record
- Attendance record
- Disciplinary record

6.7 All appointments are subject to satisfactory references, vetting procedures and DBS clearance.

7. INVITATION TO INTERVIEW

7.1 Candidates called to interview will receive:

- A letter confirming the interview and details of the selection techniques
- Details of the interview day including details of the panel members
- Further copy of the person specification
- Details of any tasks to be undertaken as part of the interview process
- The opportunity to discuss the process prior to the interview

8. THE SELECTION PROCESS

8.1 Selection techniques will be determined by the nature and duties of the post but all vacancies will require an interview of short-listed candidates.

8.2 Interviews will always be face-to-face.

8.3 Candidates will be required to:

- Explain any gaps in employment
- Explain satisfactorily any anomalies or discrepancies in the information available to the panel
- Declare any information that is likely to appear on the DBS disclosure
- Demonstrate their ability to safeguard and protect the welfare of children and young people.

9. EMPLOYMENT CHECKS

9.1 An offer of appointment will be conditional and all successful candidates will be required to:

- Provide proof of identity
- Complete an enhanced DBS application and receive satisfactory clearance
- Provide proof of professional status
- Provide actual certificates of qualifications
- Complete a confidential health questionnaire
- Provide proof of eligibility to live and work in the UK
- De-barring check (teachers' pension website) this check will be made every autumn term
- Prohibition order check-(dfe) for all staff
- S128 check for Leaders and Managers

9.2 All checks will be:

- Confirmed in writing
- Documented and retained on the personnel file
- Recorded on the school's Single Central Record
- Followed up if they are unsatisfactory or if there are any discrepancies in the information received.

8.3.1 Prevention of Radicalisation

The definition of Radicalisation covers;

"vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas".

In Islamiyah school, we take our responsibility to protect our children from extremist views seriously. To assist our students we;

8.3.2 When appointing new staff as well as our normal safeguarding policy, we will actively consider any links with extremist organisations.

8.3.3 When engaging an outside speaker we will make enquiries to ensure that the views expressed are in keeping with being a British Muslim.

8.3.4 When students are in the ICT suite we will carefully monitor the sites that students can access using the necessary blocking software and monitoring by vigilant staff members.

Partisan political views

- The School makes sure that all staff are aware that teaching precludes the promotion of partisan political views in the teaching of any subject in the school; and takes such steps as are reasonably practicable to ensure that where political issues are brought to the attention of pupils— while they are in attendance at the school;

(ii) While they are taking part in extra-curricular activities which are provided or organised by or on behalf of the school; or

(iii) In the promotion at the school, including through the distribution of promotional material, of extra-curricular activities taking place at the school or elsewhere; **they are offered a balanced presentation of opposing views.**"

8.3.5 During the interview

- Will ask whether the candidate holds any partisan political views.
- Will make clear that The school has in its recruitment policy and in the contract that partisan political views are not promoted by teachers in any subject, any breach would lead to the termination of the contract

Employment will commence subject to all checks and procedures being satisfactorily completed.

A risk assessment should be completed when considering whether to allow a new member of staff to start work before a new DBS certificate has been seen by the school or if any other information is outstanding. If the risk assessment highlights medium or low risk; and if it is deemed essential for the continuity of the school's provision to pupils, a de-barring clearance is obtained first before commencement of employment and she/he must be kept supervised at all times.

9. INDUCTION

9.1 All staff and volunteers who are new to the school will receive information on the school's safeguarding policy and procedures and guidance on safe working practices as part of their induction training.

9.2 All successful candidates will undergo a period of monitoring and will:

- Meet regularly with their induction tutor
- Meet regularly with their line manager
- Attend any appropriate training

10. SUPPLY STAFF

10.1 Islamiyah School will only use those agencies which operate a Safer Recruitment Policy and supply written confirmation that all relevant checks have been satisfactorily completed. Any information disclosed as part of the DBS check will be treated confidentially.

10.2. Islamiyah School will carry out identity checks when the individual arrives at school.

11. PERIPATETIC STAFF

11.1 Islamiyah School will require that all necessary checks and DBS requirements have been satisfactorily completed for peripatetic staff.

This policy has been ratified by the Governing Body on 21.09.2017 and will be reviewed in September 2018.

Dated 21.09.2017

APPENDIX 1-(KCSIE 2016)

Part three: Safer recruitment

Recruitment, selection and pre-employment vetting

35. It is vital that schools and colleges create a culture of safe recruitment and, as part of that, adopt recruitment procedures that help deter, reject or identify people who might abuse children, (see paragraphs 71-72 about safer recruitment training). This part of the guidance describes in detail those checks that are, or may be, required for any individual working in any capacity at, or visiting, the school or college. Governing bodies and proprietors must act reasonably in making decisions about the suitability of the prospective employee based on checks and evidence including: criminal record checks (DBS checks), barred list checks and prohibition checks together with references and interview information. ^{25, 26}

36. The level of DBS certificate required, and whether a prohibition check is required, will depend on the role and duties of an applicant to work in a school or college, as outlined in this guidance.

37. 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; ²⁷ or
- engage in intimate or personal care or overnight activity, even if this happens only once.

A more detailed description of regulated activity is provided at page 24.

38. 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 (see paragraphs 135-138 for further information on contractors) that would have the opportunity for contact with children and who work under a temporary or occasional contract.²⁸

39. In a school or college, a **supervised** volunteer who regularly teaches or looks after children is not in regulated activity.²⁹ The Department for Education (DfE) 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.

40. 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.³⁰ For those engaged in management roles (in independent schools - including academies and free schools) an additional check is required to ensure they are not prohibited under section 128 provisions. See the pre-appointments section of this guidance.

²⁸ Temporary or occasional is not further defined by legislation. Employers should apply the ordinary meaning of these terms, i.e. occasional - 'a particular occasion or on an irregular basis'; temporary services - 'lasting only for a limited period, not permanent'.

²⁹ 'Supervised' and 'unsupervised' have a particular meaning in relation to regulated activity.

³⁰ The Teachers' Disciplinary (England) Regulations 2012 apply to schools and sixth form colleges and any person that is subject to a prohibition order is prohibited from carrying out teaching work in those establishments. Further education

colleges (other than sixth form colleges) are not legally required to conduct this additional prohibition check. The School Staffing (England) Regulations 2009, The Non-Maintained Special Schools (England) Regulations 2015 and the Education (Independent School Standards) Regulations 2014 require governing bodies or proprietors to check that a person to be appointed is not subject to an interim prohibition order or a prohibition order.

Regulated activity

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 has 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 regularly.³¹ Some activities are always regulated activities, regardless of their frequency or whether they are supervised or 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;³²
 - health care means care for children provided by, or under the direction or supervision of, a regulated health care professional.

³¹ The Safeguarding Vulnerable Groups Act 2006 provides that the type of work referred to at (a) or (b) will be regulated activity if "it is carried out frequently by the same person" or if "the period condition is satisfied". Paragraph 10 of Schedule 4 to this Act says the period condition is satisfied if the person carrying out the activity does so at any time on more than three days in any period of 30 days and, for the purposes of the work referred to at (a), apart from driving a vehicle only for children, it is also satisfied if it is done at any time between 2am and 6am and it gives the person the opportunity to have face to face contact with children.

³² It is not intended that personal care includes such activities as, for example, parent volunteers helping with costumes for school plays or helping a child lace up football boots.

Types of check

Disclosure and Barring Service (DBS) checks

41. Three types of DBS checks are referred to in this guidance (see Annex G for more information):

- **Standard:** this provides information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC), regardless or not of whether they are spent under the Rehabilitation of Offenders Act 1974. The law allows for certain old and minor matters to be filtered out;
- **Enhanced:** This provides the same information as a standard check, plus any additional information held by the police which a chief officer reasonably believes to be relevant and considers ought to be disclosed; and
- **Enhanced with barred list check:** where people are working or seeking to work in regulated activity with children, this allows for an additional checks to be made as to whether the person appears on the children's barred list.³³

More information is available on the [DBS website](#).

42. Once the checks are complete, the DBS will send a certificate (the DBS certificate) to the applicant. The applicant must show the original DBS certificate to their potential employer before they take up post or as soon as practicable afterwards.

43. Where a school or college allows an individual to start work in regulated activity before the DBS certificate is available, they should ensure that the individual is appropriately supervised and that all other checks, including a separate barred list check, have been completed.

44. For staff who work in childcare provision or who are directly concerned with the management of such provision, the school needs to ensure that appropriate checks are carried out to ensure that individuals are not disqualified under the Childcare (Disqualification) Regulations 2009. Further information on the staff to whom these regulations apply, the checks that should be carried out, and the recording of those checks can be found in [Disqualification under the Childcare Act 2006](#) statutory guidance.

45. If a school or college knows or has reason to believe that an individual is barred, it commits an offence if it allows the individual to carry out any form of

³³ The DBS maintains 'barred lists' of individuals who are unsuitable to work with children and vulnerable adults. In addition, where an enhanced certificate is obtained, and this includes a barred list check, the certificate will also detail whether the applicant is subject to a direction under section 128 of the Education and Skills Act 2008 or section 167A of the Education Act 2002 prohibiting that individual from taking part in the management of independent educational institutions in England and/or Wales respectively.

regulated activity.³⁴ 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.³⁵

Secretary of State prohibitions

Teacher prohibition orders

46. Teacher 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.³⁶ A person who is prohibited from teaching must not be appointed to work as a teacher in such a setting. A check of any prohibition can be carried out using the [Teacher Services' system](#).³⁷ Prohibition orders are described in the National College for Teaching and Leadership's (NCTL) publication [Teacher misconduct: the prohibition of teachers](#).

47. Teacher 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 it is considered to be in the public interest to do so.

Section 128 direction

48. A section 128 direction³⁸ prohibits or restricts a person from taking part in the management of an independent school, including academies and free schools. A person who is prohibited, is unable to participate in any management of an independent school such as: a management position in an independent school, academy or free school as an employee; a trustee of an academy or free school trust; a governor or member of a proprietor body for an independent school; or a governor on any governing body in an independent school, academy or free school 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](#). Where the person will be engaging in regulated activity, a DBS barred list check will also identify any section 128 direction.

49. The grounds on which a section 128 direction may be made by the Secretary of State are found in the relevant regulations.

³⁴ Section 9, Safeguarding Vulnerable Groups Act 2006.

³⁵ Section 7, Safeguarding Vulnerable Groups Act 2006.

³⁶ Prohibition orders are made by the Secretary of State under section 141B of the Education Act 2002. Those made by the General Teaching Council for England (GTCE) prior to April 2012 have the same effect.

³⁷ The Teacher Services' system (formally known as, Employer Access Online) is a free service that allows schools and colleges to identify: existing prohibitions and sanctions made under section 142 of the 2002 Act; teacher prohibitions made under section 141 of the 2002 Act; any direction made under 128 of the 2008 Act; sanctions or restrictions imposed by the General Teaching Council for England (GTCE) before its abolition in March 2012; and teacher sanctions or restrictions imposed by European Economic Area regulating authorities on or after 18 January 2016. Teacher services can also be used to check for the award of Qualified Teacher Status (QTS), the completion of teacher induction or probation. The [Teacher Services' system](#) is accessed via the Department's Secure Access portal.

³⁸ The Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014.

Pre-appointment checks

All new appointments

50. Any offer of appointment made to a successful candidate, including one who has lived or worked abroad, must be conditional on satisfactory completion of the necessary pre-employment checks.
51. When appointing new staff, schools and colleges must (subject to paragraph 105):
- verify a candidate's identity. Identification checking guidelines can be found on the [GOV.UK website](#);
 - obtain (via the applicant) an enhanced DBS certificate(including barred list information, for those who will be engaging in regulated activity);^{39,40}
 - obtain a separate barred list check if an individual will start work in regulated activity before the DBS certificate is available;
 - verify the candidate's mental and physical fitness to carry out their work responsibilities.⁴¹ 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;⁴²
 - verify the person's right to work in the UK. If there is uncertainty about whether an individual needs permission to work in the UK, then prospective employers, or volunteer managers, should follow advice on the [GOV.UK website](#);
 - if the person has lived or worked outside the UK, make any further checks the school or college consider appropriate (see paragraph 114); and
 - verify professional qualifications, as appropriate.
 - Independent schools, including academies and free schools, check that a person taking up a management position as described at paragraph 99 is not subject to a section 128 direction made by the Secretary of State.

³⁹ Where the individual will be or is engaging in regulated activity, schools will need to ensure that they confirm on the DBS application that they have the right to barred list information.

⁴⁰ Regulations 12 and 24 of the School Staffing (England) Regulations 2009 for maintained schools also applied to the management committee of pupil referral units through the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007. Part 4 of the Schedule to The Education (Independent School Standards) (England)

Regulations 2014 applies to independent schools, including free schools and academies. The Schedule to the Non-Maintained Special Schools (England) Regulations 2015 applies to non-maintained special schools. Regulation 5 of the Further Education (Providers of Education) (England) Regulations 2006 apply to further education institutions. Further Education providers should also note Regulation 10 of the Further Education (Providers of Education) (England) Regulations 2006, which requires that members of staff who move [within a college] from positions not involving the provision of education into a position involving the provision of education are to be treated as new staff members.

⁴¹ Education (Health Standards) (England) Regulations 2003 see also [fitness to teach circular](#).

⁴² Section 60 of the Equality Act 2010.

52. Schools and sixth form colleges should use [Teacher Services' system](#) to ensure that a candidate to be employed as a teacher is not subject to a prohibition order issued by the Secretary of State.

53. Where an enhanced DBS certificate is required, it must be obtained from the candidate before, or as soon as practicable after, the person's appointment.

54. There is **no requirement** to obtain an enhanced DBS certificate or carry out checks for events that may have occurred outside the UK if, in the three months prior to their appointment, the applicant has worked:

- in a school in England in a post which brought them into regular contact with children or young persons in any post in a school since 12 May 2006; or
- in an institution within the further education 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 check. Schools or colleges **may** also choose to request an enhanced DBS certificate should they wish to do so.

55. The DBS cannot provide barred list information on any person, including volunteers, who are not in or seeking to enter in regulated activity.

DBS Update Service

56. Individuals can join the DBS Update Service at the point an application for a new DBS check is made, enabling future status checks to be carried out to confirm that no new information has been added to the certificate since its issue.⁴³ This allows for portability of a certificate across employers.

Before using the Update Service schools or colleges 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 including barred list information.

The school or college can then subsequently carry out a free online check. This would identify whether there has been any change to the information recorded, since the initial certificate was issued and advise whether the individual should apply for a ne

⁴³ There is an annual fee for applicants using the update service.

Risk Assessment Checklist**Starting work prior to DBS Certificate being seen or another outstanding important information**

This risk assessment should be completed when considering whether to allow a new member of staff to start work before a new DBS certificate has been seen by the school or if any other important information is outstanding

Name of Person

Role

Interview Date

Proposed Start Date.....

DBS Check application date.....

[The person must not start without an application being made]

Details of outstanding information

Is the person in 'Regulated' Activity? Yes No

Reason for starting without seeing a new DBS Check or other outstanding information

Continuity of the school's provision to pupils

Other (please state).....

Known Information

Have following checks been satisfactorily completed? * A maximum of ONE check may be outstanding.

- Identity check (photographic) [Essential]
- DBS (seen and checked) [Essential]
- Verification of current address [Essential]
- Barred list check (if legally appropriate) [Essential]
- Prohibition check (for teachers) [Essential]
- Overseas checks (where relevant)
- Right to Work in the UK [Essential]
- Confirmation of qualifications [Essential]
- Two* references [Essential]

Any other information (please state)

Previous DBS Certificate

If the person has a previous DBS, on what date was it issued?

When was the person’s last day at work in their previous school or college?
.....

If the person’s proposed start date and their last day at their previous school or college are less than three months apart, then a new Enhanced DBS check is not required in law, although most schools will instigate a new one. Therefore, given that there is sufficient other information, the person could be assessed to be of low risk.

Decision

- High Risk** – Person **should not** be allowed to start without a new Enhanced DBS, as there has been a break in service of more than three months (or they do not have an Enhanced DBS certificate) and/or there is insufficient information about the person in the ‘Known Information’ list above.
- Medium Risk** – Person may start work and although there is sufficient other information listed above, because there is a gap in service of three months or more (or they do not have an Enhanced DBS certificate)/ or other important information is outstanding, the person must be supervised* at all times and **should not** undertake 1:1 work, personal care activities or residential visits. (* The unchecked person must always be ‘within sight and hearing’ of a person with an Enhanced DBS check).
- Low Risk** – Person may start work, without additional supervision, as they already hold an Enhanced DBS check and there is no break in service of three months or more and all other checks have been satisfactorily completed.

Authorisation

Headteacher (Print Name)

Headteacher (Signature)Date.....

Chair of Governors (Print Name)

Chair of Governors (Signature) Date