

## Go Fish Education Ltd

### Safer Recruitment Policy

#### Recruitment and selection process

It is vital that as part of the Go Fish Education approach that we create a culture that safeguards and promotes the welfare of children in their provision. As part of this culture, it is important that we adopt robust recruitment procedures that deter and prevent people who are unsuitable to work with children from applying for or securing employment, or volunteering opportunities at Go Fish Education.

The School Staffing (England) Regulations 2009 and the Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007 require governing bodies of maintained schools and management committees of pupil referral units (PRUs) to ensure that at least one of the persons who conducts an interview has completed safer recruitment training.

#### Adverts

All adverts will carefully consider the following information when defining the role (through the job or role description and person specification):

- the skills, abilities, experience, attitude, and behaviours required for the post, and
- the safeguarding requirements, i.e. to what extent will the role involve contact with children and will they be engaging in regulated activity relevant to children.

The advert will include:

- Go Fish Education's commitment to safeguarding and promoting the welfare of children and make clear that safeguarding checks will be undertaken
- the safeguarding responsibilities of the post as per the job description and personal specification, and
- whether the post is exempt from the Rehabilitation of Offenders Act (ROA) 1974.

#### Application forms

Where a role involves engaging in regulated activity relevant to children, Go Fish Education will include a statement in the application form or elsewhere in the information provided to applicants that it is an offence to apply for the role if the applicant is barred from engaging in regulated activity relevant to children.

Go Fish Education will also provide a copy of our child protection policy and practices and policy on employment of ex-offenders in the application pack or refer to a link on its website.

The application form will ask applicants to provide:

- personal details, current and former names, current address and national insurance number
- details of their present (or last) employment and reason for leaving
- full employment history, (since leaving school, including education, employment and voluntary work) including reasons for any gaps in employment
- qualifications, the awarding body and date of award
- details of referees/references (see below for further information), and
- a statement of the personal qualities and experience that the applicant believes are relevant to their suitability for the post advertised and how they meet the person specification.

We will only accept copies of a curriculum vitae alongside an application form. A curriculum vitae on its own will not provide adequate information.

## **Shortlisting**

Shortlisted candidates will be asked to complete a self-declaration of their criminal record or information that would make them unsuitable to work with children.

For example:

- if they have a criminal history
- if they are included on the children's barred list
- if they are prohibited from teaching
- if they are prohibited from taking part in the management of an independent school
- information about any criminal offences committed in any country in line with the law as applicable in England and Wales, not the law in their country of origin or where they were convicted
- if they are known to the police and children's local authority social care
- if they have been disqualified from providing childcare, and,
- any relevant overseas information.

This information will only be requested from applicants who have been shortlisted.

Applicants will be asked to sign a declaration confirming the information they have provided is true.

Where there is an electronic signature, the shortlisted candidate will physically sign a hard copy of the application at point of interview.

The purpose of a self-declaration is so that candidates will have the opportunity to share relevant information and allow this to be discussed and considered at interview before the DBS certificate is received.

At Go Fish Education, we will:

- ensure that at least two people carry out the shortlisting exercise and these same two people will carry out the interview for a consistent approach
- • consider any inconsistencies and look for gaps in employment and reasons given for them, and,
- explore all potential concerns.

In addition, as part of the shortlisting process, we will carry out an online search as part of our due diligence on the shortlisted candidates. This may help identify any incidents or issues that have happened, and are publicly available online, which the Go Fish Education might want to explore with the applicant at interview.

## **Employment history and references**

The purpose of seeking references is to allow employers to obtain factual information to support appointment decisions. At Go Fish Education, we will obtain references before interview, where possible, so that any concerns raised can be explored further with the referee and taken up with the candidate at interview.

At Go Fish Education we will:

- not accept open references e.g. to whom it may concern
- not rely on applicants to obtain their reference
- ensure any references are from the candidate's current employer and have been completed by a senior person with appropriate authority
- obtain verification of the individual's most recent relevant period of employment where the applicant is not currently employed

- secure a reference from the relevant employer from the last time the applicant worked with children (if not currently working with children), if the applicant has never worked with children, then ensure a reference from their current employer
- always verify any information with the person who provided the reference
- ensure electronic references originate from a legitimate source
- contact referees to clarify content where information is vague or insufficient information is provided
- compare the information on the application form with that in the reference and take up any discrepancies with the candidate
- establish the reason for the candidate leaving their current or most recent post, and,
- ensure any concerns are resolved satisfactorily before appointment is confirmed.

224. When asked to provide references, Go Fish Education will ensure the information confirms whether they are satisfied with the applicant's suitability to work with children, and provide the facts (not opinions) of any substantiated safeguarding concerns/allegations that meet the harm threshold. They should not include information about concerns/allegations which are unsubstantiated, unfounded, false, or malicious.

References are an important part of the recruitment process and should be provided in a timely manner and not hold up proceedings. Any repeated concerns or allegations which do not meet the harm threshold which have all been found to be false, unfounded, unsubstantiated or malicious should not be included in any reference.

## **Selection**

Go Fish Education will use a range of selection techniques to identify the most suitable person for the post. Those interviewing will agree structured questions.

These will include:

- finding out what attracted the candidate to the post being applied for and their motivation for working with children
- exploring their skills and asking for examples of experience of working with children which are relevant to the role, and,
- probing any gaps in employment or where the candidate has changed employment or location frequently, asking about the reasons for this.

The interviews should be used to explore potential areas of concern and to determine the applicant's suitability to work with children. Areas that may be concerning and lead to further probing include:

- implication that adults and children are equal
- lack of recognition and/or understanding of the vulnerability of children
- inappropriate idealisation of children
- inadequate understanding of appropriate boundaries between adults and children, and,
- indicators of negative safeguarding behaviours.

Any information about past disciplinary action or substantiated allegations will be considered in the circumstances of the individual case.

Students at Go Fish Education will be involved in the recruitment process in a meaningful way. Observing short listed candidates and appropriately supervised interaction with students is common and recognised as good practice.

All information considered in decision making will be clearly recorded along with decisions made.

## **Pre-appointment vetting checks, regulated activity and recording information**

These checks are part of the wider whole Go Fish Education safeguarding regime, which will continue following appointment.

All offers of appointment will be conditional until satisfactory completion of the mandatory pre-employment checks.

We will:

- verify a candidate's identity,
- obtain (via the applicant) an enhanced DBS check (including children's barred list information, for those who will be engaging in regulated activity with children)
- verify the candidate's mental and physical fitness to carry out their work responsibilities.
- A job applicant can be asked relevant questions about disability and health in order to establish whether they have the physical and mental capacity for the specific role
- verify the person's right to work in the UK, including EU nationals. If there is uncertainty about whether an individual needs permission to work in the UK, then schools and colleges should follow advice on the GOV.UK website
- if the person has lived or worked outside the UK, make any further checks that Go Fish Education consider appropriate
- verify professional qualifications, as appropriate. The Teaching Regulation Agency's (TRA) Employer Access Service should be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation.

In addition:

- we will ensure that an applicant to be employed to carry out teaching work is not subject to a prohibition order issued by the Secretary of State for prohibition checks or any sanction or restriction imposed (that remains current) by the GTCE, before its abolition in March 2012

## **Types of DBS checks**

These are the types of checks available.

- Basic DBS check – this provides details of convictions and conditional cautions considered to be 'unspent' under the terms of the Rehabilitation of Offenders Act 1974.
- Standard DBS check –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 DBS check – this provides the same information about convictions, cautions, reprimands and warnings held on the Police National Computer (PNC) as a Standard DBS check, plus additional information held by the police such as interviews and allegations. Additional information will only be disclosed where a chief police officer reasonably believes it to be relevant and considers that it ought to be disclosed. The position being applied for/or activities being undertaken must be covered by an exempted question in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and by provisions in the Police Act 1997 (Criminal Records) Regulations 2002.75
- Enhanced DBS check with children's barred list information – where people are working or seeking to work in regulated activity relating to children, this allows an additional check, to be made, about whether the person appears on the children's barred list, along with a check of the Police National Computer records plus additional information held by the police as above. The position being applied for or activities being undertaken must be eligible for an enhanced DBS check as above and be for a purpose listed in the Police Act 1997 (Criminal Records) (No2) Regulations 2009 as qualifying for a barred list(s) check. In addition, this check can also include information as to whether an individual is subject to a section 128

## **Considering which type of check is required**

All staff at Go Fish Education will require an enhanced DBS check which includes children's barred list information.

The DBS check will be obtained from the candidate before the person's appointment

Once the checks are complete, the applicant must show the original paper DBS certificate to Kerry Brown or Dylan Brown before they take up post, or as soon as practicable afterwards.

We will be able to compare any information disclosed on the certificate with any information shared by the applicant during the recruitment process. DBS guidance on how to check a DBS certificate can be found on GOV.UK.

At Go Fish Education we will assess cases fairly, on an individual basis. A decision not to appoint somebody because of their conviction(s) will be clearly documented, so if challenged the Go Fish Education can defend its decision.

When assessing any disclosure information on a DBS certificate, we will take into consideration the explanation from the applicant, including for example:

- the seriousness of any offence and relevance to the post applied for
- how long ago the offence occurred
- whether it was a one-off incident or a history of incidents
- the circumstances around the incident, and,
- whether the individual accepted responsibility for their actions.

Go Fish Education should also consider the incident in the context of the Teachers' standards and Teacher misconduct guidance, if the applicant is applying for a teaching post.

## **DBS Update Service**

Individuals can join the DBS Update Service at the point that an application for a new DBS check is made. Subscription to the service enables future status checks to be carried out by employers to confirm that no new information has been added to the check since its issue.

As good practice, we will require new staff to join the Update Service as part of their employment contract. The benefits of joining the Update Service are:

- portability of a DBS check across employers
- free online checks to identify whether there has been any change to the information recorded, since the initial certificate was issued and advice whether the individual should apply for a new DBS check, and,
- that individuals will be able to see a full list of those organisations that have carried out a status check on their account.

Before using the Update Service, we will:

- obtain consent from the individual to carry out an online check to view the status of an existing standard or enhanced DBS check
- confirm the DBS certificate matches the individual's identity
- examine the original certificate to ensure that it is valid for employment with the children's workforce, and,
- ensure that the level of the check is appropriate to the job they are applying for

## **Prohibitions, directions, sanctions and restrictions**

### Secretary of State teacher prohibition, and interim prohibition orders

Teacher prohibition and interim prohibition orders prevent a person from carrying out teaching work as defined in the Teachers' Disciplinary (England) Regulations 2012 in schools, sixth form colleges, 16-19 academies, relevant youth accommodation and children's homes in England. Teacher prohibition orders are made by the Secretary of State following consideration by a professional conduct panel convened by the TRA. Pending such consideration, the Secretary of State may issue an interim prohibition order if it is considered to be in the public interest to do so. The TRA's role in making prohibition orders and the processes used to impose them are described in more detail in the publications "Teacher misconduct: disciplinary procedures for the teaching profession" and "Teacher misconduct: the prohibition of teachers: Advice on factors relating to decisions leading to the prohibition of teachers from the teaching profession".

A person who is prohibited must not be appointed to a role that involves teaching work (as defined in the Teachers' Disciplinary (England) Regulations 2012).

### *Historic General Teaching Council for England (GTCE) sanctions and restrictions*

There are a number of individuals who are still subject to disciplinary sanctions, which were imposed by the GTCE (prior to its abolition in 2012).

Prohibition orders are made by the Secretary of State under section 141B of the Education Act 2002. 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. By virtue of their Conditions of Funding in respect of funding received from the Education and Skills Funding Agency, colleges may not employ or engage a person who is subject to a prohibition order to carry out teaching work.

### **Secretary of State section 128 direction**

A section 128 direction prohibits or restricts an unsuitable individual from participating in the management of an independent school, including academies and free schools. An individual who is subject to a section 128 direction is unable to:

- take up a management position in an independent school, academy, or in a free school as an employee
- be a trustee of an academy or free school trust; a governor or member of a proprietor body of an independent school, or
- be a governor on any governing body in an independent school, academy or free school that retains or has been delegated any management responsibilities.

There is no exhaustive list of roles that might be regarded as 'management' for the purpose of determining what constitutes management in an independent school. The Department's view is that roles involving, or very likely to involve, management of a school include (but are not limited to) headteachers, principals, deputy/assistant headteachers, governors and trustees. It is important to note that the individual's job title is not the determining factor and whether other individuals such as teachers with additional responsibilities could be considered to be 'taking part in management' depends on the facts of the case.

The grounds on which a section 128 direction may be made by the Secretary of State are set out in The Independent Educational Provision in England (Prohibition on Participation in Management) Regulations 2014/81 made under section 128 of the Education and Skills Act 2008.

A section 128 direction will be disclosed when an enhanced DBS check with children's barred list information is requested, provided that 'child workforce independent schools' is specified on the application form as the position applied for. Where a person is not eligible for a children's barred list check but will be working in a management position in an independent school, a section 128 check should be carried out using the TRA's Employer Access service.

A person subject to a section 128 direction is also disqualified from holding or continuing to hold office as a governor of a maintained school.

## **Recording information**

### ***Single central record***

Schools and colleges must maintain a single central record of pre-appointment checks, referred to in the Regulations as “the register” and more commonly known as “the single central record”.

The Go Fish Education Single Central Record will include:

- an enhanced DBS check (with children’s barred list check) requested/certificate provided
- a prohibition from teaching check
- further checks on people who have lived or worked outside the UK
- a check of professional qualifications, where required, and,
- a check to establish the person’s right to work in the United Kingdom.

The details of an individual will be removed from the single central record once they no longer work at the Go Fish Education.

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

Individuals who have lived or worked outside the UK must<sup>92</sup> undergo the same checks as all other staff in schools or colleges . This includes obtaining (via the applicant) an enhanced DBS certificate (including children’s barred list information, for those who will be engaging in regulated activity) even if the individual has never been to the UK. In addition, schools and colleges must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered. Following the UK’s exit from the EU, schools and colleges should apply the same approach for any individuals who have lived or worked outside the UK regardless of whether or not it was in an EEA country or the rest of the world.

These checks could include, where available:

- criminal records checks for overseas applicants - Home Office guidance can be found on GOV.UK; and for teaching positions
- obtaining a letter (via the applicant) from the professional regulating authority (this is often the Department/Ministry of Education but varies across the world) in the country (or countries) in which the applicant has worked confirming that they have not imposed any sanctions or restrictions, and or that they are aware of any reason why they may be unsuitable to teach. Applicants can find contact details of regulatory bodies in the EU/EEA and Switzerland on the Regulated Professions database. Whilst the safeguarding and qualified teacher status (QTS) processes are different it is likely that this information will be obtained from the same place, therefore applicants can also contact the UK Centre for Professional Qualifications who will signpost them to the appropriate EEA regulatory body.

Where available, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability.

When this information is not available we will seek alternative methods of checking suitability and or undertake a risk assessment that supports informed decision making on whether to proceed with the appointment.

## **Agency and third-party staff (supply staff)**

At Go Fish Education we will obtain written notification from any agency, or third party organisation, that they have carried out the same checks as Go Fish Education would otherwise perform on any individual who will be working at the Go Fish Education (or who will be providing education on the Go Fish Education's behalf, including through online delivery).

in respect of the enhanced DBS check, Go Fish Education will ensure that written notification confirms the certificate has been obtained by either the employment business or another such business.

Where the agency or organisation has obtained an enhanced DBS certificate before the person is due to begin work at Go Fish Education, which has disclosed any matter or information, or any information was provided to the employment business, Go Fish Education will obtain a copy of the certificate from the agency.

Go Fish Education will also check that the person presenting themselves for work is the same person on whom the checks have been made.

## **How to ensure the ongoing safeguarding of children and the legal reporting duties of Go Fish Education**

Safer recruitment is not just about carrying out the right DBS checks. Similarly safeguarding should not be limited to recruitment procedures. Good safeguarding requires a continuing commitment from Go Fish Education and all staff to ensure the safety and welfare of children is embedded in all of the organisation's processes and procedures, and consequentially enshrined in its ethos.

### **Ongoing vigilance**

To support continuous vigilance, Go Fish Education will seek to create the right culture and environment so that staff feel comfortable to discuss matters both within, and where it is appropriate, outside of the workplace, which may have implications for the safeguarding of children.

As set out in our Safeguarding and Allegations Against Staff policies, it is important that all staff understand the process and procedures to follow if they have a safeguarding concern about another staff member. This can assist us to support staff, where there is a need, and help them manage children's safety and welfare, potentially providing them with information that will help them consider whether there are further measures or changes to procedures that need to be put in place to safeguard children in their care.

### **Existing staff**

There are limited circumstances where we will need to carry out new checks on existing staff.

These are when:

- an individual working at the Go Fish Education moves from a post that was not regulated activity with children into work which is considered to be regulated activity with children. In such circumstances, the relevant checks for that regulated activity must be carried out
- there has been a break in service of 12 weeks or more, or
- there are concerns about an individual's suitability to work with children.

### **Duty to refer to the Disclosure and Barring Service**

When an allegation is made, an investigation will be carried out to gather enough evidence to establish if it has foundation, and we will ensure we have sufficient information to meet the referral duty criteria explained in the DBS referral guidance, which can be found on GOV.UK.



There is a legal requirement to make a referral to the DBS where they remove an individual from regulated activity (or would have removed an individual had they not left), and they believe the individual has:

- engaged in relevant conduct in relation to children and/or adults, and/or
- satisfied the harm test in relation to children and/or vulnerable adults, and/or
- been cautioned or convicted of a relevant (automatic barring either with or without the right to make representations) offence.

The DBS will consider whether to bar the person. Detailed guidance on when to refer to the DBS (including what is the harm test and relevant conduct), and what information must be provided, can be found on GOV.UK.

Referrals should be made as soon as possible when an individual is removed from regulated activity. This could include when an individual is suspended, redeployed to work that is not regulated activity, dismissed or when they have resigned. It is important that as much relevant information is provided to the DBS as possible, as it relies on the quality of information provided by Go Fish Education when considering the referral.

### **Duty to consider referral to the Teaching Regulation Agency**

When Go Fish Education dismisses or ceases to use the services of a teacher because of serious misconduct, or might have dismissed them or ceased to use their services had they not left first, they must consider whether to refer the case to the Secretary of State, as required by sections 141D and 141E of the Education Act 2002.

The Secretary of State may investigate the case, and if there is a case to answer, must then decide whether to make a prohibition order in respect of the person.

Details about how to make a referral to the TRA can be found on GOV.UK.

This policy is consistent with the government guidelines set out in Keeping Children Safe in Education 2022 (KCSiE).

Agreed: January 2019  
Reviewed: December 2020  
Reviewed: August 2020  
Reviewed: August 2021  
Reviewed: July 2022  
Reviewed: March 2023  
Next review: July 2023