



LEARNING OPPORTUNITIES SAFER RECRUITMENT POLICY

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Our Safer Recruitment policy has been written and approved by a team with a range of experience and will be reviewed annually.

Review Date: August 2023
Next Review Date: August 2024

INTRODUCTION

Learning Opportunities is committed to safeguarding and promoting the welfare of students and expects all staff and volunteers to share this commitment. The first step to safeguarding is achieved through effective recruitment and retention of competent, motivated staff members who are suited to, and competent in their roles.

Our Recruitment Policy and Procedures are based on and conform with statutory and non-statutory guidance contained in 'Keeping Children Safe in Education (2023)'.

This policy should be read in conjunction with Learning Opportunities Safeguarding / Child Protection, Managing Allegations Against Staff, including Supply Teachers, Volunteers & Contractors policies, and Staff Code of Conduct. It sets out the minimum requirements needed to recruit and retain high calibre staff based on their merits, abilities and suitability for the post, whilst deterring, identifying and rejecting prospective applicants who are unsuitable for work with children and young people.

The purpose of this policy is to set out the minimum requirements of our recruitment process, the aims of which are to:

- attract the best possible applicants to vacancies.
- recruit staff with appropriate skills, both technical and personal, in order to meet Learning Opportunities current and future needs.
- ensure that all applicants are considered equitably and consistently.
- deter, identify and reject prospective applicants who are unsuitable for work with children or young people.
- ensure compliance with all relevant legislation, recommendations and guidance including the recommendations of the Department for Education (DfE) in Keeping Children Safe in Education (KCSIE 2023), and the code of practice published by the Disclosure & Barring Service (DBS).
- ensure that the school meets its commitment to safeguarding and promoting the welfare of children and young people by carrying out all necessary pre-employment checks.

The Rehabilitation of Offenders Act 1974 / 2020 Amendment of the Rehabilitation of Offenders Act

All posts which involve working directly with children, young people in school are exempt from the Rehabilitation of Offenders Act (1974), Section 4 (2) by virtue of the Rehabilitation of Offenders Act (1974) (Exemption) (Amendment) Order 1986. Candidates for these posts are obliged to declare any pending court actions, all previous criminal convictions, bind over orders or cautions, which for other posts would be considered spent. Failure to disclose this information could lead to the offer of employment being withdrawn.

The school is committed to ensuring people who have been convicted are treated fairly and given every opportunity to establish their suitability for position.

Any serious deliberate fraud or deception in connection with any application for employment may amount to a criminal offence (Obtaining Pecuniary Advantage by Deception). In such cases a report will be made to the police, and where applicable to the TRA.

Employees involved in the recruitment and selection of staff are responsible for familiarising themselves with and complying with the provisions of this policy.

EQUAL OPPORTUNITIES

We recognise the value of, and seek to achieve, a diverse workforce comprising different backgrounds, skills and abilities. As such we are committed to a recruitment and selection process which is systematic, efficient, effective and equal. In doing so, it upholds our obligations not to discriminate against applicants on grounds of any of the Protected Characteristics.

LINKS to OTHER KEY POLICIES

- Safeguarding / Child Protection
- Managing Allegations Against Staff, including Supply Teachers, Volunteers & Contractors
- Equality & Diversity
- Staff Code of Conduct
- Whistleblowing

SAFER WORKING PRACTICE

Learning Opportunities is committed to promoting the welfare of children at every stage of the recruitment process and beyond. The proprietor and leadership team are responsible for ensuring that the school follows safe recruitment processes.

We will prevent people who pose risks to children from working in our school by ensuring that all individuals working in any capacity at our school have been subjected to safeguarding checks in line with *Keeping Students Safe in Education 2023*.

Every job description and person specification, and job advertisement will have a clear statement about the safeguarding responsibilities of the post holder. The school website will echo this within our 'staff vacancies' section. The school will consider carrying out an online search on shortlisted candidates to help identify any issues that are publicly available online.

We have a procedure in place to manage allegations against members of staff, including Supply Teachers, Volunteers & Contractors (and to respond to low level concerns) in line with KCSIE. We will communicate with Local Authority Designated Officer (LADO), through consultations and referrals when needed.

There is an agreed staff code of conduct which is compliant with 'Safer Working Practices', and includes - acceptable use of technologies, staff/student relationships, low level concerns and communications including the use of social media.

Staff are aware of the need to adopt ways of working and appropriate practice to help reduce the likelihood of an allegation being made. We believe that it is equally important that everyone is able to raise concerns about what seems to be poor or unsafe practice by colleagues, and that those concerns, and concerns expressed by students, parents / carers or others are listened to and taken seriously.

It is recognised that it will often be difficult to give credence to concerns particularly if they are about a long serving and trusted colleague. Unfortunately, those concerns will sometimes be true, and it is

important that they are taken seriously and not simply dismissed (refer to Learning Opportunities Whistleblowing Policy).

RECRUITMENT & SELECTION PROCESS

The proprietor of Learning Opportunities will ensure that those involved with the recruitment and employment of staff within our school have received appropriate safer recruitment training. The minimum that this will cover will be Part 3 content of KCSIE 2023. At least one person on the interview Panel will have completed safer recruitment training.

Justification for Recruitment

Before recruitment begins the Leadership Team will consider the following:

- Is it necessary to fill the vacancy?
- Does the role require changes in duties and responsibilities?
- Is it appropriate to evaluate the grade of the post?
- Could the work be accommodated in other ways?
- What terms and conditions are being offered for the post, are they appropriate and consistent with the rest of Learning Opportunities employees?

Advertising

To ensure equality of opportunity, Learning Opportunities will advertise all vacant posts to encourage as wide a field of candidates as possible, normally this will entail an external advertisement.

We believe that the job advertisement shapes the first impression applicants have of Learning Opportunities and is therefore a very important tool when it comes to sending out the right message to the public; the business of the school, its culture and the type of person needed for the job.

Learning Opportunities will include 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.
- the school'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.
- that a satisfactory enhanced DBS check on all successful candidates will be required before formally offering the job and awarding a contract of employment.
- Whether the post is exempt for the Rehabilitation of Offenders Act (1974) and subsequent amendments which provide that when applying for certain jobs and activities, certain spent convictions and cautions are 'protected', so that they do not need to be disclosed to employers, and if they are disclosed, employers cannot take them into account – further information is available via the MOJ's guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 & the DBS filtering guide.

All advertised jobs will have a closing date.

Application Forms

Learning Opportunities will include a statement 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. We will also provide a link to our website where the applicant can view our Safeguarding / Child protection policy and procedures.

Applicants are expected 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; 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.

Learning Opportunities use a standard application form. Standalone CVs will not be accepted and will only be considered when presented alongside a fully completed application form. Scrutiny of the applications will be rigorous and any anomalies, discrepancies or gaps in employment information identified e.g. repeated changes of employment, mid-career move from permanent to temporary work. We require candidates to account for any gaps or discrepancies in employment history on the application form. Where an applicant is shortlisted, these gaps will be discussed at interview, and where applicable will be verified by the referee.

A fully completed application form will be retained on the personnel file.

Short listing

Where the volume of applicants is high, or the number of top calibre applicants is high, a matrix may be prepared and considered alongside relevant applications in the light of the skills and the qualifications required. Shortlisted candidates will then be invited to attend a **formal interview** at which his/her relevant skills and experience will be discussed in more detail.

All candidates will be assessed equally against the selection criteria contained in the person specification without exception or variation. Where short-listing is necessary candidates will be assessed against essential criteria first and then desirable criteria.

What is important is that the short-listing process is applied equally to all applicants and evidenced. This ensures fair selection and prevents claims of inequality or discrimination. It is vital that the shortlisting notes are kept as part of the recruitment and selection process and can be referred to if ever challenged.

Self-declaration

Note The government has announced there will be a resolution and subsequent amendment to The Police Act 1997 (Criminal Record Certificates: Relevant Matter) (Amendment) (England and Wales) Order 2023), which will ensure information disclosed on a standard or an enhanced DBS certificate

details what individuals **must** disclose to a prospective employer under the self-disclosure rules. This rectification will make it explicitly clear what cautions and convictions cannot be filtered unless/until they are spent, in line with the specified time periods.

It is unknown at present, when this legislation will be rectified to ensure this information is received.

Shortlisted candidates will be asked to complete a self-declaration.

BOTH of the following questions in their criminal/suitability self-disclosure:

1. Do you have any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974? (Y/N)?
2. Do you have any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020? (Y/N)?

This will include for example:

- if they have a criminal history.
- whether they are included on the barred list.
- whether they are prohibited from teaching.
- whether 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.
- have they been disqualified from providing childcare and,
- any relevant overseas information.

Applicants will be asked to sign a declaration confirming the information they have provided is true. Where there is an electronic signature, the shortlisted candidates will be asked to physically sign a hard copy of the application form 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.

The information will not be used to decide who should be shortlisted.

Learning Opportunities will:

- ensure that at least two people carry out shortlisting – persons involved in shortlisting will be part of the interview panel.
- consider any inconsistencies and look for gaps in employment and reasons given for them; and,
- explore all potential concerns.

In light of updated guidance in KCSIE 2023 and as part of our due diligence, Learning Opportunities will consider carrying out an online search on shortlisted candidates. If any incidents / issues come to light, these will be explored with the applicant at interview.

Learning Opportunities recognise that 'online search' is not the same as a search of candidates' social media activity.

Our processing condition under GDPR UK / DPA 2018 is that it is a regulatory requirement; we therefore do not need consent. However, the applicant has a right to know beforehand that this search will be conducted if they are shortlisted.

NOTE: Criminal information found via a search engine is still covered by the MoJ filtering rules – if the conviction / caution would be filtered, it will not be discussed with the candidate and cannot be taken into account -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/945449/rehabilitation-of-offenders-guidance.pdf

Actions – we will:

1. Include a statement in our recruitment policy, recruitment materials for applicants and on the application form, explaining that an online search will be completed for shortlisted candidates.
2. Add the online check to our safer recruitment check list
3. Agree a format for the panel to be notified that the online check has been completed and the detail of what was discovered or that there was no information found
4. Where information has been discovered, compare this with the candidate's application form, employment history and criminal / suitability self-disclosure and then discuss with the applicant at interview – the questions asked and responses provided by the applicant will be recorded on the interview notes
5. Ensure that if the information relates to a serious incident or demonstrates that the candidate has been dishonest in their application / self-disclosure, seek advice from the LADO and / or police before discussing with the candidate at interview
6. Ask any supply agencies to confirm that they are now including online checks in their vetting procedures

Example

1. We have shortlisted Joseph Brown.
2. We email the criminal history / self-declaration form to him, requesting that this is returned at least 2 days prior to interview
3. We Google 'Joseph Brown' (and perhaps Jo Brown) to see what pops up
4. We might also search the following terms:
 - a. Joseph Brown convicted
 - b. Joseph Brown crown court
 - c. Joseph Brown magistrates court
5. We might also search for Joseph Brown on LinkedIn and check who he has identified as previous employers against the employment history he has provided on his application form, along with a comparison of the employment dates stated

Data protection

The information about criminal records that we collect and process during the recruitment process is sensitive personal data. It will be:

- Stored securely.
- Shared only with those who need to know.
- Kept only as long as we need it (no longer than 6 months, unless it's needed to inform ongoing or dynamic risk assessment and mitigation processes), then destroyed securely.
- We will not share any information with other colleagues.
- For any records created during the process (for example, notes from disclosure discussions and criminal records assessments) we will tell applicants:
- How their information will be handled, stored and destroyed
- That they have a right to request: a copy of documents, that any inaccuracies are corrected, and that information is deleted.

Self-declaration information will be treated with caution

- Candidates may declare information that they're not required to disclose. This is because the rules about which convictions and cautions are 'protected' (meaning they don't need to be disclosed and wouldn't appear on a DBS check) are complicated – especially if the certificate was issued before the changes to filtering rules set out in the DBS guidance, linked above.
- We will **not** take protected convictions or cautions into account when deciding whether or not to make a job offer. This is set out in [Ministry of Justice guidance](#).
- To make sure we only make recruitment decisions based on the right information (and so are less vulnerable to legal challenge), we will compare the results of self-declarations with the results of a DBS check.
- It's also easy to misunderstand or misrepresent the nature of convictions or cautions. To avoid this, we will hold a disclosure discussion with the candidate – we will use the self-declaration to help us.

What to do if a self-declaration shows that someone is barred or ineligible

A candidate's self-declaration may indicate that they're ineligible for the role. For instance, if they are:

- Barred from working in regulated activity.
- Disqualified from working in a childcare setting.
- Subject to a section 128 direction, making them ineligible for roles in the management of academies or independent schools.

In these cases, we will:

- Confirm any restrictions for the post they're applying for, and for which they're restricted from undertaking.
- For posts in regulated activity, explain that they'd be committing an offence to seek employment in that post.
- Explain that you wouldn't legally be allowed to employ them.
- Make a brief note of our conversation and keep these for our records. We are not required to take their application any further.

Employment History & References

Factual information detailed within references will be used to support appointment decisions.

A minimum of two written references will be sought for all shortlisted candidates directly from the referee, and wherever possible before interview. This allows any concerns raised to be explored further with the referee and taken up with the candidate at interview.

Where necessary, referees will be contacted by telephone or e-mail in order to clarify any anomalies or discrepancies. A detailed written note will be kept of such exchanges.

Learning Opportunities 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 if the referee is school or college based, we will expect the reference to be confirmed by the headteacher / principal as accurate in respect of any disciplinary investigations).
- 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.

Learning Opportunities will ensure the information contained within the reference 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.

Any information about past disciplinary action or allegations will be considered in the circumstances of the individual case. Cases in which an issue was satisfactorily resolved some time ago, and where no further issues have been raised, are less likely to cause concern. More serious or recent concerns or issues are more likely to cause concern, as are a history of repeated concerns or allegations over time.

Where information provided in a reference is vague or insufficient in respect of a candidate's suitability to work with children, and where information requested in respect of issues around concerns / allegations is not forthcoming, Learning Opportunities will consult with the LADO to see if there is any additional information we should be aware of before progressing the application.

Interview

Short-listed candidates will be invited to interview. The Headteacher will be the lead professional at all interviews except in the case of appointing the Headteacher.

At least one member of the interview panel will have successfully received accredited training in safe recruitment procedures, and one will be the schools Designated Safeguarding Lead (DSL).

Identity

It is vital that when interviewing the candidate is the person they claim to be. Learning Opportunities require sufficient evidence to satisfy themselves of this.

Photographic evidence that includes a date of birth e.g. passport or photo card driving licence is the most suitable form of identification.

If these are not available the candidate will be asked to provide at least three documents that show the individual's name and address and/or date of birth (e.g. utility bill, paper driving license, birth certificate).

NB No proof of identity, no interview.

Selection

Learning Opportunities will ensure the right questions are asked in relation to the candidate's suitability to the post and their understanding and commitment to our policies and procedures to keep students safe.

A competency-based interview will be conducted with evidence gathered against both technical and behavioural competencies that are most relevant to the post.

Those interviewing will agree structured questions. These will include:

- finding out what attracted the candidate to the post for which they have applied.
- 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.

Candidates will also be asked a range of questions to establish their understanding of Safeguarding / Child Protection. The interview questions aim to explore the candidate's attitude to safeguarding, beliefs, values and behaviour, including:

- Their motivation to work with children and young people.
- Ability to form and maintain appropriate relationships with children and young people.
- Emotional resilience in working with challenging behaviours.
- Attitudes to use of authority and maintaining discipline.

The interview will also be used to explore potential areas of concern to determine the applicant's suitability to work with children. Areas that may be concerning and lead to further probing include, but are not limited to:

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

Candidates will be offered the opportunity to have a tour of the School and may also be set a practical task, relevant to the role. Examples of such might include teaching a lesson, preparing documents or working in a team.

Selected students will be involved in the recruitment process and will be given the opportunity to 'interview' candidates and to provide feedback to the Leadership Team. All interactions between students and candidates will be closely supervised.

Candidate Feedback

Learning Opportunities acknowledge that candidates often wish to gain feedback, for their own development.

It is Learning Opportunities policy that feedback from short listing or interview will be provided upon request.

This feedback will be judged against the selection criteria. It will be honest, but constructive. Learning Opportunities is aware that a candidate can hold them liable for unfair selection and this feedback can be used as evidence.

PRE-APPOINTMENT VETTING CHECKS

All offers of appointment are conditional until satisfactory completion of all mandatory preemployment checks. Learning Opportunities will:

- verify a candidate's identity, it is important to be sure that the person is who they claim to be, this includes being aware of the potential for individuals changing their name. Learning Opportunities follows best practice guidance in checking the name on their birth certificate, where this is available.
- obtain an enhanced DBS (including children's barred list information) check using Care Check online service - when using the DBS update service, we will obtain the original physical certificate.
- verify the candidate's mental and physical fitness to carry out their work responsibilities - An 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.
- if the person has lived or worked outside the UK Learning Opportunities will make further checks as appropriate

- verify professional qualifications, as appropriate. The TRA Employer Access Service will be used to verify any award of qualified teacher status (QTS), and the completion of teacher induction or probation.
- check that any person taking up a management position is not subject to a section 128 direction made by the Secretary of State.
- check that the person is not subject to a prohibition order issued by the Secretary of State using the TRN or manually.

DISCLOSURE & BARRING SERVICE (DBS)

NOTE: Queries have been raised regarding DBS checks and the criminal record filtering rule. Following advice from the safer recruitment consortium, an anomaly has been identified. This anomaly means unspent criminal convictions are not always disclosed on a standard or an enhanced DBS certificate due to the complexity of the filtering rules introduced in November 2020.

The government has announced there will be a resolution and subsequent amendment to The Police Act 1997 (Criminal Record Certificates: Relevant Matter) (Amendment) (England and Wales) Order 2023), which will ensure information disclosed on a standard or an enhanced DBS certificate details what individuals **must** disclose to a prospective employer under the self-disclosure rules. This rectification will make it explicitly clear what cautions and convictions cannot be filtered unless/until they are spent, in line with the specified time periods.

It is unknown at present, when this legislation will be rectified to ensure this information is received.

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 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.
- **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 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 direction. However, it is necessary to use specific wording in the position applied for field.

Considering which type of check is required

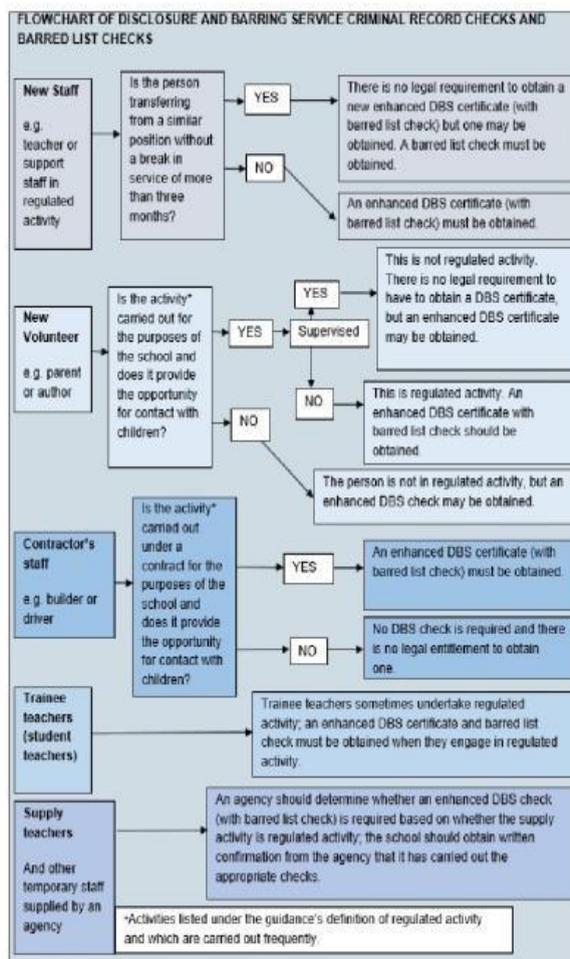
Learning Opportunities staff will be engaging in regulated activity relating to children. An enhanced DBS check which includes children's barred list information, is therefore required.

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

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

In addition to the above, Learning Opportunities will consider the incident in the context of the Teacher's Standards and Teacher Misconduct guidance.

A decision not to appoint somebody because of their conviction(s) will be clearly documented, so if challenged Learning Opportunities can defend its decision, in line with its policy on recruitment of exoffenders.



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.

Learning Opportunities encourage new staff to join the Update Service. The benefits of joining the Update Service are:

- portability of a DBS checks across employers.
- free online checks to 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 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, Learning Opportunities 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 the employment with the children's workforce.
- ensure that the level of the check is appropriate to the job they are applying for.

PROHIBITIONS, DIRECTIONS, SANCTIONS & 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.

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.

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).

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. 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.

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.

How to check TRA, Teacher Employer Access service for prohibitions, directions, sanctions and restrictions

Learning Opportunities uses the TRA's Employer Access service to make prohibition, direction, restriction, and children's barred list checks, either using TRNs or manually as applicable.

RECORDING INFORMATION

Single Central Register (SCR)

Learning Opportunities maintains an electronic single central record of pre-appointment checks, which covers all staff, including, where applicable teacher trainees on salaried routes, agency and third-party supply staff, and the Proprietor. The record indicates whether the following checks have been carried out or certificates obtained, and the date on which each check was completed, or certificate obtained:

- an identity check.
- a barred list check.
- an enhanced DBS 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.
- a check to establish the person's right to work in the United Kingdom; and
- details of the section 128 checks undertaken for those in management positions.

For agency and third-party supply staff, the SCR includes whether written confirmation has been received that the employment business supplying the member of supply staff has carried out the relevant checks and obtained the appropriate certificates, the date this confirmation was received and whether details of any enhanced DBS certificate have been provided in respect of the member of staff.

The details of an individual will be removed from the single central record once they have left the employment of Learning Opportunities.

RETENTION OF DOCUMENTS

Learning Opportunities acknowledge that they are not required to keep copies of DBS certificates to fulfil the duty of maintaining the SCR. However, where a decision is made to retain a copy of a DBS, there will be a valid reason for doing so and it will not be kept for longer than six months. Copies of

DBS certificates and records of criminal information disclosed by the candidate are covered by UK GDPR/DPA 2018 Article 10.

Learning Opportunities will keep a copy of documents used to verify the successful candidate's identity, right to work and required qualifications on their personnel file.

INDIVIDUALS WHO HAVE LIVED OR WORKED OUTSIDE THE UK

Individuals who have lived or worked outside the UK will undergo the same checks as all other staff. In addition, further checks will be made where it is felt to be appropriate so that any events that occurred outside the UK may be considered. **These checks could include, where available:**

- criminal records check 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 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.

Where this information is not available Learning Opportunities 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 & THIRD-PARTY STAFF (SUPPLY STAFF)

Learning Opportunities will obtain written notification from an agency or third-party organisation that they have carried out the same checks as we would do as a school. This written confirmation must confirm that an Enhanced DBS certificate has been obtained, and that a barred list check has been completed. Where any matter or information has been disclosed to the agency or organisation, Learning Opportunities will obtain a copy of the certificate from the agency.

Learning Opportunities will always check that the person presenting themselves for work is the same person for whom the checks have been made.

CONTRACTORS

Under exceptional circumstances where a contractor is required to provide a service during the school day, they will not be left unsupervised. Learning Opportunities will always check the identity of contractors on arrival at the school.

VISITORS

The Headteacher will use their professional judgement regarding the need to escort or supervise visitors to the school.

For visitors attending the school in a professional capacity, Learning Opportunities will check ID and be assured that the visitor has had the appropriate DBS check (or the visitor's employers have confirmed that their staff have appropriate checks).

Learning Opportunities will give careful consideration to the suitability of using external speakers / visitors. An assessment will be made of the education value, the age appropriateness of what is going to be delivered and whether relevant checks will be required.

VOLUNTEERS

Under no circumstances will a volunteer on whom no checks have been obtained be left unsupervised or allowed to work in regulated activity.

Learning Opportunities will undertake a written risk assessment and use professional judgement and experience when deciding what checks, if any, are required for volunteers. The risk assessment will consider:

- the nature of the work with children, especially if it will constitute regulated activity, including the level of supervision.
- what the school knows about the volunteer, including formal or informal information offered by staff, parents / carer and other volunteers.
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on their suitability; and
- whether the role is eligible for a DBS check and if it is, what level is appropriate.

Details of any risk assessment will be recorded.

Learning Opportunities will obtain an enhanced DBS check (which should include children's barred list information) for all volunteers who are new to working in regulated activity with children, i.e. where they are unsupervised and teach or look after children regularly.

PROPRIETOR

Before an individual becomes the proprietor of an independent school

- carry out an enhanced DBS check; and where such a check is made, obtain an enhanced DBS certificate (either including or not including children's barred list information as appropriate)
- confirm the individual's identity, and
- if the individual lives or has lived outside of the UK, where applying for an enhanced check is insufficient, such other checks as the Secretary of State considers appropriate.

ALTERNATIVE PROVISION

Learning Opportunities acknowledge it is responsible for the safeguarding of students who are placed with an alternative provision provider. We will undertake necessary checks to satisfy ourselves that the provider meets the needs of the student.

Learning Opportunities require all alternative providers to complete a Service Level Agreement, confirming that appropriate safeguarding checks have been carried out on individuals working at the establishment.

Adults who supervise children on work experience

Learning Opportunities will ensure that the placement provider has policies and procedures in place to protect children from harm. We will consider the specific circumstances of the work experience, in particular the nature of the supervision and the frequency of the activity being supervised. The outcome of these considerations will determine what, if any, checks are necessary. These considerations will include whether the person providing the teaching/training/instruction/supervision to the student on work experience will be:

- unsupervised themselves; and
- providing the teaching/training/instruction frequently (more than three days in a 30 day period).

If the person working with the student is unsupervised and the same person is in frequent contact with the child, the work is likely to be regulated activity relating to children. If so, Learning Opportunities will ask the employer providing the work experience to ensure that the person providing the instruction or training is not a barred person.

PRIVATE FOSTERING

Private fostering occurs when a child under the age of 16 (under 18 for children with a disability) is provided with care and accommodation by a person who is not a parent, person with parental responsibility for them or a relative in their own home.

A child is not privately fostered if the person caring for and accommodating them has done so for less than 28 days and does not intend to do so for longer.

If such arrangements come to the attention of Learning Opportunities, we will notify the local authority to allow the local authority to check the arrangement is suitable and safe for the child.

ONGOING VIGILANCE

The proprietor committed to providing a coordinated whole school approach to safeguarding. As a school, Learning Opportunities will ensure continuous vigilance, maintaining an environment that deters and prevents abuse and which challenges inappropriate behaviour.

As part of this commitment, systems and procedures are in place that promote a culture where 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.

EXISTING STAFF

Learning Opportunities acknowledge that there are limited circumstances where we would need to carry out new checks on existing staff. This will occur when:

- an individual working at the school 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 will 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 & BARRING SERVICE

Learning Opportunities has a legal responsibility to make a referral to the DBS where we 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,
- satisfied the harm test in relation to children and/or vulnerable adults; 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.

Referrals will 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.

Where there is any doubt as to whether a person should be referred, Learning Opportunities will consult with the LADO.

DUTY TO CONSIDER REFERRAL TO THE TEACHING REGULATION AGENCY

Where Learning Opportunities 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, we will 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 s/he finds 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.

STAFF INDUCTION, TRAINING AND DEVELOPMENT

Leadership Team members who are involved with the recruitment and employment of staff will receive appropriate safer recruitment training, which at a minimum will cover the content of KCSIE Part three.

All new members of staff, including newly qualified teachers and teaching assistants, will be given induction that includes basic safeguarding training on how to recognise signs of abuse, how to respond to any concerns, e-safety and familiarisation with the safeguarding policy, staff code of conduct, Keeping Children Safe in Education and other related policies.

There are mechanisms in place, such as safeguarding updates, to assist staff to understand and discharge their role and responsibilities as set out in Part one of Keeping Children Safe in Education.

The induction will be proportionate to roles and responsibilities.

All Designated Safeguarding Leads (DSLs) complete updated DSL safeguarding training every two years at minimum. In addition, they undertake Prevent awareness training and disseminate the training to all staff annually and at regular intervals throughout the year.

All staff members of the school will undergo face to face training (whole-school training) which is regularly updated.

The Proprietor completes training to the same level as the DSLs within the school, in addition to governor specific awareness training to equip them with the knowledge to provide strategic challenge, so they're assured safeguarding policies/procedures are effective and deliver a robust whole-school approach to safeguarding. This training is updated annually.

We will ensure that staff members provided by other agencies and third parties, e.g. supply teachers and contractors, have received appropriate safeguarding training commensurate with their roles before starting work. They will be given the opportunity to take part in whole-school training if it takes place during their period of work for the school.

PROBATION PERIOD

The first 3 months of employment will be a probationary period in order to assess newly appointed staff's suitability for the post. If it is felt that staff need additional support with their role to meet the expectations required of their practice, then their probationary period may be extended. If this is the case, staff will be notified in writing and given clear targets to work towards to successfully complete their probationary period.

PERFORMANCE REVIEWS

Integral to staffing policies and procedures, Learning Opportunities undertakes reviews of the performance of staff members. This process contributes to strategic planning and identifies the individual training needs of the staff team. Performance reviews are framed within a learning and supportive environment and contribute to positive working conditions in which the work of all staff is valued.

RETENTION OF STAFF

Learning Opportunities recognise that safer recruitment and selection is not just about the start of employment but should be part of a larger policy framework. We therefore provide ongoing training and support for all staff. This includes opportunities for raising concerns and for promoting a whole school culture which embraces safeguarding.

Issues will be monitored as they arise, and through the use of such strategies as exit interviews, Learning Opportunities will seek to continually improve the school environment, for the benefit of both staff and students.

STAFF EXITING EMPLOYMENT

Learning Opportunities believes that when a member of staff resigns or leaves it is important that the procedure adopted continues to be as professional as at any other time of their employment. Employees are offered the opportunity to have an Exit Interview at the time of leaving and these provide a valuable source of information to help monitor the effectiveness of our employment strategies and to provide information concerning Learning Opportunities performance as an employer.

MONITORING

This policy will be reviewed annually as part of Learning Opportunities policy review process. Any amendments to policy and procedures will be cascaded to all staff. Monitoring of both the recruitment process and induction arrangements will allow for future recruitment practices to be better informed.

Dear

Interview for the post of xxx

Further to your recent application for the post of xxxxx at Learning Opportunities, we would like to invite you to attend for interview on:

Date:

Time:

Location:

We anticipate that the interview will last approximately xxxxxx.

Directions to the school are enclosed. On arrival, please report to reception.

The purpose of the interview is to assess your suitability for the above post and give both the panel and you an opportunity to gain further information before making a successful appointment. It is also an opportunity to seek clarification on information which you have provided in your application.

The interview will also assess your suitability to work with children and will include questions relating to safeguarding and promoting the welfare of children.

IF APPLICABLE: There will also be a presentation/group exercise/data exercise/in-tray exercise (include details of the exercise, what the interviewees need to prepare, etc.)

Please confirm your attendance to simong@learningopps.org

Please complete the attached self-declaration form and bring it in a sealed envelope to the interview. Alternatively, please send via email together with the confirmation of your attendance. Please note that this post requires an enhanced DBS including barred list check. Please bring the following original documents to interview:

Identity and Right to Work in the UK / Photographic ID

Documents will be photocopied and placed on your personal file, should you be appointed.

Academic and Professional Qualifications

You will need to provide evidence that you have obtained all the academic and professional qualifications you have claimed to have achieved. When you attend for interview, please bring with your original qualification certificates and/or copies certified by awarding institution(s).

References

Prior to interview, we will be writing to referee(s) to provide an objective assessment of your suitability to work with children and to undertake this role.

Please note that any position offered will be conditional until we have received satisfactory pre-employment checks including references, medical clearance, satisfactory DBS disclosure, verified proof of eligibility to work in the UK, proof of professional registration body and qualifications.

It is important to remember that an offer of employment cannot be made until the above documents have been received and verified.

Any information supplied by you as part of the selection process will be securely held on file.

Reasonable adjustments

If you consider yourself to have a disability, we will be pleased to make any reasonable adjustments to our recruitment process to enable you to participate fully. Please contact me on email address or phone number prior to the interview date so we can discuss your requirements.

If you have any questions, please contact me via simong@learningopps.org

Finally, thank you again for applying for the post. We are looking forward to meeting you and wish you good luck.

Yours sincerely,

Enc. Directions to school

Pre-interview checklist for candidates

(IF APPLICABLE, any instructions for presentation, group work, etc.)

Pre-Interview Checklist for Candidates

Any appointment to the school is **subject to satisfactory completion of all relevant preemployment checks.**

Use this checklist to help you organise what you need to bring for your interview. Please remember to bring **original** documents with you.

What you need to bring	What documents are you taking?	Check off
All applicants will be required to show:		
1. Proof of your identity*		
2. Proof of your right to work in the UK* (see list of documents accepted)		
3. Certificates for relevant qualifications		
4. Valid up-to-date Enhanced DBS check certificate If you do not have one or it is not available for any reason, please make interviewers aware. If successful at interview, the school will ask you to complete a DBS disclosure application.		
Applicants for posts where driving is a requirement will also be required to show:		
5. Driving License and counterpart		

Pre Employment check	Notes – what are you taking?	Check off
Applicants for Teaching posts will also be required to show:		
6. QTS certificate If you do not require QTS in order to teach in a school, please provide evidence of the reason why you are exempt – see below for the list of exemptions.		

Pre Employment check	Notes – what are you taking?	Check off
7. Induction certificate If you are exempt from needing to have satisfactorily completed statutory induction, please provide evidence of the reason why you are exempt – see below for the list of exemptions.		
Applicants for Headteacher posts will also be required to show:		
8. NPQH certificate, if required for the role (it is no longer a statutory requirement)		

Right to Work in the UK

The [Home Office Right to Work checklist](#) shows the acceptable documents to verify an individual's right to work. Please bring the appropriate document(s) with you to your interview.

Please note that this checklist is an employers' checklist, but the lists of acceptable documents remain valid - see lists A and B on page 1.

Qualified Teacher Status (QTS) (Teaching posts only)

In order to carry out specified work in a relevant school in England, teachers must hold QTS, or satisfy a requirement in the Schedule of [The Education \(Specified Work\) \(England\) Regulations 2012](#). The table below outlines these requirements as set out in the Regulations – more detail can be found in the Regulations themselves.

Private and Confidential

As part of our duty to safeguard students, we need to check whether you are barred from working with children, or whether you have convictions that would make you unsuitable to work with children or in the role you've applied for. Please complete the following form as accurately as possible.

Note: you are not required to disclose convictions or cautions that are 'protected', as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013).

If you accidentally provide information about 'protected' convictions or cautions, we won't take this into account.

How we'll use this information

We'll use the information in this form to:

- Identify whether you may be ineligible for a role based on barring, a section 128 direction or childcare disqualification requirements.
- Inform our conversations with you about any relevant details during the interview process.

We won't use this information to make decisions about job offers.

If we offer you a position, we'll compare the information you've provided in this self-declaration with the information in your formal DBS check so that we only make decisions based on the most accurate information possible.

All information you provide will be treated as confidential and managed in accordance with relevant data protection legislation and guidance. You have a legal right to access any information held about you.

Part One

<i>For completion by the person applying for the role.</i>	
Name of Candidate / person:	
Previous name(s) Please include date(s) each name was used (MM/YYYY)	
Address and Postcode:	
Telephone/Mobile No:	
Date of Birth:	
Gender:	
Identification (<i>tick box below</i>):	

Part Two

If the role you have applied for involves frequent or regular contact with or responsibility for children you will also be required to provide a valid DBS (Disclosure and Barring Service) certificate which will provide details of criminal convictions; this may also include a Barring List check depending on the nature of the role.

Self-declaration

	YES/NO
<p>Delete this row if the role you're recruiting for isn't in regulated activity</p> <p>The role you've applied for is 'regulated activity', so is eligible for a barred list check.</p> <p>Are you barred from working in regulated activity with children (i.e., are you included on the Disclosure and Barring Service Children's Barred List)?</p>	
<p>Do you have any unspent conditional cautions or convictions under the Rehabilitation of Offenders Act 1974?</p>	
<p>Do you have any adult cautions (simple or conditional) or spent convictions that are not protected as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020?</p>	
<p>Have you committed an offence overseas which would have resulted in disqualification if it had occurred in the UK?</p>	
<p>Delete this row if the role you're recruiting for isn't a <u>management position</u></p> <p>Are you subject to a section 128 direction?</p>	
<p>Do the police or children's social care have your name and/or information on file for any reason?</p>	
<p>If you answered 'yes' to any of the questions above, please provide further information.</p>	

I confirm that the information above is accurate to the best of my knowledge, and that I will make the school aware of any changes in my circumstances that may affect the answers I've provided above, or my suitability for the post.

Signed:

Date:

When disclosures may happen

There are 2 key points in the recruitment process when you may need to manage a criminal records disclosure:

- When you collect self-disclosure forms from shortlisted candidates
- When you process DBS checks after making a conditional offer

What to do if a self-disclosure form shows a criminal record

Just because someone discloses a criminal record doesn't mean you can't hire them.

You're only prevented from hiring them if:

- They'd be working in regulated activity and they're on the barred list
- They'd be working with children under 8 and have committed offences that disqualify them from doing so (read more about [childcare disqualification](#))
- They're subject to a section 128 direction and they're applying to work in a management role in an academy

Apart from these circumstances, it's up to you to decide whether to hire someone based on the details of their criminal record.

Determine whether you need to have a disclosure discussion**What is a disclosure discussion?**

A disclosure discussion is a conversation with the applicant to understand the context of their criminal record, and any circumstances surrounding their offences.

It will need to involve:

- The person leading on recruitment for the role
- Your school's safer recruitment lead (if they aren't already involved)
- Your HR provider (though an HR representative doesn't have to be physically present)

You may not need to have a disclosure discussion just because a self-disclosure form lists convictions or other relevant information.

For instance, if the convictions are very clearly minor and/or were committed a very long time ago, you may feel confident that the risks relating to employing that person are low, and that a formal disclosure discussion isn't necessary.

There are no standards or guidelines to help you decide whether a conviction is 'minor' or how old a conviction must be before it isn't relevant any more.

Unlock – a charity supporting people with past convictions – suggests that the following types of offences are generally considered minor:

- Fare avoidance
- Electoral offences
- Littering/fly tipping

- Poaching/fishing/hunting
- Using TV equipment without a licence
- Motoring offences (excluding drink driving)
- Urinating or smoking in an enclosed public space
- Offences related to drunken behaviour (excluding drink driving)
- Offences related to the use of insulting or offensive language (except where the language relates to protected characteristics)

Seek advice from your HR provider to help you decide whether a disclosure discussion is appropriate.

In general, you **will** want to have a disclosure discussion if:

- The person isn't barred, but has convictions that don't immediately seem minor
- The conviction may be relevant to the role they've applied for
- The check suggests a previous pattern of offending (for example, if they've repeated the same offence multiple times, or their offences have become more serious over time)
- The listed offences occurred recently

How to conduct a disclosure discussion

Disclosure discussions are sensitive. You need to conduct them in a fair and transparent way.

You can conduct them in person, or over the phone. If you conduct them in person, you can choose to do this as part of your interview, or separately

Disclosure discussions: template

Please note: information about criminal records (including anything you record on this template) is sensitive personal data and should be managed appropriately.

Do not share information about the applicant's criminal record unless it's strictly necessary. You'll need to discuss the information you get with your HR support, other members of the recruitment panel, or with your safer recruitment lead, but you **must not** share any information with other colleagues.

Explain to the applicant:

How this record will be handled, stored and destroyed

Their right to request: a copy of this document, that any inaccuracies are corrected, and that information is deleted

How to store this template

Successful candidates

If you've determined that the convictions listed on the DBS certificate **aren't relevant** or don't pose a risk, retain this record **for no longer than 6 months** then destroy it securely.

If you've determined that convictions listed on the DBS certificate **may be relevant**, or are manageable with certain safeguards, you can retain this record for as long as it's useful for you to inform ongoing or dynamic risk assessment and mitigation processes.

Store all criminal records information **securely**, accessible only to those who need this information, and **separately** from the applicant's main personnel file.

Unsuccessful candidates

Retain records relating to unsuccessful candidates for 6 months from the date an appointment is made in case an unsuccessful applicant challenges your decision at an employment tribunal), then destroy them securely.

Guidance on disclosure discussions

A disclosure discussion is a conversation with the applicant (either in person or over the phone) to understand the context of their criminal record, and any circumstances surrounding their offences. It will need to involve:

- The person leading on recruitment for the role
- Your school's safer recruitment lead (if they aren't already involved)
- Your HR provider (though a HR representative doesn't have to be physically present)

It can be difficult for applicants to discuss a criminal record they may feel ashamed or embarrassed about. Be empathetic and sensitive – applicants may disclose other information (e.g. illness, bereavement or domestic violence) as they explain the circumstances around their criminal record

Don't pass judgement on someone's 'attitude' about their offences (for instance, whether you think someone is remorseful). The applicant may have had to discuss their criminal record multiple times throughout their life: at university or as part of training, during job placements, during other job interviews, with new friends or partners, to insurers, etc. Discussion of their criminal record may also require discussion of painful personal circumstances. Over time, people may give simple or matter-of-fact accounts to avoid becoming emotional. Don't let your opinions about the way they discuss their criminal record influence your assessment of whether they're suitable.

Be clear with the applicant that you're not judging them – your aim is to use the information on their self-disclosure form or DBS certificate to inform the discussion and help you decide their suitability for the post.

You'll need to adapt the questions below based on the contents of a self-disclosure form or the results of the DBS check. Ask specific questions based on the nature of the offence. For instance, if the role is for a school business manager, and the self-disclosure/DBS lists a previous conviction for theft, it's important for you to understand the circumstances around this conviction so you can make a reasoned recruitment decision.

Don't use this discussion to share your thoughts or opinions about what someone has told you, or to express whether you think they're telling the truth. Reflect on what you hear after the applicant has left the meeting/conversation.

NAME OF APPLICANT:	
ROLE APPLIED FOR:	
DATE OF DISCUSSION:	
NAMES OF STAFF MEMBERS PRESENT:	
NAME OF HR REPRESENTATIVE PRESENT (IF APPLICABLE):	

STANDARD QUESTIONS

Would you please explain the details of your conviction(s) for ? We'd like to know:

- What happened
- Who was involved
- Why it happened
- How old you were at the time of the offence

Note: Be aware that minor, spontaneous misdemeanors aren't always explicable. Just because someone can't explain why something happened doesn't mean you shouldn't consider them.

	NOTES ON APPLICANT'S RESPONSE	ACTIONS/FOLLOW-UP REQUIRED
<p>Were there any circumstances around your offence(s) that you would like to share?</p> <p>Note: If the applicant needs further clarification, you might wish to suggest they mention issues they may have struggled with at the time of the event(s), such as:</p> <ul style="list-style-type: none"> • Bereavement • Depression or mental health needs • Alcohol or drug dependency issues • Financial difficulties • Personal traumas 		
<p>Have the circumstances around the offence(s) changed? If so, how?</p>		

OPTIONAL QUESTIONS

Ask these questions if the types of sentences indicated on the DBS certificate suggest that asking about rehabilitation, support or probation may be relevant

This is most likely to apply where convictions resulted in a sentence **other than** a fine or caution

Note that even if the applicant was once supported by a probation officer (or similar), they may not be able to contact them now, or the officer may not be willing to work with employers. This is likely to be the case if an applicant received a conditional discharge or reprimand, or their sentence has ended

Have you taken part in any relevant rehabilitation or support programmes?

What other positive steps have you taken to address your history of offending, or your motivations behind offending?

Is there anyone supporting you in dealing with your convictions and/or trying to find work?

Would you be happy for us to contact them?

Note: It's unlikely that someone who's currently serving a sentence or out on licence (and who would have access to a probation officer as a result) would apply for a role in a school.

Once you've held your disclosure discussion, you'll need to assess the person's criminal record.

How to assess someone's criminal record

Use the results of the self-disclosure, the information gained in your disclosure discussion, and any specialist advice you require, to assess whether someone's criminal record makes them unsuitable for the role.

Criminal record assessment: template

How to use this template

Use this template **after** you've conducted a formal disclosure discussion with the applicant, so you can be sure you're conducting a fair assessment. Consider the information included on the self-declaration form or DBS check and the information received during the disclosure discussion for each of the factors listed below. The applicant **will not** be present for this stage of the process.

You should have already checked whether the applicant is barred from working with children. The guidance in this template is framed accordingly.

You'll need to work with your HR provider to conduct this assessment. They'll be able to help you assess someone's criminal record against each factor. You can also contact Unlock (see the grey box below), or use guidance on offences published by the Crown Prosecution Service, to help you. You may also need to get advice from legal and/or occupational health experts.

Information about an applicant's criminal record is sensitive personal data, so do not share it unless strictly necessary. You'll need to discuss the information with your HR support, with other members of the recruitment panel, or with your safer recruitment lead, but you **must not** share any information with other colleagues.

How to store this template

Successful candidates

If you've determined that the convictions listed on the DBS certificate **aren't relevant** or don't pose a risk, retain this record **for no longer than 6 months** then destroy it securely.

If you've determined that convictions listed on the DBS certificate **may be relevant**, or are manageable with certain safeguards, you can retain this record for as long as it's useful for you to inform ongoing or dynamic risk assessment and mitigation processes.

Store all criminal records information **securely**, accessible only to those who need this information, and **separately** from the applicant's main personnel file.

Unsuccessful candidates

Retain records relating to unsuccessful candidates for 6 months from the date an appointment is made (in case an unsuccessful applicant challenges your decision at an employment tribunal), then destroy them securely.

NAME OF APPLICANT:	
ROLE APPLIED FOR:	
DATE OF ASSESSMENT:	

NAMES OF STAFF MEMBERS
PRESENT:

NAME OF HR REPRESENTATIVE
PRESENT:

Tip: if you need to add more conviction columns, right click the right-hand column and choose 'Insert' then 'Insert columns to the right'.

FACTORS	GUIDANCE	CONVICTION 1	CONVICTION 2
Relevance	<p>Consider whether the offence is relevant to the role. Every role is different.</p> <p>Do any of the convictions listed on the DBS certificate relate to, or impact on, the responsibilities of the role?</p> <p>Would the role provide opportunities for re-offending?</p>		
Nature	<p>Consider not just the category of the offence, but what the offence involved.</p> <p>For instance:</p> <ul style="list-style-type: none">• Financial offences – was it theft or fraud?• Violent offences – was it against a vulnerable person?• Drugs offences – was it possession or supply?		

FACTORS	GUIDANCE	CONVICTION 1	CONVICTION 2
Seriousness	<p>You can get the details you need about the seriousness of an offence from the DBS certificate, or from a disclosure discussion following a self-disclosure.</p> <p>How serious the offence is, as determined by the charge and sentence, may help you determine whether an offence is relevant when balanced against other factors.</p> <p>But consider:</p> <ul style="list-style-type: none"> • Just because something appears on a DBS check doesn't always mean it's very serious • Sentencing is not always uniform or consistent, so don't rely on previous examples of similar convictions to inform your decision, and take into account the circumstances around the offence 		

FACTORS	GUIDANCE	CONVICTION 1	CONVICTION 2
Pattern	<p>Consider whether the person committed a single offence, or whether there is/was a pattern of offending.</p> <p>Think about the following:</p> <ul style="list-style-type: none"> • If they committed a number of offences, is there a significant gap between them? • Were the offences committed over a particular period of time? • How much time has elapsed since the last offence? • Have their circumstances or motivation changed? (see below) <p>Those with a pattern of offending up until quite recently may not be able to demonstrate that they have stopped offending.</p> <p>Clear evidence of a break in the pattern of offending can be important, especially for drink and drug-related offences.</p> <p>It may also be true that someone with a single offence (committed quite recently) won't be able to demonstrate sufficient change.</p>		
Age/Time	<p>Look at:</p> <ul style="list-style-type: none"> • The person's current age • Their age when the offence was committed • The length of time since the offence was committed <p>Remember: conviction dates can often be much later than when the offence was committed.</p>		

FACTORS	GUIDANCE	CONVICTION 1	CONVICTION 2
Circumstances	<p>You may not need to consider the circumstances around every offence (such as minor offences dealt with by way of a caution or fine).</p> <p>If you do need to understand the circumstances, consider what you learned from the disclosure discussion about:</p> <ul style="list-style-type: none"> • What happened • Who was involved • Why it happened <p>Think about any aggravating or mitigating circumstances, such as issues with:</p> <ul style="list-style-type: none"> • Accommodation • Education or employment • Finances • Lifestyle and associates • Relationships • Drug and alcohol use • Health • Emotional or mental wellbeing <p>Also take into account:</p> <ul style="list-style-type: none"> • Whether their circumstances have changed • Whether they have addressed the reason for their offending • Whether they have taken responsibility for their actions 		

What to consider

[Keeping Children Safe in Education \(KCSIE\) 2023](#) (paragraph 245) states that you should take the person's explanation of events into account, including:

- 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
- Whether the individual accepted responsibility for their actions

Comparing a self-disclosure to a DBS check

Examples of DBS certificates with convictions

The idea of assessing the results of a DBS check can be daunting, especially if you've never seen a certificate with listed convictions before.

Here are a couple of examples of what that might look like to give you an idea of how much detail the certificate will provide (we've redacted the court and date details to preserve anonymity).

[DBS example \(1\)JPG, 766.4 KBDownload](#)

[DBS example \(2\)JPG, 85.5 KBDownload](#)

Once you've interviewed candidates, and decided who you'll make a job offer to, you'll need to conduct a DBS check.

You should compare the results of the DBS check with the information you have from the self-disclosure form. That's because self-disclosure forms are error-prone:

- The rules about filtering (what appears on a DBS check, meaning you're allowed to take it into account) are complicated, so it's easy for candidates to over-disclose.
- Candidates may make mistakes or provide incorrect details, due to the specificity of conviction and caution information (e.g. presenting a conviction or caution as more serious than it actually is)

Just because a DBS and self-disclosure don't match doesn't necessarily mean that someone is being dishonest.

If you find that the DBS and the self-disclosure don't match:

- Check whether the self-disclosed convictions or cautions that don't appear on the DBS are supposed to be filtered (meaning you're not allowed to take them into account – it's unlawful to consider 'protected' convictions or cautions which should be filtered). You can do that using the [DBS filtering guide](#)
- If there are discrepancies that aren't accounted for by filtering, you'll need to discuss these with the candidate and update your records. You can use the disclosure discussion and risk assessment templates above to help you do this

Making a decision

Once you've assessed the person's criminal record, seek relevant advice to help you make your final decision.

This may come from HR and legal services, occupational health professionals, or other relevant organisations or experts. Your HR provider will also be able to help you establish whether you have legal grounds to withdraw the job offer if you feel you need to.

If you want to appoint someone, but have concerns about the relevance of their convictions or how to mitigate risks, work with the relevant experts to help you determine what appropriate support or risk management might look like.

Discussing your decision with the applicant

If you decide to appoint the applicant:

- A phone call to inform them is appropriate (there's no need for a face-to-face meeting)
- You should explain any safeguards or risk management procedures you'd like to put in place, and why

If you decide not to appoint the applicant:

- Hold a face-to-face meeting with them
- Explain your concerns, and why you don't feel they're suitable for the role
- Set out your reasons in writing

You're not required to have the meeting face-to-face, but given how extensive and personal the process has been, it's best practice to conduct this conversation in person.