

Sherwood Primary School

Safe recruitment, Selection and Pre-employment Vetting Policy and Procedures



January 2023

Policy Statement

Sherwood Primary School 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. 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, this School.

We 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 safe recruitment. All offers of employment (whether paid or unpaid) will be subject to school staff and Governors being satisfied that the applicant or volunteer is a suitable person to work with children.

Statutory guidance 'Working Together to Safeguard Children' 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 safe recruitment, these arrangements include having safe 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 the school will be familiar with and fully understand the statutory guidance 'Keeping Children Safe in Education' and the School 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, we 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).

We are 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 Head teacher or Chair of Governors 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 Lancashire County Council.

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 our school views safeguarding children as paramount, the following statement will be included in all advertisements:

Sherwood Primary 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.

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 makes clear to applicants that proof of identity will be required as well as a DBS Disclosure of the appropriate level (where applicable).

Our Information Pack also includes 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 school's Child Protection Policy Statement
- a statement of the terms and conditions relating to the post

4. Application Form

We do not accept CV's at this school 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.

¹In relation to requests for details about previous convictions, our 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.”

Our 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 their 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 governors, 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 List² 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. Mrs Jodie Lumb, Headteacher completed Safe Recruitment training delivered by the Safe Recruitment Consortium on 5th June 2015.

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

The School 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 the most recent employer. If an applicant for a teaching post is not currently employed as a teacher, we 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 their capacity to carry out the duties set out in the job description;
- the applicant's current post and salary;
- 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.

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.

The School 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' emphasises the importance of anyone appointed to a post involving regular contact with children or young people must be medically fit. 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. The interviewing panel will consist of at least 2 people. At least one member of the panel will have successfully completed an accredited safe recruitment training course. Volunteers will be interviewed by either the Head teacher 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;

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 check³ 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;
- further checks on the individual if they have lived or worked outside of the UK for a block period of 3 months or more in the last 5 years. These further checks must 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. This applies to all teachers who have lived or worked in an EEA country since January 2016;
- verification of the individual's mental and physical fitness to carry out their work responsibilities. A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role (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 Services System also known as Secure Access on-line);
- 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 check⁴.

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.

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.

Regulated activity includes:

- a) teaching, training, instructing, caring for 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;

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;
 - 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 Prohibition Orders/Interim Prohibition Orders

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.

We 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.

13.3 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

13.4 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 their 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 their 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](https://www.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 Sherwood Primary School

all others who work in regular contact with children in the school or college, including volunteers;

all Governors in maintained schools (unless they are already identified as an employee/governor dual role);

contractors (where relevant); and

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 online search;
- an enhanced DBS check/certificate;
- a prohibition from teaching check (where applicable);
- further checks on people living or working outside the UK.;

- a check of professional qualifications; and
- a check to establish the person's right to work in the United Kingdom.

The School does 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

The School will obtain written notification from any agency, or third-party organisation, we use 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).

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 Head teacher will determine whether a Childcare Disqualification declaration is required to be completed.

For new volunteers not in regulated activity we will undertake a risk assessment and use our 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.

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. School Governors (maintained schools)

Sherwood Primary School Governors are required to have an Enhanced Disclosure as a minimum.

19. Others with the potential for contact with children

19.1 Contractors

The School 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.

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

19.2 Visitors

The School does 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.

20. Policy Approval

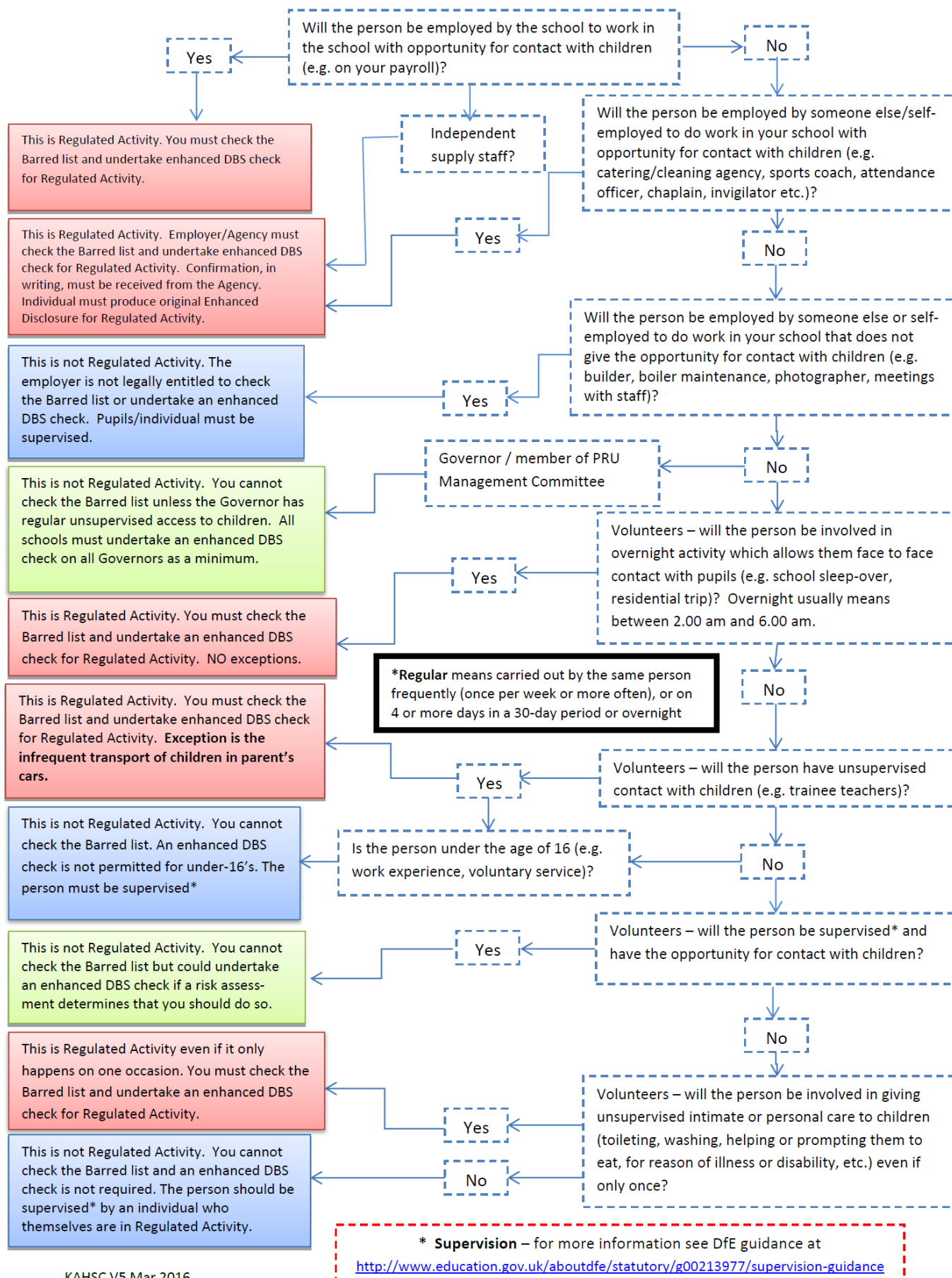
Approval date: January 2023

Review date: January 2026

Signed (Headteacher): 

Signed (On behalf of the Governing Body): 

SCHOOLS/ACADEMIES PRUs - Children’s Barred List check, enhanced DBS check, both or none?



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

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.

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 head teacher 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.

Sherwood Primary School – Model 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, including cursory name check on the internet. 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, including cursory name check on the internet. 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, including cursory name check on the internet. 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	Satisfactory reference received along with face-to-face interview with member of senior management team, including cursory name check on the internet. 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	Satisfactory reference received along with face-to-face interview with member of senior management team, including cursory name check on the internet. 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	Cursory name check on the internet. 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 with sufficient age-appropriate restraints.	

✓	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 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	<p>Volunteer known to the school. Cursory name check on the internet.</p> <p>Volunteer is not permitted to have face to face contact with pupils during the night and will not be considered to be 'on duty'. Notice on door stating room where children can seek help.</p> <p>Arrangements made for school staff to be 'on-duty' during sleeping hours.</p> <p>Should the fire alarm be activated and/or the building evacuated, volunteer will not be in charge of a group unless supervised.</p>	
	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: