

# Keeping Children Safe in Education: Safer Recruitment

Delegate workbook  
2021 - 2022



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## Summary of key information for participants

Experience over many years shows that it is important for organisations that provide services to children to incorporate into their recruitment and selection procedures measures that help deter, reject or identify people who might abuse children, or who are otherwise unsuited to work with them. Making safeguarding and promotion of the welfare of children an integral part of human resources (HR) management in organisations that work with children is an essential part of creating safe environments.

The need for this was illustrated by the Soham case and the findings and recommendations contained in Sir Michael Bichard's report into that case (2004). However, the principles are not new. Many of the same issues were addressed in Sir Norman Warner's 1992 report *Choosing with Care* which examined recruitment and selection in residential children's homes.

The safer recruitment workshop builds on those reports and recommendations. It aims to:

- Give participants an awareness and understanding of offender behaviour.
- Identify the key features of staff recruitment that help deter or prevent the appointment of unsuitable people.
- Consider policies and practices that minimise opportunities for abuse or ensure its prompt reporting.
- Explore the elements that contribute to an ongoing culture of vigilance
- Help participants begin to review their own and their organisation's policies and practices with a view to making them safer

# Session 1

## Setting the context

## Module one: setting the context

In this session we look at how safer recruitment fits within the wider context of safeguarding and promoting the welfare of children. We consider the scale of abuse, some aspects of the characteristics of abusers and the detail of how child sex abusers typically operate within organisations, relating that to recruitment.

### Background and wider context

The principles and measures this workshop recommends are not new, although the impetus for a national safer recruitment initiative came from Sir Michael Bichard's report (2004) into the Soham case which highlighted flaws and shortcomings in the recruitment process that allowed Ian Huntley to be employed as a caretaker at Soham Community School.

Safer recruitment is one strand of safeguarding and promoting the welfare of children and keeping them safe in education settings.

Statutory guidance *Working Together to Safeguard Children* (DfE 2018) states that schools and further education institutions, including academies and independent schools, should have in place a number of arrangements as part of their duty to safeguard and promote the welfare of children. In relation to safer recruitment, these arrangements include:

- A culture of listening to children and taking account of their wishes and feelings
- Safe recruitment practices for individuals whom the organisation will permit to work regularly with children
- Appropriate supervision and support for staff, including undertaking safeguarding training (including a mandatory induction)
- Clear policies in line with those from the local multi-agency partners (MAP) for dealing with allegations against people who work with children and young people

Maintained, non-maintained and voluntary controlled / aided schools and further education (FE) institutions, including sixth form colleges, have a duty under section 175 of the Education Act 2002 to exercise their functions with a view to safeguarding and promoting the welfare of their pupils (students under 18 years of age in the case of FE institutions). Local Authorities delivering education through pupil referral units (PRUs) also have this duty under s175.

The same duty is put on independent schools, including academies and technology colleges, by the Independent School Standards Regulations 2014 which came into effect on 5<sup>th</sup> January 2015. Guidance to local authorities, schools and FE institutions about these duties can be found in *Keeping Children Safe in Education* (DfE 2021).

In addition, under section 87 of the Children Act 1989, independent schools that provide accommodation for children also have a duty to safeguard and promote the welfare of those pupils. Boarding schools, residential special schools and FE institutions that provide accommodation for children under 18 must have regard to the respective national minimum standards (NMS) for their establishments. The Education & Training (Welfare of Children) Act 2021 extends the safeguarding responsibilities to providers of post-16 education; these include 16-19 academies, Special post-16 institutions and independent

training providers.

## What is abuse?

Although this first session of the workshop focuses more on child sexual abuse and abusers, it is important to remember that children may experience a range of different kinds of abuse and that safer recruitment is interested in preventing all of them. In reality, while our emphasis on the risks presented by adult staff and volunteers in organisations may focus more on the prevention of physical and sexual abuse, engaging all staff in setting a healthy staff culture ought to impact on all aspects of abuse.

*Working Together to Safeguard Children* (DfE 2018) defines four categories of child abuse: physical, emotional, sexual and neglect.

### **Emotional abuse**

Emotional abuse is the persistent emotional maltreatment of a child, such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill treatment of another, serious bullying (including cyberbullying), causing children frequently to feel frightened or in danger, or their exploitation or corruption. Some level of emotional abuse is involved in all types of maltreatment of a child, although it may occur alone.

### **Sexual abuse**

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse. Sexual abuse can take place online, and technology can be used to facilitate offline abuse. Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children. The sexual abuse of children by other children is a specific safeguarding issue in education.

### **Physical abuse**

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

### **Neglect**

Neglect is the persistent failure to meet a child's basic physical or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born,

neglect may involve a parent or carer failing to provide adequate food and clothing, shelter (including exclusion from home or abandonment), failing to protect a child from physical and emotional harm or danger, failing to ensure adequate supervision, including the use of inadequate care-takers, or failing to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

The key message in relation to this workshop is that abuse is almost always deliberate or intentional. That is especially true of sexual abuse, which is almost invariably premeditated as illustrated by the difficulty of envisaging scenarios in which a child might accidentally or inadvertently be subject to sexual abuse. Other forms of abusive behaviour are also deliberate or intentional but may not be premeditated. In these cases, it is easier to find examples of grey areas where a child has suffered harm but it is not clear whether what happened was abuse, that is, deliberate or intentional, or whether it might have been accidental or inadvertent.

## Statistics

We do not know how many children are abused each year by people who work with them, or even how many allegations of abuse are made each year against people who work with children. There are several reasons for this: there is no central record of allegations, many cases are not reported to the police or social workers and very few children disclose instances of sexual abuse.

A review of all LSCB annual reports for the years 2015–16 or where available 2016-17 (Eyre 2017) found that many LSCB reports included data on the number of allegations against staff reported to Local Authority Designated Officers; some also broke down the number of referrals by type of abuse and / or outcomes. A smaller number provide statistics on the type of agency or sector; for example, schools, foster carers, health staff. The TRA (and its predecessor the NCTL) data on teachers referred for consideration of prohibition – and the outcomes of their hearings – are open to public scrutiny. Similarly, the Disclosure & Barring Service (DBS) publishes regular statistical reports including DBS certificate analysis, the numbers of referrals received for consideration of barring<sup>1</sup>, and the number of barring decisions made.

Based on these sources, we estimate that in a typical year about a quarter of schools will have an allegation made against a member of staff:

- Schools make up 1/3<sup>rd</sup> of all LADO referrals
- About 40% of all allegations are for physical abuse and 36% for sexual abuse
- Varied significantly across different regions but 12 – 24% relate to emotional abuse or neglect
- Where it is recorded as a separate category, 9% of allegations relate to conduct outside the workplace

*(Review of LSCB annual reports 2015-16 / 2016-17 [Eyre 2017])*

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<sup>1</sup> Under the Safeguarding Vulnerable Groups Act 2006 employers are required to refer an individual to the DBS where that person has been dismissed, or their services are no longer being used, as a result of a safeguarding concern or where that person has resigned during the investigation of a safeguarding concern and the employer has reasonable cause to believe the investigation could have led to dismissal.

Teachers that have breached the Teaching Standards are referred to the Teaching Regulation Agency (TRA) (previously the National College of Teaching & Leadership (NCTL) and, before that, the General Teaching Council for England (GTCE)), usually by the employer on dismissal or by the DBS if a referral for discretionary barring is considered relevant to the TRA procedures. In July 2021 the TRA reported to HM Government that in the year 2020-21:

- 9628 referrals for teacher misconduct made to TRA, a drop from 900 the previous year
- 416 of these cases were investigated as alleged serious misconduct
- 286 of these were referred for a professional conduct hearing (PCP)
- Due to Covid-19, only 58 professional conduct panel (PCP) hearings were held, resulting in 39 prohibition orders
- TRA also imposed 110 interim prohibition orders pending the PCP
- 138 referrals were recorded as 'no further action' – either they did not meet the threshold or did not fall within TRA jurisdiction
- 20 teachers applied for their prohibition to be set aside and this was granted in 10 cases.

The number of referrals and prohibition orders issued were lower than in the previous year – this was partly due to Covid as no hearings were held between March – September 2020.

In 2018, analysis by the BBC (<https://www.bbc.co.uk/news/uk-england-44643267>) showed that of the 450 prohibition orders made during the NCTL's lifetime, over half related to inappropriate conduct, and a third were for sexually motivated inappropriate conduct. 70% of all those prohibited were men and 1 in 10 were headteachers.

Since 2011, the Disclosure & Barring Service has changed the way that data is recorded and analysed, which has made it extremely difficult to assess how many referrals for barring relate to professionals working in education settings or the breakdown of those referrals between the different categories of abuse. However, the DBS data reports published in April 2021 included the following statistics:

- 7,514 referrals for discretionary barring in 2020/21, of which 1,470 went on to be barred (19.5%)
- There were 73,675 people on the children's barred list in March 2021 and 81,941 people on one or both lists
- On average, 5% include PNC data after filtering has been applied and 0.1% include additional info
- 0.02% of enhanced DBS applications for regulated activity have a barred list match; e.g. someone on the barred list(s) has tried to access regulated activity. The DBS are alerted to these offences by the individual or a potential employer applying for a new DBS with barred list check and will notify the relevant police force of these 'breach of bar' offences.

When compared with the number of allegations made and the number of cases reported to the DfE, the number of convictions of school staff shows a very low rate. The main point of this comparison is to illustrate that the very low conviction rate means it is not safe to rely solely on DBS certificates or checking lists to identify unsuitable people.

Applying safer recruitment principles and practice will help deter/identify people who are possibly unsuitable for appointment for a wide variety of reasons, not only those who present a risk of harm to children. However, the latter, those who present a risk to children, is the group about which there is greatest concern.

## Prevalence of sexual abuse of children

In the past, for whatever reason, sexual abuse of children did not get the publicity that it does today. Although there is no concrete evidence of an increase in the sexual abuse of children over the past 50 years, it is now a topic more likely to be spoken of and headlined in the media. Much of this progress is put down to the 'Savile' effect – the public recognition that abuse can and does occur and that victims and perpetrators do not comply with stereotypes.

Despite that, research shows that only a very small proportion of children who are sexually abused report the fact. Only around two per cent of children who are abused by someone within their family report the abuse and only approximately six per cent of children who are sexually abused by someone outside their family report it. The proportion of reported cases that result in a conviction is also very low. According to Home Office statistics, 17% of cases reported to the police lead to a conviction but this is crimes not criminals; the number of perpetrators convicted will be much lower as many will ask for a number of crimes to be taken into account. Of the cases of child sexual abuse (CSA) known to social services, approximately 13% lead to conviction but based on the Children's Commissioner's interim report 'Safe from Harm' in 2015, this is only 1.5 % of all children thought to be experiencing CSA.

Because only a minority of children who are sexually abused report the abuse at the time, we do not know how many children are sexually abused each year. However, a recent study (Children's Commissioner) indicates that 16 per cent or more of adults state that they experienced sexual abuse as children and that for every case reported to the statutory agencies, there will be another 8 children who are not identified. It is a problem on a massive scale, with a host of consequences for its victims and survivors. Children are most at risk in their homes, families and communities, rather than from professionals and volunteers, in childcare and school settings.

Applying the Children's Commissioner's research to the LSCB published figures in 2015-17 for allegations of sexual abuse made against school staff each year suggests that, if the proportion reported is valid, there could be thousands of cases of sexual abuse of children by members of staff every year. There is no concrete evidence that this is the case – we can only be sure of the number of allegations made - and no one knows how many cases do not result in a complaint. Taken with the very low proportion of allegations that result in a conviction, it serves to reinforce the message that DBS checks cannot be relied on to reveal all unsuitable candidates.

## Who are the offenders?

The way that the media portray sex offenders is not helpful. The press and television tend to focus on the most serious cases and label the offender as a 'predator', 'pervert', 'monster' or 'paedophile'. Such reports tend to reinforce the image of abusers as adult men who prey on children picked at random. That kind of image does not help adults to recognise that the biggest threat to children is the familiar, the normal and the ordinary. It is still the case that the majority of perpetrators sexually assault children known to them, with about 80 per cent of offences taking place in the home of either the offender or the victim.

Again, lack of comprehensive data makes it difficult to be precise about the kind of people who abuse children, but experience shows that abusers come from all walks of life. They

represent a wide cross-section of society and women as well as men can sexually abuse children.

The accounts given by victims of sexual abuse and responses to some of the studies about the prevalence of sexual abuse provide an idea of the proportion of abuse committed by different sections of the population.

There is still very little recent research into women who sexually abuse children, the main bodies of work being NSPCC (2013) and Darling et al (2018) which found that:

- Victim studies suggest that 1 in 9 sexual offences are committed by a woman
- Between 2004 – 2009 Childline saw a 132% increase in number of children reporting sexual abuse by a woman
- Female perpetrators are 6.5 x more likely to abuse their own child than someone else's
- Familial female perpetrators are more likely to abuse younger children than those over 13
- In contrast, female professional perpetrators are more likely to follow a teacher / lover model – they don't enter the profession with the intention of abusing but given opportunity and lack of challenge, will target an adolescent. The vast majority of victims in these cases are males aged 15 or 16. This group of perpetrators are likely to have only one victim and to act alone
- A study of female professional perpetrators found that they had often displayed behaviours that led colleagues or managers to give them 'advice' on safe practice but the risk was almost always minimised and no referral made to outside bodies.

Although the above statistics are not precise, they are derived from reading survivor literature and sexual abuse prevalence studies. As such, they can only give an idea of proportions. They serve to challenge the common stereotype of a child abuser. Children and other young people are a major part, some one-third, of the problem of child sexual abuse. Parents, schools, carers, youth clubs and so on need to be aware of and alert to this fact, in order to make proper attempts at protection. Adult females are increasingly recognised as a small but significant minority of perpetrators of child sexual abuse. Adult males constitute half or more of the problem; they are just not all of it.

It is also worth noting that even though it is difficult to secure a conviction for a sex offence if the accused denies it, rather a lot of people are convicted! As at 31 March 2005 there were 28,900 people, mostly men, registered as sex offenders. By 2018 this number had risen to about 60,000 partly because more people go on the register than come off it each year. Approximately 2% of these offenders are women. It is important to note that there isn't an actual 'register' of sex offenders – the term is used to refer to a registration system (ViSOR) to monitor individuals who pose serious risks to the public. The 60,000 will therefore include some offenders who pose extreme risk of violence to the public but are not sex offenders.

## Viewing, making and distributing online sexual images of children

There has been significant media coverage over recent years regarding the increasing availability of indecent images of children online. General public opinion and the views of senior police officers nationally vary between a view that offenders are treated too leniently and that they are treated too harshly. Some police forces, along with organisations such as Stop it now

and Ineqe run public campaigns to address the common stereotypes of the type of individual who engages with sexual images of children. West Yorks police has published an infographic relating to the occupations of 149 adults arrested in their area in one year; these included:

- 49 were unemployed
- 15 skilled labourers
- 11 worked in hospitality
- 7 shop workers
- 4 education staff
- 2 solicitors
- 6 retired people

Although this is only the data from one police force, it is clear that those who view indecent images of children do not fit into one type.

## Finkelhor model

This model helps to explain the process of child sexual abuse and has been developed by an American researcher (D Finkelhor, 1986, Child Sexual Abuse: New Theory and Research).

In summary, Dr Finkelhor describes a four-stage process culminating in acts of abuse as follows:

1. The abuser develops a motivation to abuse.
2. The abuser overcomes his or her internal inhibitors, or conscience.
3. The abuser overcomes external inhibitors – essentially other people who might have prevented the abuse and protected the child.
4. The abuser overcomes the resistance of his or her victim.

### **Stage one: motivation**

Finkelhor identified three elements involved in a person developing the motivation to sexually abuse children. One is sexual arousal to inappropriate stimuli. This involves sexual thinking/fantasising about one or more children. Such thinking often develops in adolescence. In effect, abusers are turned on sexually to children in the way that most adults are turned on by other adults. There may be a generalised interest in children, or there may be situational or emotional reasons why the abuser has become attracted to one particular child.

Another factor is emotional congruence with children. This concept describes a situation where men or women get their emotional needs met by children more easily than by adults. Although we would hope that teachers/care workers/parents etc would have a good idea what children like and be able to enjoy themselves in the company of children, the problem is when they go too far. Children meet the adult's need, rather than the other way round. They often seem to feed a sense of narcissism and give the adult a sense of power and control. Very often, colleagues will use words like 'charismatic' to describe an abuser's effect on children or speak of the person's 'fantastic rapport' with children. The adult can often seem immature and may behave towards or talk to children more like a peer than an adult. In some cases, they may speak of, or appear to regard, children or young people as friends.

Another side of the coin of emotional congruence with children may be a blockage of intimate relationships with adults and peers. Abusers often have difficulty relating to adults as emotional equals. They feel anxious in those interactions and therefore retreat into relationships with children, where they feel less threatened. What we see in practice is that abusers are somehow more secure with children, to whom they may turn to meet many of their needs, including sexual needs. Such people may have many casual friendships with colleagues or superficial relationships with peers, but typically will not have any lasting, meaningful, intimate relationship with another adult. We do not know how many people who have that kind of intimacy deficit might have sexual thoughts about children, but do not act on them.

### **Stage two: overcoming internal inhibitors**

Many offenders feel bad or guilty about thinking of children in sexual ways. They are aware that society regards what they desire as wrong and criminal and that this generates strong feelings of revulsion and disapproval. They may feel guilty as they progress towards abuse and after they have abused. Somehow, they have to convince themselves that what they are doing is not particularly harmful, even though it is against the law, and that society is wrong. They may perhaps persuade themselves that children benefit from sexual activity with adults, that they are helping them by teaching them about sex or that, if the children are very young, they will not remember. There are many ways in which they justify to themselves what they want to do, or do, minimising the harm in their own minds and excusing themselves from responsibility.

They may, for example, distort the truth to pretend that the child or children sought out or initiated the sexual contact and that they (the adult) had no part to play and had no responsibility to desist.

Some of these sound like fairly flimsy excuses, but sometimes these have begun to develop in the perpetrator's own adolescence, so might be well developed beliefs which are therefore quite resistant to change. Abusers also often use such cognitions to reduce the sense of blame on themselves (for example, by blaming drink, other people, external pressure etc).

Of course, some offenders have no qualms about their thoughts or actions. Some may even take pleasure in causing suffering. Fortunately, such individuals are relatively rare.

As with most temptations people are likely to resist better when they are managing well. Abusers may therefore give in to temptation when stressed or drunk, for example, and they will often blame the dis-inhibiting effects of persistent stress or alcohol as the cause of their actions. However, a key point is that this is not the main cause of their behaviour. Although stress and alcohol (and in some cases drugs) can weaken inhibitions, none of them cause a desire to abuse children. Many people may behave in ways that are not helpful when stressed, or when they have been drinking, but the predisposition or the desire to behave in that way must be present in the first place.

### **Stage three: overcoming external inhibitors**

Having overcome their conscience, offenders must then manipulate others, who might otherwise protect the child or report the abuse. Such others include family and neighbours and, in the setting of an organisation, they will also include work colleagues and other children. Typically, offenders display themselves as responsible, caring adults, about whom no thoughts of sexual abuse would arise. Often, they are very good at presenting that kind

of image and within an organisation will rely heavily on others' perception of them as safe and responsible adults. They rely, among other things, on ignorance, silence, secrecy and embarrassment in others in order to remain unchallenged and undetected. Within organisations they will work hard to establish a personality that makes it difficult for colleagues or parents to entertain suspicions about them or to challenge their behaviour.

Abusers use a very wide array of tactics to secure privacy and secrecy for their behaviours. Basically, they manipulate situations, or exploit already existing situations in order to secure access to victims. This might mean offering to do extra duties, giving lifts etc.

In institutional settings they will often manipulate circumstances to push the boundaries of acceptable behaviour gradually over time until, if they are not challenged, what to an impartial observer seems wholly inappropriate behaviour is accepted by colleagues as normal for that individual. For example, seeing children alone or giving them lifts home. Again, this is why it is important to have a clear, shared understanding within an organisation about what is acceptable and what is unacceptable behaviour.

It is important to note, however, that this is not just about physical seclusion. Abusers often make themselves indispensable to organisations, or present in ways that make people reluctant to believe that they could possibly be that type of person. Indeed, in retrospect it has often been observed that the person seemed too good to be true.

This process is commonly known as 'grooming'. It requires that others are kept in ignorance, in silence and absent when abuse takes place.

#### **Stage four: overcoming the child's resistance**

Finally, the offender must overcome the resistance of their victim and ensure they will not report the abuse. This is about abusing and getting away with it. Professional perpetrators very rarely use threats, blackmail, violence or force to groom their victims. They do not need to, as they are in positions of trust and influence. Abusers will often target children who they perceive to be vulnerable and will also use tactics to render them vulnerable. They may take the child somewhere that they are not supposed to be, or allow them to indulge in behaviours they are not supposed to do. That way the child will already be inhibited from telling anyone. Abusers frequently give the child extra attention, favours, bribes etc. Many people who have been abused (for example, by teachers) talk of how at first they were made to feel special.

Abusive behaviour may be redefined or normalised. Conversations and physical contact are likely to stray from the norm in small increments as the abuser checks out the child's reaction. Sometimes threats may be used to reinforce the securing of compliance. However, given the power and trust inherent in many of these relationships, that is often not necessary.

More typically, it involves seduction, bribery, corruption, befriending; slowly eroding physical boundaries and perhaps persuading the child to initiate or repeat sexual acts and suggesting that it is for them, or is in their interest. It is important the offender remains undetected, so privacy has to be created and the child somehow manipulated into silence. As stated previously, many victims feel guilty, embarrassed and ashamed and may feel ambivalent about the abuser, not wanting the abuse, but liking or maybe even loving the abuser.

Sex offenders are very accomplished at achieving the process, described by Dr Finkelhor, and repeating it.

## Creating a culture of vigilance

It is very important that all organisations take time to learn the lessons from previous high profile cases. Looking at some of the best-known professional abuse inquiries in education settings over recent years, there are a number of recurring themes:

1. Safer recruitment procedures not in place
2. Lack of safe working practice guidance - staff unclear on boundaries
3. Failure to recognise, record and respond to low level concerns
4. Standard operating procedures not being followed
5. Poor management oversight / issues identified in inspection not actioned
6. Voice of parents / pupils not heard
7. Voice of staff / whistleblowing – raising concerns / exit interviews
8. Human / professional / personal relationships
9. Lack of effective supervision
10. Ineffective governance and challenge

What is clear from numerous case reviews is that abusers often exhibit a range of boundary-violating behaviour which may only cause low level concerns to begin with but can escalate over time if not recognised and challenged. The importance of low level concerns reporting first emerged in the Vahey / Southbank International School inquiry and was also a recurring theme in the Independent Inquiry into Child Sexual Abuse (IICSA). Codes of conduct and standards of behaviour are very useful in helping us all to pick up on this, challenging both ourselves and others and, from September 2021, all schools and FE colleges should implement a low level concerns procedure which is closely linked to their staff behaviour policy or safe working practice guidelines for staff.

## Situational abuse

Although the Finkelhor model is useful in understanding how some offenders operate and therefore how safer recruitment techniques may be used to identify and reject those who may be unsuitable to work with children, not all perpetrators of child sexual abuse are paedophiles or repeat offenders. A significant proportion of those who commit sexual offences could be described as opportunistic or situational offenders; that is, they do not consider themselves to be attracted to children until a particular set of circumstances occur. It should also be acknowledged that, if we accept Finkelhor's view that a sizeable number of those who are sexually attracted to children are able to control this and push the thoughts away, there may still in their future be a change in circumstances or perception that allows them to bring the desires back to the fore and act on them.

Situational abuse is addressed more fully in module 4.

## Other abusers

### Physical abusers

The majority of physical abusers can be described as 'reactive' abusers. Physical abuse is not usually planned and is not usually the expression of any deeper malice, but is more often the outcome of a lack of self-restraint.

Very rarely do we come across more 'proactive', organised, physical abuse that is possibly sadistic in nature. That kind of physical abuse is very often linked to sexual abuse and gratification and is more likely to follow the pattern of behaviour described above.

Unlike sexual abusers, physical abusers are unlikely to seek employment in a school in order to further an abuse agenda. Physical abuse may take a variety of forms:

- Inappropriate physical contact (for example, handling children, mismanagement of classroom behaviour etc).
- Verbal threats of violence.
- Emotionally aggressive outbursts leading to physical contact.

Such behaviour is likely to occur when the individual is unable to manage his/her own notions at times of particular stress or challenge.

### **Emotional abusers**

Emotional abuse occurs in all instances of sexual abuse because of the way in which the abuser targets, manipulates and exploits a child. The fact that the abuser is usually someone in a position of trust compounds the psychological impact on the victim.

Emotional abuse can also occur on its own, for example, in cases where a child is consistently singled out for negative attention by a member of staff or whose need for protection and assistance is consistently ignored by staff. Bullying, harassment, ridicule and discrimination all amount to emotional abuse and schools should have a clear policy that such behaviour is unacceptable, particularly on the part of members of staff.

### **Inappropriate language**

Sometimes a teacher or member of staff will try to relate to pupils, usually older children, by adopting their mannerisms and slang, or by treating them as peers and sharing inappropriate comments and humour, or details of their own personal life. This behaviour does not build an effective relationship with the pupils despite what the member of staff might believe. It erodes the basis of a professional relationship in which the adult is expected to act objectively in the best interests of the child and blurs the boundary between what is appropriate and inappropriate behaviour on the part of each.

In many cases this kind of behaviour will not be serious enough to lead to a complaint but it will leave the member of staff in a very vulnerable and difficult position if an allegation of abuse is made against him or her. For teachers, the principle that they should be role models for children is well established. They should not model their behaviour on that of children and nor should they follow their lead. The same principle applies to other staff even though they do not have the same pupil-teacher relationship and their position as a role model may not be so clear. It is also important to recognise that over-familiarity or befriending behaviour can be the start of a grooming process with older pupils. From September 2021, schools and FE colleges should have a low level concerns procedure in place to address these types of incidents / behaviour.

## **Applying the model of offending to the stages of recruitment**

In sessions two, three and four of the workshop we consider the steps of the recruitment process and school culture to begin to apply our understanding of that offending process and build in activity that:

- Deters applicants with inappropriate motivations because they do not see the job context as a soft target or they do not see the likelihood of opportunities to abuse
- Prevents opportunities for abuse in the work context by managing the environment, assessing risk and creating clear expectations of standards of behaviour; this includes the whole workforce in protection
- Detects inappropriate behaviour at the earliest opportunity and responds decisively by rejecting the applicant or challenging the member of staff / volunteer concerned

## Session 2

### A safer recruitment process

## Module two: a safer recruitment process

This session looks at the importance of planning a recruitment exercise, sending the right messages to potential applicants, following a consistent and thorough process to obtain relevant information about each applicant and short-listing candidates for interview.

### Features of a safer recruitment process

- Set time aside for planning and structuring the process;
- Have clear job, role and person specifications, setting out the boundaries and expectations of the role including a statement of the successful candidate's responsibility for safeguarding children;
- Clear messages about safeguarding should be sent to candidates from the outset along with copies of the child protection policy and related safeguarding policies / procedures – or provide a link to where these can be found on your website;
- A statement about the organisation's commitment to safeguarding children should be incorporated in any job advert;
- The advert should state whether the role is exempt from the Rehabilitation of Offenders Act 1974 and therefore subject to an enhanced DBS certificate, whether the role is in regulated activity and requires a children's barred list check;
- Applicants should be provided with information about the filtering of criminal offences and advised of the need to complete a self-disclosure if they are invited to interview;
- Use application forms, not CVs;
- Obtain references before interview wherever possible; include specific enquiries about the applicant's background in relation to safeguarding and ensure references are given proper weight and consideration in the selection process;
- At a minimum, the selection process should involve a face-to-face interview and where possible another tool (role play, presentation, teaching a lesson, participating in activities with children under observation etc);
- Children should be involved in the recruitment process in a meaningful way; observing how candidates interact with children (e.g. model lesson, pupil panel, discussion groups or lunch with pupils) is considered to be best practice;
- At interview, use probing questions into motives, attitudes and behaviours, not just skills and experience, and questions that cover safeguarding issues as well as other role-related areas;
- Seek information about relevant criminal history at the right point in the process and use it appropriately;
- Don't place too much emphasis on vetting checks;
- Ensure there is an ongoing culture of vigilance in the organisation.

We have not provided exemplars of best practice documents such as job descriptions and person specifications, because there are considerable variations in format and terminology between different local authorities and organisations. For examples of the practice appropriate for your school or college, please consult your HR adviser or recruitment manual.

### Criminal background and self-disclosures

As an addition to DBS certificates, self-disclosure can play a vital role in the selection process as it gives candidates an opportunity to share relevant information at an early

stage, which can then be discussed at interview and/or considered before the DBS certificate comes back. A clear statement that self-disclosure will be required as part of the recruitment process may also deter unsuitable people from applying for the post.

It is important to be aware that it is discriminatory to use any self-disclosed information for short-listing. In November 2020, the ICO made clear that under GDPR and the Data Protection Act 2018, it is for employers to determine when best to ask for a criminal self-disclosure but that asking all applicants to disclose as part of the application process could be seen as too broad and therefore a breach of data processing principles including minimisation. KCSIE 2021 states that shortlisted candidates should be asked to submit a self-disclosure of their criminal history (UK and overseas offences) and any other information that may affect their suitability to work with children; there is an example self-disclosure at the back of this workbook. You should not use the information disclosed to automatically rule someone out of the running for a post. Fair assessment criteria should always be applied.

As it is only too possible to lie in a self-disclosure, a DBS certificate should still be sought. The two disclosures can then be compared against each other to highlight any issues.

Under the Rehabilitation of Offenders Act 1974 and its amendments, criminal convictions normally become spent after a period of time. The length of the period is related to the sentence imposed for the offence and the age of the offender.

There are exceptions to this. Until recently, a person was required to declare certain criminal convictions and cautions when asked to do so even if the conviction / caution would be regarded as spent in other circumstances. One of those situations was when applying for work with children, whether paid or voluntary. However, since May 2013 individuals do not have to disclose certain old or minor offences (referred to as protected offences) and employers must no longer request applicants to do so. The filtering rules were amended again in November 2020 – see flowchart on p20.

Ministry of Justice and DBS policy & guidance requires employers to:

- explain the effect of the exceptions to the Rehabilitation of Offenders Act and 'protected offences' to applicants
- give applicants an opportunity to seek legal advice prior to completing their self disclosure and signpost applicants to impartial advice from Nacro and / or Unlock
- give them an opportunity to declare any relevant criminal record they have and to provide a signed statement that their declaration is accurate and complete (see 'Example completed application' form).

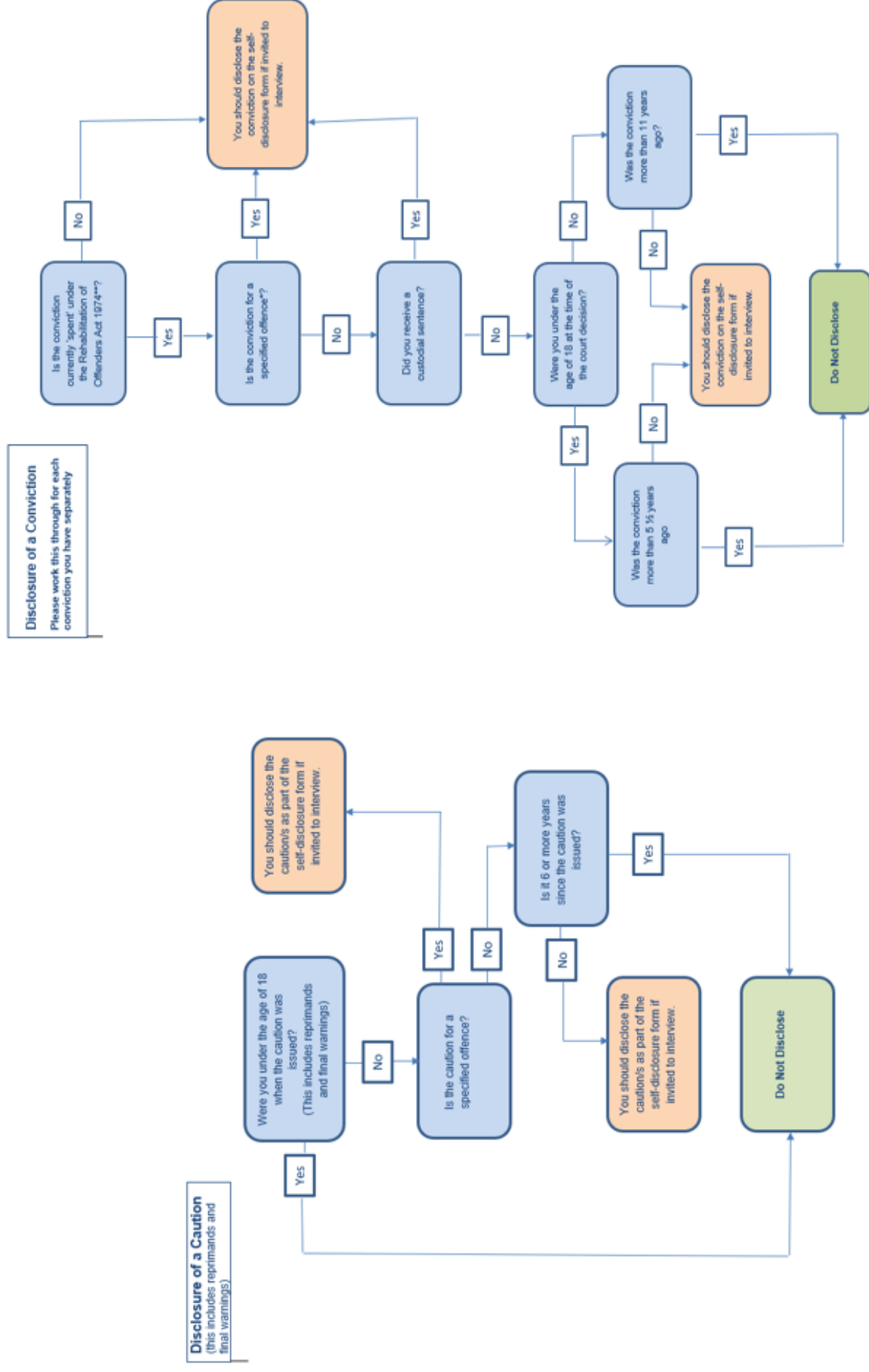
Employers should therefore include the following statement on application forms:

The amendments to the Exceptions Order 1975 (2013 & 2020) provide that certain spent convictions and cautions are 'protected' and are not subject to disclosure to employers, and cannot be taken into account.

Guidance and criteria on the filtering of these cautions and convictions can be found on the Ministry of Justice website.

\*The list of specified offences <https://www.gov.uk/government/publications/dbs-list-of-offences-that-will-never-be-filtered-from-a-criminal-record-check>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/935747/draft-rehabilitation-offenders-act-1974-exceptions-order-1975.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/935747/draft-rehabilitation-offenders-act-1974-exceptions-order-1975.pdf)



Rather than a disclosure section on application forms (where they can be seen by short-listers or others), KCSIE 2021 states that only shortlisted applicants should be asked to provide any information about unspent and unprotected criminal records.

There are a number of reasons for that policy:

- It ensures applicants are aware that the prospective employer is entitled to the information and gives them an opportunity to flag up information in a confidential way. Many people are embarrassed about past mistakes and would find it hard to disclose something for the first time in a face-to-face situation. This is an opportunity to get it out into the open so that if necessary, it can be discussed with them at interview or beforehand, rather than having to wait for a DBS certificate, which might not be needed or might not arrive until just before, or even after, a person has started work
- It is part of the process of deterring unsuitable candidates, discussed above. It shows that safer recruitment is taken seriously.
- Having a signed statement that the information given in the self-disclosure is complete and accurate means that if the DBS certificate reveals that the successful candidate has deliberately lied about their criminal background, it is straightforward for the employer, the police and/or the regulatory agency to take action against the person.

Once short-listing has taken place, the disclosed information can then be considered against the ROA1974 and amendment order in 2020; information regarding unspent cautions and convictions plus any offences that would not be filtered can then be discussed with the candidate (at interview or in a separate suitability meeting) as part of assessing whether the information is relevant to suitability to work with children.

**Note:** Even if someone makes a self-disclosure, this does not remove the need to get a DBS certificate if one is required. It is not unknown for an abuser to disclose a trivial criminal offence that is not relevant to work with children in order to establish him or herself as an honest and credible candidate. This would be an attempt to persuade a prospective employer that the formality of a criminal check is not necessary.

## Scrutinising applications and short-listing

When carrying out the short-listing process, it is important to record objective evidence about the extent to which each candidate meets the criteria.

- Have at least two people involved in the process of scrutinising applications and short-listing candidates. This makes the process more objective and helps to avoid subjective judgements; it is also much less likely that something will be missed if two people separately scrutinise the applications;
- The people involved in shortlisting should also be involved in the interviews;
- Take time to scrutinise applications carefully, returning any forms not fully or properly completed, identifying any gaps in the person's history or any discrepancies or inconsistencies;
- Apply the same criteria from the person specification to each applicant consistently;
- Do not short-list too many people – three or four should be a sufficient number from which to choose the right person. If it is not, there is something wrong with the person specification or the short-listing process. In the unlikely event you have too

many applicants who meet all the requirements of the person specification, you may choose a randomised selection process; that way no candidate can claim unfair discrimination.

## Obtaining and checking references for people seeking work with children

References are often thought of as something of a formality. In the commercial sector, they are frequently regarded as one of the post-interview checks made after a decision about who is to be offered the post has been taken. There is an unstated assumption that references are unlikely to reveal any information that will help the selection process or anything that is detrimental to the applicant.

That can be the case if references are only used to confirm details of a person's present or previous job, or to obtain general testimonials about the person's character. But that is poor practice where people are seeking work with children. Experience shows that how a person has behaved in the past is one of the most reliable indicators of how he or she will behave in the future.

It is vital therefore that references on people seeking work with children are seen and used as a tool to obtain relevant information to guide decisions about selection.

KCSIE 2021 para 203 makes clear that references should be sought for shortlisted candidates and scrutinised prior to interview; this allows any concerns to be clarified with the referee and / or discussed with the candidate at interview. Making sure that references are obtained on short-listed candidates at the right time, from the right people and asking for specific, relevant information, will play an important part in the selection process. This will help the organisation to ensure that it selects someone who is suitable to work with children and avoid taking on an unsuitable or dangerous person. Schools and colleges should:

- have a reference from current or most recent employer
- if not currently working with children but has done so in the past, a reference should be sought from the most recent employer where the role involved working with children
- the referee should be a senior person with relevant authority – in a school, the HT / principal should confirm the reference is accurate
- ask whether the referee is aware of any behaviour that might give rise to concern, including any disciplinary action
- ask specifically about allegations about their behaviour towards children
- seek specific confirmation of the details and responsibilities of the previous post given by applicant
- always verify information with the person who provided the reference
- ensure that any references received electronically originate from a legitimate source;
- establish the reason for the candidate leaving their current or most recent post.

References are just as important for voluntary posts as for paid employment. A similar process should be followed when seeking volunteers for the kinds of posts that require a formal recruitment process. However, prospective volunteers might not be in paid employment or have previous experience of working with children. Consequently, schools may have to be prepared to be flexible about the kinds of people from whom they will accept references and the nature of those references. Nevertheless, it is important to make background enquiries and checks on volunteers as well as on paid staff.

### **Who should be asked to provide a reference?**

References should be provided by a senior person with the appropriate authority; if the referee is school or college based, the reference should be provided by or confirmed by the headteacher / principal as others (such as a departmental head or DSL) may not have accurate information regarding any allegations, low level concerns and / or disciplinary investigations.

If an applicant has worked with children previously, whether on a paid or voluntary basis, at least one reference should be obtained from the person or organisation that employed the applicant in work with children, even if that is not the applicant's current or most recent employer. This may mean requesting an extra reference where the person is not currently employed with children.

### **What should referees be asked?**

All requests for references should enclose a copy of the job description and person specification. The referee's opinion should be sought about how the person meets the requirements of the specification and his or her capacity to carry out the duties set out in the job description. Every request should also ask the referee to state whether they are aware of anything that might give rise for concern about the person's suitability to work with children and, if so, to provide details. Those questions are in addition to the normal questions to an employer about details of a person's salary, duties etc. Example reference requests are available on pages 25 & 26/27.

In addition, requests for references in connection with current or previous work with children should ask not only about concerns in respect of suitability, but also specifically about whether the person has been the subject of allegations about their behaviour towards children. If this is the case, there should be a request for a comprehensive summary of any allegations made, details of how the allegation was followed up and resolved and a note of any action taken and decisions reached. Referees should not be asked about the candidate's criminal record – this would be a breach of GDPR article 10. However, the referee should also ask for details of any disciplinary action the person may have been subject to in relation to behaviour involving children, including any in which any sanctions imposed are expired. In some cases, a person's employer may be reluctant to provide more than an institutional reference, that is, confirming details of a person's salary, duties etc. That is sometimes the case where references are provided by the HR department of a large organisation. In those cases, a reference should also be sought from the individual's direct manager or supervisor.

Requests made to the person's current employer should also seek specific confirmation of the details and responsibilities of the person's current post as he or she has described them in their application. Unfortunately, it is not unknown for people to exaggerate or embellish their status or responsibilities when applying for a new job.

### **When should references be obtained?**

It is essential that wherever possible this information, or confirmation that there is no information or reason that might cast doubt on a person's suitability to work with children known to the referees, is available before interview. 'Keeping children safe in education' 2021 says:

*"The purpose of seeking references is to allow employers to obtain factual information to support appointment decisions. Schools and colleges should obtain*

*references before interview; this allows any concerns raised to be explored further with the referee and taken up with the candidate at interview.” (para 203)*

Relevant information can then be taken into account and, if necessary, issues explored further before or at the interview. This must be explained in the information sent to applicants and on the application form. Very careful consideration will need to be given to any request by an applicant to delay seeking references until it is known whether he or she is to be offered the post.

### **Scrutinising references**

It is very important to read references carefully and thoroughly to make sure that:

- The referee has answered all the questions.
- There are no vague or ambiguous statements.

It is also vital to compare the information about the applicant provided by the referee with the information the applicant has given about him or herself and his or her experience and background.

‘Keeping children safe in education’ 2021 says:

- *“Schools and colleges should not rely on open references, for example in the form of ‘to whom it may concern’ ... not rely on applicants to obtain their reference;”*
- ***Always verify the information with the person who provided the reference;***
- *Ensure electronic references originate from a legitimate source;*
- *On receipt, references should be checked to ensure that all specific questions have been answered satisfactorily. The referee should be contacted to provide further clarification as appropriate, for example if the answers are vague or if insufficient information is provided;*
- *They should also be compared for consistency with the information provided by the candidate on their application form. Any discrepancies should be taken up with the candidate;*
- *Any information about past disciplinary action or allegations that are disclosed should be considered carefully when assessing the applicant’s suitability for the post.*

## Example reference request: a person with no experience of working with children

Dear [name of referee]

[name of applicant] – application for post of [job title]

I am writing to seek a reference in respect of [name of applicant], who has applied for the post of [job title] at [name of organisation].

I am enclosing a copy of the job description and the person specification for the post. I shall be grateful for your views on [name of applicant]'s suitability for this position. Please indicate your knowledge of his or her qualifications and ability to carry out the duties specified in the job description and how he or she meets the requirements of the person specification.

(where appropriate) [Name] states that he or she is currently employed by [you/name of employing organisation] as a [...] with responsibility for [...] and during his or her employment with [you/name of organisation] has also gained experience in [...]. I shall be grateful if you will let me know whether those statements are accurate along with details of [name]'s current salary. Please also state whether [name]'s performance of his or her duties while in your employment has been satisfactory. If [name]'s performance has not been satisfactory in all respects please provide details of the areas needing improvement and any remedial action taken.

As [name] is applying for a post that involves working with children, please state whether you know of any reason why he or she might be considered unsuitable to work with children or whether you have any concern about his or her suitability for such work. If you do know of any reason or concern, please give details. Finally, please say how long you have known [name] and in what capacity. I shall be grateful if you will let me have your reply by [date] to help us avoid delaying the selection process.

**NOTE** As a result of the Equality Act 2010, it is no longer appropriate to ask referees for information relating to absence or sickness record until after the preferred candidate has been selected unless the post has an exception.

Example reference request: a person with experience of working with children

[illegible]

<p>To the best of your knowledge has the applicant ever had an allegation made against them, which was founded, in regard to his/her behaviour towards children?</p> <p>Yes [ ]      No [ ]</p>
<p>If Yes please give full details of the nature and date(s) of the allegation(s), by whom they were investigated, what conclusion was reached as a result of the investigation, whether any action was taken and if so what that was?</p>
<p>Has the applicant been the subject of a disciplinary action in respect of which penalties or sanctions remain in force?</p> <p>Yes [ ]      No [ ]</p>
<p>If Yes please give full details of the nature and date(s) of the misconduct and of the penalty or sanctions still in force.</p>
<p>Printed name:</p>
<p>Signature:</p>
<p>Position:</p>
<p>Organisation:</p>
<p>Date:</p>

## Temporary staff: employment agencies and contractors

Typically, the minimum time needed to appoint someone when the recruitment process described above is followed is 10 to 12 weeks. Consequently, there will often be a gap between someone leaving and a new person taking up a post.

As a result, it is important that contingency arrangements are made for temporary staff to cover in those circumstances and that temporary staff have been recruited using a recruitment and selection process that includes the safeguards set out in this workshop.

In many cases the organisation's arrangements for covering short-term vacancies will rely on staff provided by employment agencies or businesses. It is important that organisations obtain written assurance from agencies that they use, specifying that the agencies operate procedures that include features specified in this training when taking people on to the books and that any staff supplied to the organisation will have been subject to those safeguards. Employment agencies that supply staff to schools and FE colleges must make the same checks on those staff as those that establishments are required to make on staff they employ directly. Schools and FE colleges are required to obtain written confirmation from an agency that it has carried out all the appropriate checks on staff it supplies and that those are satisfactory.

Organisations should place similar requirements on any contractors they use to provide services that entail staff employed by the contractor working with or providing services for children for whom the organisation is responsible. In those circumstances the organisation should ensure that the terms of the contract require the contractor to adopt and implement the measures described in this training and DfE guidance when recruiting staff (schools and FE colleges should also require compliance with DfE guidance). The organisation should monitor contractors' and agencies' compliance with the requirement. Extended schools that use contractors to provide services before or after school hours should make similar arrangements to ensure that the staff employed by the contractor are properly recruited and vetted.

## Volunteers

Volunteers are also seen by children as safe and trustworthy adults. The same kind of process should apply when an organisation is recruiting volunteers to work with children. Because volunteers fill a very wide variety of roles, that principle needs to be applied with common sense and the process may need to be adapted to cater for particular roles and sensitivities. For example, if a parent volunteer is one of a group helping out on a one-off occasion such as a day trip, a fete, a sports day or a school disco, there is no need for a formal recruitment and selection process, or for a DBS certificate or Barred list check. On the other hand, if the volunteer is going to have an on-going role that involves regular contact with children, or means that the person will be on the premises when children are present regularly or frequently, a similar recruitment process should be adopted as would be used to recruit a paid member of staff filling a similar role. The process might need to be presented differently, or adapted to be more informal, but the principal safeguards and features of the recruitment and selection process should be the same.

If a volunteer will be providing 'teaching' and has previously been a qualified teacher the school should check on the Teachers Services website that they are not prohibited from

teaching. The Disqualification under the Childcare Act 2006 Regulations 2018 apply to all volunteers providing early years or later years childcare (see page 44).

**Note** Children's barred list checks cannot be undertaken for volunteers except in very specific circumstances (such as unsupervised volunteering, overnight activity or volunteers engaging in intimate care)

In these cases, the process should still include:

- Information about the organisation's commitment to safeguarding children.
- Completion of an application or registration form.
- Obtaining references.
- A face-to-face interview.
- Pre-employment checks similar to those which would be applied in the case of paid employment, including a DBS certificate\*\*.

Keeping children safe in education' 2021 says:

*"Schools and colleges should undertake a written risk assessment and use their professional judgement and experience when deciding what checks, if any, are required. The risk assessment should consider:*

- the nature of the work with children, especially if it will constitute regulated activity, including the level of supervision;*
- what the establishment knows about the volunteer, including formal or informal information offered by staff, parents and other volunteers;*
- whether the volunteer has other employment or undertakes voluntary activities where referees can advise on suitability; and*
- whether the role is eligible for an enhanced DBS check and if it is, what level is appropriate;*
- details of the risk assessment should be recorded;*
- schools are free to determine where to store this information."*

Delegates can download an example volunteer risk assessment from the home page of the Safer Recruitment Consortium website <https://www.saferrecruitmentconsortium.org/>

Where volunteers are recruited from another institution, the organisation to which they have gone to work should obtain assurance from the institution that the person has been subject to a proper recruitment process that includes the necessary safeguards.

\*\* Whilst KCSE 2021 does not require schools to undertake enhanced DBS checks on volunteers who are not in regulated activity, it is the Safer Recruitment Consortium's view that these should be undertaken if the volunteer will be coming into school regularly and having contact with children. This is because the school may not be made aware that a volunteer that is not engaging in regulated activity is barred from that work, but in most cases an enhanced DBS certificate without barred list check will reveal the offence or behaviour that led to the bar. The written risk assessment will assist schools in deciding when an enhanced DBS certificate is appropriate, lawful and proportionate.

## **Recruitment and selection checklist (COVID adjustments shown in yellow)**

(based on a version developed by Wigan Safeguarding Children Board)

<b>Pre-interview</b>	<b>Initials</b>	<b>Date</b>
<b>Planning – timetable decided:</b> job specification and description and other documents to be provided to applicants, reviewed and updated as necessary. Application form seeks all relevant information and includes relevant statements about references etc.		
<b>Vacancy advertised</b> – (where appropriate) advertisement includes reference to safeguarding policy; that is, statement of commitment to safeguard and promoting welfare of children and need for successful applicant to be DBS checked.		
<b>Applications on receipt</b> – Scrutinised – any discrepancies/ anomalies / gaps in employment noted to explore if candidate considered for shortlisting.		
<b>Interview Panel</b> – should be briefed and at least 1 member suitability trained in safer recruitment.		
<b>Shortlist prepared and interview</b>	<b>Initials</b>	<b>Date</b>
<b>Reference – seeking</b> sought directly from referee on shortlisted candidates; ask recommended specific questions; including reason for leaving and any previous safeguarding allegations / disciplinary action.		
<b>Reference – on receipt</b> checked against information on application; ensure referee has appropriate authority, scrutinise; any discrepancy/issue of concern noted to take up with referee and/or applicant.		
<b>Invitation to interview</b> – includes all relevant information and instructions.		
<b>Criminal record self disclosure</b> – with explanation or links to filtering rules and spent / unspent and signposts to impartial advice - sent to shortlisted candidates and to be returned prior to interview date		
<b>Interview arrangements</b> – at least 2 interviewers; panel members have authority to appoint; have met and agreed issues and questions/assessment criteria/standards.		
<b>Interview</b> – explores applicant's suitability for work with children as well as suitability for the requirements of the post.		
<b>Any self-disclosed criminal history or issues of suitability</b> – check information would not be filtered / protected, discuss context with candidate at interview, record what was discussed, seek additional advice if necessary.		
<b>Identity &amp; right to work</b> – original documents verified on day of interview <b>OR (for remote recruitment) scanned originals seen by school &amp; date scan was received should be recorded here</b>		
<b>Birth certificate</b> – is seen wherever possible, in order to identify whether a person has changed their name		
<b>Qualifications</b> of successful applicant verified on the day of interview by scrutiny of appropriate original documents; copies of documents taken and placed on file <b>OR (remote recruitment) scanned originals seen by school &amp; date scan received should be recorded here</b>		
<b>Conditional offer of appointment</b> – offer of appointment is made on conditional satisfactory completion of the following pre-appointment checks and consideration of a probationary period.		
<b>References</b> - receive and check (if not obtained and scrutinised previously) any issues are clarified with referee and/or candidate. <u>Content confirmed with the referee and electronic references are verified as from a legitimate source.</u>		
<b>Identity &amp; Qualifications</b> (If that could not be verified at interview) <b>If recruitment process was remote, the originals must be seen in school on or before start date &amp; the date seen should be recorded here</b>		

<b>Evidence of right to work in the UK</b> – refer to <a href="https://www.gov.uk/legal-right-work-uk">https://www.gov.uk/legal-right-work-uk</a> for guidance. If recruitment process was remote, originals must be seen on or before start date & the date seen recorded here		
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	Initials	Date
<b>DBS Certificate</b> – Apply for relevant level of DBS, which will be sent back to the applicant. Applicant should then present the original certificate to the recruiting manager. The recruiting manager should make a note on the Single Central Record of the date it was seen by them. Any disclosed information relevant to suitability should be compared with the self-disclosure. For applicants who are signed up to the DBS update service, permission must be sought from the candidate to view the certificate by the recruiting manager. If it isn't at the appropriate level or the disclosure details have changed, a new DBS must be obtained. If recruitment process was remote, a scanned copy of the ID and DBS certificate can be used to check status on the update service but originals must be seen on or before start date & cross-referenced with details on scanned docs.		
<b>Barred list check</b> – check the candidate is not barred from taking up the post (this check should only be undertaken for those working in regulated activity, more guidance at <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550197/Regulated_activity_in_relation_to_children.pdf</a> ).		
<b>Qualified Teacher Status (QTS)</b> – (for teaching posts in maintained schools) the teacher has obtained QTS or is exempt from the requirement to hold QTS (for teaching posts in FE colleges), the teacher has obtained a PGCE or Certificate of Education (Cert. Ed) or FE Teaching Certificate		
<b>Prohibition</b> – (for teaching posts) the teacher has not been included in the prohibition list, interim prohibition list or subject to GTCE sanctions		
<b>Prohibition from management</b> (independent/free schools/academies and maintained school governors) – anyone appointed to a management position is not barred from management by the Secretary of State		
<b>Health</b> – Ensure the candidate is medically fit to take up the post. This requirement can be satisfied by using a self-declaration medical form.		
<b>Disqualification from childcare</b> – (for relevant posts only) go to <a href="https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006">https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006/disqualification-under-the-childcare-act-2006</a> for more guidance on who is bound by the disqualification rules.		
<b>Employing individuals who have lived or worked outside the UK</b> – These individuals must undergo the same checks as any other candidate, as well as further checks so that relevant events that occurred outside the UK can be considered. Further guidance on overseas criminal checks can be found here: <a href="https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants">https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants</a>		
<b>Appointment and probationary period</b>	<b>Initials</b>	<b>Date</b>
<b>Induction</b> – include the following: <ul style="list-style-type: none"> <li>- Appropriate level of safeguarding and child protection training</li> <li>- Name and how to contact the DSL</li> <li>- Online safety &amp; acceptable use agreement</li> <li>- Whistleblowing</li> <li>- Pupil behaviour policy</li> <li>- Safe working practice / staff code of conduct</li> <li>- Health &amp; Safety in the workplace</li> <li>- Setting emergency evacuation procedures</li> <li>- Any other relevant CPD</li> </ul>		

## Session 3

### Making the right decisions

## Module three: making the right decisions – or the cost of getting it wrong!

It is very important to make the right recruitment decisions so that those who are not suitable to work with children, which may be because they do not have the skills or the right attitude, or at worst because their motives for working with children are concerning, do not get the opportunity to get access to children. As Bichard said in 2004, it is our job to make it as difficult as possible for devious people to succeed. The decisions we make at the recruitment stage are key to this.

There are also huge resource and time implications both in recruiting staff and volunteers and in dealing with those who turn out not to be suitable once they have been recruited. It will therefore make the time spent at interview more worthwhile and save the time spent managing difficult or unsuitable people if we make the right decisions in the first place.

Costs of getting it wrong:

- Children in your care may be abused or harmed.
- Children may not receive proper care, education or coaching.
- Staff and parents or carers may suffer emotional trauma, stress or possible feelings of guilt.
- You may have to bear the emotional and economic cost of coping with the police or social care investigation and attendant publicity.
- You may have to bear the emotional and economic cost of managing suspension, resignation or dismissal.
- You may have to bear the emotional stress of dealing with parents, who could be angry or distressed.
- There may be damage to the organisation's reputation or viability.
- You may have to bear the cost of recruiting a replacement and putting appropriate safeguards in place.

Benefits of getting it right:

- Children are kept safe and enabled to learn and develop.
- Children receive high standards of care and education or coaching.
- Organisation is effective, functions well and achieves its objectives.
- Turnover of staff and associated costs are reduced.
- Parents are less likely to complain.
- Reputation of the organisation and viability is enhanced.

### Safer selection

Interviews are the most commonly used selection tool, but it is important not to rely on an unstructured or unplanned interview as it will only provide limited information and often what a candidate wants to tell you or how he or she wants to be seen. You need to plan each interview and ask probing questions to get relevant information. The selection process should always include a face-to-face interview. However, in addition to interviews, a range of selection tools can be used to allow you the best opportunity to assess how suitable a candidate is for the role and allow the candidate a number of opportunities to demonstrate their suitability.

Examples of different selection tools that could be used alongside interviews are:

- Role plays.
- Presentations.
- Group exercises.
- Written exercises.
- Aptitude/ability tests.
- Personality questionnaires.
- Job trials.

It is also important to explore not just someone's previous experience of working with children (if any) or their relevant qualifications or skills, but also their attitudes and motives to work with children and their understanding of the vulnerability of children. There is no point having a highly qualified teacher, youth worker or nursery nurse if they dislike children or do not have the right motives for working with them.

The Warner report (1992) that looked at recruitment and selection in children's homes recommended that they should introduce separate preliminary interviews to assess a candidate's character and suitability to work with children as well as an interview to assess qualifications, experience, skills, etc.

That system is still used for posts in residential childcare which involve working with very vulnerable children. We do not recommend a system of separate interviews for other sectors, but we do strongly recommend that all interviews should include Warner-style questions. In practice that means interviewers should ask about why someone wants to work with children, how they deal with difficult issues in relation to work with children and how individuals ensure that they maintain a professional working relationship with children and do not overstep the boundaries of their role, as well as questions about the applicant's qualifications, previous experience, competencies etc. This is sometimes known as value-based interviewing (VBI) – see below.

The CIPD has useful information on their website about recruitment & interviewing.

In brief:

- There should be at least two people involved in interviewing and these same people should also have been involved in the shortlisting stage.
- Ideally, assessors and interviewers should be well briefed and trained. This is not always possible due to lack of resources, but the least that should happen is that those involved in a selection process should be involved in planning the interview and the questions and be clear on what they are required to do and what they are looking for in the applicant's responses.
- You cannot properly assess how well someone interacts with others by asking them to tell you as no one will say that they cannot do it. Role plays and group exercises are really useful ways of assessing this.
- It is vital to make notes during an interview, rather than relying on memory. The interview assessment form enables this to be done (see 'Example interview assessment' form on page 37). It also helps ensure that questions about the things that are really important for keeping children safe are asked and are not side-tracked. It ensures that there is a written factual record to refer to when deciding which candidate should be offered the appointment. This shows whether the person meets the criteria that have been set out and whether there are any concerns about a candidate. This is another argument for having at least two people at an interview,

so that one can listen and make notes while the other talks to the candidate. It is very difficult for one person to combine both roles.

- The criteria will be different for different roles. For example, different responses to a question would be expected from a cleaner than would be expected from a youth or social worker. Thought should be given as to how a person is expected to act.
- Involvement of children in selection processes can be really powerful and useful but must be well planned.
- You should ensure that any agencies you use to provide staff or volunteers use the same standards and apply them rigorously when recruiting people onto their books. Remember that agency staff and volunteers will have the same access to children as people you recruit and may also be a risk to children.

## Value-based interviewing (VBI)

VBI is a way of helping organisations to recruit the most suitable people to work with children. It helps employers assess the values, motives and attitudes of those who are applying for jobs. It focuses on "how" and "why" an applicant makes choices in work and seeks to explore reasons for their behaviour.

VBI is also known as Warner interviewing and goes back to the recommendations made by Norman Warner in 1992, which were mostly taken up in the children's residential care sector. Warner suggested that through the recruitment process, organisations should aim to check candidate's attitudes and motivations and whether they align with the organisation's values, as well as their approach to safeguarding children and young people.

Whilst the technical interview is about talking through the theory, skills and knowledge, VBI is about focusing on what a person actually does by exploring real historical examples and assessing information about their character (what makes them tick, what their pressure points are). VBI allows recruiters to extract additional information about a candidate's personality and helps predict their behaviours on the job. It cannot guarantee that you will spot or eliminate all unsafe adults; however, research shows that VBI can predict unsafe behaviours. The safer recruitment and on-going culture model is the part of recruitment that is most difficult to get right, although easiest to skip over.

VBI adds real value to the recruitment process without making it too complicated:

- Reduces or eliminates "gut feeling"
- Distinct focus on personality
- Provides more information to base decisions upon
- Increases confidence in decision making in recruitment
- Enhances and mirrors information from other selection stages.
- Explores organisational values and team fit.
- Sets out safeguarding expectations for applicants.

The value-based interview forms part of a safer recruitment process and should never be used as a substitute for other recruitment methods in making recruitment decisions. VBI interviews are often held separately from standard panel interviews and must be conducted by two VBI trained interviewers.

The VBI interviewers will select four to five questions that allow them to use the organisation's values and behaviours to explore a candidate's suitability to work with

children. They use active listening skills and a range of questioning and probing techniques to explore a candidate's answers in-depth during the interview, which normally should take 45 to 60 minutes.

The VBI method builds on good recruitment and safeguarding practice. It is not a substitute for good pre-employment checks or sound general recruitment. It relies on an organisational commitment to high standards of safer recruitment and staff training from the top and a culture where children's safety and wellbeing are paramount.

## Interviewing volunteers

The same principles apply when interviewing volunteers, but it is important to make interviews more informal than for paid staff. They should be very much a two-way process about selling the volunteer role to them. However, this does not mean that the interview should not probe into candidates' attitudes and motives and their suitability for work with children. This is even more important for candidates who perhaps have no previous experience of work with children.

## Example interview assessment form

Questions	Indicators	Evidence	Rating (satisfactory, unsatisfactory or no evidence)
Tell me about a time when ....	Good evidence - - - Areas of concern - - -		
Give me an example of.....	Good evidence - - - Areas of concern - - -		
Explain to us why you want....	Good evidence - - - Areas of concern - - -		

## Competency interview questions to address suitable personal behaviours for teaching (including safeguarding children and young people)

These are examples of questions and indicators prepared for training purposes by one local authority (Buckinghamshire). These are to provide an illustration rather than to provide standard interview questions for ongoing use.

Positive indicators	Personal competencies	Negative indicators
<p>Convincing responses based on balanced understanding of self and circumstance.</p> <p>Has a realistic knowledge of personal strengths and weaknesses.</p> <p>Examples of having considered/tried other options and alternatives.</p> <p>A realistic appreciation of the challenges involved in working with children.</p> <p>Evidence of others having supported and encouraged based on observation of personal talent.</p>	<p><b>1. Motivations for working with children</b></p> <p>Self-awareness/knowledge and understanding of self, interconnection between self and professional role.</p> <p>Example questions:</p> <ul style="list-style-type: none"> <li>• What do you feel are the main drivers that led you to want to work with children?</li> <li>• How do you motivate young people?</li> <li>• What has working with young people, to date, taught you about yourself?</li> </ul>	<p>Unconvincing responses based on whimsical examples. Not self-aware, don't see themselves as others do.</p> <p>Driven by personal needs not needs of others.</p> <p>Not realistic about personal strengths and weaknesses.</p> <p>Unrealistic impression of what working with children is really like; idealisation of children.</p> <p>Failure to consider other alternatives.</p> <p>Pushed by others, or forced by circumstance, to do something they don't appear to have personally thought through.</p>

Positive indicators	Personal competencies	Negative indicators
<p>Behaves consistently and appropriately under pressure or in a position of authority.</p> <p>Has control over emotions with adults and children.</p> <p>Demonstrates a good understanding of boundaries between children and adults.</p> <p>Understands position of power and how to seek help in difficult circumstances.</p>	<p><b>2. Emotional maturity and resilience</b>  Consistency under pressure, ability to use authority and respond appropriately, ability to seek assistance/support where necessary.</p> <p>Example questions:</p> <ul style="list-style-type: none"> <li>• Tell me about a time when you have been working with children when your authority was seriously challenged. How did you react? What strategies did you employ to bring things back on course? How did you manage the situation?</li> <li>• Tell me about a person you have had particular difficulty dealing with. What made it difficult? How did you manage the situation?</li> </ul>	<p>Inappropriate responses when under pressure or when in a position of power.</p> <p>Inconsistent responses.</p> <p>Handles conflict badly.</p> <p>Fails to control temper/emotions with children and or adults.</p> <p>Implies that adults and children are equal.</p> <p>Doesn't seek help when needed.</p> <p>Fails to go to others for advice.</p>

Positive indicators	Personal competencies	Negative indicators
<p>Demonstrates a balanced understanding of rights and wrongs.</p> <p>Puts the child first. Alive to the realities of abuse.</p> <p>Understands how and why children may be vulnerable</p> <p>Shows a contemplative approach, drawing on personal experiences and lessons from others.</p> <p>Builds values and judgments based on new information.</p> <p>Shows an appreciation of safeguarding issues and an ability to contribute towards a protective environment.</p> <p>Shows respect for others' feelings, views and circumstances</p> <p>Demonstrates a commitment to FBV and is able to relate this to the formal and informal curriculum</p>	<p><b>3. Values and ethics</b> Ability to build and sustain professional standards and relationships, ability to understand and respect other people's opinions, ability to contribute towards creating a safe and protective environment.</p> <p>Example questions:</p> <ul style="list-style-type: none"> <li>• What are your attitudes to child protection? How have these developed over time?</li> <li>• What are your feelings about children who make allegations against staff?</li> <li>• How do you feel when someone holds an opinion that differs from your own? How do you behave in this situation?</li> <li>• Have you ever had concerns about a colleague? How did you deal with this?</li> <li>• What does 'promoting fundamental British values' mean to you?</li> </ul>	<p>Extreme opinions that don't account for the views/feelings of others.</p> <p>Doesn't show balance in opinion.</p> <p>Doesn't build on new information or understanding.</p> <p>Opinions harden/become dogged.</p> <p>Doesn't show a full or rounded appreciation of safeguarding issues.</p> <p>Dismissive of, or underplays, the risks.</p> <p>Consistently puts the blame and responsibility for child protection elsewhere.</p> <p>Idealises children</p> <p>Fails to believe in suspicions/reports of abuse</p> <p>Dismissive of FBV or expresses views that undermine these</p>

Positive indicators	Sample questions to test for safeguarding knowledge and understanding (pick one or two – not all)	Negative indicators
<p>Proactive and has personally taken actions to improve safeguarding culture.</p> <p>Has personal experience of having appropriately dealt with a challenging safeguarding issue.</p> <p>Personally committed towards making improvements. Sees it as part of their job.</p> <p>Prepared to challenge others in the workplace to make tangible improvements to safeguarding.</p> <p>Prepared to tackle difficult issues and confront individuals if necessary in order to promote best practice.</p> <p>Shows a good understanding of the issues. Up to date with events and legislation. Knows about test cases.</p>	<ul style="list-style-type: none"> <li>• Tell us about what you have done in the last 12 months to actually improve child protection in the workplace. How did this action arise? Follow up with: Who did you talk to? What were the results?</li> <li>• What is the safeguarding policy in your workplace? Follow up with: How is it monitored? What steps have you taken to improve things?</li> <li>• Give me an example of when you have had safeguarding concerns about a child. Follow up with: How did it arise? Who did you speak to? What actions did you take?</li> <li>• Tell us about a situation where you felt you fell short of safeguarding standard. Follow up with: How did it arise? Who did you speak to? What actions did you take?</li> <li>• Have you ever had to challenge the views of someone more senior than yourself in relation to safeguarding concerns? Follow up with: What were the circumstances? How did you go about it? What was the outcome?</li> </ul>	<p>No evidence of having taken steps in own right to make improvements.</p> <p>Passive approach to safeguarding issues.</p> <p>Reluctance to challenge people/systems/processes to make things better.</p> <p>No real experience of handling safeguarding issues. Naïve approach.</p> <p>Sees it as someone else's job and/or responsibility.</p> <p>Not well versed or clear in understanding of the issues/sensitivities.</p> <p>Intolerant of the bureaucracy around safeguarding.</p> <p>Shows a tendency to take inappropriate chances/risks in area of safeguarding.</p>

## Example single central record of checks

[illegible]

With the exception of the columns for GTCE\*, DBS certificate number and volunteer risk assessment, these are the statutory columns for an SCR – schools may choose to add additional columns if they wish, keeping in mind their obligations under GDPR and the Data Protection Act 2018 to hold sensitive personal data securely and only where there is a good reason to do so. \*The GTCE check date could be incorporated in the prohibition column if preferred.

The date that the original DBS certificate was seen by the school should be recorded in the DBS 'check evidenced & dated' column – schools may also choose to include a column for the date of issue but this is not statutory. There is no requirement to have a column for DBS certificate number but many schools do.

Schools can choose how / where to record that the volunteer risk assessment has been completed.

The EEA column will record that the check was done for relevant appointments between January 2016 – 31/12/2020.

The column for s128 'prohibition from management' should only be populated for individuals in management of an independent / free school or academy (SLT, departmental heads, trustees, members of the proprietor body) OR members of the governing body of a maintained school.

## Pre-appointment checks

**Identity:** importance of verifying the successful applicant's identity by reference to original documents. Candidates invited to interview should be asked to bring with them the necessary documents to verify their identity that will satisfy the requirements of the DBS in respect of the application for a disclosure. The successful candidate's birth certificate should be seen, wherever possible, in order to identify whether they have changed their name.

**DBS barred list:** under the Protection of Freedoms Act 2012 schools have a legal duty to check that any person being appointed to work in regulated activity is NOT barred from working with children. This check must be done before the person commences in post even if they start pending a DBS certificate. For schools and colleges, a stand-alone barred list check can be undertaken by logging on to the DfE Sign-in website and then Teachers' Services; it is a free service. If there is a name-match, the person **MUST NOT** be allowed to commence in post until the paper certificate is received.

**Search the DBS Children's Barred List**

Schools, colleges, local authorities and universities can use this search to check the children's barred list status of an individual considering engaging in regulated activity. This search should only be used to check the barred list status of an Enhanced DBS or where an individual has worked in post in a school or college that brought them into contact with young persons which ended not more than three months prior to that person's appointment to the organisation. If you have returned please contact DBS via email [dbscost@dbb.gov.uk](mailto:dbscost@dbb.gov.uk). Please note this check is only permitted for the purpose of the Rehabilitation of Offenders Act.

Surname  Date of birth  [Clear fields](#) [Search](#)

☐ I confirm I am entitled to ask an exempted question under the Rehabilitation of Offenders Act

Search Outcome

Special post-16 institutions, 16-19 academies and independent training providers must not allow someone to commence in post before the DBS certificate has been received and are not permitted to undertake a stand-alone children's barred list check; this would contravene their funding agreement.

**DBS certificate:** the successful applicant should be asked to complete an application for an enhanced DBS certificate and produce the required supporting documentation straight away. Everybody employed to work in a school is required by law to undertake an enhanced disclosure. Since 2016, all newly appointed governors (of maintained / VC schools) must undertake an enhanced DBS certificate<sup>2</sup>. Existing governors without enhanced DBS were required to undertake a new check by September 2016. Governors are not in regulated activity and should not be checked against the barred list. The school or college must see the original paper certificate and not rely on a digital copy or confirmation from the registered / umbrella body.

**Qualifications:** the successful applicant should be required to provide original certificates or diplomas for all the academic or vocational qualifications required for the post, plus any that are relevant to the post. The documents should be checked to ensure that they refer to the applicant and it is also important to verify them with the awarding body.

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<sup>2</sup> School Governance (Constitution) (England) Regulations 2012 amended 2016  
<http://www.legislation.gov.uk/ukxi/2016/204/regulation/2/made>

**Status:** it is a requirement for some posts that the applicant is licensed or registered with a professional body. For example, in order to be employed as a teacher in a maintained school, a person must usually have been awarded qualified teacher status and be registered with the relevant general teaching council.

**Prohibition** All those appointed to undertake ‘teaching work’ must be checked against the prohibition list and interim prohibition list before commencing in post. Schools can check these lists via the Teachers Services website. ‘Teaching work’ includes qualified / unqualified teachers and HLTAs but not teaching assistants – see *Keeping children safe in education* for more information. When recruiting teachers, it is important to also check for any past General Teaching Council for England (GTCE) sanction.

**Prohibition from participation in management** – anyone appointed to a management position in an independent school, academy or free school as an employee, trustee or proprietor must now be checked to ensure they have not been barred from management of an independent school<sup>3</sup> by the Secretary of State. This check will usually be done as part of their enhanced DBS (state that the person is in ‘management of an independent school’ on the DBS application) or – if the person is not in regulated activity – via Teachers Services. This should be included as a column on the SCR in relevant schools.

NB Inclusion on s128 also prohibits an individual from serving as a governor of a maintained school – members of these governing bodies must therefore be checked against the s128 list.

**Disqualification under the Childcare Act 2006** – the DfE updated the guidance for schools (31/08/18) which recruiters should ensure they have read and understood. There is insufficient time in this course to cover what is a complex area. Briefly, the Regs apply to anyone working in childcare a) with under 5s or b) in wrap-around care where there are children under 8. In schools, this means nursery and reception classes and applies to room staff, lunchtime supervisors, etc but NOT office staff, cleaners, or people deployed to the under 5s only occasionally. It will apply to all Head teachers of primary schools and others who manage under 5s childcare. If the school has Ofsted-registered breakfast or after-school care, the Regs apply to this provision. New recruits should be advised of the Regs and asked to confirm that they are not disqualified from childcare. Schools are not required to keep information about disqualification from childcare checks on the SCR but may do so if they wish, bearing in mind that the law<sup>4</sup> prevents employers from keeping records or details of someone’s criminal history in a format that can be accessed by others who do not have a right to know this information.

Disqualification by association has now been disappplied for schools & early years providers (except where the provision is in someone’s home) and the guidance makes clear that employers must not ask questions about the people that an employee lives with.

**Eligibility to work in the UK:** it is an offence to employ someone who is not eligible to work in the UK so proof of eligibility must be checked before the offer of employment is confirmed. More detailed information is available on the UK Border Agency website [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)

**Health and sickness absence record:** Until recently this was normally checked, in part at least, in the request for a reference that is sent to the person’s current or most recent

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<sup>3</sup> Independent Educational Provision in England (prohibition on Participation in Management) Regs 2014

<sup>4</sup> Schools and other employers should seek advice on the implications of the General Data Protection Regs 2018 which will impose heavy penalties on organisations that breach an individual’s data rights.

employer. This became unlawful for most types of employment as a result of the Equality Act 2010; however, under the Education (Health Standards) (England) Regulations 2003, schools and colleges should ensure that anyone employed to work in an education setting is physically and mentally fit to do so and may ask relevant questions at interview if they think this is appropriate. Once the successful candidate has been identified, employers should verify their fitness to undertake the role; e.g., health questionnaire, occupational health referral, follow up enquiries to most recent employer, etc.

Finally, the appointment should be made conditional on the person satisfactorily completing a probationary period. Exceptions are teachers who have successfully completed their statutory induction period as a newly qualified teacher and who cannot be required to complete a further period of probation.

## Checking the Teachers Services website

All schools and FE colleges have a log-in for the Teachers' Services website. Although some may delegate the checks to their local authority (maintained schools), MAT or an external HR provider, it is essential that Heads and other senior leaders understand the system and how it should be used. Normally, when schools carry out a teacher check by using a teacher's teacher reference number (TRN) and date of birth, any sanctions against the teacher are clearly found in the 'sanctions' section at the bottom of the teacher's record. This includes teachers previously prohibited from teaching by the GTCE. The teacher should be claimed by the school, and their record can be printed and retained in their personnel file.

When a school wishes to carry out a teacher check on unqualified teaching staff who do not have a TRN, it is necessary to look for the name of the teacher in the "blue" lists provided on the right-hand side of the search button (see image below).

The lists are in alphabetical order; the checker should record on the SCR the date on which they checked the Teachers Services website. There is no facility to print these lists and it would be a potential data protection issue to print details of other individuals not employed by the school.

**Find a teacher**

You can use this search to conduct teacher status checks on those individuals you are considering employing in a teaching capacity, and to view the list of those with any active restriction and/or relevant decision against them in relation to teaching in England

TRN

Date of birth

[Clear fields](#)

- ▶ [Teachers who have failed induction or probation](#)
- ▶ [General Teaching Council for England \(GTCE\) sanctions](#)
- ▶ [Teachers and others prohibited from the profession](#)
- ▶ [Teachers sanctioned in other EEA member states](#)
- ▶ [Section 128 barring directions](#)

In 2018, the DfE clarified in 'Keeping children safe in education' that prohibition orders made in the past by the GTCE now apply to schools, sixth form colleges, 16 to 19 academies, relevant youth accommodation and children's homes in England, whereas in the days the GTCE was in existence, their prohibition only applied to teaching carried out in maintained schools.

## Applicants from overseas

All elements of the recruitment process and the pre-appointment checks should be applied to applicants who have lived or worked overseas in the same way as for applicants resident in the UK, but extra time will need to be allocated to obtaining references, checking applicants' qualifications / professional registration and possible criminal records. KCSIE 2021 says:

*“For applicants that have lived or worked outside of the UK, schools **must** make any further checks they think appropriate so that relevant events that occurred outside the UK can be considered. These checks could include:*

- *Criminal records checks*
- *Obtaining a letter (via the applicant) from the regulating body in the country / countries in which the applicant has worked, confirming that they have not imposed any sanctions or restrictions and / or ... any reason that they may be unsuitable to teach;*
- ***Where available**, such evidence can be considered together with information obtained through other pre-appointment checks to help assess their suitability.”*

In addition, as noted above, overseas applicants will need to establish that they have the right to live and work in this country.

The DBS can only provide information that is held by police forces in the UK. That may include details of offences committed abroad by UK citizens or residents, but almost invariably will not include details of any offences committed abroad by foreign nationals who have never lived or worked in the UK. The DBS barred lists (and their predecessors including List 99 and the PoCA List) are also primarily made up of referrals about people living or working in this country. Consequently, DBS certificates and barred list checks are unlikely to provide any information on applicants from overseas who have not previously lived in the UK. Nevertheless, those checks have to be carried out to meet statutory requirements.

In all cases where an applicant has worked or been resident overseas in recent years and has not worked in a school in England since, the employer should, where possible, obtain a check of the applicant's criminal record from the relevant authority in that country. Not all countries provide that service, but the DirectGov website now includes a list of those countries that do and details of how information can be obtained from other countries, at [www.gov.uk/dbs-check-requests-guidance-for-employers#overseas-applicants](http://www.gov.uk/dbs-check-requests-guidance-for-employers#overseas-applicants)

The nature and detail of the information provided varies from country to country. The DBS does not have any involvement in applications by individuals to overseas authorities. Employers should also be aware that they may have to arrange for information returned from overseas authorities to be professionally translated into English and they may need to obtain advice about the precise nature of criminal offences in other countries. Offences in other countries do not necessarily correspond to offences in the UK.

The DfE does not issue guidance on which circumstances require these overseas checks, stating that it is for schools to determine. However, with effect from 6<sup>th</sup> April 2017 the Home Office has confirmed that an overseas criminal check will be completed for everyone in an education role applying for a visa to work in the UK. The requirement is mandatory to

applicants from overseas applying under certain Standard Occupational Classification (SOC) codes, including teaching and school leadership. The requirement to provide an overseas criminal record certificate applies to anyone that has lived abroad for 12 months or more in the last 10 years. Since April 2017 schools have had a statutory duty to inform Tier 2 skilled worker applicants of the need to source and submit overseas criminal certificates as part of their visa application.

You can find an FAQ document about obtaining overseas criminality information here:

[Obtaining Overseas Criminal Record Checks](#)

**NOTE** In cases where an overseas criminal record check or certificate of good conduct is not possible, particular care must be taken with the other required checks, especially those of identity and qualifications, and obtaining satisfactory references.

### **European Economic Area (EEA) teacher sanctions**

Between 18<sup>th</sup> January 2016 and 31<sup>st</sup> December 2020, schools had a statutory responsibility to check that applicants for teaching posts had not been sanctioned in any other EEA nation. Access to this list (on the Teachers Services website) will no longer be possible now that the UK has left the EU.

## **Barred people**

Some people are barred by law from working with children. If an individual discloses that he or she is barred or the DBS certificate shows that the person is barred, the person must not be offered employment with children. Previously there were three different barring regimes; following the implementation of the Disclosure & Barring Service this has been replaced with a single barring scheme and a single list incorporating everyone who is barred from working with children.

The DBS also maintains a list of people who are barred from working with vulnerable adults.

## **Regulated activity**

Regulated activity means:

- An activity that involves regular and close contact with children or vulnerable adults. This will usually be paid work but in a minority of circumstances, may also include volunteering

Such activities include:

- Any activity of a specified nature, which involves contact with children or vulnerable adults frequently, intensively and/or overnight.
- Any activity allowing contact with children or vulnerable adults that is in a specified place frequently or intensively.
- Fostering and childcare.
- Any activity that involves people in certain defined positions of responsibility.

In these definitions 'frequently' means the activity takes place once a week or more and 'intensive' means an activity that takes place on four or more days in a 30-day period.

‘Overnight’ means between 2am – 6am.

Intimate or personal care will always be regulated activity, even if it happens only once or is undertaken by a volunteer.

All paid work in schools will be regulated activity.

**Note \* - The Protection of Freedoms Act 2012 allows barred persons to volunteer with children as long as they are supervised.**

## Relevance of criminal records

It is very unusual to receive an application from someone who is barred from working with children. However, sometimes an applicant will reveal in the application that he or she has a criminal record for offences that have not resulted in a bar from working with children, but that may nevertheless be a cause for concern. Likewise, the DBS certificate may reveal something that causes concern.

When assessing applicants’ criminal records, consider the offence in terms of:

- Nature, seriousness and relevance
- Whether the offence would be filtered / protected
- How long ago it occurred
- If it was a one-off or part of a history
- Circumstances of it being committed
- Changes in applicant’s personal circumstances
- Country of conviction
- Decriminalisation
- Remorse

It is not appropriate for any organisation to have a blanket ban on any particular type of conviction, as each offence will have been committed in different circumstances and these must be taken into account. Assessing a person’s convictions using the factors set out above will ensure that each case is assessed fairly on an individual basis and that a decision not to appoint someone on the basis of their convictions can be defended if necessary.

If an individual has any unspent cautions or convictions or a criminal history that would not be filtered, their offence should be discussed with them to obtain information about the factors listed above. Where the applicant has disclosed the information in their application this is best done at interview. But it is important to confirm the information via a DBS certificate before making a final decision. If detailed information cannot be obtained from the applicant and further information is not available from other sources, such as the police or LADO, a decision about the applicant’s suitability must be made on the basis of the factors that can be assessed.

## Session 4

### An ongoing culture of vigilance

## Module four: an ongoing culture of vigilance

This session examines the need for ongoing awareness and vigilance and considers how organisations can develop and maintain an environment that deters and prevents abuse and challenges inappropriate behaviour.

### Features of a safer culture

- Open, no secrets
- Belief that 'it could happen here'
- Clear staff behaviour / safe working practice guidelines
- Clear procedures for reporting low level concerns
- A whistleblowing procedure that staff understand and are confident using
- Support in raising concerns & commitment to take action
- Commitment to safeguarding & an ongoing culture of vigilance
- Policies and procedures put into practice
- Good use of induction and probationary periods

### Dealing with allegations of abuse against staff, including agency / supply staff and volunteers in education settings

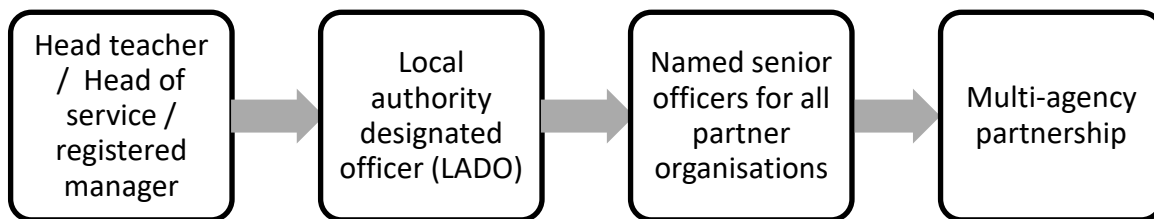
Working together to safeguard children (DfE 2018) and KCSIE 2021 provide the framework that should be followed in all cases in which it is alleged that a teacher, other member of staff (including agency or supply staff) or volunteer in an establishment providing education for children under 18 has:

- Behaved in a way that has harmed a child or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children.

The fourth criterion, added in 2020, is intended to address the issue of transferable risk; e.g., where a member of staff or volunteer is involved in an incident outside of school or college which did not involve children but could have an impact on their suitability to work with children; for example, a member of staff is involved in perpetrating domestic abuse in a personal relationship.

The structure below shows how responsibility and accountability for that is assigned within the structure. Ultimately, the local multi-agency partnership (MAP) is responsible, but it will hold constituent organisations and all organisations that work with children responsible for following the guidance.

For schools and other education establishments catering for children under 18 the guidance in Working Together to Safeguard Children is supplemented by specific guidance in Keeping children safe in education (DfE 2021 part 4a). This document sets out procedures that schools and education services must follow in all cases that meet any of the criteria shown.



The Head teacher is the ‘case manager’ and cannot delegate this responsibility to others. The guidance makes clear that the Head should notify the LADO of any allegation or concern about a member of staff that may meet any of the 4 criteria, and that ‘member of staff’ includes teachers, other staff, agency / supply staff and volunteers. Where the allegation or concern relates to a supply or agency person, the school should make the referral or notification and also inform the agency. In most cases, the school will lead on any investigation required and should inform agencies of this policy when commissioning the service (KCSIE 2021 paras 356 – 359).

## Low level concerns

KCSIE 2021 part 4b states that schools and colleges should have a procedure for reporting, recording and responding to low level concerns. A low level concern is “*any concern ... that an adult working in or on behalf of a school or college may have acted in a way that is inconsistent with the staff code of conduct, including inappropriate conduct outside of work,*” and which does not meet the threshold for LADO referral. The low level concerns procedure should therefore be closely linked to the staff behaviour policy / staff code of conduct and, if adopted by the employer, the Safer Recruitment Consortium ‘Guidance for Safer Working Practice’ (see references at the end of this workbook). Low level concerns should be reported to the Headteacher / Principal who will consider what, if any, action to take.

## Breach of trust

A breach of trust occurs when the boundaries of the relationship between a professional and a child or young person is broken due to inappropriate behaviour on behalf of the professional, which involves an abuse of power. Anyone working or volunteering in organisations which deliver services to children and young people automatically enters into such a relationship as soon as they engage in providing such services. They may, through inappropriate (and not necessarily illegal) actions breach this trust, e.g.

- A young volunteer (18 years old) at a youth club starting a relationship with a 16 year old youth club member
- A teacher becoming sexually involved with a 6<sup>th</sup> form pupil

## Teacher misconduct

National guidance was issued in January 2014 in relation to teacher misconduct and the types of behaviour that may lead to prohibition under the Education Act 2002 s142. Examples of offences / incidents that may be considered ‘unacceptable professional conduct’ or ‘conduct that may bring the profession into disrepute’ include:

- Violence

- Terrorism
- Intolerance and/or hatred on the grounds of race/religion or sexual orientation
- Fraud, serious dishonesty or serious theft
- Possession of class A drugs, supply of illegal substances of any classification
- Sexual activity
- Arson and other major criminal damage
- Serious driving offences, particularly those involving alcohol or drugs
- Serious offences involving alcohol or gambling
- Possession of prohibited firearms, knives or other weapons
- Any activity involving viewing, taking, making, possessing, distributing or publishing any indecent photograph or image or pseudo image of a child, or permitting such activity, including one-off incidents.

In addition to this guidance on *misconduct*, there is an expectation that professionals will make themselves aware of what is expected of them in the personal and professional conduct elements of The Teachers' Standards (DfE 2012).

## The crime triangle

The crime triangle (also known as the problem analysis triangle) comes from one of the main theories of environmental criminology - routine activity theory. This theory, originally formulated by Lawrence Cohen and Marcus Felson, states that predatory crime occurs when an *offender or likely offender* and a *suitable target or victim* come together in *time* and *place*, without a capable guardian present. It takes the existence of a likely offender for granted since normal human greed and selfishness are sufficient explanations of most criminal motivation. It makes no distinction between a human victim and an inanimate target since both can meet the offender's purpose. And it defines a *capable guardian* in terms of both humans, procedures and security devices. This formulation led to the original problem analysis triangle with the three sides representing the offender, the target, and the place (the opportunity).



The triangle is then developed further to identify controls that may prevent abuse or crime from taking place (the outer triangle):

- For the target/victim, this is the *capable guardian*; in relation to safer recruitment this will include parents / carers, professionals who work in the setting, activities that equip

children and young people to recognise safe touch and appropriate staff behaviour. Policies such as staff code of conduct, safer working practice guidance, whistleblowing can support capable guardians to protect children. Guardians also include police officers.

- For the offender, this is the *handler*, someone who knows the offender well and who is in a position to exert some control over his or her actions. Handlers include relatives, colleagues, friends; robust policies and procedures can assist a handler to be effective.
- For the place, the controller is the *manager*, the Head teacher, proprietor, governing body and others who have some responsibility for controlling behaviour in the specific location. The manager is responsible for ensuring that robust policies & procedures, including staff codes of conduct / safe working practice guidelines and low level concerns reporting, are underpinned by effective training to equip staff with the skills & knowledge to be effective handlers and guardians.

## Situational abuse

It is estimated that about 25% of child sex offenders are paedophiles; the remainder are believed to be adults who may have had no sexual attraction to children before the point at which they were presented with an opportunity or circumstance. The circumstance may have been related to feelings of attraction to a specific child or young person, may have come about as a result of poor boundary setting in a particular organisation or simply because the perpetrator did not believe they would be 'found out'. High profile cases such as that of Jeremy Forrest may fit better into the situational abuse model than paedophilia. It is also possible that a small proportion of adults are able to control their thoughts about sex with children until and unless they find themselves presented with a situation or opportunity where the barriers preventing them from abusing children are not in place or have been removed.

If we apply some of the newer theories on situational offenders, particularly that of Smallbone (2016), to Finkelhor's model then the four imperatives for organisations become

1. to address the motivations of 'driven' offenders / paedophiles
2. to increase their sense of risk – particularly the risk and impact of being caught
3. to increase the capacity of 'guardians' (parents, carers and professionals) to protect children, and
4. to develop children's resilience and personal safety skills.

Situational prevention has a wide application in developing a culture of vigilance. The overarching principles are:

- Creating / strengthening natural situational barriers
- Increasing (perceived) risk to the offender; increasing effort; reducing permissibility
- Understanding and controlling situational precipitators
- Strengthening formal & informal child protection systems
- Enabling guardians, handlers & place managers
- Extended guardianship

## Creating a safer and open culture

Increasing awareness of the issues:

- Safeguarding is core, not an add-on
- Everyone has a basic awareness of safeguarding and abuse
- Commitment to safeguarding is publicised
- There is a nominated child protection person
- Safeguarding and abuse are discussed openly; there is a belief that it could happen here

Having procedures in place:

- Child protection, whistle-blowing<sup>5</sup>, dealing with allegations or concerns about staff, induction.
- Purpose
  - To protect children, young people and staff
  - To ensure people know what to do with concerns
  - To be clear on how concerns are dealt with
- Features
  - Clear and easily understood
  - Named individuals
  - Detailed process for dealing with issues
  - Timescales

Taking concerns seriously:

- Offer support to all involved
- Deal with immediate danger to the child
- Explore to clarify the concern
- Report to and liaise with other agencies
- Do not ignore concerns or worries

## Setting acceptable standards of behaviour

Why setting standards of behaviour is important:

- Boundaries and expectations of roles
- No assumption that people know what expected behaviour is
- Risk of interpretation without clear standards
- To protect adults by giving clarity on what they can and cannot do
- To protect children by showing them what behaviour is acceptable and unacceptable from adults

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<sup>5</sup> The Home Office and DfE has commissioned the NSPCC to provide a Whistleblowing Advice Line (0800 028 0285). The advice line is not intended to replace any current practices or responsibilities of organisations working with children. The helpline advisors would encourage professionals to raise any concerns about a child to their own employer in the first instance. However, it offers an alternative route if whistleblowing internally is difficult or professionals have concerns around how matters are being handled.

- To clarify expectations of children and what is and is not acceptable behaviour on their part

A code of conduct<sup>6</sup>:

- Sets out what is good and appropriate behaviour between adults and children
- Is not exhaustive
- Is concerned with key behaviours in relation to children, young people and their families
- Applies to all adults, paid and unpaid

Induction, probationary periods and supervision and management

- Induction: set clear standards and expectations; cover key policies
- Probationary period: closely monitor new recruits; deal with issues early on
- Supervision and management: be aware of what people are doing; look for signs of inappropriate relationships or behaviour with children
- *Make clear that staff must inform the Headteacher or senior manager if their relationships and associations both within and outside of the workplace (including online) may have implications for the safeguarding of children in school<sup>7</sup>.*

KCSIE 2021 says that school leaders should “*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. This can assist employers to support staff, where there is a need, and help them to 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.*” Very similar responsibilities had already been placed on school and college leaders by the Disqualification under the Childcare Act 2006 Regulations (DfE 2018).

The following graphic is a representation of the various features that go to make up a safer environment within organisations.



<sup>6</sup> See also the national ‘Guidance for Safer Working Practice for adults who work with children’ – this has been developed by the Safer Recruitment Consortium from the DCSF guidance published in 2005, 2008 & 2009 <https://www.saferrecruitmentconsortium.org/GSWP%20Sept%202019.pdf>

<sup>7</sup> Disqualification under the Childcare Act 2006 (DfE 2018)

## Safer recruitment questionnaire and action plan

Now that you have completed the safer recruitment workshop, the purpose of this questionnaire is to give you an opportunity to reflect on your own organisation, to think about the areas where you feel you have a lot in place already to keep children safe and to identify the areas where you feel you could and need to do more to improve your safeguarding practices. This is an individual exercise that will help you put some of the learning you have gained from this workshop into practice and give you the basis for an action plan.

For each of the following statements please rate your organisation on a scale of one to five, where one is 'nothing is in place and awareness in this area is low currently so action needs to be taken' and five is 'things are fully in place and awareness of this area is high so no action needs to be taken at this time'. Once you have rated your organisation against each of the safeguarding features, go back through each area you have given a lower rating to and write in the last column what action you will take.

	<b>Safeguarding feature</b>	<b>Rating (1 - 5)</b>	<b>Any action needed?</b>
<b>Session 1</b>	1. Staff and volunteers have had briefings or training to recognise professional abuse and understand that it is an issue that they need to be aware of.		
	2. Safeguarding and protecting children is seen as core to what the organisation does by everyone, and the organisation ensures all staff and volunteers know their responsibilities for safeguarding children.		
	3. The organisation values safer recruitment as part of their responsibility to create a culture that safeguards and promotes the welfare of children		
	4. There is a code of conduct that everyone is familiar with, that tells all staff and volunteers what is expected of them in terms of their behaviour towards children, young people and families.		
<b>Session 2</b>	5. Time is taken to plan and structure recruitment activities so that everything is in place before a candidate is interviewed, including person and role specifications and the criteria for selecting the right candidate.		
	6. Before inviting candidates to interview, detailed information has been collected from them on the application form and has been carefully scrutinised.		
	7. References are taken up at as early a stage as possible in the recruitment process and the information is carefully scrutinised. Electronic references are verified for authenticity.		
<b>Session 3</b>	8. Interviews are well planned and questions and criteria probe into candidates' motives for working with children and their suitability as well as their skills and experiences		
	9. Wherever possible other selection tools are used and an interview is the minimum selection process that candidates go through for positions involving work with children.		
	10. Only shortlisted candidates are asked to disclose relevant criminal convictions and relevant disclosed information is		

	discussed at interview. Panel members are confident about what criminal history can be taken into account.		
<b>Session 4</b>	11. Policies and procedures are in place for people to raise concerns about someone's behaviour towards a child or young person; the culture of the organisation is open and encourages people to raise concerns.		
	12. Allegations or concerns about behaviour towards children are taken seriously and are dealt with in an appropriate, fair and timely manner.		
	13. There is a low level concerns procedure in place, or school leaders have started discussions about how to introduce this.		
	14. Staff (including agency / supply) and volunteers are given a thorough induction that includes setting out the boundaries and expectations of their roles and their responsibilities for safeguarding and protecting children.		
	15. The organisation has a culture of vigilance and does not rely on criminal records checks or recruitment as the only method of ensuring that people who work with children are safe.		
	16. Supply agencies are advised of the organisation's policy on managing allegations against staff		



**Congratulations on being shortlisted. Please return this disclosure to the school at least one day prior to interview. If we have not received this, we reserve the right to withdraw the offer of interview.**

POST APPLIED FOR:		Date:	
Surname:		Previous name(s) (if any):	
Forename(s):		Preferred title:	Date of birth
National Insurance No:	Teacher Ref. No (if applicable):	Date of recognition as qualified teacher, QTS (if applicable):	

***Anytown School is committed to safeguarding and promoting the welfare of children and we expect all staff to share this commitment. This post is exempt from the Rehabilitation of Offenders Act 1974; pre-employment checks will be carried out, references will be sought and successful candidates will be subject to an enhanced DBS check and other relevant checks with statutory bodies.***

We comply with the Disclosure & Barring Service (DBS) code of practice and have a written policy on the recruitment of ex-offenders, both of which are available on request. As you have been shortlisted, you are required to declare any relevant convictions, adult cautions or other matters which may affect your suitability to work with children. As a result of amendments to the Rehabilitation of Offenders Act 1974 (exceptions order 1975) in 2013 and 2020, some minor offences are now protected (filtered) and should not be disclosed to potential employers, and employers cannot take these offences into account.

Please read the information [here](#) before answering the following questions. If you are unsure whether you need to disclose criminal information, you should seek legal advice or you may wish to contact Nacro or Unlock for impartial advice. There is more information on filtering and protected offences on the Ministry of Justice website.

Nacro - <https://www.nacro.org.uk/criminal-record-support-service/> or email [helpline@nacro.org.uk](mailto:helpline@nacro.org.uk) or phone 0300 123 1999

Unlock – <http://hub.unlock.org.uk/contact/> phone 01634 247350 text 07824 113848

1. Do you have any convictions or adult cautions that are unspent? Yes / No
If yes, please provide details here
2. Do you have any other cautions or convictions that would not be filtered? Yes / No
If yes, please provide details here
3. Do you have any cautions or convictions for offences committed in another country which would be relevant to your suitability for this post in line with the law in England / Wales? Yes / No

If yes, please provide details here
4. Are you known to the police or children's social care for any other reason that could affect your suitability for this post? Yes / No
If yes, please provide details here
5. *Only ask if you are recruiting for a post working in regulated activity with children Are you included on the DBS children's barred list? Yes / No
If yes, please provide details here
6. *Only ask if you are recruiting for a post working in regulated activity with adults over the age of 18 years Are you included on the DBS adult barred list? Yes / No
If yes, please provide details here
7. (Teaching posts only) Are you, or have you ever been, prohibited from teaching by the TRA or NCTL or sanctioned by the GTCE? Yes / No / Not applicable
If yes, please provide details here
8. *Management posts in independent schools / academies only Have you been prohibited from management of an independent school (s128)? Yes / No / Not applicable
If yes, please provide details here
9. Have you lived or worked outside the UK for more than 3 months in the last 5 years? Yes / No *This will need to be amended to reflect your school policy
If yes, please provide details here
10. Are you subject to any sanctions relating to work with children in any country outside the UK? Yes / No
If yes, please provide details here
<p><b>Please complete the declaration below:</b></p> <p>I declare that all the information I have provided in this disclosure is full and correct at the time of application and that I have not omitted anything that could be relevant to the appointment of someone who will work with children. I understand that the recruitment panel may be made aware of any relevant information that I have disclosed in order to discuss the matter(s) with me as part of the recruitment process and that, if my application is successful, a risk assessment of the disclosed information will be held securely on my personnel file. I understand that the declaration of a criminal record will not necessarily prevent me from being offered this role.</p> <p><b>Signed:</b> _____ <b>Date:</b> _____</p>

**Please return this form to: [insert name] (e.g HR, HT, bursar)**

## Publications and resources

### Chartered Institute of Personnel and Development (CIPD)

[www.cipd.co.uk](http://www.cipd.co.uk)

### Disclosure & Barring Service

[www.gov.uk/government/organisations/disclosure-and-barring-service](http://www.gov.uk/government/organisations/disclosure-and-barring-service)

Detailed information, fact sheets and FAQs:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service/about>

Filtering guidance from 28/11/20

<https://www.gov.uk/government/publications/dbs-filtering-guidance/dbs-filtering-guide>

### Department for Education (DfE)

- Education (Health Standards) (England) Regulations 2003  
<http://www.legislation.gov.uk/ukxi/2003/3139/regulation/6/made>
- Physical and Mental Fitness to Teach of Teachers and Entrants to Initial Teacher Training, DfEE Circular 4/99:  
[http://tna.europarchive.org/20070205142548/http://www.dfes.gov.uk/publications/guidanceonthelaw/6\\_99/circa148.htm](http://tna.europarchive.org/20070205142548/http://www.dfes.gov.uk/publications/guidanceonthelaw/6_99/circa148.htm)
- Disqualification under the Childcare Act 2006 (DfE 31<sup>st</sup> August 2018)  
<https://www.gov.uk/government/publications/disqualification-under-the-childcare-act-2006>
- Keeping children safe in education, DfE 2021:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/350747/Keeping\\_children\\_safe\\_in\\_education.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/350747/Keeping_children_safe_in_education.pdf)
- The Teachers' Standards 2012  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/283198/Teachers\\_Standards.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/283198/Teachers_Standards.pdf)
- Working Together to Safeguard Children 2018  
<http://www.education.gov.uk/aboutdfe/statutory/g00213160/working-together-to-safeguard-children>
- Guidance for safer working practice for those working with children and young people in education settings (2019) [GfSWP]  
<https://www.saferrecruitmentconsortium.org/GSWP%20Sept%202019.pdf>
- COVID-19 addendum to the GfSWP  
<https://www.saferrecruitmentconsortium.org/GSWP%20COVID%20addendum%20April%202020%20final-2.pdf>
- School Governance (Constitution) (England) Regulations 2012 amended 2016  
<http://www.legislation.gov.uk/ukxi/2016/204/regulation/2/made>
- Staffing and employment advice for schools (Feb 2017)  
<https://www.gov.uk/government/publications/staffing-and-employment-advice-for-schools>

**Ministry of Justice** – guidance on the Rehabilitation of Offenders Act 1974 and the Exceptions Order 1975 (and self disclosure)

<https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974>

**National Association for the Care and Resettlement of Offenders (Nacro)**

Criminal record support service – advice for applicants and employers

<https://www.nacro.org.uk/criminal-record-support-service/>

**National Governance Association** <https://www.nga.org.uk/Home.aspx>

**Office for Standards in Education (Ofsted)**

[www.ofsted.gov.uk](http://www.ofsted.gov.uk)

**Recruitment and Employment Confederation (REC)**

Membership body for recruitment and employment companies has published ‘Putting pupils first’, guidance for schools on effective partnership working with supply / recruitment agencies to ensure ‘safer recruitment’ best practice

[https://www.saferrecruitmentconsortium.org/REC%20Putting-Pupils-First\\_final.pdf](https://www.saferrecruitmentconsortium.org/REC%20Putting-Pupils-First_final.pdf)

**Teaching Regulation Agency (TRA)**

<https://www.gov.uk/government/organisations/teaching-regulation-agency>

TRA annual report (July 2021) [Teaching Regulation Agency \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

**UK Border Agency**

Information on eligibility to work in the UK: [www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)

**Unlock** UK-wide charity supporting people with criminal convictions and campaigning against discriminatory practice has produced guidance to assist applicants and recruiters in understanding which offences may be filtered or protected and therefore should not be disclosed or taken into account <https://hub.unlock.org.uk/knowledgebase/filtering-cautions-convictions/>

**Volunteering England**

A useful website with lots of information and resources on how to recruit volunteers:

[www.volunteering.org.uk](http://www.volunteering.org.uk)

**Involving children in recruitment**

A resource pack with ideas on how to involve children and young people appropriately.

(Note readers should be aware that some legislation & arrangements (e.g criminal checks) are different in Scotland but still worth a read)

[www.togetherscotland.org.uk/pdfs/The%20Recruitment%20Pack%202008.pdf](http://www.togetherscotland.org.uk/pdfs/The%20Recruitment%20Pack%202008.pdf)



Working to Protect Children

